

# GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN  
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-  
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-  
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

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CHAPTER 64.

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TITLE 1.

POWERS AND JURISDICTION.

JURISDICTION.

SEC. 4418. **Original and appellate jurisdiction.**—The district courts of this state have original jurisdiction in all civil actions within their respective districts, when the sum in controversy exceeds one hundred dollars; and in all civil actions of which a justice of the peace has not jurisdiction, whatever the amount in controversy; and the said courts, respectively, have original jurisdiction to hear and determine all cases of crimes and misdemeanors committed in any county or place within their respective districts, when the punishment exceeds three months' imprisonment, or a fine of more than one hundred dollars, and appellate jurisdiction in civil and criminal cases from courts of probate and justices of the peace, as prescribed by law.

G. S. ch. 64, § 1. 2 M. 86; 4 M. 13; 6 M. 110, 150; 7 M. 393; 9 M. 166; 10 M. 215, 250, 369.

SEC. 4419. **Same — In equity.**—The district courts have original jurisdiction in equity; and all suits or proceedings instituted for equitable relief are to be commenced, prosecuted, and conducted to a final decision and judgment, by the like process, pleadings, trial and proceedings as in civil actions, and shall be called civil actions.

G. S. ch. 64, § 2. 2 M. 30; 6 M. 319.

SEC. 4419a. **Concurrent jurisdiction with Wisconsin.**—That all courts and officers now having and exercising jurisdiction in any county or counties which are now formed, or which may hereafter be formed in any part of this state bordering eastward upon the Mississippi, St. Croix or St. Louis rivers, shall have and exercise jurisdiction in all civil and criminal cases upon such rivers concurrently with the courts and officers of the state of Wisconsin, so far and to such extent as the said rivers, or either of them, shall form a common boundary between this state and the state of Wisconsin.

**The concurrent territorial jurisdiction** of every such county, and of all courts and officers exercising jurisdiction throughout the same, shall extend over such river area as would be included within the northerly and southerly boundary line of such county if the same were produced and extended easterly across the said river or rivers to the Wisconsin shore.

1889, ch. 70: "An act giving certain courts of the state concurrent jurisdiction over the waters of the Mississippi, St. Croix and St. Louis rivers." Approved February 19, 1889.

SEC. 4420. **Special venire.**— Whenever, at any term of any district court, there is a deficiency of jurors, the court may order a special venire to issue to the sheriff of the county, commanding him to summon, from the county at large, a number therein named of competent persons, to serve as jurors for the term, or for any specified number of days. If, at any term of such court, there is an entire absence of jurors of the regular panel, whether from an omission to draw or to summon such jurors, or because of a challenge to the panel, or from any other cause, the court may in like manner order a special venire to issue to the sheriff of the county, commanding him to summon, from the county at large, a number therein named of competent persons, to serve as jurors during the term.

G. S. ch. 64, § 17. 1 M. 347; 10 M. 233; 16 M. 282, 313; 17 M. 76.

SEC. 4421. **To award writs.**— The said courts in term time and the said judges thereof in vacation, have power to award throughout the state, returnable to the proper county, writs of injunction, ne exeat, certiorari, and all other writs or processes necessary to the perfect exercise of the powers with which they are vested, and the due administration of justice.

G. S. ch. 64, § 3, as amended 1881, Ex. S. ch. 8. Approved November 21st. Amendment inserted "*certiorari*." 2 M. 61; 3 M. 217; 4 M. 294.

SEC. 4422. **Try issues in vacation.**— The judges of the several district courts of this state may with consent of parties try issues of law and fact, in vacation, and decide such issues, either in or out of term, and thereupon judgment may be rendered with the same effect as upon issues tried and determined in term time.

1872, ch. 70: "An act in relation to trials of issues of fact in district courts." Approved March 1, 1872.

SEC. 4423. **Hold court when term not provided by law.**— The judge of any judicial district may hold a term of court in any county in his district, for which general terms are not provided by law, whenever, in his discretion, any such term may be expedient and required to promote the ends of justice; and in such cases, he shall cause the same notice to be given, and shall possess the same powers, as are herein prescribed with reference to special terms; and whenever any such term or any special term is appointed to be held in any county by the district judge, he shall cause the order therefor, and the order directing the summoning of grand and petit jurors, if any, to be filed in the office of the clerk of the district court in such county, who shall file an attested copy thereof in the office of the county auditor, and deliver a like attested copy to the sheriff of such county.

G. S. ch. 64, § 32 (63).

SEC. 4424. **Exclude minors in certain trials.**— That when, in any court, a cause of a scandalous, or obscene nature is on trial, the presiding judge or justice may, in his discretion, exclude therefrom all minors not necessarily present as parties or witnesses.

1887, ch. 164: "An act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature." Approved February 19, 1887.

SEC. 4425. **Appoint assistant county attorney.**— That the several judges of the district courts in this state may, by order, to be duly entered on the minutes, at any term of the court, appoint any attorney of the court to act as, or in place of, or to assist the county attorney in any business or proceeding before the grand jury or in court, whether there be a county attorney present at such term or not, and the person so appointed shall take the usual oath of office, and shall thereupon be fully authorized to be present before the grand jury at any time when the county attorney might by law be present before that body. *Provided*, that no compensation shall be paid by the county to such person so appointed by the court to assist the county attorney, when that officer is present at the term when such appointment is made, except the same be paid with the consent of the county attorney, and be deducted from the regular salary of that officer.

1876, ch. 66: "An act to authorize any judge of the district court to appoint an assistant county attorney." Approved February 10, 1876.

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SECS. 4426-4433.] DISTRICT COURTS — POWERS AND JURISDICTION.

SEC. 4426. **Not open on Sunday.**— No one of the courts of this state shall be open for any purpose on Sunday, other than to receive a verdict, or discharge a jury; but this section shall not in any wise prevent the judges of any of said courts exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or for arresting and committing an offender.

G. S. ch. 64, § 7.

SEC. 4427. **Temporary place of holding court.**— Whenever the court-house or place of holding court in any county is destroyed, unsafe, unfit or inconvenient for the holding of any court, or if no court-house is provided, the judge of the district may appoint some convenient building, in the vicinity of the place where the court is required to be held, as a temporary place for the holding thereof.

G. S. ch. 64, § 16.

## PROCESS.

SEC. 4428. **How tested.**— All writs or processes issuing from or out of any of the said district courts, shall be tested in the name of the presiding judge thereof.

G. S. ch. 64, § 12.

SEC. 4429. **Name of attorney indorsed.**— All writs or processes issuing from or out of said courts shall, before the delivery thereof to the officer whose duty it is to serve the same, be indorsed by the clerk with the name of the attorney or other person demanding the process.

G. S. ch. 64, § 14.

SEC. 4430. **To be sealed — Returnable.**— In all cases where, by the statutes of this state, any writ or process is required to be issued out of any of the courts of record, the same shall be sealed with the seal of the court, dated on the day on which it issued, signed by the clerk, and made returnable on the first day of the term succeeding its date, when no other time is fixed by law, or allowed by the rules or practice of the court, for the return thereof.

G. S. ch. 64, § 13. 16 M. 426; 20 M. 196; 41 N. W. 461.

SEC. 4431. **Not to abate.**— No process, proceeding or writ, civil or criminal, before any of the said courts, shall abate or be discontinued by reason of any vacancy in the office, or change of any judge, or of holding said court, but shall be proceeded in as if the said vacancy or change had not occurred.

G. S. ch. 64, § 11.

## DISQUALIFICATION OF JUDGES.

SEC. 4432. **Not to practice law — Reside in district.**— No judge of any of the courts of record in this state, judges of probate courts excepted, shall practise as an attorney or counsellor at law, except in a cause in which he is a party in interest; nor shall he receive any fees for any legal or judicial service other than those prescribed by law; nor shall he be the partner of any practising attorney in the business of his profession. Each of the judges of the several district courts shall reside permanently within their respective judicial districts during their term of office.

