

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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TITLE 1.

POWERS AND JURISDICTION.

(1) GENERAL PROVISIONS.

§ 4833. 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 dollars, and appellate jurisdiction in civil and criminal cases from courts of probate and justices of the peace, as prescribed by law.

(G. S. 1866, c. 64, § 1; G. S. 1878, c. 64, § 1.)

The district court is a court of general jurisdiction, without regard to the amount in controversy, unless where the constitution directs actions to be brought elsewhere. *Agin v. Heyward*, 6 Minn. 110, (Gil. 53;) followed, *Cressey v. Gierman*, 7 Minn. 407, (Gil. 316;); *Thayer v. Cole*, 10 Minn. 215, (Gil. 173.)

Justices of the peace have (with the exceptions stated in the statute) exclusive original jurisdiction of all matters where the amount in controversy does not exceed \$100. The district courts have original jurisdiction only where justices have not. *Castner v. Chandler*, 2 Minn. 86, (Gil. 68.)

Where, in the case of an express trust to sell property and pay debts, the debts were \$3,500, and the property sufficient to pay them, a creditor, whose claim is less than \$100, may bring the action in behalf of himself and the others, in the district court. *Goncelier v. Foret*, 4 Minn. 13, (Gil. 1.)

A provision in a city charter that no appeal shall be allowed from the judgment of the city justice in cases of assault, where the judgment or fine imposed, exclusive of costs, is less than \$25, prevails over the general statute allowing appeals in all cases of convictions before justices of the peace. *Tierney v. Dodge*, 9 Minn. 166, (Gil. 153.)

§ 4834. Original jurisdiction in equity.

The district courts have original jurisdiction in equity; and all suits or proceedings instituted for equitable relief are to be commenced, prosecuted,

and conducted to a final decision and judgment, by the like process, pleadings, trial and proceedings as in civil actions, and shall be called civil actions.

(G. S. 1866, c. 64, § 2; G. S. 1878, c. 64, § 2.)

Any equities in favor of a defendant in an action at law, upon which a court of equity before the blending of the two jurisdictions would have prevented a recovery at law, may now be set up in defense, and such relief may be given in the action as either or both courts could have given on the same facts and equities. *Gates v. Smith*, 2 Minn. 31, (Gil. 21.)

§ 4835. Concurrent territorial jurisdiction with courts of Wisconsin.

That all courts and officers now having and exercising jurisdiction in any county or counties which are now formed, or which may hereafter be formed in any part of this state bordering eastward upon the Mississippi, St. Croix or St. Louis rivers, shall have and exercise jurisdiction in all civil and criminal cases upon such rivers concurrently with the courts and officers of the state of Wisconsin, so far and to such extent as the said rivers, or either of them, shall form a common boundary between this state and the state of Wisconsin.

(1889, c. 70, § 1.)

§ 4836. Same—Over what area.

The concurrent territorial jurisdiction of every such county, and of all courts and officers exercising jurisdiction throughout the same, shall extend over such river area as would be included within the northerly and southerly boundary line of such county if the same were produced and extended easterly across the said river or rivers to the Wisconsin shore.

(Id. § 2.)

§ 4837. Power to issue writs.

The said courts in term-time, and the said judges thereof in vacation, have power to award throughout the state, returnable to the proper county, writs of injunction, *ne exeat*, *certiorari*, and all other writs or processes necessary to the perfect exercise of the powers with which they are vested, and the due administration of justice.

(G. S. 1866, c. 64, § 3; G. S. 1878, c. 64, § 3; as amended 1881, Ex. S. c. 8.)

An injunction ought not to be granted except to prevent irreparable injury, and such injury must be real and substantial, not merely nominal. *Goodrich v. Moore*, 2 Minn. 61, (Gil. 49.)

§ 4838. Disqualification of judge from interest, etc.

No judge of any of the courts of record of this state shall sit in any cause in which he is interested, either directly or indirectly, or in which he would be excluded from sitting as a juror: provided, however, that such interest shall not disqualify such judge from ordering a change of venue in any such cause; but it shall be the duty of such judge, on the application of any party desiring a change of venue in such action, to order the same, upon a proper showing of such interest on the part of the judge, as in other cases of change of venue.

(G. S. 1866, c. 64, § 4, as amended 1874, c. 72, § 1; G. S. 1878, c. 64, § 4.)

The only cause of disqualification reached by this section is a pecuniary interest in the event of the action to be tried. Gen. St. c. 116, § 19, as amended by Laws 1878, c. 24, § 1 (Gen. St. 1878, c. 116, § 19; § 7369, post), has no application to district judges. *Sjoberg v. Nordin*, 20 Minn. 501, 5 N. W. Rep. 677.

The judge of a court of record is not disqualified, by this section, from sitting in a cause by reason of his relationship, by consanguinity, to the guardian ad litem of an infant defendant. *Bryant v. Livermore*, 20 Minn. 313, (Gil. 271.)

A search-warrant issued by a justice of the peace, commanding search to be made for certain property of such justice, alleged to have been stolen, is void, and the fact that the property to be searched for is the property of the justice appearing upon the face of the warrant, the warrant furnishes no protection to the constable who executes the same. *Jordan v. Henry*, 22 Minn. 245.

¹An act giving certain courts of the state concurrent jurisdiction over the waters of the Mississippi, St. Croix and St. Louis rivers. . Approved February 19, 1889.

§ 4839. Judge of one district to act in any district when requested by the governor.

Whenever a judge of any district court is interested as counsel or otherwise in the event of any suit or matter pending before said court in any county of his district, or whenever the judge or judges of any district court of this state, either on account of sickness or on account of the accumulation of business in any district court in any county of this state, are unable to transact said business and to hear and determine the causes and suits pending therein without unreasonable delay, the governor of the state shall have power, and it is hereby made his duty, to assign one or more judges of the district court of some other district, whose duties as such judge do not require him to appropriate all of his time to the discharge of his duties in the district where he resides and in which he has been elected as judge, to do duty in the district where, on account of sickness or the accumulation of business, the judge or judges are unable to transact the business of the court or to hear and determine the causes and suits pending therein without unreasonable delay; and the judge of any district so requested by the governor to discharge the duties of the judge or judges of any other district, shall proceed, at the time designated, to hold the court and discharge the duties of the judge of any other district at the place and for the time and in the manner specified in the request of the governor; and whenever a district judge is a party, or otherwise interested, in any cause, any other district judge in this state shall have jurisdiction and it shall be his duty to transact such business, hear and determine all motions, grant orders and enter judgments in all such cases brought before him, either in the district where such action originated or in any other district, when such cases are brought before him by consent of all parties to the action; and the acts and judgments of such judge and courts, so done and rendered, shall have the same force and effect as if done by a judge of the district court in which such actions are pending and in the district where they are pending.

(G. S. 1866, c. 64, § 5; G. S. 1878, c. 64, § 5; as amended 1891, c. 77, § 1.)

Where the judge of a district in which an action is pending is disqualified to act, a motion in such action may be made before the judge of an adjoining district, regardless of the distance of the residence of the judge of the district in which such action is pending. The provisions of this section are in this regard unaffected by § 4, c. 67, Laws 1867. Commissioners Mower Co. v. Smith, 22 Minn. 97.

The judge of a district court in one district may approve a bond, required to be filed by an assignee for the benefit of creditors, which is to be filed in a county in another district. *Ingram v. Conway*, 36 Minn. 129, 30 N. W. Rep. 447. Where the bond shows that the obligors and judge reside in the same place, it is a sufficient showing that convenience requires his acting. *Id.*

If the judges in the district where an injunction has been disobeyed are disqualified, proceedings to punish for such contempt may be had in an adjoining district. *State v. District Court First Judicial District*, 52 Minn. 283, 53 N. W. Rep. 1157.

See *Sjoberg v. Nordin*, 26 Minn. 503, 5 N. W. Rep. 677.

§ 4840. Judge not to practise law—To reside in his district.

No judge of any of the courts of record in this state, judges of probate courts excepted, shall practise as an attorney or counsellor at law, except in a cause in which he is a party in interest; nor shall he receive any fees for any legal or judicial service other than those prescribed by law; nor shall he be the partner of any practising attorney in the business of his profession. Each of the judges of the several district courts shall reside permanently within their respective judicial districts during their term of office.

(G. S. 1866, c. 64, § 6, as amended 1867, c. 87, § 1; G. S. 1878, c. 64, § 6.)

§ 4841. Court not to be opened on Sunday—Exception.

No one of the courts of this state shall be open for any purpose on Sunday, other than to receive a verdict, or discharge a jury; but this section shall not in any wise prevent the judges of any of said courts exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or for arresting and committing an offender.

(G. S. 1866 c. 64, § 7; G. S. 1878, c. 64, § 7.)

§ 4842. Sickness or absence of judge.

In all actions and proceedings now or hereafter pending in any district court of this state, or before any judge thereof, except in trial of causes where the trial has already commenced, where the judge who should be present at any hearing is not so present, by reason of sickness or otherwise, any judge of the same judicial district may act in the place of said judge, who is not so present, with the same jurisdiction, power and effect as if such action or proceeding was conducted and acted upon by said absent judge.

(1889, c. 153, § 1.2)

§ 4843. Inability of judge to hold term.

In case any judge of a district court, from sickness or any other cause, is unable to hold any of his courts, the clerk thereof shall in due time give notice of such fact to the governor, who shall assign to one of the other district judges to hold the courts in such district, until the inability of the judge is removed.

(G. S. 1866, c. 64, § 8; G. S. 1878, c. 64, § 8.)

§ 4844. Nonattendance of judge—Adjournment of term.

