

CHANGES

-IN THE-

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

CHAPTER LXIV.

DISTRICT COURTS.

JUDICIAL TERM.

*§ 58. **In third district.** In the county of Winona, on the second Monday of March and the second Monday in October, of each year. (*As amended* 1879, c. 60, § 1.)

In the county of Wabasha, on the third Monday of May and the second Monday of November in each year. (*Id.*)

In the county of Olmsted, on the first Monday of June and the first Monday of December in each year. (1876, c. 63, § 1, *as amended* 1879, c. 60, § 1.)

See page 641, *§ 58, 2d, 3d, and 4th paragraphs.

§ 59. **In fourth district.** That general terms of the district court in the fourth judicial district shall be held each year as follows:

In the county of Anoka, on the first Monday in February and the second Monday in September. (*As amended* 1881, c. 66, § 1.)

In the county of Hennepin, on the third Tuesday in February, the second Tuesday in May, and the third Tuesday in October. (*Id.*)

In the county of Isanti, on the fourth Monday in September. (*Id.*)

In the county of Wright, on the first Monday in April and the first Monday in October. (*Id.*)

See page 641.

§ 61. **In sixth district.**

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In the county of Murray, on the first Tuesday in October. (1881, c. 65, § 1.)

In the county of Pipestone, on the third Tuesday in October. (1881, c. 86, § 2.)

In the county of Rock, on the first Tuesday of May. (1881, c. 69, § 2.)

In the county of Cottonwood, on the first Tuesday after the fourth day of July. (1873, c. 85, § 2, *as amended* 1875, c. 75, § 1, and 1879, c. 58, § 1.)

See page 641.

*§ 63. **In eighth district.** In the county of Sibley, on the first Monday of March and the second Monday of September in each year. (*As amended* 1881, c. 83, § 1.)

In the county of Carver, on the first Monday of April and the second Monday of October in each year. (*Id.*)

In the county of McLeod, on the second Monday of May and the second Monday of November of each year. (*Id.*)

In the county of Le Sueur, on the fourth Monday of May and the fourth Monday of November of each year. (*Id.*)

In the county of Scott, on the second Monday of June and on the second Monday of December of each year. (*Id.*)

See page 642.

§ 64. **In ninth district.** In the county of Brown, on the third Tuesday in May and the third Tuesday in November. (1881, c. 87, § 1.)

In the county of Lincoln, on the second Tuesday of June in each year. (*Id.*)

In the county of Lyon, on the third Tuesday of June and the second Tuesday in December. (*Id.*)

In the county of Nicollet, on the first Tuesday of May and the second Tuesday in November. (*Id.*)

In the county of Redwood, on the first Tuesday of June and the first Tuesday in December. (*Id.*)

In the county of Renville, on the fourth Tuesday of May and the first Tuesday in December. (*As amended* 1881, c. 87, § 1, and c. 89, § 1.)

See page 643.

*§ 61, 64. See 1883 Sup't, pp. 74, 75.

MINNESOTA STATUTES 1881 SUPPLEMENT

In the county of Freeborn, on the second Tuesday in January, the third Tuesday in May. (*As amended* 1879, c. 59, § 1; 1881, c. 98, § 1.)
 See page 642, *§ 65, 2d paragraph.

*§ 66. **In Eleventh District.** In the county of Becker, on the first Monday of June and fourth Monday of November in each year. (1881, c. 82, § 1.)

In the county of Carleton, on the first Monday of October in each year. (*Id.*)

In the county of Clay, on the first Monday of April and second Monday of November in each year. (*Id.*)

In the county of Crow Wing, on the second Monday of March and second Monday of September in each year; but no grand jury shall be summoned for any March term in said Crow Wing county unless the judge of the eleventh judicial district shall make and file with the clerk of the court for Crow Wing county, at least fifteen days before such term, an order directing the summoning of such grand jury. (*Id.*)

In the county of Kittson, on the third Monday of June in each year. (*As amended* 1881, c. 90, § 2.)

