

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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Third. When the marriage shall have taken place out of this state, and the parties have become and remain inhabitants of this state at least one year, and the wife shall be an actual resident at the time of exhibiting her complaint. (1876, c. 118, § 1.)

*§ 31. For what causes. Such separation may be decreed for the following causes:

First. The cruel and inhuman treatment, by the husband, of his wife.

Second. Such conduct on the part of the husband towards his wife as may render it unsafe and improper for her to cohabit with him.

Third. The abandonment of the wife by the husband, and his refusal or neglect to provide for her. (*Id.* § 2.)

*§ 32. Requisites of complaint. The bill of the complainant in every such case shall specify particularly the nature and circumstances of the complaint on which she relies, and shall set forth times and places with reasonable certainty. (*Id.* § 3.)

*§ 33. Defences. The defendant in any such suit may be permitted to prove, in his justification, the ill-conduct of the complainant, and, on establishing such defence to the satisfaction of the court, the bill shall be dismissed. (*Id.* § 4.)

*§ 34. Proceedings under this act—alimony, etc. Proceedings under this act shall be commenced and conducted in the same manner as is now prescribed by law in actions for a divorce from the bond of marriage; and the court in which the application is made, may, upon motion, award such sum for counsel fees, and temporary alimony during the pending of the action, as the circumstances and the situation of the parties appear to warrant. (*Id.* § 5.)

*§ 35. Decree as to alimony and wife's property. Upon decreeing a separation in any such suit, the court may make such further decree as the nature and circumstances of the case may require, and may make such order and decree for the suitable support and maintenance of the wife and her children, or any of them, by the husband, or out of his property, as may appear just and proper; and may, by such decree, give the wife absolute control of her separate property, with power of alienation. (*Id.* § 6, as amended 1877, c. 70, § 1.)

*§ 36. Same—when separation is not granted. Although a decree for separation from bed and board be not made, the court may make such order or decree for the support and maintenance of the wife and her children, or any of them, by the husband, or out of his property, as the nature of the case renders suitable and proper. (*Id.* § 7.)

*§ 37. Revocation of decrees. When a decree for a separation forever, or for a limited period, shall have been pronounced, it may be revoked at any time thereafter by the same court by which it was pronounced, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation. (*Id.* § 8.)

CHAPTER LXIII

SUPREME COURT.

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	9. Special term—notice of holding.
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§ 1. **General powers.** The supreme court has power to issue writs of error, certiorari, mandamus, prohibition, quo warranto, and also all other writs and processes, not especially provided for by law, to all courts of inferior jurisdiction, to corporations and to individuals, that are necessary to the furtherance of justice and the execution of the laws; and shall be always open for the issuance and return of all such writs and processes, and for the hearing and determination of the same, and all matters therein involved, subject to such regulations and conditions as the court may prescribe. Any judge of said court may order the issuance of any such writ or process, and prescribe as to the service and return of the same. (*As amended 1876, c. 58, § 1.*)

1 M. 268 (365); 4 M. 273 (364); 10 M. 295 (369); 13 M. 508; 14 M. 248.

§ 2. **Power to enforce its judgments—rules—publication.** Said court is vested with full power and authority necessary for carrying into complete execution all its judgments, decrees and determinations, in the matters aforesaid, and for the exercise of its jurisdiction as the supreme judicial tribunal of the state; and shall, by order made at general or special term, from time to time make and prescribe such general rules and regulations for the conduct and hearing of causes in said court, not inconsistent with the statute law of the state, as it may deem proper; and the said court shall, by order, prescribe the manner of publication, at the expense of the state, of such rules and regulations; and the same shall not be in force until thirty days after the publication thereof.

§ 3. **Decisions to be in writing—entry of judgments.** The said court shall, in all cases, decided by it, give its decision in writing, which shall be filed with the clerk of said court, with the other papers in the case. Decisions in cases heard at a general term may be filed in vacation, and judgment entered thereon in pursuance of the finding and order of the court, with the same effect as upon decisions made and filed in term. *§ 14. See 1861 Sup't, p. 5

§ 4. **Syllabus of each decision to be filed and published.** Said court, at the time of announcing the decision, in every action pending in said court, shall file with the clerk thereof a syllabus of the decision in such action, so prepared as to embody, as briefly as practicable, the principles settled in and by such decision; and said clerk, immediately thereafter, shall make, and furnish to the publishers of each of the daily papers in the city of St. Paul who consent to publish the same without charge, a copy of each syllabus so filed, accompanied with the title of the action.

§ 5. **Power of each judge in vacation.** Any one of the judges of the supreme court has power, in vacation, to issue any of the writs or processes which the said court is allowed by law to issue.

§ 6. **General terms.** There shall be two general terms of the supreme court held at the seat of government of the state, one on the first Tuesday in April, and one on the first Tuesday in October. (*As amended 1872, c. 43, § 1.*)

§ 7. **Absence of two judges—adjournment.** If any two judges of said court shall not attend on the first or any other day of the term, the clerk shall enter such fact on record, and the judge present shall adjourn the court to the next day, and so on from day to day for six days, if neither of the absent judges appear; at the end of which period said court shall be adjourned, and all matters pending therein shall stand continued until the next regular or special term.

§ 8. **Absence of all the judges, adjournment.** If neither of the judges appear, the clerk of said court may adjourn from day to day, as provided in the preceding section.

§ 9. **Special terms—notice of holding.** Whenever, from any cause, it appears to the judges of said court, or any two of them, that the public interests require that a special term of the said court be held, the said judges, or any two of them, have authority to appoint a special term, giving twenty days' previous notice thereof, by advertisement published in a newspaper at the seat of government of the state.

§ 10. **Failure or continuance of term—causes to stand over.** Whenever there is no general term of said court at the time fixed therefor by law, for any cause, or when-

ever there is a continuance of the term of said court, or a change in the time of holding any term by act of the legislature, all causes then upon the calendar of said court, all writs, recognizances, appeals and proceedings, commenced, taken, or made returnable to said court at said term, shall stand over to, and be heard at, the next general or special term, with like effect as if no such failure, continuance or change had occurred.

CHAPTER LXIV.

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TITLE 1.

POWERS AND JURISDICTION.

§ 1. Original and appellate jurisdiction of district courts. The district courts of this state have original jurisdiction in all civil actions within their respective districts, when the sum in controversy exceeds one hundred dollars; and in all civil actions of which a justice of the peace has not jurisdiction, whatever the amount in controversy; and the said courts, respectively, have original jurisdiction to hear and determine all cases of crimes and misdemeanors committed in any county or place within their respective districts, when the punishment exceeds three months' imprisonment, or a fine of more than one hundred dol-

*NOTE. To this chapter are appended the statutes relating to the municipal courts of St. Paul, Minneapolis and Stillwater, passed since 1866.