In case the judge of any district court does not attend at the place of holding the same, by four o'clock in the afternoon on the first day of the term, the sheriff or clerk shall forthwith open and adjourn the same until nine o'clock in the forenoon of the succeeding day; and if the judge does not then appear, the court shall again be adjourned until nine o'clock of the next day; and if the judge does not then appear, it shall be adjourned without day, and the jury dismissed, by one of said officers: provided, that any term of the said court, general or special, may be adjourned to a time certain, by the clerk or sheriff, upon the direction of the judge, either personally or communicated by letter or telegram, and without the presence of the judge. And in case of the adjournment of the court to a time certain, the juries may be required to appear at such adjournment thereon, without further notice.

(G. S. 1866, c. 64, § 9, as amended 1876, c. 64, § 1; G. S. 1878, c. 64, § 9.)

§ 4845. Omission to hold term—Persons under recognizance, etc.

All persons bound by recognizance, or otherwise, to appear at any court the term whereof is not held, are bound to appear at the next succeeding general or special term; and when the time of holding any court is changed, such persons are bound to appear at the term as so changed.

(G. S. 1866, c. 64, § 10; G. S. 1878, c. 64, § 10.)

§ 4846. Vacancy, etc., in office of judge not to affect proceedings.

No process, proceeding or writ, civil or criminal, before any of the said courts, shall abate or be discontinued by reason of any vacancy in the office, or change of any judge, or of holding said court, but shall be proceeded in as if the said vacancy or change had not occurred.

(G. S. 1866, c. 64, § 11; G. S. 1878, c. 64, § 11.)

§ 4847. Process, how tested.

All writs or processes issuing from or out of any of the said district courts, shall be tested in the name of the presiding judge thereof.

(G. S. 1866, c. 64, § 12; G. S. 1878, c. 64, § 12.)

§ 4848. Process to be sealed—When returnable.

In all cases where, by the statutes of this state, any writ or process is required to be issued out of any of the courts of record, the same shall be sealed with the seal of the court, dated on the day on which it issued, signed by the clerk, and made returnable on the first day of the term suc-

²An act relative to the powers and jurisdiction of judges of the district court. Approved February 4, 1889.

ceeding its date, when no other time is fixed by law, or allowed by the rules or practice of the court, for the return thereof.

(G. S. 1866, c. 64, § 13; G. S. 1878, c. 64, § 13.)

Under this section the seal of the court and the signature of the clerk are essential to the validity of a writ of attachment. *Wheaton v. Thompson*, 20 Minn. 196, (Gil. 175.)

A document purporting to be a warrant of attachment, issued by a court commissioner in 1865, and signed by him, but not signed by the clerk, or sealed with the seal of the court, was void. *O'Farrell v. Heard*, 22 Minn. 189.

The clerk is not required to have a seal. Use of the court seal by the clerk. *State v. Barrett*, 40 Minn. 65, 41 N. W. Rep. 459.

An execution should be dated as of the day when it issued from the clerk's office, and not as of the day of its delivery to the sheriff. *Mollison v. Eaton*, 16 Minn. 426, (Gil. 353.)

§ 4849. Process to be indorsed with name of attorney.

All writs or processes issuing from or out of said courts shall, before the delivery thereof to the officer whose duty it is to serve the same, be indorsed by the clerk with the name of the attorney or other person demanding the process.

(G. S. 1866, c. 64, § 14; G. S. 1878, c. 64, § 14.)

§ 4850. Adjournments during term—Adjourned and special terms.

The judge of any district court may adjourn the same from time to time during any term thereof, hold adjourned terms of said court at any time he may deem proper, or appoint special terms in any county of his district, for the trial of civil and criminal cases and issues of law, giving twenty days' previous notice thereof, by advertisement, published four successive weeks in a newspaper printed in the said county, if there is one, if not, in a paper published at the capital, and also by posting a notice thereof on the door of the place for holding the court, in the county in which said term is to be held; and may direct grand and petit jurors to be drawn and summoned for any adjourned or special term, in the manner prescribed by law. Special terms may also be appointed by said judge for the hearing of issues of law, applications, motions, and all matters except the trial of issues of fact, by causing an order appointing said term to be made on the court journal of the county, and a copy thereof to be posted in the office of the clerk of the county for three successive weeks prior to the time of holding the same.

(G. S. 1866, c. 64, § 15; G. S. 1878, c. 64, § 15.)

See § 5302, and note.

§ 4851. Temporary place of holding court.

Whenever the court-house or place of holding court in any county is destroyed, unsafe, unfit or inconvenient for the holding of any court; or if no court-house is provided, the judge of the district may appoint some convenient building, in the vicinity of the place where the court is required to be held, as a temporary place for the holding thereof.

(G. S. 1866, c. 64, § 16; G. S. 1878, c. 64, § 16.)

§ 4852. Special venires for jurors.

Whenever, at any term of any district court, there is a deficiency of jurors, the court may order a special venire to issue to the sheriff of the county, commanding him to summon, from the county at large, a number therein named of competent persons, to serve as jurors for the term, or for any specified number of days. If, at any term of such court, there is an entire absence of jurors of the regular panel, whether from an omission to draw or to summon such jurors, or because of a challenge to the panel, or from any other cause, the court may in like manner order a special venire to issue to the sheriff of the county, commanding him to summon, from the county at large, a number therein named of competent persons, to serve as jurors during the term.

(G. S. 1866, c. 64, § 17; G. S. 1878, c. 64, § 17.)

Under § 32, p. 289, Rev. St., a special venire may be issued, although the whole of the original panel has been discharged. *Steele v. Maloney*, 1 Minn. 347, (Gil. 257.)

All the petit jurors of a regular panel were discharged from further attendance.

Held, that there was an entire absence of jurors of the regular panel, and the issuance of a special *venire*, under this section, was proper. *State v. McCarty*, 17 Minn. 76, (Gil. 54.)

Where a challenge to the regular panel of jurors is allowed, it is proper to draw a jury to try the cause from the names of jurors who have been summoned by special *venire*. *Dayton v. Warren*, 10 Minn. 233, (Gil. 185.)

A special *venire*, under this section, need not state the names of the jurors to be summoned. *State v. Stokely*, 16 Minn. 282, (Gil. 249.)

See *State v. Froiseth*, 16 Minn. 316, (Gil. 280.)

Where a challenge to the grand jury for defects in its organization is sustained, the court may cause a grand jury to be summoned by a special *venire*. *State v. Grimes*, 50 Minn. 123, 52 N. W. Rep. 275.

(2) FIRST JUDICIAL DISTRICT.

§ 4853. Judges—Application of laws.

There shall be elected in the First judicial district two judges of the district court of such district, either one of whom shall have and exercise the powers of the court, as now prescribed by law, relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oaths and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judge of said district court, shall apply to each of the judges of said court, and their successors shall be elected and vacancies in their offices filled as now provided in relation to the said judge of said court: *provided, however*, that the present judge of said court shall be the judge of said court for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified.

(1881, Ex. S. c. 85, § 1; G. S. 1878, v. 2, c. 64, § 17a.)

§ 4854. Joint session—Process.

The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age, shall preside; if there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges.

(1881, Ex. S. c. 85, § 2; G. S. 1878, v. 2, c. 64, § 17b.)

§ 4855. Division of business—Separate action.

The business of said court may be divided between said judges, and otherwise regulated as they may direct, by rule or otherwise, and each of the said judges may separately try court or jury cases, during the same term and at the same time.

(1881, Ex. S. c. 85, § 3; G. S. 1878, v. 2, c. 64, § 17c.)

(3) SECOND JUDICIAL DISTRICT.

§ 4856. Judges⁴—Application of laws.

There shall be elected in the Second judicial district of this state four judges of the district court of such district, any one or more of whom shall have and exercise the powers of the court, as now prescribed by law, relative to the

³ An act to create an additional judge for the First judicial district of the state of Minnesota. Approved November 19, 1881. § 4 provided for the appointment by the governor of an additional judge, to hold until his successor should be elected and qualified.

⁴ Chapter 376, Sp. Laws 1887, provides as follows:

“§ 1. That there shall be paid annually, by the county of Ramsey, out of the county funds of said county, to each of the judges of the district court of said county, the sum of \$1,500, payable quarterly, beginning April 1, 1887.

“§ 2. Chapter 189 of the Special Laws of this state, for the year 1872, is hereby repealed, such repeal to take effect April 1, 1887.”

present judges of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges, or of any of the same, of said district court, shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices filled, as now provided in relation to the judges of said court: *provided, however*, that each of the present judges of said court shall be one of the judges thereof for the unexpired term for which he, respectively, was elected and qualified, and until his successor is elected and qualified.

(1887, c. 104, § 1;⁵ G. S. 1878, v. 2, c. 64, § 20a.)

See § 4859.

§ 4857. Joint session—Testing process.

The said judges, or any number of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age, shall preside, and the decision of the majority of the judges so acting shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of any one of said judges of said court.

(1887, c. 104, § 2; G. S. 1878, v. 2, c. 64, § 20b.)

§ 4858. Division of business.

The business of said court may be divided between the said judges, and otherwise regulated, as they may direct, by rule or otherwise, and each of said judges may separately try court or jury cases during the same term or at the same time.

(1887, c. 104, § 3; G. S. 1878, v. 2, c. 64, § 20c.)

§ 4859. Number of judges increased.

There shall be six judges of the district court in and for the second judicial district of this state, and each of such judges shall be elected as prescribed by law, and shall have the same powers, authority and compensation and be subject to the same duties and obligations as are now granted to and imposed upon the existing judges of said district, by the laws and constitution of this state.

(1889, c. 150, § 1.⁶)

§ 2 provided for appointment by the governor of two additional judges, each to hold until his successor should be elected and qualified.

§ 4860. Daily record of jurors and witnesses to be kept.