G. S. ch. 64, § 6, as amended 1867, ch. 87. Amendment inserted "judges of probate courts excepted." Acts 1889, ch. 46, § 13, prohibits judge of probate court practicing in probate court. See Probate Code.

SEC. 4433. **From interest, etc.**— No judge of any of the courts of record of this state shall sit in any cause in which he is interested, either directly or indirectly, or in which he would be excluded from sitting as a juror: \*provided, however, that such interest shall not disqualify such judge from ordering a change of venue in any such cause; but it shall be the duty of such judge, on the application of any party desiring a change of venue in such action, to order the same, upon a proper showing of such interest on the part of the judge, as in other cases of change of venue.

G. S. ch. 64, § 4, as amended 1874, ch. 72. Approved March 2d. Amendment below \*. 20 M. 313; 22 M. 245; 26 M. 502.

SEC. 4434. **Judge of same district may hold court.**— In all actions and proceedings now or hereafter pending in any district court of this state, or before any judge thereof, except in trial of causes where the trial has already commenced, where the judge who should be present at any hearing is not so present, by reason of sickness or otherwise, any judge of the same judicial district may act in the place of said judge, who is not so present, with the same jurisdiction, power and effect as if such action or proceeding was conducted and acted upon by said absent judge.

1889, ch. 153: "An act relative to the powers and jurisdiction of judges of the district courts." Approved February 4, 1889.

SEC. 4435. **Judges exchange districts.**— Whenever a judge of the district court is interested, as counsel or otherwise, in the event of any cause or matter pending before said court, in any county of his district, another district judge, in an adjoining district, shall, when thereto requested by said judge, attend and try said cause; and the judge of any district shall discharge the duties of the judge of any other district, when convenience or the public interest requires it; and whenever a district judge is a party or otherwise interested in any cause, another district judge, in an adjoining district, shall, within his district, transact any *ex parte* business, hear and determine motions and grant orders in such causes, when brought before him, which acts shall have the same force as if done in the district in which such actions are pending.

G. S. ch. 64, § 5. 36 M. 129.

#### ADJOURNMENTS.

SEC. 4436. **During term — Adjourned and special terms.**— The judge of any district may adjourn the same from time to time during any term thereof, hold adjourned terms of said court at any time he may deem proper, or appoint special terms in any county of his district, for the trial of civil and criminal cases and issues of law, giving twenty days' previous notice thereof, by advertisement, published four successive weeks in a newspaper printed in the said county, if there is one, if not, in a paper published at the capital, and also by posting a notice thereof on the door of the place for holding the court, in the county in which said term is to be held; and may direct grand and petit jurors to be drawn and summoned for any adjourned or special term, in the manner prescribed by law. Special terms may also be appointed by said judge for the hearing of issues of law, applications, motions, and all matters except the trial of issues of fact, by causing an order appointing said term to be made on the court journal of the county, and a copy thereof to be posted in the office of the clerk of the county for three successive weeks prior to the time of holding the same.

G. S. ch. 64, § 15. 19 M. 539.

SEC. 4437. **Non-attendance of judge.**— In case the judge of any district court does not attend at the place of holding the same, by four o'clock in the afternoon on the first day of the term, the sheriff or clerk shall forthwith open and adjourn the same until nine o'clock in the forenoon of the succeeding day; and if the judge does not then appear, the court shall again be adjourned until nine o'clock of the next day; and if the judge does not then appear, it shall be adjourned without day, and the jury dismissed, by one of said officers: \**provided*, that any term of the said court, general or special, may be adjourned to a time certain, by the clerk or sheriff, upon the direction of the judge, either personally or communicated by letter or telegram, and without the presence of the judge. And in case of the adjournment of the court to a time certain, the juries may be required to appear at such adjournment thereon, without further notice.

G. S. ch. 64, § 9, as amended 1876, ch. 64. Approved February 10, 1876. Amendment below \*.

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SEC. 4438. **Inability from sickness, etc.**— In case any judge of a district court, from sickness or any other cause, is unable to hold any of his courts, the clerk thereof shall in due time give notice of such fact to the governor, who shall assign to one of the other district judges to hold the courts in such district, until the inability of the judge is removed.

G. S. ch. 64, § 8.

SEC. 4439. **Recognizance not to abate.**— All persons bound by recognizance, or otherwise, to appear at any court the term whereof is not held, are bound to appear at the next succeeding general or special term; and when the time of holding any court is changed, such persons are bound to appear at the term as so changed.

G. S. ch. 64, § 10.

## ANNUAL MEETING OF JUDGES.

SEC. 4440. **Purpose — Rules.**— The judges of the district courts of the several judicial districts, and of the several courts of common pleas of the state, shall, on the first Wednesday of July next, or on some day prior thereto, at their election, meet in general session at the capitol, in the city of Saint Paul, and adopt such general rules of practice in civil actions, not inconsistent with the constitution and laws of the state, or of the United States, as will secure a uniformity of practice throughout the state, as may be deemed necessary and just. The said judges shall meet annually thereafter, at the same place, on the first Wednesday of July, to revise such general rules, and make such amendments thereto, and such further rules, not inconsistent with the constitution and laws of the state or of the United States, as may be deemed necessary; and the same shall go into effect from and after their publication. The general rules so made shall govern all the district courts and courts of common pleas in this state: *provided*, that in any case, in furtherance of justice, said rules may be relaxed or modified, and a party may be relieved against the effect thereof, on such terms as may be just: *provided further*, that any six of said judges, so convened in general session as hereinbefore provided, shall transact the business and discharge the duties imposed by this act.

1875, ch. 44: "An act requiring district judges and judges of the courts of common pleas to adopt general rules of practice in the civil actions for the several district courts and courts of common pleas." Approved March 6, 1875.

## CHANGE OF VENUE IN CERTAIN CASES.

SEC. 4441. **From municipal court.**— In any action hereafter brought in any municipal court of any city or town of this state if the county designated as the place of trial in the summons be not the county where the defendant or defendants reside, the action may notwithstanding be tried therein unless the defendant, after answering, and before the time fixed for the trial of said cause demands in writing that the trial be had in the district court of the county where the defendant or defendants reside, and the place of trial shall thereupon be changed to the proper county by the order of the court, and thereupon the clerk of such municipal court shall transmit to the clerk of the district court where the defendant or defendants reside, copies of all papers and files relating to said cause.

1889, ch. 161, § 1: "An act entitled an act providing for changing the place of trial of actions commenced in municipal courts and courts of justices of the peace in certain cases." Approved April 24, 1889.

SEC. 4442. **To county where defendant resides.**— When an action has been instituted in any county of this state in any justice court of any county against any person not a resident of the county where the justice issuing the process resides, and said action shall be appealed to the district court in said county where said justice resides, the action may be transferred

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to the district court of the county where the defendant resides upon filing with the clerk of the district court of the county to which said action has been appealed, an affidavit of the defendant or his attorney setting forth that the defendant, or when there is more than one defendant, a majority, resides in some other county in this state, which affidavit shall be filed within ten (10) days after the appeal has been perfected, and thereupon such action shall be transferred by order of the court to the district court of the county where the defendant or a majority of the defendants reside, and the clerk of such district court shall thereupon transmit to the clerk of the district court of the proper county, certified copies of all papers and files in said cause.

1889, ch. 161, § 2.