In the county of Marshall, on the last Monday but one of May in each year. (1881, c. 82, § 1.)

In the county of Norman, when established and organized, on the fourth Monday of March in each year. (*Id.*)

In the county of Polk, on the third Monday of June and second Monday of December in each year. (*Id.*)

In the county of St. Louis, on the third Monday of April and third Monday of October in each year. (*Id.*)

In the county of Wadena, on the first Monday of March in each year. (*Id.*)

See page 642.

*§ 67. **In twelfth district.** The general terms of the district court shall hereafter be held in the several counties composing the twelfth judicial district as follows:

In the county of Big Stone, on the second Tuesday of June in each year. (1881, c. 88, § 1.)

In the county of Chippewa, on the second Tuesday of May and on the fourth Tuesday of October in each year. (*Id.*)

In the county of Kandiyohi, on the first Tuesday of March and on the third Tuesday of September in each year. (*Id.*)

In the county of Lac qui Parle, on the first Tuesday of June in each year. (*Id.*)

In the county of Meeker, on the third Tuesday of February and on the first Tuesday of September in each year. (*Id.*)

In the county of Stevens, on the third Tuesday of May and on the third Tuesday of November in each year. (*Id.*)

In the county of Swift, on the third Tuesday of March and on the first Tuesday of October in each year. (*Id.*)

In the county of Wilkin, on the fourth Tuesday of May in each year. (*Id.*)

And in the county of Yellow Medicine, on the first Tuesday of May and on the third Tuesday of October in each year. (*Id.*)

COUNTIES ATTACHED TO OTHERS FOR JUDICIAL PURPOSES.

§ 69. (SEC. 33.)

County of Wadena is detached from the county of Crow Wing, and declared organized for judicial purposes. (1881, c. 131, § 1.)

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County of Kittson detached from the county of Polk, and declared organized for judicial purposes. (1881, c. 90, § 1.)

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The county of Grant is detached from the county of Douglas and attached to Stevens county, in the twelfth district, (1881, c. 84, § 1.) *subject to vote of people of Grant county at next general election.*

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*§ 66, 67, § 69. See 1883 Sup't, p. 75.

MINNESOTA STATUTES 1881 SUPPLEMENT

County of Pipestone detached from the county of Rock, and declared organized for judicial purposes. (1881, c. 86, § 1.)

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County of Lincoln detached from the county of Lyon, and declared organized for judicial purposes. (1881, c. 85, § 1.)

County of Murray detached from the county of Cottonwood, and declared organized for judicial purposes. (1879, c. 57, § 1.)

County of Marshall detached from the county of Polk. (1881, c. 82, § 1.)

MUNICIPAL COURT OF ST. PAUL.

*§ 82. **Clerk—seal—jurisdiction.** Said court shall have a clerk and a seal, and shall have, in addition to the jurisdiction and powers now conferred by said act upon the city justice of said city, cognizance of, and jurisdiction to hear, try, and determine, civil actions or proceedings, where the amount in controversy does not exceed two hundred dollars, or where, in case the action is for the recovery of personal property, the value of such property does not exceed two hundred dollars: *provided, however, that such cognizance and jurisdiction shall only extend to actions of the same nature and character, save as to amount, now or hereafter cognizable before a justice of the peace: and provided, further, that where a counter claim in excess of two hundred dollars over plaintiff's claim, or where any equitable defence, or ground for equitable relief, of a nature not cognizable before a justice of the peace, is interposed, or where it appears that the title to real estate is involved, the said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the cause, and certify and return to the court of common pleas of [the] said county, a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit, in the same manner, and within the same time, as upon an appeal from justice court; and thereupon the said court of common pleas shall proceed in the cause to final judgment and execution, or transfer the same to the district court of said county, according to law, the same as if the said suit had been originally commenced in said court of common pleas, and the costs shall abide the event of the suit, except that the plaintiff shall advance the costs of the said municipal court in the suit.* (*Sp. Laws 1875, c. 2, § 3, as amended by Sp. Laws 1876, c. 211, § 1, and Sp. Laws 1881, c. —, § 1.*)

*§ 82a. **Jurisdiction in forcible entry and detainer actions.** The municipal court of the city of St. Paul shall have full jurisdiction and power to hear and determine all questions that may arise in actions before it, brought under chapter eighty-four (84) of the General Statutes, relating to forcible entries and unlawful detainers of lands and tenements, whether involving the title to real estate or otherwise, subject, however, to the right of either party to appeal to the supreme court of the state, as provided for appeals to the supreme court in said act establishing said municipal court, and acts amendatory thereof. (*Sp. Laws 1881, c. —, § 1.*)

See page 647.