In addition to the duties now imposed upon each of the judges of the district court of Ramsey county, Minnesota, it is hereby made the duty of each of said judges to record, or cause to be recorded, daily, in the records of the department or division of said court presided over by said judge, on said day, the name of each juror and of each witness, for the payment of the fees of which, for services rendered on said day, the county of Ramsey may be liable; and said county of Ramsey shall not be liable for the payment of any juror fees or witness fees for services in said court, unless said record of said court kept as aforesaid shall contain the name of said juror or witness.

(1891, c. 59, § 1.⁷)

⁵An act to create the office, and to prescribe the duties, of an additional judge for the Second judicial district of the state of Minnesota. Approved February 25, 1887. § 4 provided for appointment by governor of an additional judge to hold office until his successor should be elected and qualified.

⁶An act to increase the number of judges of the second judicial district of this state and to prescribe the duties of same. Approved February 14, 1889.

⁷An act prescribing the duty of judges of the district court of Ramsey county. Approved February 16, 1891.

§ 4861. Notices of trial—Notes of issue.

Notices of trial and notes of issue in civil actions in the district court of the second judicial district shall be served at least twelve days before the commencement of the general terms of said court and said court is hereby authorized to prescribe the contents of notes of issue and form, and the time of making up the calendars of actions to be tried at general or special terms of said court.

(1889, c. 136, § 1.⁸)

§ 4862. General terms.

There shall be nine general terms of said court in each year for the transaction of such business as shall properly come before it, and said terms shall commence on the first Monday of each month in the year except July, August and September.

(Sp. Laws 1876, c. 209, § 4, as amended 1878, c. 66, § 1; G. S. 1878, c. 64, § 21; 1889, c. 144, § 1.⁹)

§ 4863. Jurors, how drawn.

Petit jurors shall be drawn for each of said terms in the manner now prescribed by law; grand jurors shall be drawn for the terms held in January, May and October, and for any other term when the court or any judge thereof shall direct. Such grand jurors shall be drawn on or before fifteen days prior to the term at which such jurors are to serve. Venires shall be issued therefor and served as now provided by law.

(Sp. Laws 1876, c. 209, § 5; G. S. 1878, c. 64, § 22; as amended 1889, c. 144, § 2.)

See, as to petit juries, §§ 5621-5623; as to grand juries, §§ 7171-7187.

§ 4864. Recognizances and commitments—Appeals.

All recognizances and commitments for criminal offences shall be made returnable to the said district court, and all appeals from justices of the peace, except from justices in the city of St. Paul, shall be taken to said district court.

(Sp. Laws 1876, c. 209, § 6; G. S. 1878, c. 64, § 23.)

See *McClung v. Manson*, 25 Minn. 374; *State v. Hanft*, 26 Minn. 264, 3 N. W. Rep. 343.

§ 4865. District court to supersede the common pleas.

The court of common pleas of the county of Ramsey is hereby merged in said district court; and all business and proceedings in said court of common pleas, and pertaining and returnable thereto, and the possession, custody and control of all dockets, registers, judgment-books, records, files and papers of the said court of common pleas are hereby transferred to said district court; and all actions and proceedings now pending, on appeal or otherwise from said court of common pleas, in the supreme court, shall, when remitted, be remitted to the said district court; and all recognizances, bail-bonds, and other bonds, undertakings, executions, processes, appeals from justices of the peace, and all proceedings now outstanding, returnable to said court of common pleas, shall be returnable to said district court; and all liens and rights under judgments, transcripts of judgments, execution or attachment levies, or otherwise, in said court of common pleas, shall remain unimpaired by this act; and the said district court shall take cognizance of and have full jurisdiction, authority and power to proceed in, finish, complete and enforce and relieve against all such process, writs, levies, judgments, transcripts, actions and proceedings, as fully as if the same had been originally commenced in, taken to, or pending in said district court; and all executions, writs, process, certificates, and other proceedings hereafter taken in actions and matters now pending in said court of common pleas, or returnable or pertaining thereto, shall be entitled in the said district court; and it is the intent, and hereby declared to be the effect, of this act,

⁸An act to authorize the district court of the second judicial district to make rules regulating the practice therein, and to fix the time for the service of notices of trial and filing notes of issue in said district. Approved April 23, 1889.

⁹An act fixing the time of holding terms of the district court in the second judicial district. Approved February 19, 1889.

that everything in the said court of common pleas, or pertaining or to appertain thereto, or which may arise therefrom, shall be acted on, disposed of and accomplished as fully and completely in the said district court as if originally the same therein were, whether it be specially or not in this act mentioned.

(Sp. Laws 1876, c. 209, § 7; G. S. 1878, c. 64, § 24.)

§ 4866. Return of recognizances, etc.

All recognizances, bonds, process and other papers, heretofore issued, returnable at any term of the district or common pleas court, as the said terms are established before the passage of this act, shall be returnable at the term of the district court, as now fixed, next succeeding that at which they were returnable.

(Sp. Laws 1876, c. 209, § 8; G. S. 1878, c. 64, § 25.)

§ 4867. Judges of court of common pleas.

The judges of the said court of common pleas, and the clerk thereof, shall cease to transact any business therein after this act takes effect; and the said judges of the court of common pleas shall receive no compensation as judges of said court of common pleas after this act takes effect, but shall receive the same compensation as judges of district court as received by the present judge of said district court.

(Sp. Laws 1876, c. 209, § 9; G. S. 1878, c. 64, § 26.)

(4) FOURTH JUDICIAL DISTRICT.

§ 4868. Judges¹⁰—Application of laws.

There shall be elected in the Fourth judicial district of said state six judges of the district court of said district, any one or more of whom shall have and exercise the powers of the said court, as now prescribed by law, relative to the present judges of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges of said district court, shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled, as now provided in relation to the present judges of the said district court: *provided, however*, that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected.

(1881, Ex. S. c. 84, § 1, as amended 1887, c. 102, § 1;¹¹ G. S. 1878, v. 2, c. 64, § 29a; 1889, c. 152, § 1.)

§ 2, c. 84, Laws 1881, Ex. S. provided for appointment by the governor of an additional judge to hold office until his successor should be elected and qualified.

§ 2, c. 102, Laws 1887, contained a similar provision.

§ 2, c. 152, Laws 1889, provided for appointment by the governor of two additional judges, each of whom to hold office until his successor should be elected and qualified.

§ 4869. Joint session—Testing process.

The said judges, or a majority of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and, when so acting, the judge senior in office, or, if neither be senior in office, the judge senior in age, shall preside, and the decision of the majority shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the

¹⁰The following are the provisions of c. 368, Sp. Laws 1887:

"§ 1. That there shall be paid annually by the county commissioners of Hennepin county, out of the county funds, to the judges of the district court of the Fourth judicial district, in addition to the salaries allowed them by the General Laws of the state of Minnesota, the sum of \$1,000 each, payable quarterly.

"§ 2. That the special act of the legislature, entitled 'An act for compensation to the judges of the district court of the Fourth judicial district,' approved February 24, 1885, is hereby repealed."

¹¹§ 5 repeals all inconsistent laws and parts of laws.

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presiding judge shall prevail. Process may be tested in the name of either one of the said judges.

(1881, Ex. S. c. 84, § 3; G. S. 1878, v. 2, c. 64, § 29c.)

§ 4870. Division of business.

The said judges, or a majority of them, may divide the business of the said court between the said judges, and may otherwise regulate said business by rules or otherwise; and each of the said judges may separately try court or jury cases during the same term, or at the same time.

(1881, Ex. S. c. 84, § 4; G. S. 1878, v. 2, c. 64, § 29d.)

§ 4871. Terms of court.

There shall be three general terms of said court for the transaction of both civil and criminal business, and said terms shall be held at such times as may be provided by law.

(1877, c. 103, § 4; G. S. 1878, c. 64, § 30.)

§ 4872. Grand and petit jurors, when drawn.

Grand and petit jurors shall be drawn for each of said terms, on or before fifteen days prior to each of said terms, and venires issued therefor and served as now provided by law; but no grand or petit jurors shall hereafter be drawn or summoned for said court of common pleas.

(1877, c. 103, § 5; G. S. 1878, c. 64, § 31.)

See, as to petit juries, §§ 5611-5620; as to grand juries, §§ 7171-7187.

§ 4873. Recognizances and commitments—Appeals.

All recognizances and commitments for criminal offences shall be made returnable to the said district court, and all appeals from justices of the peace shall be taken to said district court.

(1877, c. 103, § 6; G. S. 1878, c. 64, § 32.)

§ 4874. District court to supersede common pleas.

The court of common pleas of the county of Hennepin is hereby merged in said district court; and all business and proceedings in said court of common pleas, and pertaining and returnable thereto, and the possession, custody, and control of all dockets, registers, judgment-books, records, files and papers of the said court of common pleas, are hereby transferred to said district court; and all actions and proceedings now pending, on appeal or otherwise from said court of common pleas, in the supreme court, shall, when remitted, be remitted to the said district court; and all recognizances, bail-bonds, and other bonds, undertakings, executions, processes, appeals from justices of the peace, and all proceedings now outstanding, returnable to said court of common pleas, shall be returnable to said district court; and all liens and rights under judgments, transcripts of judgments, execution or attachment levies, or otherwise, in said court of common pleas, shall remain unimpaired by this act; and the said district court shall take cognizance of, and have full jurisdiction, authority and power to proceed in, finish, complete and enforce, and relieve against, all such process, writs, levies, judgments, transcripts, actions and proceedings, as fully as if the same had been originally commenced in, taken to, or pending in said district court; and all executions, writs, process, certificates, and other proceedings hereafter taken in actions and matters now pending in said court of common pleas, or returnable or pertaining thereto, shall be entitled in [the] said district court; and it is the intent, and hereby declared to be the effect, of this act, that everything in the said court of common pleas, or pertaining or to appertain thereto, or which may arise therefrom, shall be acted on, disposed of and accomplished as fully and completely in the said district court as if originally the same therein were, whether it be specially or not in this act mentioned.