## SHORT-HAND REPORTERS.

**SEC. 4443. Appointment.**— Each of the judges of the district court and of the courts of common pleas in this state is hereby authorized, in his discretion, to employ and appoint a short-hand writer, to make, in short-hand writing, a true record or report of the proceedings and evidence, taken upon the trial of issues of fact in the several courts held in his district; and, when required by the court or either of the parties to any such trial, to transcribe such record or report into the words which shall be represented by the characters used by him in reporting such proceeding and evidence as the same shall occur: *provided, however,* that no such reporter shall be appointed in any county containing less than five thousand inhabitants, whose board of county commissioners shall not first authorize such appointment: *provided further,* that the provisions of this act shall not apply to the county of Ramsey, or be construed as repealing the special act relating thereto.

1874, ch. 88, § 1, as amended 1877, ch. 53 (February 20); 1883, ch. 56 (March 3): "An act to provide for the employment of stenographic or short-hand reporters in the district courts and courts of common pleas in certain district courts in this state." Approved February 19, 1874. Amendment of 1877 struck out the limitation of the act to certain districts and added the last proviso. Acts 1883, ch. 56, amended second proviso by inserting "containing less than five thousand inhabitants."

**SEC. 4444. Oath, duties and removal.**— Before such reporter shall enter upon the performance of his duties, he shall take and subscribe an oath that he will, to the best of his knowledge and ability, keep, in short-hand writing, a true, full and accurate record of all the proceedings taken and evidence given upon the trials of issues of fact in the district court, when required so to do by the judge of said court, and that he will make and file with the clerk of the court a true and full transcript of his record or report in each case, into the words represented by the signs or characters which he shall use in his short-hand writing. Such oath shall be filed in the office of the clerk of the district court in one of the counties in the district for which he is appointed. In reporting or recording the evidence of witnesses sworn and examined upon the trial of issues of fact, he shall record or report the questions put to the witnesses, and the answers thereto given by the witnesses in the words used by the questioners and the witnesses. He shall not be required to report or record the arguments of counsel, but shall record all objections and the grounds thereof, as stated by counsel, and also the decisions or rulings of the court thereon, and exceptions taken by counsel to such decisions or rulings; and shall, immediately upon the completion of any trial, file his report in such short-hand writing, in the office of the clerk of the court where such trial was had, which report shall remain on file for the use of all parties interested; and in the performance of his duties, he shall be subject to the orders and discretions [directions] of the court; and the judge may at any time discharge such reporter, and employ and appoint another.

1874, ch. 88, § 2.

**SEC. 4445. Record.**— When the record or report of a trial shall have been so made, transcribed and filed, and approved by the judge before whom

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such trial was had, it shall have such force and effect as a record of the court, and as a case, or bill of exceptions, as the court may, by general rule or order, prescribe.

1874, ch. 88, § 3.

**SEC. 4446. Compensation.**— The amount or rate of compensation to be paid to such short-hand reporter shall be fixed by the judge who appointed him; and each county shall pay the compensation for his services during the time he shall be employed in the cases tried therein. The judge shall certify the time during which he shall be employed at any term in the county, and the amount to which he is entitled therefor. Upon the presentation of such certificate of the judge to the county auditor of the county, he shall draw his order, in favor of such reporter, upon the county treasurer, for the amount so certified; but such compensation shall not exceed ten dollars per day while employed in court, and fifteen cents per folio of one hundred words for the transcript: *and provided further*, that when such reporter shall be required by either of the parties to an action to transcribe his record into long-hand writing, the fees for such transcription as above provided for shall be paid by the party requiring the same:

1874, ch. 88, § 4.

## FIRST DISTRICT.

**SEC. 4447. Election of judges.**— There shall be elected in the first judicial district two judges of the district court of such district, either one of whom shall have and exercise the powers of the court as now prescribed by law relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oaths and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judge of said district court shall apply to each of the judges of said court, and their successors shall be elected and vacancies in their offices filled as now provided in relation to the said judge of said court. *Provided*, however, that the present judge of said court shall be the judge of said court for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified.

1881, Ex. S. ch. 85, § 1: "An act to create an additional judge for the first judicial district of the state of Minnesota." Approved November 19, 1881.

**SEC. 4448. Appointment of additional judge.**— Upon the passage and approval of this act the governor of this state shall appoint an additional judge for said district court, who shall hold until the next general election, and until his successor is elected and qualified.

1881, Ex. S. ch. 85, § 4.

**SEC. 4449. Act in joint session — Process.**— The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or if neither be senior in office, the judge senior in age shall preside; if there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges.

1881, Ex. S. ch. 85, § 2.

**SEC. 4450. Division of business.**— The business of said court may be divided between said judges and otherwise regulated as they may direct by rule or otherwise, and each of the said judges may separately try court or jury cases, during the same term and at the same time.

1881, Ex. S. ch. 85, § 3.

## SECOND DISTRICT.

**SEC. 4451. Number of judges.**— There shall be six judges of the district court in and for the second judicial district of this state, and each of such judges shall be elected as prescribed by law, and shall have the same powers,



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authority and compensation and be subject to the same duties and obligations as are now granted to and imposed upon the existing judges of said district, by the laws and constitution of this state.

1876, Spl. Laws, ch. 209, § 1; 1887, ch. 104, § 1; 1889, ch. 150. 26 M. 266. Acts 1876 (March 2d) merged common pleas into district court, increased number of judges to three, and provided that "any one or more of whom shall have and exercise the powers of the court as now prescribed by law for the present judge, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority and powers of the present judge of said district court, shall apply to all the judges of said court." Acts 1887, ch. 104, § 1 (February 25), increased number of judges to four, that incumbents remain and governor appoint the additional judge, and re-enacted the foregoing as to power and authority of the judges. Acts 1889, ch. 150 (February 14), increased the number of judges to six, authorized appointment of the two additional judges, and re-enacted the foregoing powers substantially.

**SEC. 4452. Act in joint session — Process.**— The said judges, or any number of them, may act in joint session, for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age, shall preside, and the decision of the majority shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of any one of the said judges.

Spl. Laws, 1876, ch. 209, § 2; 1887, ch. 104, § 2. Act 1876 was an act to merge common pleas into district courts, and acts 1887 to create the office and prescribe the duties of an additional judge for second district. This section was enacted by both acts, except that latter used "any number" instead of "majority" in first line.

**SEC. 4453. Divide the business.**— The business of said court may be divided between the said judges and otherwise regulated as they may direct by rule or otherwise, and each of said judges may separately try court or jury cases during the same term or at the same time.

1876, Spl. Laws, ch. 209, § 3; 1887, ch. 104, § 3. This section same in both laws.

**SEC. 4454. Terms.**— There shall be nine general terms of said court in each year for the transaction of such business as shall properly come before it, and said terms shall commence on the first Monday of each month in the year except July, August and September.

1876, Spl. Laws, ch. 209, § 4; 1878, ch. 66 (March 11); 1889, ch. 144. Approved February 19th. In force from May 1, 1889. Acts 1878 increased number of terms from two to three, and acts 1889 to nine terms.

**SEC. 4455. Jurors.**— Petit jurors shall be drawn for each of said terms in the manner now prescribed by law; grand jurors shall be drawn for the terms held in January, May and October, and for any other term when the court or any judge thereof shall direct. Such grand jurors shall be drawn on or before fifteen days prior to the term at which such jurors are to serve. Venires shall be issued therefor and served as now provided by law.

1876, Spl. Laws, ch. 209, § 5; 1889, ch. 144, § 2. Approved February 19th. In force May 1, 1889. Prior to amendment grand and petit jurors were drawn for each of the then three terms, fifteen days before commencement, and venires issued and served as provided by law. Acts 1875, ch. 72, provided that no grand jury be drawn, unless judge make and enter the order therefor as provided in § 4, ch. 88, acts 1870. And no petit jury for the December term; but there may issue a special venire for the trial of any case which has been continued, or the trial of issue of fact in any suit in equity.

**SEC. 4456. Recognizances — Commitments — Appeals.**— All recognizances and commitments for criminal offences shall be made returnable to the said district court, and all appeals from justices of the peace, except from justices in the city of St. Paul, shall be taken to said district court.

