

CHAPTER XVIII.

An Act Amending Chapter Seventy-three (73) of the Compiled Statutes Relating to the Writ of Mandamus.

- SECTION 1. Repeal of former acts.
 2. Amendment to section 16.
 3. Amendment to section 19. District courts to have original jurisdiction in all cases of mandamus—duties of Judge of Supreme Court.

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

SECTION 1. That sections twelve, thirteen and fourteen of chapter 73 of the compiled statutes be and the same are hereby repealed. Repeal of former acts

SEC. 2. That section sixteen of said chapter 73 be amended by striking out of the eighth line the word "Territorial," and inserting the word "State" instead. Word "State," in place of "Territorial"

SEC. 3. That section seventeen of said chapter 73 be amended so as to read as follows:

Sec. 17. The several district courts of this State shall have original jurisdiction in all cases of mandamus, except in cases where such writ is to be directed to one of said district courts or a judge thereof in his official capacity, in which case the supreme court shall have original jurisdiction, and in such case the supreme court or a judge thereof shall first make a rule, returnable in term, that such district court, or judge thereof, show cause before the court why a peremptory writ of mandamus should not issue, and upon the return day of such rule such district court, or judge thereof, may show cause against the rule by affidavit or record evidence, and upon the hearing thereof the supreme court shall award a peremptory writ or dismiss the proceeding. In case of emergency a judge of the supreme court at the time of making the rule to show cause, may also appoint a special term of the court for that purpose, and at which the rule shall be made returnable. The provisions in the foregoing sections of this statute allowing an answer and trial by jury shall only apply to proceedings in the district courts. To have original jurisdiction in all cases of mandamus

Approved March 5th, 1862.