(1877, c. 103, § 7; G. S. 1878, c. 64, § 33.)

(1287)

§ 4875. Return of recognizances, etc.

All recognizances, bonds, process, and other papers, heretofore issued, returnable at any term of the district court or common pleas court, as the said terms were established before the passage of this act, shall be returnable at the term of the district court as now fixed, next succeeding that at which they were returnable.

(1877, c. 103, § 8; G. S. 1878, c. 64, § 34.)

§ 4876. Judge and clerk of common pleas.

The judge of the said court of common pleas, and the clerk thereof, shall cease to transact any business therein, after this act shall take effect; and the said judge of the court of common pleas shall receive no compensation as judge of said court of common pleas, after this act takes effect, but shall receive the same compensation, as judge of the district court, as received by the present judge of said district court.

(1877, c. 103, § 9; G. S. 1878, c. 64, § 35.)

§ 4877. Court of common pleas abolished.

The court of common pleas of Hennepin county is hereby abolished; and all acts or parts of acts, in any wise in conflict with this act, are hereby repealed.

(1877, c. 103, § 10; G. S. 1878, c. 64, § 36.)

(5) SEVENTH JUDICIAL DISTRICT.

§ 4878. Judges—Application of laws.

There shall be elected in the Seventh judicial district two judges of the district court of such district, either one of whom shall have and exercise the powers of the court as now prescribed by law relative to the present judge of said court, except as otherwise provided by this act; and all laws now in force, whether general or special, as to the qualification, election, canvass of votes, oaths and terms of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judge of said district court, shall apply to each of the judges of said court, and their successors shall be elected, and vacancies in their offices filled, as now provided in relation to said judges of said court: *provided, however*, that the present judge of said court shall be judge thereof for the unexpired term for which he was elected and qualified, and until his successor is elected and qualified.

(1885, c. 141, § 1; 12 G. S. 1878, v. 2, c. 64, § 36a.)

§ 4879. Joint session—Testing process.

The said judges may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases; and when so acting, the judge senior in office, or, if neither be senior in office, the senior in age, shall preside. If there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either of said judges.

(1885, c. 141, § 2; G. S. 1878, v. 2, c. 64, § 36b.)

§ 4880. Division of business.

The business of said court may be divided between said judges, and otherwise regulated as they may direct by rule or otherwise; and each of said judges may separately try court or jury cases during the same term and at the same time.

(1885, c. 141, § 3; G. S. 1878, v. 2, c. 64, § 36c.)

¹² An act to create the office, and to prescribe the duties, of an additional judge for the seventh judicial district. Approved February 26, 1885. § 4 provides: "Upon the passage and approval of this act, the governor of this state shall appoint an additional judge for said district court, who shall hold his office until the next general election, and until his successor is elected and qualified."

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(6) ELEVENTH JUDICIAL DISTRICT.

§ 4881. Judges—Application of laws.

There shall be elected in the eleventh judicial district of said state three judges of the district court of said district, any one or more of whom shall have and exercise the powers of the said court, as now prescribed by law relative to the present judges of said court, except as otherwise provided by this act, and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority, and powers of the present judges of said district court shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled as now provided in relation to the present judges of the said district court. Provided, however, that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected.

(1893, c. 137, § 1.¹³)

§ 2 provided for appointment by the governor of an additional judge to hold office until his successor should be elected and qualified.

See State v. District Court First Judicial District, 52 Minn. 283, 53 N. W. Rep. 1137.

§ 4882. Joint session—Testing process.

The said judges, or a majority of them, may act in joint session for the trial or determination of any matter before the court, including the trial of jury cases, and, when so acting, the judge senior in office, or if neither be senior in office, the judge senior in age shall preside, and the decision of the majority shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of either one of the said judges.

(1893, c. 137, § 3.)

§ 4883. Division of business.

The said judges, or a majority of them, may divide the business of the said court between the said judges and may otherwise regulate said business by rules or otherwise; and each of the said judges may separately try court or jury cases during the same term, or at the same time.

(Id. § 4.)

§ 4884. Judges—Designation—Residence—Election.

The present judge of said district, and his successors in office, shall, for the purposes of appointment, election, and successors, be known and designated as first judge of said district, and shall, during their respective terms of office, reside east of the west line of Wadena county; and the judge to be appointed under this act, and his successors, shall, for the same purposes, be known and designated as second judge of said district, and shall during their respective terms of office reside west of said line, and at all elections for judges of the district court for the Eleventh judicial district. Successors to the present judge of said district shall be voted for as "First judge, Eleventh judicial district," and successors of the judge to be appointed under this act shall be voted for as "Second judge, Eleventh judicial district."

(1885, c. 140, § 4; G. S. 1878, v. 2, c. 64, § 36g.)

(7) THIRTEENTH JUDICIAL DISTRICT.

Judge.

Laws 1885, c. 139, § 3, provided for appointment by the governor of a judge for this district until his successor should be elected.

¹³ An act relative to the judges of, and to create an additional judge for, the district court of and for the eleventh judicial district of the state of Minnesota. Approved March 8, 1893. § 5 repeals all laws inconsistent with this act.

(8) FOURTEENTH JUDICIAL DISTRICT.

§ 4885. Judge.

That the second judge of the Eleventh judicial district shall perform all the duties of, and be styled "Judge of the Fourteenth Judicial District," during the unexpired term for which he was elected and qualified, and there shall not be any appointment or election of judge in said Fourteenth judicial district for any term to commence before the expiration of the term of the present Second judge of the Eleventh judicial district.

(1887, c. 100, § 4; G. S. 1878, v. 2, c. 64, § 55f.)

(9) FIFTEENTH JUDICIAL DISTRICT.

Judge.

Laws 1887, c. 100, § 5, provided for appointment by the governor of a judge of this district until the election of a judge thereof.

(10) SIXTEENTH JUDICIAL DISTRICT.

Judge.

Laws 1887, c. 106, § 3, provided for appointment by the governor of a judge for this district until the next general election.

(11) RULES OF PRACTICE.

§ 4886. How adopted—Uniformity of practice—Annual meeting of judges.

The judges of the district courts of the several judicial districts, and of the several courts of common pleas of the state, shall, on the first Wednesday of July next, or on some day prior thereto, at their election, meet in general session at the capitol, in the city of Saint Paul, and adopt such general rules of practice in civil actions, not inconsistent with the constitution and laws of the state, or of the United States, as will secure a uniformity of practice throughout the state, as may be deemed necessary and just. The said judges shall meet annually thereafter, at the same place, on the first Wednesday of July, to revise such general rules, and make such amendments thereto, and such further rules, not inconsistent with the constitution and laws of the state or of the United States, as may be deemed necessary; and the same shall go into effect from and after their publication. The general rules so made shall govern all the district courts and courts of common pleas in this state: provided, that in any case, in furtherance of justice, said rules may be relaxed or modified, and a party may be relieved against the effect thereof, on such terms as may be just: provided further, that any six of said judges, so convened in general session as hereinbefore provided, shall transact the business and discharge the duties imposed by this act.

(1875, c. 44, § 1; G. S. 1878, c. 64, § 37.)

(12) SHORT-HAND REPORTERS.

§ 4887. Appointment.¹⁴

Each of the judges of the district court and of the courts of common pleas in this state is hereby authorized, in his discretion, to employ and appoint a short-hand writer, to make, in short-hand writing, a true record or report of the proceedings and evidence taken upon the trial of issues of fact in the several courts held in his district; and, when required by the court, or either of the parties to any such trial, to transcribe such record or report into the words

¹⁴Phonographic reporter for Hennepin county, see Sp. Laws 1888, c. 298; Sp. Laws 1885, c. 113; Sp. Laws 1887, c. 112; Sp. Laws 1889, c. 428; Sp. Laws 1891, c. 370. Phonographic reporter for Ramsey county. Sp. Laws 1873, c. 86; Sp. Laws 1883, c. 78; Sp. Laws 1887, c. 107; Sp. Laws 1889, c. 119.

which shall be represented by the characters used by him in reporting such proceeding and evidence as the same shall occur: *provided, however*, that no such reporter shall be appointed in any county containing less than five thousand inhabitants, whose board of county commissioners shall not first authorize such appointment: *provided, further*, that the provisions of this act shall not apply to the county of Ramsey, or be construed as repealing the special act relating thereto.

(1874, c. 88, § 1, as amended 1877, c. 53, § 1; G. S. 1878, c. 64, § 38; 1883, c. 56, § 1.)

§ 4888. Oath and duties—Removal.

Before such reporter shall enter upon the performance of his duties, he shall take and subscribe an oath that he will, to the best of his knowledge and ability, keep, in short-hand writing, a true, full and accurate record of all the proceedings taken and evidence given upon the trials of issues of fact in the district court, when required so to do by the judge of said court, and that he will make and file with the clerk of the court a true and full transcript of his record or report in each case, into the words represented by the signs or characters which he shall use in his short-hand writing. Such oath shall be filed in the office of the clerk of the district court in one of the counties in the district for which he is appointed. In reporting or recording the evidence of witnesses sworn and examined upon the trial of issues of fact, he shall record or report the questions put to the witnesses, and the answers thereto given by the witnesses, in the words used by the questioners and the witnesses. He shall not be required to report or record the arguments of counsel, but shall record all objections and the grounds thereof, as stated by counsel, and also the decisions or rulings of the court thereon, and exceptions taken by counsel to such decisions or rulings; and shall, immediately upon the completion of any trial, file his report in such short-hand writing, in the office of the clerk of the court where such trial was had, which report shall remain on file for the use of all parties interested; and in the performance of his duties, he shall be subject to the orders and discretions [directions] of the court; and the judge may at any time discharge such reporter, and employ and appoint another.

(1874, c. 88, § 2; G. S. 1878, c. 64, § 39.)