1876, Spl. Laws, ch. 209, § 6. Section 7 of this act provided in detail that everything then pertaining to common pleas court should be continued and disposed of by the district court, and § 8 that all common-pleas process be returned to district court, and § 9 that judges and clerk of common pleas cease to transact any business as such.

**SEC. 4457. Notice of trial and issue.**— Notices of trial and notes of issue in civil actions in the district court of the second judicial district shall be

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served at least twelve days before the commencement of the general terms of said court and said court is hereby authorized to prescribe the contents of notes of issue and form, and the time of making up the calendars of actions to be tried at general or special terms of said court.

1889, ch. 136: "An act to authorize the district court of the second judicial district to make rules regulating the practice therein, and to fix the time for the service of notices of trial and filing notes of issue in said district." Approved April 23, 1889.

## FOURTH DISTRICT.

**SEC. 4458. Number of judges.**— There shall be elected in the fourth judicial district of said state six (6) judges of the district court of said district, any one or more of whom shall have and exercise the powers of the said court as now prescribed by law relative to the present judges of said court, except as otherwise provided by this act, and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges of said district court shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled as now provided in relation to the present judges of the said district court. *Provided*, however, that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected.

1877, ch. 103, § 1; 1881, Ex. S. ch. 84, § 1 (November 19); 1887, ch. 102, § 1 (February 25); 1889, ch. 152, § 1 (March 1). Acts 1877, ch. 103, merged common pleas into district court. Acts 1881 increased number of judges from two to three. Acts 1887 increased the number to four; and acts 1889, ch. 152, increased the number to six. Excepting this increase this section is the same in all the enactments.

**SEC. 4459. Act in joint session — Process.**— The said judges, or a majority of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and, when so acting, the judge senior in office, or if neither be senior in office, the judge senior in age, shall preside, and the decision of the majority shall be the decision of the court.\* If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail.\* Process may be tested in the name of either one of the said judges.

1877, ch. 103, § 2, as amended 1881, Ex. S. ch. 84, § 3. Amendment inserted "or a majority of them," "and the decision of the majority," and the matter between \* \*.

**SEC. 4460. Divide the business.**— The said judges, or a majority of them, may divide the business of the said court between the said judges, and may otherwise regulate said business by rules or otherwise; and each of the said judges may separately try court or jury cases during the same term, or at the same time.

1877, ch. 103, § 3, as amended 1881, Ex. S. ch. 84, § 4. Amendment inserted "or a majority."

**SEC. 4461. Terms of court.**— There shall be three general terms of said court for the transaction of both civil and criminal business, and said terms shall be held at such times as may be provided by law.

1877, ch. 103, § 4.

**SEC. 4462. Grand and petit jurors.**— Grand and petit jurors shall be drawn for each of said terms, on or before fifteen days prior to each of said terms, and venires issued therefor and served as now provided by law; but no grand or petit jurors shall hereafter be drawn or summoned for said court of common pleas.

1877, ch. 103, § 5.

**SEC. 4463. Recognizances — Commitments — Appeals.**— All recognizances and commitments for criminal offences shall be made returnable to

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the said district court, and all appeals from justices of the peace shall be taken to said district court.

1877, ch. 103, § 6. Section 7 of this act merged the common pleas court into the district court, and that all matters pertaining thereto be proceeded with in the district court. Section 8 provided for return of all process to district court. Section 9 provided that judge and clerk of common pleas "cease to transact any business therein." Section 10 abolished common pleas court and repealed all inconsistent acts.

## SEVENTH DISTRICT.

**SEC. 4464. Number of judges.**—There shall be elected in the seventh judicial district two judges of the district court of such district; either one of whom shall have and exercise the powers of the court as now prescribed by law relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force whether general or special, as to the qualification, election, canvass of votes, oaths and terms of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judge of said district court shall apply to each of the judges of said court, and their successors shall be elected, and vacancies in their offices filled as now provided in relation to said judges of said court; *provided, however*, that the present judge of said court shall be judge thereof for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified.

1885, ch. 141, § 1: "An act to create the office and to prescribe the duties of an additional judge for the seventh judicial district." Approved February 26, 1885. Acts 1881, ch. 96, empowered judge of this district to compel attendance of witnesses before committee of investigation.

**SEC. 4465. Additional judge.**—Upon the passage and approval of this act the governor of this state shall appoint an additional judge for said district court, who shall hold his office until the next general election, and until his successor is elected and qualified.

1885, ch. 141, § 4.

**SEC. 4466. Act in joint session — Process.**—The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or if neither be senior in office the senior in age shall preside; if there is a division of opinion the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges.

1885, ch. 141, § 2.

**SEC. 4467. Division of business.**—The business of said court may be divided between said judges, and otherwise regulated as they may direct by rule or otherwise, and each of said judges may separately try court or jury cases during the same term and at the same time.

1885, ch. 141, § 3.

**SEC. 4468. Court at Perham.**—The judges of the district court are hereby authorized to adjourn each and every general term of said court held at Fergus Falls in said county of Otter Tail, to a suitable place in the village of Perham, in said county, for the trial of all such cases as are pending in said court, either for the convenience of the parties or by their consent.

**Jury panel.**—On adjourning any term of said court to meet at Perham at a future day, the court shall direct the panel of jurors drawn for said term, or any part of them, to be and appear at the court room in Perham at such day and hour as he may designate, which shall be sufficient notice to said jurors to attend.

**Jurors.**—Jurors attending said adjourned term shall receive mileage from their homes to said village of Perham.

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**Witnesses.**— Witnesses *subpoenaed* to attend such adjourned term shall receive mileage from their places of residence to the village of Perham.

**Mileage.**— All officers serving *subpoenas* or any other process returnable at said adjourned term shall receive mileage only from said village of Perham, instead of from Fergus Falls, the county seat.

**Suitable rooms.**— The village of Perham shall provide suitable rooms for the holding of said terms of court in said village, free of expense to the county of Otter Tail.

1887, ch. 105: "An act to provide that adjourned terms of the district court of Otter Tail county may be held at the village of Perham in said county." Approved March 3, 1887.

**SEC. 4469. Court at Sauk Centre.**— The judges of the district court are hereby authorized to adjourn each and every general term of said court held at St. Cloud, in said county of Stearns, to a suitable place in the village of Sauk Centre in said county for the trial of all such cases as are pending in said court, either for the convenience of the parties or by their consent.

**Jury panel.**— On adjourning any term of said court to meet at Sauk Centre at a future day, the court shall direct the panel of jurors drawn for said term or any part of them to be and appear at the court room at Sauk Centre at such day and hour as he may designate, which shall be a sufficient notice to said jurors to attend.

**Jurors.**— Jurors attending said adjourned term shall receive mileage from their homes to said village of Sauk Centre.

**Witnesses.**— Witnesses *subpoenaed* to attend said adjourned term shall receive mileage from their places of residence to the village of Sauk Centre.

**Mileage.**— All officers serving *subpoenas* or any other process returnable at said adjourned term shall receive mileage only from said village of Sauk Centre instead of from St. Cloud, the county seat.

**Rooms.**— The village of Sauk Centre shall provide suitable rooms for the holding of said terms of court in said village, free of expense to the county of Stearns.

1887, ch. 112: "An act to provide that adjourned terms of the district court of Stearns county may be held at the village of Sauk Centre in said county." Approved February 19, 1887.

## ELEVENTH DISTRICT.

**SEC. 4470. Number of judges.**— There shall be elected in the eleventh judicial district two judges of the district court of such district, either one of which shall have and exercise the powers of the court as now prescribed by law relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, elections, canvass of votes, oaths and terms of office and commencement of such term, compensation, jurisdiction, duties, authority and powers of the present judge of said district court shall apply to each of the judges of said court, and their successors shall be elected and vacancies in their offices filled as now provided in relation to the said judge of said court; provided, however, that the present judge of said court shall be a judge of said court for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified.

