

CHAPTER XXII.

An Act providing for the Transfer of the Records of the late Territorial Courts to the State Courts.

SECTION 1. Transfers Proceedings and Records from the Territorial Supreme Court to the State Supreme Court.

2. Transfers Records and Proceedings from Territorial District Courts to State District Courts.
3. District Courts of the State to hear and determine the same.
4. Clerks of the District Court to demand Records from Territorial Courts, upon the order of the Judges.
5. Unfinished business before the late Supreme Judges to be transferred to District Judges, in the District where originated.
6. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota :

Transfer of cases
on supreme
court of territory
to supreme court
or state

SECTION 1. That all cases and proceedings pending in the late Supreme Court of the Territory, together with the records and files thereof, not transferred by any law of the United States to any Court or tribunal of the United States, and which are not cognizable in the Courts of the United States, shall be and are hereby transferred to the Supreme Court of the State of Minnesota, to be proceeded and finished or decided in the manner provided by law ; and the said Supreme Court of the State shall take cognizance of all such cases, and shall proceed to hear and determine the same, and the mandates and all writs necessary to the exercise of the jurisdiction of the Supreme Court of the State in such cases; and the carrying into effect the judgments, orders and decrees thereon shall be directed to the District Court of the State and county in which said case or cases originated, and said District Courts of the State shall cause the same to be duly executed and obeyed. The said Supreme Court of the State shall also execute the mandates and writs of the Supreme Court of the United States in all cases of actions removed to that Court from said late Supreme Court of the Territory, as fully in all respects as the Supreme Court of the Territory could have executed the same had it not been superseded by the State Court.

Supreme court to
execute mandates
of U S supreme
court

Transfer from dis-
trict courts of ter-
ritory to those of
the state

SEC. 2. That all and singular the records and files in the cases and proceedings pending in the several District Courts of the Territory of Minnesota, except such as are exclusively cognizable in the Circuit or District Courts of the United States, and all and singular the records of the proceedings in the several cases in which judgments or decrees have been ordered in said Courts, shall, from and after the passage of this Act, be transferred to and deposited in the District Courts of the State of Minnesota, in the counties respectively in which said actions or proceedings originated.

SEC. 3. That whenever the records of the proceedings in any action or proceeding now pending and undetermined in any of the District Courts of the Territory shall be transferred to and deposited in the District Courts of the State pursuant to the provisions of this Act, the District Court of the State to which the same has been so transferred, shall thenceforth be deemed to have jurisdiction of such action or proceeding, and shall take cognizance thereof and proceed to hear and determine the same; and from judgments or decrees rendered therein a writ of error may be sued out or an appeal may be taken to the Supreme Court of the State of Minnesota, which shall determine the cause in the same manner as if such judgment or decree had been rendered in the District Court of the State of Minnesota; and the mandates and all writs necessary to the exercise of the appellate jurisdiction of the said Supreme Court in such case shall be directed to the District Court of the State from which the said appeal was taken or to which the said writ of error was directed, and the said District Court shall cause the same to be duly executed and obeyed.

State courts to have jurisdiction of pending and undetermined actions in territorial courts

Appellate jurisdiction

SEC. 4. It shall be the duty of each clerk of the District Court of each county of the State, immediately after the passage of this Act, upon the order of the Judge of his district, to demand of the clerk of the District Court of the Territory of his county, or other person or officer having in his custody or possession, records of the proceedings referred to in the preceding section—the delivery of the said records to be deposited as in and by the preceding section of this Act required; and if such clerk or other person shall refuse to comply with such demand, such refusal shall be deemed a contempt of Court, and the said Judge making such order, is hereby authorized and required to compel the delivery of said records, by attachment or otherwise, according to law.

Records &c in possession of clerks of territorial courts to be given up on the order of district judges—refusal deemed contempt

SEC. 5. That any unfinished business or proceedings now remaining or pending before the late Supreme Court Judges of the Territory of Minnesota, or either of them, as Judge or Judges of the District Court of said Territory or otherwise, under any general law of the United States or of the Territory of Minnesota, or both, or under any other act or granting special powers or imposing special duties or trusts upon said Judge or Judges, be and the same is hereby transferred to the District Judge of the State of the District in which such business or proceedings originated or the subject of the trust is situated, to be proceeded in, finished, decided or executed, in the same manner provided for by the law; and the said District Judge of the State shall have, exercise and possess the same rights, powers and duties which have been possessed or exercised by the said Judges of the said Territory, so far as may be necessary to enable him to determine, execute and finish any such matter, business, trust or proceeding so pending and unexecuted, or undetermined as

Unfinished business before supreme judges imposing special duties to be transferred to judge in district where trust is situated

aforesaid; any law of said Territory to the contrary notwithstanding.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WM. HOLCOMBE,
President of the Senate.

APPROVED—July the twentieth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 20, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER XXIII.

An Act amending an Act entitled a Bill for an Act relating to Public Roads.

- SECTION 1. Proceeding necessary to have road laid out or discontinued. [Amendment to Sec. 4, Chap. 63, of Extra Session Laws.]
2. Manner of determining damages. [Amendments to Sections 9 and 10 of same Act.]
22. [Additional Sections to same Act.] Failure to elect Road Commissioners, County Board may appoint.
23. Provisions of Act inconsistent with amendments repealed.
24. Roads located under former laws, declared valid.
25. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the fourth (4) Section of said Act shall be so amended as to read as follows:

Proceedings to
have road laid out
or discontinued

SEC. 4. (4.) Whenever any twelve or more freeholders residing in any county, shall wish to have a road laid out, altered or discontinued in such county, they may make application in writing to the Road Commissioners of the county in which they reside, for that purpose; and the said commissioners shall proceed to lay out, alter or discontinue such [road,] if, in their opinion, the public good will thereby be promoted; and whenever said road shall be proposed to extend through more counties than one, the said Commissioners shall