§ 4889. Effect of report when transcribed, etc.

When the record or report of a trial shall have been so made, transcribed and filed, and approved by the judge before whom such trial was had, it shall have such force and effect as a record of the court, and as a case, or bill of exceptions, as the court may, by general rule or order, prescribe.

(1874, c. 88, § 3; G. S. 1878, c. 64, § 40.)

§ 4890. Compensation of reporter—Fees.

The amount or rate of compensation to be paid to such short-hand reporter shall be fixed by the judge who appointed him; and each county shall pay the compensation for his services during the time he shall be employed in the cases tried therein. The judge shall certify the time during which he shall be employed at any term in the county, and the amount to which he is entitled therefor. Upon the presentation of such certificate of the judge to the county auditor of the county, he shall draw his order, in favor of such reporter, upon the county treasurer, for the amount so certified; but such compensation shall not exceed ten dollars per day while employed in court, and fifteen cents per folio of one hundred words for the transcript: and provided further, that when such reporter shall be required by either of the parties to an action to transcribe his record into long-hand writing, the fees for such transcription as above provided for shall be paid by the party requiring the same.

(1874, c. 88, § 4; G. S. 1878, c. 64, § 41.)

(1291)

TITLE 2.

JUDICIAL DISTRICTS.

§ 4891. First district.

The state is divided into judicial districts as follows: The counties of Goodhue, Dakota, Washington, Chisago, Pine and Kanabec, constitute the first judicial district.

(G. S. 1866, c. 64, § 18, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 42.)

§ 4892. Second district.

The county of Ramsey constitutes the second judicial district.

(G. S. 1866, c. 64, § 19, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 43.)

§ 4893. Third district.

The counties of Winona, Olmsted and Wabasha constitute the third judicial district.

(G. S. 1866, c. 64, § 20, as amended 1870, c. 81, § 1; 1872, c. 50, § 1; G. S. 1878, c. 64, § 44.)

§ 4894. Fourth district.

The counties of Hennepin, Wright, Anoka and Isanti, constitute the fourth judicial district.

(G. S. 1866, c. 64, § 21, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 45.)

§ 4895. Same—Counties detached.

That the counties of Meeker, Swift and Kandiyohi be and the same are hereby detached from the fourth judicial district, for judicial purposes.

(1875, c. 79, § 2; G. S. 1878, c. 64, § 53.)

§ 4896. Fifth district.

The counties of Rice, Steele, Waseca and Dodge constitute the fifth judicial district.

(G. S. 1866, c. 64, § 22, as amended 1870, c. 81, § 1; 1872, c. 50, § 2; G. S. 1878, c. 64, § 46.)

§ 4897. Sixth district.

The counties of Blue Earth, Faribault, Martin, [Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood] and Watonwan, constitute the sixth judicial district.

(G. S. 1866, c. 64, § 23, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 47.)

By Laws 1885, c. 139, § 1, the counties in brackets were detached from the sixth district, and formed into the thirteenth district. See § 4906.

§ 4898. Seventh district.

The counties of Stearns, Sherburne, Benton, Morrison, [Crow Wing, Aitkin, Cass,] Douglas, Todd, Mille Lacs, [Polk, Stevens, Traverse, Pembina,] Clay,* [Wilkin,] Grant, Otter Tail, [Wadena,] Becker,* [Pope, St. Louis, Carlton, Itasca, and Lake,] constitute the seventh judicial district.

(G. S. 1866, c. 64, § 24, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 48.)

*See § 4908.

The counties in brackets have been included in other districts, as follows:

By Laws 1874, c. 90, § 2, the counties of Saint Louis, Carlton, and Lake were made part of the eleventh judicial district. See § 4903.

By Laws 1875, c. 79, § 4, the county of Wilkin was made part of the twelfth judicial district. See § 4905.

By Laws 1878, c. 59, § 1, the name of Pembina county was changed to Kittson (see § 591); and by Laws 1887, c. 100, § 2, the counties of Kittson and Polk were made part of the fourteenth judicial district. See § 4907.

By Laws 1887, c. 100, § 3, the counties of Crow Wing, Aitkin, Cass, Wadena and Itasca were made part of the fifteenth judicial district. See § 4909.

By Laws 1887, c. 106, § 1, the counties of Stevens, Traverse, and Wilkin are made part of the sixteenth judicial district. See § 4910.

By Laws 1893, c. 141, § 1, the county of Pope was made part of the sixteenth judicial district. See § 4911.

(1292)

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JUDICIAL DISTRICTS.

§§ 4898-4904

Same—Counties detached from seventh district.

That the counties of Crow Wing, Aitkin, Cass, Polk, Pembina,¹⁵ Clay, Wadena, Becker, St. Louis, Carlton, Itasca, Lake, Traverse, be and the same are hereby detached from the seventh judicial district for judicial purposes. (1874, c. 90, § 1; G. S. 1878, c. 64, § 50.)

Same.

That the counties of Stevens, Traverse and Wilkin be and the same are hereby detached from the seventh judicial district, for judicial purposes. (1875, c. 79, § 1; G. S. 1878, c. 64, § 52.)

§ 4899. Eighth district.

The counties of LeSueur, Scott, Carver, Sibley, and McLeod constitute the eighth judicial district. (G. S. 1866, c. 64, § 24, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 48.)

§ 4900. Ninth district.

And the counties of Nicollet, Redwood, Brown, Renville, [Chippewa, Lac qui Parle, Big Stone, Meeker,] Lincoln, [Monongalia and Kandiyohi,] constitute the ninth judicial district. (G. S. 1866, c. 64, § 24, as amended 1870, c. 81, § 1; G. S. 1878, c. 64, § 48.)

By Laws 1870, c. 92, the counties of Monongalia and Kandiyohi were consolidated under the name of Kandiyohi, and by Laws 1875, c. 79, § 4, the county of Kandiyohi was made part of the twelfth judicial district. See § 4905.

By Laws 1875, c. 79, § 4, the counties of Chippewa, Lac qui Parle, and Meeker were made part of the twelfth judicial district. See § 4905.

By Laws 1887, c. 106, § 1, the county of Big Stone was made part of the sixteenth judicial district. See § 4910.

The county of Lyon, carved out of Redwood county in 1869 (see note to § 577), is also included in the ninth district.

§ 4901. Counties detached from ninth district.

That the counties of Chippewa, Lac qui Parle, Yellow Medicine and Big Stone, be and the same are hereby detached from the ninth judicial district, for judicial purposes.

(1875, c. 79, § 3; G. S. 1878, c. 64, § 54.)

§ 4902. Tenth district.

The counties of Houston, Fillmore, Mower and Freeborn, constitute the tenth judicial district, and shall elect a district judge therefor at the next general election; provided, however, this act shall in no wise affect, alter or change the duties of the district judges of the third or fifth judicial districts as now constituted, or the holding of courts or proceedings therein in the said counties of Houston, Fillmore, Mower and Freeborn, until there shall be duly elected and qualified a district judge for said tenth judicial district.

(1872, c. 50, § 3; G. S. 1878, c. 64, § 49.)

§ 4903. Eleventh district.

That the counties of [Crow Wing, Aitkin, Cass,] Polk, Pembina, [Clay, Wadena, Becker,] Saint Louis, Carlton, [Itasca, Beltrami,] Lake, [Traverse,] be and the same are hereby constituted the eleventh judicial district.

(1874, c. 90, § 2; G. S. 1878, c. 64, § 51.)

The county of Cook, formed out of Lake, is also included in the eleventh district.

The counties in brackets have been included in other districts, as follows:

By Laws 1887, c. 100, § 2, the county of Beltrami was made a part of the fourteenth judicial district. See § 4907.

By Laws 1893, c. 138, § 1, the counties of Becker and Clay were made part of the seventh judicial district. See § 4908.

By Laws 1887, c. 100, § 3, the counties of Aitkin, Crow Wing, Cass, Itasca and Wadena were made part of the fifteenth judicial district. See § 4909.

§ 4904. Same—Counties detached.

That the counties of Aitkin, Crow Wing, Cass, Itasca, Wadena, Becker, Beltrami, Hubbard, Clay, Norman, Polk, Marshall, and Kittson be detached

¹⁵ Now called "Kittson." See note to § 572.

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DISTRICT COURTS.

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from the Eleventh judicial district for judicial purposes: *provided*, that the time for holding court in said counties is not changed hereby.

(1887, c. 100, § 1; G. S. 1878, v. 2, c. 64, § 55c.)

§ 4905. Twelfth district.

That the counties of Meeker, Kandiyohi, [Stevens, Traverse, Wilkin,] Swift, Chippewa, Lac qui Parle, Yellow Medicine and [Big Stone,] be and they are hereby erected into a new judicial district, to be known and designated as the twelfth judicial district of Minnesota.

(1875, c. 79, § 4; G. S. 1878, c. 64, § 55.)

By Laws 1887, c. 106, § 1, the counties of Stevens, Traverse, Wilkin and Big Stone were made part of the sixteenth judicial district. See § 4910.

§ 4906. Thirteenth district.

That the counties of Jackson, Nobles, Rock, Pipe Stone, Murray, and Cottonwood be, and the same are hereby, detached from the Sixth judicial district, and are hereby created into a judicial district, to be known and designated the Thirteenth Judicial District of Minnesota.

(1885, c. 139, § 1; G. S. 1878, v. 2, c. 64, § 55a.)

§ 4907. Fourteenth district.

That the counties of [Becker, Clay,] Norman, Polk, Marshall, Kittson, and Beltrami be, and the same are hereby, constituted the Fourteenth judicial district of the state of Minnesota.

(1887, c. 100, § 2; G. S. 1878, v. 2, c. 64, § 55d.)

§ 4908. Same—Counties detached.

That the counties of Clay and Becker be and the same are hereby detached from the fourteenth judicial district and attached to and shall hereafter constitute a part of the seventh judicial district of this state.