1889, ch. 151, § 1: "An act to create an additional judge for the eleventh judicial district of the state of Minnesota." Approved April 13, 1889. Same as 1885, ch. 140, § 1. Approved February 17th.

**SEC. 4471. Continuance in office.**— The judges hereinbefore mentioned shall be exclusive of the Hon. Ira B. Mills, who was elected second judge of the eleventh judicial district, but who was assigned to perform the duties of judge of the fourteenth judicial district by the act of legislature creating that district.

1889, ch. 151, § 4.

**SEC. 4472. Appointment.**— Upon the passage and approval of this act, the governor shall appoint an additional judge for said district court for the eleventh judicial district, who shall hold his office until the next general election and until his successor is elected and qualified.

1889, ch. 151, § 5.

**SEC. 4473. Act in joint session — Process.**— The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and when so acting, the judge senior in office, or if neither be senior in office, the judge senior in age shall preside; if there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges.

1889, ch. 151, § 2. Same as § 2, ch. 140, acts 1885.

**SEC. 4474. Division of business.**— The business of said court may be divided between said judges and otherwise regulated as they may direct, by rule or otherwise, and each of the said judges may separately try court or jury cases during the same and at the same time.

1889, ch. 151, § 3. Same as § 3, ch. 140, acts 1885.

**SEC. 4475. Vesting certain duties.**— All powers, authority and official trusts heretofore at any time vested in the town council of the town of Duluth, or in the common council of the city of Duluth, under the act of congress “for the relief of citizens of towns upon lands of the United States, under certain circumstances,” approved May twenty-third, A. D. one thousand eight hundred and fifty-four, and by or under legislation of this state passed in pursuance or aid of said act of congress, are hereby transferred to and vested in the first judge of the district court for the eleventh judicial district.

1889, ch. 159: “An act to vest in the first judge of the district court for the eleventh judicial district certain powers, authority and official trusts heretofore vested in the town council of the town of Duluth, and in the common council of the city of Duluth.” Approved April 24, 1889.

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## TITLE 2.

### JUDICIAL DISTRICTS.

**SEC. 4476. Judicial districts.**— The state is divided into judicial districts as follows:

**First.**— The counties of Goodhue, Dakota, Washington, Chisago, Pine and Kanabec, constitute the first judicial district.

**Second.**— The county of Ramsey constitutes the second judicial district.

**Third.**— The counties of Winona, Olmsted and Wabasha constitute the third judicial district.

**Fourth.**— the counties of Hennepin, Wright, Anoka and Isanti, constitute the fourth judicial district.

**Fifth.**— The counties of Rice, Steele, Waseca and Dodge constitute the fifth judicial district.

**Sixth.**— The counties of Blue Earth, Faribault, Martin and Watonwan, constitute the sixth judicial district.

**Seventh.**— The counties of Stearns, Sherburne, Benton, Morrison, Douglas, Todd, Mille Lacs, Otter Tail and Pope, constitute the seventh judicial district.

**Eighth.**— The counties of LeSueur, Scott, Carver, Sibley and McLeod constitute the eighth judicial district.

**Ninth.**— The counties of Renville, Lyon, Redwood, Brown, Nicollet, Lincoln, constitute the ninth judicial district.

**Tenth.**—The counties of Fillmore, Freeborn, Houston, Mower, constitute the tenth judicial district.

**Eleventh.**—The counties of Carlton, St. Louis, constitute the eleventh judicial district.

**Twelfth.**—The counties of Chippewa, Kandiyohi, Lac qui Parle, Meeker, Swift, Yellow Medicine, constitute the twelfth judicial district.

**Thirteenth.**—The counties of Cottonwood, Jackson, Murray, Nobles, Pipestone, Rock, constitute the thirteenth judicial district.

**Fourteenth.**—The counties of Becker, Clay, Norman, Polk, Marshall, Kittson, constitute the fourteenth judicial district.

**Fifteenth.**—The counties of Aitkin, Itasca, Crow Wing, Cass, Wadena, Hubbard, constitute the fifteenth judicial district.

**Sixteenth.**—The counties of Stevens, Grant, Big Stone, Traverse, Wilkin, constitute the sixteenth judicial district.

G. S. ch. 64, title 2, as amended 1866, chs. 19, 20; 1870, chs. 81, 84; 1872, ch. 50; 1874, ch. 90; 1875, ch. 79, and laws cited under title 3.

### TITLE 3.

#### GENERAL TERMS.

**SEC. 4477. First district.**—In first district: The general terms of the district court of the first judicial district of this state shall be held at the times following:

In the county of Goodhue, on the second Wednesday in March and the third Tuesday in October, in each year.

In the county of Dakota, on the first Tuesday in June and the second Tuesday in December, in each year.

In the county of Washington, on the first Tuesday in May and the third Tuesday in November, in each year.

In the county of Pine, on the second Tuesday in April and the third Tuesday in September, in each year.

In the county of Chisago, on the first Wednesday in October, in each year.

In the county of Kanabec, on the first Tuesday in September, in each year.

1889, ch. 147, approved March 15th, as amended 1889, ch. 138, approved April 24th. Former laws: G. S. ch. 64, § 25; 1868, ch. 100; 1868, ch. 102; 1869, ch. 52; 1869, ch. 53; 1870, ch. 81; 1873, ch. 73; 1885, ch. 135.

**SEC. 4478. Second district.**—There shall be nine general terms of said court in each year for the transaction of such business as shall properly come before it, and said terms shall commence on the first Monday of each month in the year except July, August and September.

1889, ch. 144, § 1. Approved February 19th. In force from May 1, 1889. Prior laws: G. S. ch. 64, § 26; 1867, ch. 84, § 8; 1870, chs. 81 and 88; 1876, Special Laws, ch. 209, § 4; 1878, ch. 66.

**SEC. 4479. Third district.**—In the county of Wabasha on the third Monday of May and the second Monday of November of each year.

In the county of Olmsted on the first Monday of June and the first Monday of December in each year.

In the county of Winona on the second Monday of January, the first Monday in May and the third Monday in September in each year; provided that no grand jury shall be drawn or summoned for the May term of said court, except upon the direction of the presiding judge of the district court of said county.

1879, ch. 60, as amended 1889, ch. 137, § 1. Approved April 23d. In force from July 1, 1889. Prior laws: G. S. ch. 64, § 27; 1869, ch. 54; 1873, ch. 74; 1876, ch. 63.

SEC. 4480. **Fourth district.**—In fourth district: That general terms of the district court in the fourth judicial district shall be held each year as follows:

In the county of Anoka, on the first Monday in February and the second Monday in September.

In the county of Hennepin on the first Tuesday in April, the second Tuesday in September, and the first Tuesday in December.

In the county of Isanti, on the fourth Monday in September.

In the county of Wright, on the first Monday of June and the first Monday of December.

1881, ch. 66, as amended 1885, ch. 132; 1885, ch. 134; 1889, ch. 157. Prior laws: G. S. ch. 64, § 28; 1867, ch. 104; 1867, ch. 105; 1870, ch. 85; 1870, Spl. Laws, chs. 153, 154; 1871, ch. 78; 1873, ch. 75; 1874, ch. 94.

SEC. 4481. **Fifth district.**—The general terms of the district court in the fifth judicial district shall be held annually, at the times and places following, to wit:

In the county of Dodge, on the first Monday in March, and first Tuesday in October.

In the county of Rice, on the first Tuesday in May, and the second Tuesday after the first Monday in November.

In the county of Steele, on the first Tuesday in June, and first Tuesday in December.

In the county of Waseca, on the third Tuesday in March, and the third Tuesday in October, in each year.