Note to *§ 83:

(Election of judge in fall of 1880 legalized, and time fixed for electing judge and special judges in the future. See *Sp. Laws 1881, c. —.*)

§ 107. **Appeals from justices of peace.** All appeals from judgments of justices of the peace in the city of St. Paul shall be taken to the municipal court of the said city, and said municipal court shall have the same power in such cases now possessed by the district court, and all laws applicable to appeals to the district court are hereby made applicable to appeals to said municipal court. (*Sp. Laws 1881, c. —, § 1.*)

See page 656.

MUNICIPAL COURT OF MINNEAPOLIS.

*§ 111. **Qualification of judge—special judge.** The judge of the municipal court shall be a resident of the city of Minneapolis, a person learned in the law, and duly admitted to practice as an attorney in the courts of this state. Before entering

upon the duties of his office he shall take and subscribe an oath, as prescribed in the General Statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city. He shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments in all cases, and, as a conservator of the peace, shall have all power and authority which is or may be by law vested in justices of the peace, or any other judicial officer. There shall be one special judge of said municipal court, whose manner of election, term of office, powers and duties, and qualifications, shall be the same as those of the municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies filled in like manner. In case of a press of business in said court, at the request of the municipal judge, or in case of the absence or sickness of the municipal judge, at the request of the mayor or acting mayor of said city, the said special judge shall act as judge of said court, and when the special judge so acts at the request of the municipal judge, each may have and exercise the powers of said court. The said special judge shall not act as judge of said court, except as above provided; and when such special judge shall act as judge of said court at the request of the mayor or acting mayor of said city, as above provided for, he shall receive compensation therefor from said city, at the rate of eight dollars per day; but he shall not be entitled to compensation from said city when acting at the request of the municipal judge, unless the city council shall so direct previous to the performance of such services. This section shall not incapacitate such special judge from acting as attorney in any case in said court; but when he is acting as judge of said court he shall take no action in such case, save as to adjourn the same. (*Sp. Laws 1874, c. 141, § 3, as amended by Sp. Laws 1877, c. 178, § 1; Sp. Laws 1878, c. 65, § 2; and Sp. Laws 1879, c. 87, § 1.*)

See page 657.

MUNICIPAL COURT OF STILLWATER.

*§ 136. Service of process outside of the county of Washington prohibited, and Jurisdiction of court outside of Washington county abolished. (*Sp. Laws 1879, c. 341.*)

See page 666.

*§ 148. Salary of judge fixed at one thousand dollars per annum, and clerk at five hundred dollars per annum. (*Sp. Laws 1879, c. 71.*)

CHAPTER LXV.

COURTS OF JUSTICE OF PEACE.

STAY OF EXECUTION.

Provided, that the interest to be allowed shall be at the rate of seven per cent. per annum on the amount of the judgment, including the costs. (1871, c. 68, § 1, as amended 1879, c. 24, § 1.)

Amendment to second proviso of *§ 84, p. 688.

On page 688, in 12th line of *§ 86, for *twelve per cent.* read *seven per cent.* (1871, c. 68, § 3, as amended 1879, c. 24, § 1.)

CHAPTER LXVI.

CIVIL ACTIONS.

THE PLACE OF TRIAL OF CIVIL ACTIONS.

*§ 49a. Changing place of trial—notice and affidavit. In any civil action now pending or that may be hereafter commenced in any court of this state against one or more defendants residing in a county, or counties, other than that wherein such action