

CHAPTER 588

CONTEMPTS

588.01 CONTEMPTS.

Section 518.22 gives the court authority to decree alimony a lien on the husband's property, and violation of any order enjoining the husband from transferring his property is a contempt of court, and compliance with the order may be enforced by contempt proceedings. *Daw v Daw*, 212 M 507, 4 NW(2d) 313.

An order requiring defendant to do a certain act and if he fails to do it to show cause why he should not be charged in contempt is not a final order and is not appealable; but an order adjudging defendant in contempt and fining him \$50 or in case he does not pay the fine imprisoning him for 30 days is an adjudication of criminal contempt and is reviewable only on certiorari. *Paulson v Johnson*, 214 M 202, 7 NW(2d) 388.

Prohibition will not lie to restrain a probate court from entertaining a petition for probate of a purported will by the proponent of another instrument who has already commenced proceedings for its probate in a different county. The county in which proceedings are first commenced has jurisdiction to decide the question of venue, and its decision thereof is reviewable by appeal or certiorari, and in the meantime proceedings in the second county should be stayed. *State ex rel v Probate Court*, 215 M 322, 9 NW(2d) 765.

Contempt, criminal and civil. 5 MLR 459.

Assault upon juror after his discharge. 6 MLR 243.

Refusal of witness to answer questions or giving evasive answers as contempt. 8 MLR 441.

Violations of injunctions under Clayton act; nature of criminal contempt; venue. 8 MLR 539.

Validity of statutes regulating power of courts to punish for contempt. 9 MLR 369.

Contempt; proceedings against prison superintendent for cruel treatment of prisoners. 10 MLR 64.

Perjury constituting contempt. 10 MLR 252.

Injunction, contempt, solicitation and acquiescence of complainant precluding punishment for violation. 13 MLR 268.

Constructive contempt; publication tending to interfere with the administration of justice. 15 MLR 442, 446.

Practice of law by corporation. 16 MLR 196.

Rules governing attorneys in the practice of their profession. 16 MLR 272.

Fines for contempt as indemnity to a party to an action. 16 MLR 797.

Divorce, nonpayment of alimony, enforcement by commitment. 18 MLR 45, 82.

Punishment for contempt where acts are performed under subsequent authority. 19 MLR 243.

Contempt, fraudulent conveyances during stay of execution. 24 MLR 572.

Liberty of expression and contempt of court. 27 MLR 296.

Contempt by publication. 31 MLR 97.

MINNESOTA STATUTES 1947 ANNOTATIONS

1397

CONTEMPTS 588.11

588.02 POWER TO PUNISH; LIMITATION.

Validity of statutes regulating power of courts to punish for contempt. 9 MLR 370.

Constitutionality of statute permitting jury trial in contempt cases. 9 MLR 378.

Rules governing attorneys in the practice of their profession. 16 MLR 270.

Liability of persons for violation of an injunction. 17 MLR 447.

588.03 SUMMARY PUNISHMENT.

Statutory limitations on the right of the courts to punish summarily for contempt. 10 MLR 594.

Liberty of expression and contempt of court. 27 MLR 298.

588.04 ARREST; ORDER TO SHOW CAUSE.

See, Paulson v Johnson, 214 M 202, 7 NW(2d) 388, noted under section 588.01.

588.10 PENALTIES FOR CONTEMPT OF COURT.

Fines for contempt as indemnity to a party to an action. 16 MLR 791.

588.11 INDEMNITY TO INJURED PARTY.

Constructive contempts as defined by statute are those not committed in the presence of the court and of which it has no personal knowledge and may arise from disobedience of any lawful judgment order or process of the court. The violation of an injunction may be punished as contempt of court. Whenever the contempt consists in the omission to perform an act which is yet in the power of the person to perform, he may be imprisoned until he performs it. Johnson v Froelich, 196 M 86, 264 NW 232.

Habeas corpus does not lie to determine whether relator's conviction of contempt for failure to pay alimony was erroneous because of inability to make the payments since the writ of habeas corpus may not be used as a substitute for an appeal. State ex rel v Gibbons, 199 M 445, 271 NW 873.

Fines for contempt as indemnity to a party to an action. 16 MLR 791.