1873, ch. 77, as amended 1874, ch. 97. Prior laws: G. S. ch. 64, § 29; 1867, ch. 107; 1868, ch. 101; 1871, ch. 77; 1871, ch. 76; 1872, ch. 46.

SEC. 4482. **Sixth district.**—In the county of Blue Earth, on the third Tuesday of May, and the first Tuesday of December.

In the county of Faribault, on the first Tuesday in June, and the first Tuesday in January.

There shall hereafter be two terms of the district court in and for the county of Martin, one of which shall be held on the third Tuesday of June and the other on the second Wednesday of November in each and every year; and no grand jury shall be summoned for the June term aforesaid, unless the judge of said court shall make and file with the clerk thereof at least fifteen days before such term an order directing the summoning of such grand jury.

There shall hereafter be two terms of the district court in said county of Watonwan in each year. One of said terms shall be held on the first Tuesday in May, and the other term on the first Tuesday in October of each and every year, but no grand jury shall be summoned for the May term in said county unless the judge of the said sixth district shall make and file with the clerk of the court of said Watonwan county at least twenty days before such term, an order directing the summoning of such grand jury.

1868, ch. 99, as amended 1870, ch. 83; 1887, ch. 111; 1889, ch. 148. Prior laws: 1867, ch. 111; 1870, ch. 86; 1871, ch. 81; 1873, chs. 84, 85; 1874, ch. 91; 1875, chs. 75, 76; 1879, chs. 57, 58; 1881, chs. 65, 69; 1881, Ex. S. ch. 19; 1883, ch. 22; 1885, ch. 127; 1887, ch. 107.

SEC. 4483. **Seventh district.**—General terms of the district court in and for the seventh judicial district shall be held in the several counties comprising said district annually, as follows:

In the county of Benton on the third Monday of January.

In the county of Mille Lacs on the first Monday of September, *provided*, that the jury, both grand and petit required to appear at any term of such court shall be summoned to appear on the second day of such term.

In the county of Morrison on the first Monday of March and third Monday of September.

In the county of Douglas on the first Monday of May in the year one thousand eight hundred and eighty-nine, and thereafter on the third Monday of March and first Monday of October.

In the county of Pope on the first Monday of April and second Monday of October; *provided*, no grand jury shall be summoned for the April term in said Pope county, unless the judge of said court shall make and file with the clerk of the court for said Pope county, at least fifteen days before such term, an order directing the summoning of such grand jury; *provided*, further, that if it shall be made to appear to the judge of said court that there are no matters or cases to be tried by a petit jury at the April term of said court, the judge may, in his discretion, by order, direct that no petit jury be summoned for such term; and *provided* further, that the jury, both grand and petit, required to appear at any term of said court in Pope county, shall be summoned to appear on the second day of such term.

In the county of Sherburne on the fourth Monday of March.

In the county of Todd on the third Monday of October in the year one thousand eight hundred and eighty-nine, and thereafter on the first Monday of May, and third Monday of October in each year; *provided*, that no grand jury shall be summoned for said May term in said Todd county, unless the judge of said court shall make and file with the clerk of said court for said Todd county, at least fifteen days before such term, an order directing the summoning of such grand jury; *provided*, further, that if it shall be made to appear to the judge of said court that there are no matters or cases to be tried by a petit jury at the May term of said court, the judge may, in his discretion, by order, direct that no petit jury be summoned for such term; and *provided* further, that the jury, both grand and petit, required to appear at any term of said court in said Todd county, shall be summoned to appear on the second day of such term.

In the county of Otter Tail on the second Monday of May and the second Monday of November.

In the county of Stearns on the fourth Monday of May and the first Monday of December.

That the judge of said court may, in his discretion, by order, direct that any grand or petit jury, or both; required to appear at any of the terms of the court aforesaid, be summoned to appear on any day of such term after the first day thereof instead of such first day.

All acts and parts of acts inconsistent with this act are hereby repealed, except that this act shall not be construed as repealing chapters<sup>1</sup> one hundred and five and one hundred and twelve of the general laws of one thousand eight hundred and eighty-seven, providing for the holding of adjourned terms in the counties of Otter Tail and Stearns.

1889, ch. 139: "An act to fix the times for holding the general terms of the district court for the seventh judicial district." Approved March 28th. In force from April 10, 1889.  
<sup>1</sup>Secs. 4468, 4469, *ante*. Prior laws: G. S. ch. 64, § 31; 1865, ch. 74; 1868, ch. 103; 1871, ch. 74; 1872, ch. 47; 1873, ch. 78; 1874, ch. 96; 1875, ch. 74; 1876, ch. 65; 1878, ch. 27; 1878, ch. 64; 1881, Ex. S. ch. 31; 1883, ch. 55; 1885, ch. 68; 1885, ch. 133.

SEC. 4484. **Eighth district.**—General terms of the district court shall be held in the several counties comprising the eighth judicial district, as follows:

In the county of Carver, on the second Monday of March and the second Monday of September in each year.

In the county of Le Sueur, on the fourth Monday of April and the third Monday of October in each year.

In the county of McLeod, on the second Monday of May and the second Monday of November in each year.

In the county of Sibley, on the fourth Monday of May and the fourth Monday of November in each year.

In the county of Scott, on the second Monday of June and the second Monday of December in each year.

1885, ch. 130, as amended 1889, ch. 149. Prior laws: 1871, ch. 75; 1872, ch. 49; 1875, ch. 77; 1878, ch. 60; 1881, ch. 83.

SEC. 4485. **Ninth district.**—That the general terms of the district court in and for the ninth judicial district shall be held at the times and in the sev-



eral counties comprising said district, annually, as follows: In the county of Renville on the second Tuesday of April and the second Tuesday of October.

In the county of Lyon on the fourth Tuesday of April and the fourth Tuesday of October.

In the county of Redwood on the second Tuesday of May and the second Tuesday of November.

In the county of Brown on the fourth Tuesday of May and the fourth Tuesday of November.

In the county of Nicollet on the second Tuesday of June and the second Tuesday of December.

In the county of Lincoln on the first Tuesday after the fourth day of July.

1887, ch. 103: "An act prescribing the time of holding the general terms of district court in the ninth judicial district." Approved January 29, 1887. Prior laws: 1885, ch. 131; 1883, chs. 84, 27; 1881, Ex. S. ch. 20; 1881, chs. 98, 89, 87; 1879, chs. 61, 59; 1878 chs. 61, 63; 1876, ch. 63; 1873, ch. 79.

SEC. 4486. **Tenth district.**—The general term of the district court of the tenth judicial district of the state, shall be held annually at the times and places, to-wit:

In the county of Mower, on the third Tuesday in March and the third Tuesday in September.

In the county of Fillmore, on the first Tuesday in June and the second Tuesday in November.

In the county of Houston, on the first Tuesday in May and the third Tuesday in October.

The general terms of the district court in and for the county of Freeborn, in the tenth judicial district, shall be held on the first Tuesday in December and on the third Tuesday in May in each and every year; *provided*, that in case the business at said May term shall not be completed for any cause prior to holding any other term of court in said district, said May term shall be adjourned to the second Monday in July following; for the transaction of such unfinished business.

That the judge of said court may and he is empowered to adjourn any term of said court from time to time during any term thereof, and to order and to hold special terms of said court in said county for the trial and determination of both civil and criminal business and causes, or either, and said judge may direct grand and petit jurors to be drawn and summoned for any adjourned or special term of said court in the manner prescribed by law, and he may and is empowered to order and direct the issuing of special venire's and the summoning of petit jurors at any time for the trial of civil or criminal actions and causes at any special or adjourned term of said court; *provided*, that notice of the time of holding any such special term shall be given at least twenty days previous to the holding thereof, by publishing such notice in a newspaper printed and published in said county; but said judge is authorized and empowered, by an order made by him at any general term of said court, to appoint and fix the time of holding any special term herein provided without such printed notice being given.