(1893, c. 133, § 1.¹⁰)

§ 4909. Fifteenth district.

That the counties of Aitkin, Crow Wing, Cass, Itasca, Wadena, and Hubbard be, and the same are hereby, constituted the Fifteenth judicial district of the state of Minnesota.

(1887, c. 100, § 3; G. S. 1878, v. 2, c. 64, § 55e.)

§ 4910. Sixteenth district.

That the counties of Big Stone, Stevens, Traverse, and Wilkin be, and the same are hereby, detached from the Twelfth judicial district, and that the county of Grant be, and the same is hereby, detached from the Seventh judicial district, and are hereby created into a judicial district, to be known as the "Sixteenth, Judicial District of Minnesota."

(1887, c. 106, § 1; G. S. 1878, v. 2, c. 64, § 55h.)

§ 4911. Same—Additional territory.

That the county of Pope, in the state of Minnesota, be detached from the seventh judicial district and that the same be and it is hereby attached to and made a part of the sixteenth judicial district.

(1893, c. 141, § 1.¹⁷)

¹⁰ An act to detach counties of Clay and Becker from the fourteenth judicial and attach the same to the seventh judicial district. Approved April 8, 1893.

¹⁷ An act to detach Pope county, Minnesota, from the seventh judicial district and attaching the same for judicial purposes to the sixteenth judicial district and fixing the time for holding court therein. Approved April 6, 1893.

TITLE 3.

GENERAL TERMS.

For general terms in new counties, see § 636.

§ 4912. In First district.

The general terms of the district court of the first judicial district of this state shall be held at the times following:

In the county of Goodhue, on the second Wednesday in March and the third Tuesday in October, in each year.

In the county of Chisago, on the first Tuesday in June and the second Tuesday in December, in each year.*

In the county of Washington, on the first Tuesday in May and the third Tuesday in November, in each year.

In the county of Pine, on the second Tuesday in April and the third Tuesday in September, in each year.

In the county of Chisago, on the first Wednesday in October, in each year.

In the county of Kanabec, on the first Tuesday in September, in each year. (1889, c. 147, § 1, as amended 1889, c. 138, § 1.)

* In effect repealing Laws 1887, c. 108, § 1.

In Second district.

For terms of court in second district, see § 4362.

§ 4913. In Third district.

The general terms of the district court in and for the several counties of the third judicial district of this state shall be held as follows:

In the county of Wabasha on the third Monday of May and the second Monday of November of each year.

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

Same—Winona county.

General terms of the district court shall be held in and for the county of Winona on the second Monday of January, the first Monday in May and the third Monday in September in each year; provided that no grand jury shall be drawn or summoned for the May term of said court, except upon the direction of the presiding judge of the district court of said county. (1889, c. 137, § 1.)

§ 4914. 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 third Monday in March and the second Monday in October. (As amended 1893, c. 134.¹⁸)

In the county of Hennepin, on the first Tuesday in April, the second Tuesday in September and the first Tuesday in December. (As amended 1889, c. 157.)

In the county of Isanti, on the fourth Monday in September. (As amended 1881, c. 66, § 1.)

In the county of Wright, on the first Monday of June and the first Monday of December. (As amended 1885, c. 134, § 1.)

(1881, c. 66; amended as supra.)

§ 4915. In Fifth district.

The general terms of the district court in the fifth judicial district shall be held annually, at the times and places following, to wit

In the county of Dodge, on the first Monday in April, and first Monday in October. (As amended 1893, c. 135, § 1.)

In the county of Rice, on the first Tuesday in May, and the second Tuesday after the first Monday in November. (1873, c. 77, § 1.)

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

¹⁸ By § 2 all acts and parts of acts inconsistent with this act are repealed.

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In the county of Waseca, on the third Tuesday in March, and the third Tuesday in October, in each year. (As amended 1874, c. 97, § 1.)

(G. S. 1878, c. 64, § 60, amended as supra.)

§ 4916. In Sixth district.

In the sixth judicial district, in the county of Blue Earth, on the third Tuesday of May, and the first Tuesday of December. (1868, c. 99, § 1.)

In the county of Faribault, on the first Tuesday in June, and the first Tuesday in January. (1870, c. 83, § 1.)

There shall hereafter be two terms of the district court in and for the county of Martin, one of which shall be held on the third Tuesday of June and the other on the second Wednesday of November in each and every year; and no grand jury shall be summoned for the June term aforesaid, unless the judge of said court shall make and file with the clerk thereof at least fifteen days before such term an order directing the summoning of such grand jury. (1887, c. 107, § 2, as amended 1889, c. 148.)

There shall hereafter be two terms of the district court in said county of Watonwan in each year. One of said terms shall be held on the first Tuesday in May, and the other term on the first Tuesday in October of each and every year, but no grand jury shall be summoned for the May term in said county, unless the judge of the said sixth judicial district shall make and file with the clerk of the court of said Watonwan county, at least twenty days before such term, an order directing the summoning of such grand jury. (1887, c. 111, § 2.)

By Laws 1887, c. 111, § 2, G. S. 1878, c. 64, tit. 3, § 61, is in terms amended so as to read as above. § 4 repeals all inconsistent acts and parts of acts.

§ 4917. In Seventh district.

General terms of the district court in and for the seventh judicial district shall be held in the several counties comprising said district annually, as follows:

In the county of Benton on the third Monday of January.

In the county of Mille Lacs on the first Monday of September, provided, that the jury, both grand and petit, required to appear at any term of such court shall be summoned to appear on the second day of such term.

In the county of Morrison on the first Monday of March and the third Monday of September.

In the county of Douglas on the first Monday of May in the year one thousand eight hundred and eighty-nine, and thereafter on the third Monday of March and the first Monday of October.

In the county of Sherburne on the fourth Monday of March.

In the county of Todd on the third Monday of October in the year one thousand eight hundred and eighty-nine, and thereafter on the first Monday of May and the third Monday of October in each year; provided, that no grand jury shall be summoned for said May term in said Todd county, unless the judge of said court shall make and file with the clerk of said court for said Todd county, at least fifteen days before such term, an order, directing the summoning of such grand jury; provided, further, that if it shall be made to appear to the judge of said court that there are no matters or cases to be tried by a petit jury at the May term of said court, the judge may, in his discretion, by order, direct that no petit jury be summoned for such term; and provided further, that the jury, both grand and petit, required to appear at any term of said court in said Todd county, shall be summoned to appear on the second day of such term.

In the county of Otter Tail¹⁹ on the second Monday of May and the second Monday of November.

In the county of Stearns²⁰ on the fourth Monday of May and the first Monday of December.

(1889, c. 139, § 1.)

By Laws 1893, c. 141, the county of Pope was detached from seventh and made part of sixteenth judicial district. See § 4911.

¹⁹ See Laws 1877, c. 105 (§§ 4924-4929).

²⁰ See Laws 1887, c. 112 (§§ 4918-4923).

Same—Additional terms in Stearns county.

There shall be held in and for the county of Stearns in the seventh judicial district, state of Minnesota, in addition to the general terms of court now held therein two general terms, one on the second Monday of April and one on the second Monday of September in each year; provided, that no grand or petit jury shall be summoned for the terms herein provided for, unless the judge of said court shall make and file with the clerk of said court, at least fifteen days before the term, an order directing the summoning of such grand or petit jury.

(1891, c. 134, § 1.)

By Laws 1893, c. 138, the counties of Clay and Becker were detached from the fourteenth and made part of the seventh judicial district. See § 4908.

§ 4917a. Seventh district—Judge may order jury summoned, when.

That the judge of said court may, in his discretion, by order, direct that any grand or petit jury, or both, required to appear at any of the terms of the court aforesaid, be summoned to appear on any day of such term after the first day thereof instead of such first day.

(1889, c. 139, § 2.)

§ 4917b. Same—Writs, etc., when returnable.

All writs, processes, bonds, recognizances, appeals, notices and proceedings had, issued or returnable to the terms of court in and for each of said counties, as fixed by law prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the terms of court in each of said counties as fixed by this act.

(Id. § 3.)

§ 4917c. Acts repealed.

All acts and parts of acts inconsistent with this act are hereby repealed, except that this act shall not be construed as repealing chapters one hundred and five and one hundred and twelve of the general laws of one thousand eight hundred and eighty-seven, providing for the holding of adjourned terms in the counties of Otter Tail and Stearns.

(Id. § 4.)

§ 4918. Stearns county—Adjourned terms.

The judges of the district court are hereby authorized to adjourn each and every general term of said court held at St. Cloud, in said county of Stearns, to a suitable place in the village of Sauk Centre in said county, for the trial of all such cases as are pending in said court, either for the convenience of the parties, or by their consent.

(1887, c. 112, § 1; ²¹ G. S. 1878, v. 2, c. 64, § 62a.)

§ 4919. Same—Jurors—Notice.

On adjourning any term of said court to meet at Sauk Centre at a future day, the court shall direct the panel of jurors drawn for said term, or any part of them, to be and appear at the court-room, Sauk Centre, at such day and hour as he may designate, which shall be a sufficient notice to said jurors to attend.

(1887, c. 112, § 2; G. S. 1878, v. 2, c. 64, § 62b.)

§ 4920. Same—Jurors—Mileage.

Jurors attending said adjourned term shall receive mileage from their homes to said village of Sauk Centre.

(1887, c. 112, § 3; G. S. 1878, v. 2, c. 64, § 62c.)

§ 4921. Same—Witnesses.

Witnesses subpoenaed to attend said adjourned term shall receive mileage from their places of residence to the village of Sauk Centre.

(1887, c. 112, § 4; G. S. 1878, v. 2, c. 64, § 62d.)

²¹ By § 7, all acts and parts of acts inconsistent with this act (§§ 4918-4923) are repealed. See § 4917c.

