

## CHAPTER XII.

*An Act to Amend an Act Entitled "An Act Suspending the Privilege of all Persons Aiding the Rebellion against the United States, of Prosecuting and Defending Actions and Judicial Proceedings in this State."*

**SECTION 1.** Amendment to section 3. Certified copy of order staying proceedings to be filed in the office of the clerk of the Supreme Court.

2. Act, when to take effect.

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

**SECTION 1.** That section 3 of an act entitled "an act to suspend the privilege of all persons aiding the rebellion against the United States, of prosecuting and defending actions and judicial proceedings in this State," and approved February 14th, 1862, be amended by adding thereto the following:

And wherever in any action pending in any of the district courts of this State an appeal has been or shall hereafter be taken to the Supreme Court from an order made in such action, whether such order was made or such appeal taken either before or after judgment in the district court, when proceedings in such action shall be instituted in the district court under the provisions of section 6 or section 7 of this act, and a stay of proceedings on the part of any party because of such party or any person charged with being a resident, citizen or inhabitant of any of the States mentioned in section five of this act, or with aiding and abetting said rebellion, shall have been ordered, a certified copy of such order staying proceedings may be filed in the office of the clerk of the Supreme Court, and thereupon if the order or judgment of the Supreme Court on such appeal shall not have been made and actually entered of record, an order of course shall be entered by said clerk staying all proceedings in the action in the Supreme Court on the part of the party whose proceedings have been stayed in the court below, until the question or issue upon such charge shall be disposed of in the

Certified order staying proceedings to be filed with clerk of Supreme Court

district court, and thereafter no further proceedings shall be had or order or judgment entered in favor of such party in the Supreme Court until the order of the district court upon the determination of such question or issue shall be certified to and filed in said Supreme Court; and when the question or issue made upon such charge is disposed of in the district court whether upon default or the trial of the issue of fact contemplated by this act, a certified copy of the order entered thereon must be filed in the office of the clerk of the Supreme Court, and if the order of the district court shall be against the party whose proceedings were stayed, such party shall be immediately defaulted in the Supreme Court, whether in vacation or in term, and his default entered by the clerk, and thereupon such further proceedings may be had as in other cases of default, and if such party shall be appellant, the appeal must be immediately dismissed; but if the final order of the district court be in favor of such party the order of the Supreme Court staying proceedings must be vacated. And in any case where an action has been removed to the Supreme Court by an appeal from a judgment or by writ of error, a party may, at his election, institute in the district court the proceedings contemplated by this act, and in such case may proceed in the manner herein provided in cases of an appeal from an order; and upon filing in the Supreme Court certified copies of the orders of the district court, respectively, the same order staying proceedings, defaulting a party or staying proceeding on any judgment or execution, shall be entered of course by the clerk as if the proceedings contemplated by this act had been originally commenced in the Supreme Court and the finding upon the issue of fact certified back from the district court.

When appeal  
may be dismissed

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1862.