

SEC. 4. Section twelve of said chapter fifty-three is hereby amended so as to read as follows :

Section 12. A summons and copy of the complaint must be served upon the defendant personally, and when it shall appear to the satisfaction of the court, by the affidavit of the person making such service with the certificate of the clerk of the court of the county to the identity of the officer taking the affidavit, it shall be deemed good and valid service, whether made in or out of this State, but when in the discretion of the court the summons and complaint cannot for any cause consistently be served on the defendant personally, then the court may order service of the summons by publication as in other actions, requiring in either case that the defendant shall answer the complaint within thirty days after service of the summons.

Complaint and service—how served on defendant.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

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

Approved March 3, 1865.

CHAPTER XLVII.

An Act to amend an Act relating to divorces.

March 2, 1865.

- ARTICLES
1. Power of District Court in actions for divorce.
 2. When wife not a resident may bring an action against husband.
 3. Repeal of inconsistent acts.
 4. When act to take effect.

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

SECTION 1. That an act entitled " An act regula-

ting divorces," approved February seventh, eighteen hundred and sixty-three, be amended so as to read as follows :

Power of District Court in actions for divorce.

Section 1. That the several district courts of the State of Minnesota be and they are hereby invested with the same powers and authority in actions for divorce from bed and board, as they now by law possess in actions for divorce from the bonds of matrimony, and that said courts, and the respective judges thereof, be and they are hereby authorized and empowered to make and grant such orders, decrees and judgments respecting property and the support and maintenance of and allowance to the wife and children, or either, in actions for a divorce from bed and board, as the said courts are now authorized and empowered to make and grant in actions for a divorce from the bonds of matrimony.

When wife not a resident may bring an action against husband.

Sec. 2. That when the husband has resided in this State one year or more, having left his wife in another State, it shall be competent for the wife, without regard to residence, to bring an action in any district court of this State, of any district where said husband has so resided, to show cause for and to obtain a legal separation, either from bed and board or from the bonds of matrimony, and such action shall be determined on its merits as provided by the laws of this State relating to divorces.

Repeal of inconsistent acts.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1865.