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§ 4922. Same—Officers.

All officers serving subpoenas or any other process returnable at said adjourned term shall receive mileage only from said village of Sauk Centre, instead of from St. Cloud, the county-seat.

(1887, c. 112, § 5; G. S. 1878, v. 2, c. 64, § 62e.)

§ 4923. Same—Court-room.

The village of Sauk Centre shall provide suitable rooms for the holding of said terms of court in said village, free of expense to the county of Stearns.

(1887, c. 112, § 6; G. S. 1878, v. 2, c. 64, § 62f.)

§ 4924. Otter Tail county—Adjourned terms.

The judges of the district court are hereby authorized to adjourn each and every general term of said court held at Fergus Falls, in said county of Otter Tail, to a suitable place in the village of Perham, in said county, for the trial of all such cases as are pending in said court, either for the convenience of the parties or by their consent.

(1887, c. 105, § 1; G. S. 1878, v. 2, c. 64, § 62g.)

§ 4925. Same—Jurors.

On adjourning any term of said court to meet at Perham at a future day, the court shall direct the panel of jurors drawn for said term, or any part of them, to be and appear at the court-room in Perham at such day and hour as he may designate, which shall be sufficient notice to said jurors to attend.

(1887, c. 105, § 2; G. S. 1878, v. 2, c. 64, § 62h.)

§ 4926. Same.

Jurors attending said adjourned term shall receive mileage from their homes to said village of Perham.

(1887, c. 105, § 3; G. S. 1878, v. 2, c. 64, § 62i.)

§ 4927. Same—Witnesses.

Witnesses subpoenaed to attend such adjourned term shall receive mileage from their places of residence to the village of Perham.

(1887, c. 105, § 4; G. S. 1878, v. 2, c. 64, § 62j.)

§ 4928. Same—Officers.

All officers serving subpoenas or any other process returnable at said adjourned term shall receive mileage only from said village of Perham, instead of from Fergus Falls, the county-seat.

(1887, c. 105, § 5; G. S. 1878, v. 2, c. 64, § 62k.)

§ 4929. Same—Court-room.

The village of Perham shall provide suitable rooms for the holding of said terms of court in said village, free of expense to the county of Otter Tail.

(1887, c. 105, § 6; G. S. 1878, v. 2, c. 64, § 62l.)

By § 7, all acts and parts of acts inconsistent with this act are repealed.

§ 4930. In Eighth district.

The general terms of the district court shall hereafter be held in the several counties comprising the Eighth judicial district as follows:

In the county of Carver on the first Monday in March and the third Monday in September of each year;

In the county of Scott on the third Monday in March and the first Monday in October of each year;

In the county of Le Sueur on the fourth Monday in April and the third Monday in October of each year;

In the county of McLeod on the second Monday in May and the second Monday in November of each year;

In the county of Sibley on the first Monday in June and the first Monday in December of each year.

(1893, c. 136, § 1.22)

²² An act to fix the time for holding the general terms of the district court in the several counties of the eighth judicial district. Approved March 8, 1893.

§ 4931. Same—Return of process, etc.

All writs, processes, orders, continuances, appeals, bonds, recognizances, notices and proceedings issued, made or returnable to the general terms of court in and for said counties respectively as prescribed by law prior to the taking effect of this act shall be deemed and construed as made, taken and returnable to the proper term of court in the county respectively as prescribed in this act.

(1893, c. 136, § 2.)

§ 4932. In Ninth district.

That the general terms of the district court in and for the Ninth judicial district in the state of Minnesota shall be held at the times and in the several counties comprising said district as follows:

In the county of Renville, on the second Tuesday of April and the fourth Tuesday of October.

In the county of Redwood, on the first Tuesday of May and the second Tuesday of November.

In the county of Nicollet, on the third Tuesday of May and fourth Tuesday of November.

In the county of Lyon, on the first Tuesday of June and the second Tuesday of December.

In the county of Brown, on the first Tuesday after the first day of January and on the third Tuesday of June.

In the county of Lincoln, on the first Tuesday after the fourth day of July.

(1891, c. 136, § 1.23)

§ 4933. In Tenth district.

The general term of the district court of the tenth judicial district of the state shall be held annually at the times and places, to wit:

In the county of Mower, on the third Tuesday in March, and the third Tuesday in September.

In the county of Fillmore, on the first Tuesday in June, and the second Tuesday in November.

In the county of Houston, on the first Tuesday in May, and the third Tuesday in October.

(1876, c. 61, § 1, as amended 1885, c. 136, § 1.)

Same—Freeborn county.

The general terms of the district court in and for the county of Freeborn, in the tenth judicial district, shall be held on the first Tuesday in December and on the third Tuesday in May in each and every year; provided, that in case the business at said May term shall not be completed for any cause prior to holding any other term of court in said district, said May term shall be adjourned to the second Monday in July following, for the transaction of such unfinished business.

(1885, c. 136, § 1, as amended 1889, c. 135.)

Same—Adjourned and special terms.

That the judge of said court may and he is empowered to adjourn any term of said court from time to time during any term thereof, and to order and to hold special terms of said court in said county for the trial and determination of both civil and criminal business and causes, or either, and said judge may direct grand and petit jurors to be drawn and summoned for any adjourned or special term of said court in the manner prescribed by law, and he may and is empowered to order and direct the issuing of special *venires* and the summoning of petit jurors at any time for the trial of civil or criminal actions and causes at any special or adjourned term of said court: *provided*, that notice of the time of holding any such special term shall be given at least twenty days previous to the holding thereof, by publishing such notice in a newspaper printed and published in said county; but said judge is authorized and em-

²³ An act prescribing the times of holding the general terms of district court in the Ninth judicial district. Approved April 13, 1891.

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powered, by an order made by him at any general term of said court, to appoint and fix the time of holding any special term herein provided without such printed notice being given.

(1885, c. 136, § 2.)

By § 4, all inconsistent acts are repealed.

§ 4934. In Eleventh district.

The general terms of the district court of the Eleventh judicial district of this state shall be held at the times following:

In the county of Carlton, on the first Tuesday in May and the third Tuesday in October in each year.

In the county of St. Louis, on the first Tuesday in February, the first Tuesday in April, the first Tuesday in June, the first Tuesday in September and the first Tuesday in November of each year.

(1891, c. 137, § 1.)

§ 4935. Same—Lake county.

The county of Lake, heretofore attached to the county of St. Louis for judicial purposes, is hereby declared detached from said county of St. Louis, and organized for judicial purposes.

(1891, c. 139, § 1.24)

§ 4936. Same—Terms of court.

Term of the district court shall be held in said Lake county at a time to be fixed by the judge or judges of the Eleventh judicial district; and it shall be the duty of such judge, when in his opinion it is necessary to hold a general term of the district court in said county, to give at least forty days' notice of the time when such general term shall be held, by publishing or causing to be published in some newspaper published in said county—if any there be, if not, then in an adjoining county—a notice that such term will be held; and such term or terms shall be held and deemed to be general terms of said district court as fully and to all intents as though the time of holding the same had been designated by an act of the legislature.

(1891, c. 139, § 2.)

§ 4937. In Twelfth district.

The general terms of the district court shall hereafter be held in the several counties comprising the Twelfth judicial district as follows:

In the county of Chippewa, on the first Monday after the first Tuesday in May, and the first Monday after the second Tuesday in November of each year.

In the county of Lac qui Parle, on the first Tuesday in May and the fourth Tuesday in October of each year.

In the county of Kandiyohi, on the first Tuesday in June and the second Tuesday in December of each year.

In the county of Meeker, on the third Tuesday in May and the second Tuesday in November of each year.

In the county of Swift, on the fourth Tuesday in June and the third Tuesday in December of each year.

In the county of Yellow Medicine, on the third Tuesday in June and the second Tuesday in January of each year.

(1891, c. 140, § 1.)

§ 4938. In Thirteenth district.

The terms of court in said district to be held as follows:

In Jackson county, the first Tuesday of June and December of each year.

In Murray county, the third Tuesday in April and October of each year.

In Nobles county, the first Tuesday in March and November of each year.

In Pipe Stone county, the third Tuesday in May and December of each year.

In Rock county, the third Tuesday in March and September of each year.

(1885, c. 139, § 2, as amended 1887, c. 113.)

*An act to detach Lake county from St. Louis county, and to organize said Lake county for judicial purposes. Approved February 27, 1891.

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Tit. 3]

GENERAL TERMS.

§§ 4938-4940

Same—Cottonwood county.

That the general terms of the district court in and for the county of Cottonwood in the thirteenth judicial district, State of Minnesota, shall be held on the third Tuesday in June and November of each year.

(1887, c. 113, § 1.)

§ 4939. In Fourteenth district.

The general terms of the district court of the Fourteenth judicial district of the state of Minnesota shall be held as follows:

In the county of Becker, on the fourth Monday in January and the first Monday after the fourth day of July in each year.

In the county of Clay, on the first Tuesday after the first day of January and the third Monday in June in each year.

In the county of Kittson, on the fourth Monday in March in each year.

In the county of Marshall, on the second Monday in May and the third Monday in November in each year.

In the county of Norman, on the first Monday in November in odd-numbered years, and first Wednesday after first Monday of November in even-numbered years, in each year; Provided, That there shall be held in said county a general term of said court on the first Monday of May in the year A. D. one thousand eight hundred and ninety-one; and that the judge of said court and the county commissioners of said county may, by order made and filed with the clerk of said court at least forty days prior to the first Monday of May in any year, convene said court in general term on the first Monday of May in any year.

In the county of Polk, on the fourth Monday of May and the first Monday in December in each year.

(1891, c. 142, § 1.)

By § 3, all inconsistent acts and parts of acts are repealed.

By Laws 1893, c. 133, the counties of Clay and Becker were transferred to the Seventh district. See § 4908.

