

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

and processes to carry out the provisions of this chapter according to the true intent and meaning thereof. (*Id.* § 4.)

§ 15. **Appeal after issuance of writ—certificate—stay.** If a writ of restitution has been issued previous to the taking of an appeal, as provided in this chapter, the justice shall forthwith give the appellant a certificate of the allowance of such appeal, except in case where judgment has been entered in an action brought upon a written lease to recover possession of the property therein described, after the expiration of such lease. Upon the service of such certificate upon the officer having such writ of restitution, the said officer shall forthwith cease all further proceedings by virtue of such writ, except in the cases as hereinbefore provided; and, if such writ has not been completely executed, the defendant shall remain in the possession of the premises until the appeal is determined, except in case where the action is brought upon a written lease to recover possession after the expiration of the term in said lease specified. (*Id.* § 5.)

See page 855.

CHAPTER LXXXVIII.

ATTORNEYS AND COUNSELORS.

§ 4a. **Admission on certificates—when.** All persons who shall have been admitted to practice in the supreme court of any other state or territory, and who shall have become residents of this state, may be admitted to the bar of all the courts of this state, upon production of their certificates of admission to practice in the courts of such other state or territory. (1883, c. 104, § 1.)

§ 4b. **Admission of non-residents for special cases.** Any person who has been so admitted to practice in any other state or territory, wherein he shall be still residing, and who shall, as an attorney or counselor, attend any term of the supreme court or of any district court of this state, for the purpose of trying or participating in the trial or proceedings of or in any action or special proceeding then and there pending, may, upon motion of any attorney or counselor of such court, and without examination as to his qualifications, be, by an order to be entered upon the minutes of the presiding judge, licensed and admitted to practice in and for the purposes of such action or special proceeding only. (*Id.* § 2.)

See page 864.

CHAPTER XC.

LIENS.

Add to § 1, page 871:

Provided, that whenever any labor is performed, or materials or machinery furnished, as in this section provided, by or with the knowledge and consent of a married woman, who is the owner of the property benefited thereby, upon the order of her husband, such knowledge and consent shall be sufficient to establish that such husband acted therein as the agent of the wife. (1883, c. 43, § 1.)

CHAPTER XCIV.

OFFENSES AGAINST LIFE AND PERSON.

*§ 3. **Death penalty for murder in first degree restored—exception.** Whoever is guilty of murder in the first degree shall suffer the punishment of death: *provided*, that if in any such case the court shall certify of record its opinion that

by reason of exceptional circumstances the case is not one in which the penalty of death should be imposed, the punishment shall be imprisonment for life in the penitentiary. (1883, c. 122, § 1.)

See page 883.

*§ 3b. **Same—not to operate ex post facto.** The provisions of this act shall not apply nor extend to any act done nor offense committed prior to the passage hereof; but the law now in force, applicable to the crime of murder in the first degree, shall, for all purposes, be and remain in full force and effect as to any such offense heretofore committed. (*Id.* § 2.)

*§§ 3, 4, 5 and 6, and all inconsistent acts, are repealed by § 3. (*Id.*)
See page 883.

§ 29a. **Willful violation or omission of duty by railroad employes—penalty where death or injury results.** Every engineer, conductor, brakeman, switch-tender, train dispatcher, telegraph operator, or other officer, agent or servant of any railroad company, or of any person, officer, trustee, or association operating any railroad in this state, who shall be guilty of any willful violation or omission of his duty, or of any gross negligence of his duty as such engineer, conductor, brakeman, switch-tender, train dispatcher, telegraph operator, officer, agent, or servant, by means of which human life or safety is endangered, shall, in case any human being shall thereby receive injuries resulting in death, be guilty of manslaughter in the third degree, and in every such other case not resulting in death, shall be punished by imprisonment in the state prison for a term not exceeding two years, or in the county jail for a period not exceeding one year. (1883, c. 121, § 1.)
See page 886.

CHAPTER XCV.

OFFENSES AGAINST PROPERTY.

§ 22. (SEC. 12.) **Entering, etc., buildings, etc., with felonious intent.** Whoever enters in the night-time, or breaks and enters in the day-time, any dwelling-house, or any outhouse thereto adjoining and occupied therewith, or any office, shop, or warehouse, or any ship, steam-boat, or vessel, within the body of any county, or any railroad car, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison not more than four years nor less than six months; and every person who makes an unsuccessful attempt to commit either of the offenses specified in this section, or the preceding six sections of this chapter, shall be punished by imprisonment in the state prison for a term not exceeding two years, nor less than six months. (*As amended* 1883, c. 65, § 1.)

§ 23. (SEC. 13.) **Larceny in dwelling-house, etc.** Whoever commits the crime of larceny in any dwelling-house, office, shop, bank, or warehouse, ship, steam-boat, vessel, railroad or railway car, or carriage or other vehicle, or breaks and enters, in the night-time or day-time, any meeting-house, church, court-house, town-house, college, academy, or other public building erected for public use, and steals therein, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year nor less than three months, or by fine not exceeding five hundred dollars. (*Id.* § 2.)

§ 23a. **Not to operate ex post facto.** This act shall not extend to any act done or offense committed prior to the passage hereof, but the provisions of law now in force, prescribing the punishment for the offenses mentioned in the sections herein amended, shall continue in force as to all such offenses committed prior to the passage hereof. (*Id.* § 3.)
See page 894.