

GENERAL STATUTES
of
MINNESOTA
1923

PUBLISHED UNDER THE AUTHORITY OF
LAWS OF 1923, CHAPTER 95,
APPROVED MARCH 26TH, 1923

COMPILED AND EDITED BY
HUBERT HARVEY, OF THE ST. PAUL BAR

PUBLISHER
REVIEW PUBLISHING COMPANY
ST. PAUL, 1924

to execute all necessary transfers, and to render an account and report of all matters connected therewith. When such assignee has complied with all the orders of the court, and whenever any assignee has completed his trust, he may apply to the court for his discharge, first giving three weeks' published notice of such application; the last publication to be not more than three weeks prior to the hearing thereon. If upon the hearing the court is satisfied that the assignee is entitled to such discharge, it shall so order; but if, in its opinion, anything remains to be done by him, it shall require the performance thereof before making such order. But a discharge shall not be refused because of any failure of the assignee to comply with the forms of law, if no damage has thereby resulted to any person. Such order shall have the effect of discharging the assignee and his sureties from all further responsibilities in respect to the trust. When the trust estate

is taken out of the hands of the assignee by proceedings in bankruptcy in the federal court, the assignee may be discharged upon showing that he has fully accounted with the trustee in bankruptcy, and turned over to him the whole trust estate. And when the trust estate is taken out of the hands of the assignee by legal proceedings in any court, or the assignment is declared void as to creditors, or for any reason the further administration of the trust is rendered impracticable, inadvisable, or nugatory, the assignee shall in like manner be discharged. (4620) [8335]

Supervisory power of court (24-232, 241; 24-295, 297; 26-141, 143, 1+830; 41-304, 306, 43+67, 44-76, 46+204). Removal of assignee (4-13, 1; 6-375, 260; 24-232; 41-304, 306, 43+67; 41-325, 43+385; 55-130, 56+587; 58-205, 212, 59+1003; 58-313, 59+1044; 59-323, 61+330; 68-414, 419, 71+679; 77-59, 79+651; 77-402, 80+300). Court should disallow unauthorized claims without reference to agreement between assignor and assignee (24-232). Court cannot revoke or change assignment (48-336, 51+322). 186+787.

CHAPTER 90

INSOLVENCY

As this chapter is inoperative while the federal bankruptcy act is in force, 76-118, 78+1038; 116-142, 133+561; the same is not printed in this compilation.

CHAPTER 91

CONTEMPTS

9792
165-M 203
206-NW 402

9792. Direct contempts defined—Contempts of court are of two kinds—direct and constructive. Direct contempts are those occurring in the immediate view and presence of the court, and arise from one or more of the following acts:

1. Disorderly, contemptuous, or insolent behavior toward the judge while holding court, tending to interrupt the due course of a trial or other judicial proceedings.

2. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the business of the court. (4638) [8353]

Distinction between direct and indirect contempts (60-478, 62+831). A party may be punished for contempt for refusing to pay alimony (26-9, 46+446; 30-260, 15+117; 39-394, 40+360; 40-4, 41+1076; 42-40, 43+686; 63-443, 65+728; 61-120, 63+169; 69-427, 72+451); for disobeying an injunction (27-250, 4+619, 6+776; 52-283, 53+1157; 71-383, 73+1092; 78-464, 81+323); for persisting in a certain course of examining witnesses contrary to order of court (41-42, 42+598); for refusing to turn over assets in insolvency proceedings (56-397, 57+940); for refusing to obey an order in supplementary proceedings (23-411; 30-487, 16+398); for entering judgment notwithstanding a stay (53-102, 54+940); for refusing to pay over money to a receiver (71-383, 73+1092); for giving information derived by an officer of court as to proceedings pending against parties accused of crime (87-161, 91+297). A party cannot be punished for contempt for failure to perform an act not in his power (8-214, 185; 63-443, 65+728); for failing to plead (1-203, 176); for merely reading an affidavit for change of venue for prejudice of judge (3-274, 188). Insulting language and contemptuous behavior of counsel (110-446, 125+1020). As to abusive criticism of court (104-88, 116+212; 113-96, 129+148). See also, 128-153, 150+383.

9793. Constructive contempts defined—Constructive contempts are those not committed in the immediate

presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

1. Misbehavior in office, or other wilful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service.

2. Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding.

3. Disobedience of any lawful judgment, order, or process of the court.

4. Assuming to be an attorney or other officer of the court, and acting as such without authority.

5. Rescuing any person, or property in the custody of an officer by virtue of an order or process of such court.

6. Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried.

7. Any other unlawful interference with the process or proceedings of a court.

8. Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness.

9. When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court.