1873, ch. 80, as amended 1876, ch. 61; 1881, ch. 98; 1885, ch. 136; 1889, ch. 135.

SEC. 4487. **Eleventh district.**—The general terms of the district court in and for the eleventh judicial district of this state shall be held as follows:

In the county of Carlton on the second Monday of April and the fourth Monday in October in each year.

In the county of St. Louis on the first Monday after the first day of January, the last Monday in April and the first Monday in September in each year.

1887, ch. 109: "An act fixing the time for holding the general terms of the district court in the eleventh judicial district." Approved March 3, 1887. Prior laws: 1887, chs. 28, 92; 1885, ch. 138; 1883, ch. 20; 1881, Ex. S. ch. 83; 1881, chs. 82, 90, 131; 1877, ch. 65; 1876, ch. 60; 1875, ch. 78.

SEC. 4488. **Twelfth district.**— The general terms of the district court shall hereafter be held in the several counties, comprising the twelfth judicial district as follows:

In the county of Chippewa, on the fourth Tuesday of March and the third Tuesday of October of each year.

In the county of Kandiyohi, on the first Tuesday of June and the second Tuesday of December of each year.

In the county of Lac Qui Parle on the first Tuesday of May and the fourth Tuesday of September of each year.

In the county of Meeker, on the fourth Tuesday of May and the fourth Tuesday of November of each year.

In the county of Swift, on the third Tuesday of March and the third Tuesday of September of each year.

In the county of Yellow Medicine on the Tuesday next following the fourth Tuesday of March and on the fourth Tuesday of October of each year.

The court may by order dispense with the trial jury at one of the terms in each year in the county of Lac Qui Parle, whenever in its judgment the amount of business is such in this county as to render it inexpedient to call such jury; such order if made shall be so made thirty days or more before such term and no venire for such jury shall be issued more than thirty days prior to any term, but nothing herein shall be so construed as to prevent the issuance of a special venire for a trial jurors as now provided by law and the said court may issue such special venire in case of emergency or necessity, even after such order has been made.

1889, ch. 140: "An act prescribing the time for holding the general terms of the district court in the several counties of the twelfth judicial district." Approved January 28, 1889. Prior laws: 1887, ch. 101; 1883, ch. 83; 1831, ch. 88; 1878, chs. 62, 65; 1877, ch. 66; 1876, ch. 59; 1875, ch. 80.

SEC. 4489. **Thirteenth district.**— That the counties of Jackson, Nobles, Rock, Pipe Stone, Murray, and Cottonwood be and the same are hereby detached from the sixth judicial district, and are hereby created into a judicial district, to be known and designated the thirteenth judicial district of Minnesota.

The terms of courts in said district to be held as follows:

In Cottonwood county, the third Tuesday in June and November of each year.

In Jackson county, the first Tuesday of June and December of each year.

In Murray county, the third Tuesday in April and October of each year.

In Nobles county, the first Tuesday in March and November of each year.

In Pipe Stone county, the third Tuesday in May and December of each year.

In Rock county, the third Tuesday in March and September of each year.

A district judge shall be elected therefor at the next general election, and the governor is hereby authorized to appoint a district judge for said district, to serve until his successor be elected.

1885, ch. 139, as amended 1887, ch. 113: "An act for the establishment of a new judicial district to be known as the thirteenth judicial district, and to fix dates for holding court therein." Approved March 4, 1885.

SEC. 4490. **Fourteenth district.**— That the counties of Becker, Clay, Norman, Polk, Marshall, Kittson and Beltrami be and the same are hereby constituted the fourteenth judicial district of the state of Minnesota.

In the county of Becker on the fourth Monday in January and the first Monday after the fourth day of July in each year.

In the county of Clay on the first Tuesday after the first day of January and the third Monday in June in each year.

In the county of Kittson on the fourth Monday of March in each year.

In the county of Norman on the first Monday of May and the first Wednesday after the first Monday of November in each year.

In the county of Marshall on the third Monday of May and the third Monday of November in each year.

In the county of Polk on the first Monday after the twenty-ninth day of May and the first Monday of December in each year.

That the second judge of the eleventh judicial district shall perform all the duties of and be styled "judge of the fourteenth judicial district" during the unexpired term for which he was elected and qualified, and there shall not be any appointment or election of judge in said fourteenth judicial district for any term to commence before the expiration of the term of the present second judge of the eleventh judicial district.

1887, ch. 100: "An act to create the fourteenth and fifteenth judicial districts and provide judges therefor," approved March 8th, which did not change the time for holding court; hence time is provided by acts 1887, ch. 109, which repealed prior laws of 1881, ch. 82; 1885, ch. 138, and *a priori* acts 1887, ch. 92, which changed terms in Kittson county.

**SEC. 4491. Fifteenth district.**— That the counties of Aitkin, Crow Wing, Cass, Itasca, Wadena and Hubbard be and the same are hereby constituted the fifteenth judicial district of the state of Minnesota.

In the county of Aitkin on the second Monday in October in each year.

In the county of Crow Wing on the third Monday of March and the third Monday of September in each year: *provided*, the judge of said court may by order made and filed with the clerk of said court at least forty days prior to the fourth Monday in March in each year convene said court in general term on the fourth Monday in March of each year.

In the county of Wadena on the first Monday in June and the first Monday in December in each year.

That the general term of the district court in the county of Hubbard in the fifteenth judicial district, shall be held in each year on the third Monday of June.

A district judge shall be elected for said fifteenth judicial district at the next general election, and the governor is hereby authorized to appoint a judge to fill the vacancy in said district, until such election and the qualification of such elected judge according to law.

1887, ch. 100: "An act to create the fourteenth and fifteenth judicial districts and provide judges therefor," approved March 8, 1887, which did not provide for time of holding court. Acts 1887, ch. 109; 1887, ch. 28; 1889, ch. 141; and 1889, ch. 145, provide for holding courts as above.

**SEC. 4492. Sixteenth district.**— That the counties of Big Stone, Stevens, Traverse and Wilkin be, and the same are hereby detached from the twelfth judicial district, and that the county of Grant be and the same is hereby detached from the seventh judicial district, and are hereby created into a judicial district, to be known as the sixteenth judicial district of Minnesota.

A district judge shall be elected therefor at the next general election, and the governor is hereby authorized to appoint a district judge for said district to serve until the next general election.

The general terms of the district court in the sixteenth judicial district, Minnesota, shall be held as follows:

In the county of Stevens on the third Tuesday of May and the first Tuesday of November.

In the county of Grant, on the fourth Tuesday of May in each year.

In the county of Big Stone on the second Tuesday of May and the first Tuesday of October in each year.

In the county of Traverse, on the second Tuesday of June and the third Tuesday of November in each year.

In the county of Wilkin, on the third Tuesday of June and the first Tuesday of December in each year, provided, that no grand or petit juries shall be summoned for the third Tuesday of June term, unless the judge of said court shall deem it necessary, in which case he can do so as now provided by law.

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SECS. 4493-4495.] DISTRICT COURTS — COUNTIES ATTACHED, ETC.

The judge of said court shall have power to dispense with the calling of either grand or petit juries one term a year in any of said counties in which the two terms a year are provided by this act, if deemed advisable, by filing a notice to that effect with the clerk of the district court in such county at least six weeks before the time when such term is to be held.

1887, ch. 106, as amended 1889, ch. 146: "An act for the establishment of a new judicial district court to be known as the sixteenth judicial district, and to fix dates for holding court therein." Approved March 8, 1887.

## TITLE 4.

### COUNTIES ATTACHED TO OTHERS FOR JUDICIAL PURPOSES.

**SEC. 4493. Counties attached.**— For judicial purposes, to enforce civil rights and criminal justice, the county of Beltrami is attached to the county of Becker; the counties of Cass and Itasca are attached to the county of Crow Wing; the counties of Cook and Lake are attached to the county of St. Louis. And for such purposes, all the officers of the counties of Becker, Crow Wing and St. Louis, necessary to effect the same, shall have and exercise full jurisdiction, power and authority over, and act in and for, the counties respectively attached to said counties as aforesaid, as fully as if they were part of the same: *provided*, that in all cases where there are officers in and for any county which now is or hereafter may be attached to any other for judicial purposes, such officers shall have and exercise full power and authority over, and act in, such county so attached; and when any writ or process is to be served or executed in any county so attached, it may be issued to such county.

G. S. ch. 64, § 33, as amended 1873, ch. 81; 1871, Spl. L. ch. 75; 1874, ch. 100, § 11; 1876, Spl. L. ch. 208. Former laws: 1868, ch. 104; 1870, ch. 94; 1871, chs. 79, 84; 1874, chs. 91, 92, 93; 1873, chs. 81, 85; 1876, ch. 83; 1868, ch. 109; 1875, ch. 71; 1871, ch. 96; 1874, ch. 100; 1876, ch. 117; 1872, ch. 89; 1876, ch. 86; 1867, chs. 112, 113; 1879, chs. 19, 57; 1881, ch. 131; 1881, chs. 82, 90; 1881, chs. 84, 85, 86; 1881, Ex. S. ch. 87; 1883, ch. 82; 1885, ch. 142. 16 M. 518.

**SEC. 4494. Title of court where counties are attached.**— In all cases where one or more counties are attached to another for judicial purposes, the title of the district court for such counties shall hereafter be: The State of Minnesota, District Court for such judicial districts, Counties of — and — (naming all the counties for which a common place for holding terms of the district court are by law provided); and the clerk of the district court, sheriff and county attorney of the county in which such court is held, shall perform the duties in said court that would have devolved upon them respectively, had it been a court held exclusively for such county.

1867, ch. 112, § 1. 16 M. 282; 17 M. 76; 18 M. 90.

**SEC. 4495. Jurors in counties attached.**— On the first Monday of April, A. D. eighteen hundred and sixty-seven, and in January of each year thereafter, the board of county commissioners of each of the several counties of this state which are now by law attached to another county for judicial purposes, shall meet and select persons properly qualified for grand jurors and petit jurors; and the number of such persons so selected in each county, and all proceedings in the selection of the same, and in the making, signing, attesting and delivering of the lists thereof, and in the drawing and summoning of grand and petit jurors for each term of the district court for such counties, shall conform to the regulations now provided by law, except that the lists of persons suitable for grand and petit jurors selected in each county shall be delivered to the clerk of the district court of the county in which such court is held, and that the grand jurors shall be drawn by the said clerk from all the names returned by the several counties collectively as those of

persons suitable for grand jurors, and that the petit jurors shall in like manner be drawn from the names of those in like manner returned as those of persons suitable for petit jurors; and except, also, that the sheriff of the county in which such court is held, or his deputy, shall officiate in the summoning of the jurors so drawn, in the same manner that he would be required to do, provided said court was held exclusively for his own county: *provided*, that in case any counties included within the provisions of section one of this act have no board of county commissioners, the board of county commissioners of the county in which such court is held shall select suitable persons from such counties for grand and petit jurors, and the same shall be selected, and lists of them made, signed, attested and delivered, as provided above.

1867, ch. 112, § 2.

**SEC. 4496. Pending proceedings not affected.**— No action or proceeding, civil or criminal, now pending or undetermined in any court the title of which is changed by the provisions of this act, shall be deemed to be affected or impaired in any manner by such change; but all subsequent proceedings therein shall be conducted and carried on in said court in the same manner as if such action or proceeding had been commenced in said court after the title thereof was changed; and such court shall also have the same civil and criminal jurisdiction over all the counties for which it is held that it would have had, provided its title had not been changed.

1867, ch. 112, § 3.

**SEC. 4497. Change of place of holding court.**— The judge of any district court, the title of which is changed by the provisions of section one of this act, may, whenever he shall consider it to be in furtherance of justice, or for the public convenience, order that the place for holding such court may be changed from the county now designated by law as the one in which such court shall be holden, to one of the other counties embraced in the title of such court; and in such case all the papers, records, books and other property appertaining to the said court, shall be delivered to the clerk of the district court of the county in which, by the terms of the said order, the said court is thereafter to be holden, upon the demand of the said clerk; and all general and special terms of said court shall thereafter be holden in the county designated in the said order for the holding of the same; and the jurisdiction of the court in any action or proceeding pending at the time of the making of said order, or over any crime, misdemeanor, or offence committed either before or after the making of such order, shall not in any way be affected thereby: *provided*, that the said judge may, at any time when he shall deem it expedient, again in like manner change the county in which said court shall be holden.

1867, ch. 112, § 4.

**SEC. 4498. Vacancy in office of clerk.**— In case there is no clerk of the district court in the county to which the holding of the court is changed, as provided for in the preceding section, there shall be deemed to be an original vacancy in the office of the clerk of the district court for such county, which vacancy shall be filled in the same manner, and subject to the same qualifications and regulations, as are now by law provided for filling vacancies in the office of clerk of the district court.

1867, ch. 112, § 5.

**SEC. 4499. Prisoners, to whom delivered.**— All persons for trial for any offence in any county within the jurisdiction of such court shall be delivered to the keeper of the common jail of the county in which said court is holden, for safe keeping, and to be produced when called for in the said court.

1867, ch. 112, § 6.

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SECS. 4500-4504.] DISTRICT COURTS — COUNTIES ATTACHED, ETC.

SEC. 4500. **Expenses of criminal actions, etc.**—The expenses of all criminal actions and proceedings shall be charged to and be defrayed by the county in which the crime is charged to have been committed.

1867, ch. 112, § 7.

SEC. 4501. **County commissioners.**—In case any of the counties included in the provisions of this act shall have no board of county commissioners, then the board of county commissioners, and all the county officers, of the county in which such court is holden, shall act as the board of commissioners and county officers of such county, in the same manner, and returns from said counties shall be made to and through such officers in the same manner, as is now required to be done in fully organized counties: *provided*, that such board of commissioners shall not have power to levy any greater tax upon said counties than is sufficient to provide for the expenses thereof, including the laying out, opening and improving of roads and buildings, and repairing of bridges therein.

1867, ch. 112, § 8. See *ante*, ch. 8.

SEC. 4502. **Appointment of clerk when county detached.**—That whenever any county that heretofore has been or hereafter may be attached to any other county for judicial purposes, heretofore has been or hereafter shall be detached from such county, and provision made for the holding of a general term of the district court in such detached county, it shall be the duty of the judge of the judicial district in which such detached county is situate, within thirty days after receiving notice of the passage of the act detaching such attached county, to appoint a clerk of the district court within and for such detached county, which clerk shall hold his office until his successor is elected and qualified.

1873, ch. 82, § 1.

SEC. 4503. **Filing of papers, when county attached to another.**—In all cases where any county or counties are or hereafter may be attached to any other county for judicial purposes, all pleadings, process, writs, recognizances, bonds and other papers by law required to be filed in the office of the clerk of the district court, shall be filed in the office of the clerk of such court in the county to which such county or counties are attached for judicial purposes.

1873, ch. 82, § 2.

SEC. 4504. **Duty of secretary of state when attached county is detached.**—It shall be the duty of the secretary of state, within ten days after the filing in his office of any act of the legislature detaching any county that heretofore has been or hereafter may be attached to any other county for judicial purposes, and providing for the holding of a general term of the district court in such detached county, to notify, in writing, the judge of the judicial district in which such detached county is situate, of the passage of such act.

1873, ch. 82, § 3.