§ 4940. In Fifteenth district.

The general terms of the district court in and for the eleventh²⁵ judicial district of this state shall be held as follows:

In the county of Aitkin on the second Monday in October in each year.

In the county of Crow Wing on the third Monday of March and the third Monday of September in each year.

(1887, c. 109, § 1, as amended 1889, cc. 140, 141; 1891, c. 137.)

Same—Wadena county.

That the general term of the district court of the county of Wadena, state of Minnesota, shall be held on the first Monday in December in each year; Provided, That it shall be the duty of the judge of the district court of the Fifteenth judicial district whenever in his opinion it is necessary to call an additional general term of the district court for said county in any year, to call such general term by filing an order to that effect with the clerk of the court of said county, fixing the time for said additional general term, which order shall be published in the official newspaper of said county for at least forty days before the time so set; and such additional term shall be held and deemed to be a general term of said district court as fully and to all intents as though the time of holding the same had been designated by act of the legislature.

(1891, c. 143, § 1.)

²⁵ By Laws 1887, c. 100, § 1, the counties mentioned in this section and others were detached from the eleventh district with the proviso that the time for holding court in said counties should not be changed. See § 4904.

By § 3, the counties of Aitkin, Crow Wing, Cass, Itasca, Wadena, and Hubbard were constituted the fifteenth judicial district.

§§ 4940-4942.

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Same—Itasca county.

That the general terms of the district court in the county of Itasca, in the fifteenth judicial district, shall be held on the second Tuesday of May and the second Tuesday of November of each year.

(1893, c. 139, § 1.26)

Same—Hubbard county.

That the general term of the district court in the county of Hubbard, in the fifteen judicial district of the state of Minnesota, shall be held in each year on the first Tuesday of June.

(1893, c. 140, § 1.27)

§ 4941. In Sixteenth district.

The general terms of the district court in the several counties of the sixteenth judicial district, this state, shall hereafter be held each year as follows: In Bigstone county on the third Tuesday in May and the last Tuesday in October;

In Wilkin county on the first Tuesday in June and the first Tuesday in December;

In Stevens county on the third Tuesday in March and the third Tuesday in October;

In Traverse county on the third Tuesday in June and the third Tuesday in November;

In Grant county on the fourth Tuesday in May and the second Tuesday in November, except when said second Tuesday of November shall be election day, in which case such term shall be held the Wednesday following such second Tuesday of November.

(1893, c. 142, § 1.28)

Same—Pope county.

That the general terms of the district court in and for said county of Pope be held on the first Monday after the first Tuesday in June and the first Monday after the first Tuesday in December of each year, but no grand jury shall be summoned for the December term, unless the district judge shall make and file with the clerk of court of said county, at least fifteen days before such term, an order directing the summoning of such jury.

(1893, c. 141, § 2.29)

§ 4942. Terms in counties where no general term is provided for.

The judge of any judicial district may hold a term of court in any county in his district, for which general terms are not provided by law, whenever, in his discretion, any such term may be expedient and required to promote the ends of justice; and in such cases, he shall cause the same notice to be given, and shall possess the same powers, as are herein prescribed with reference to special terms; and whenever any such term or any special term is appointed to be held in any county by the district judge, he shall cause the order therefor, and the order directing the summoning of grand and petit jurors, if any, to be filed in the office of the clerk of the district court in such county, who shall file an attested copy thereof in the office of the county auditor, and deliver a like attested copy to the sheriff of such county.

(G. S. 1866, c. 64, § 32; G. S. 1878, c. 64, § 68.)

²⁶ An act to fix the time of holding the general terms of the district court in the county of Itasca in the fifteenth judicial district. Approved February 6, 1893.

²⁷ An act to change and fix the time of holding the general terms of the district court in Hubbard county, in this state. Approved April 1, 1893.

²⁸ By § 3, all acts and parts of acts inconsistent with this act or prescribing any other time of holding any of said general terms of court are repealed.

²⁹ By § 3, all acts or parts of acts inconsistent with this act are repealed.

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Tit. 4] COUNTIES ATTACHED FOR JUDICIAL PURPOSES. §§ 4943-4946

TITLE 4.

COUNTIES ATTACHED TO OTHERS FOR JUDICIAL PURPOSES.

§ 4943. Enumeration.

The counties attached to others for judicial purposes are:

The county of Beltrami is attached to the county of Becker. (Sp. Laws 1871, c. 75, § 1.)

The county of Cass is attached to the county of Crow Wing. (Sp. Laws 1871, c. 75, § 1; Sp. Laws 1876, c. 208, § 2.)

The county of Cook is attached to the county of Lake. (Sp. Laws 1891, c. 138.)

The county of Hubbard is attached to the county of Wadena. (1883, c. 78, § 4.)

In this section the result of the acts cited is given, instead of printing them at length.

Applied, *State v. Stokely*, 16 Minn. 282 (Gil. 249); *State v. McCartney*, 17 Minn. 76 (Gil. 54); *Young v. Young*, 18 Minn. 90 (Gil. 72).

See *Beebe v. Fridley*, cited in note to § 5486.

§ 4944. Title of court where counties are attached.

In all cases where one or more counties are attached to another for judicial purposes, the title of the district court for such counties shall hereafter be: "The State of Minnesota, District Court for such judicial districts, Counties of — and —, (naming all the counties for which a common place for holding terms of the district court is by law provided;) and the clerk of the district court, sheriff and county attorney of the county in which such court is held, shall perform the duties in said court that would have devolved upon them respectively, had it been a court held exclusively for such county.

(1867, c. 112, § 1; G. S. 1878, c. 64, § 70.)

§ 4945. Drawing of jurors in counties attached.

On the first Monday of April, A. D. eighteen hundred and sixty-seven, and in January of each year thereafter, the board of county commissioners of each of the several counties of this state which are now by law attached to another county for judicial purposes, shall meet and select persons properly qualified for grand jurors and petit jurors; and the number of such persons so selected in each county, and all proceedings in the selection of the same, and in the making, signing, attesting and delivering of the lists thereof, and in the drawing and summoning of grand and petit jurors for each term of the district court for such counties, shall conform to the regulations now provided by law, except that the lists of persons suitable for grand and petit jurors selected in each county shall be delivered to the clerk of the district court of the county in which such court is held, and that the grand jurors shall be drawn by the said clerk from all the names returned by the several counties collectively as those of persons suitable for grand jurors, and that the petit jurors shall in like manner be drawn from the names of those in like manner returned as those of persons suitable for petit jurors; and except, also, that the sheriff of the county in which such court is held, or his deputy, shall officiate in the summoning of the jurors so drawn, in the same manner that he would be required to do, provided said court was held exclusively for his own county: provided, that in case any counties included within the provisions of section one of this act have no board of county commissioners, the board of county commissioners of the county in which such court is held shall select suitable persons from such counties for grand and petit jurors, and the same shall be selected, and lists of them made, signed, attested and delivered, as provided above.

(1867, c. 112, § 2; G. S. 1878, c. 64, § 71.)

§ 4946. Pending proceedings not affected by change of title of court.

No action or proceeding, civil or criminal, now pending or undetermined in any court the title of which is changed by the provisions of this act, shall be

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deemed to be affected or impaired in any manner by such change; but all subsequent proceedings therein shall be conducted and carried on in said court in the same manner as if such action or proceeding had been commenced in said court after the title thereof was changed; and such court shall also have the same civil and criminal jurisdiction over all the counties for which it is held that it would have had, provided its title had not been changed.

(1867, c. 112, § 3; G. S. 1878, c. 64, § 72.)

§ 4947. Change of place of holding court from one county to another.

The judge of any district court, the title of which is changed by the provisions of section one of this act, may, whenever he shall consider it to be in furtherance of justice, or for the public convenience, order that the place for holding such court may be changed from the county now designated by law as the one in which such court shall be holden, to one of the other counties embraced in the title of such court; and in such case all the papers, records, books and other property appertaining to the said court, shall be delivered to the clerk of the district court of the county in which, by the terms of said order, the said court is thereafter to be holden, upon the demand of the said clerk; and all general and special terms of said court shall thereafter be holden in the county designated in the said order for the holding of the same; and the jurisdiction of the court in any action or proceeding pending at the time of the making of said order, or over any crime, misdemeanor, or offence committed either before or after the making of such order, shall not in any way be affected thereby: provided, that the said judge may, at any time when he shall deem it expedient, again in like manner change the county in which said court shall be holden.

(1867, c. 112, § 4; G. S. 1878, c. 64, § 73.)

§ 4948. Same—Vacancy in office of clerk.

In case there is no clerk of the district court in the county to which the holding of the court is changed, as provided for in the preceding section, there shall be deemed to be an original vacancy in the office of the clerk of the district court for such county, which vacancy shall be filled in the same manner, and subject to the same qualifications and regulations, as are now by law provided for filling vacancies in the office of clerk of the district court.

(1867, c. 112, § 5; G. S. 1878, c. 64, § 74.)

§ 4949. Prisoners, to whom delivered.

All persons for trial for any offence in any county within the jurisdiction of such court shall be delivered to the keeper of the common jail of the county in which said court is holden, for safe keeping, and to be produced when called for in the said court.

(1867, c. 112, § 6; G. S. 1878, c. 64, § 75.)

§ 4950. Expenses of criminal actions, etc.

The expenses of all criminal actions and proceedings shall be charged to and be defrayed by the county in which the crime is charged to have been committed.

(1867, c. 112, § 7; G. S. 1878, c. 64, § 76.)

§ 4951. County commissioners of county where court is holden.

In case any of the counties included in the provisions of this act shall have no board of county commissioners, then the board of county commissioners, and all the county officers, of the county in which such court is holden, shall act as the board of commissioners and county officers of such county, in the same manner, and returns from said counties shall be made to and through such officers in the same manner, as is now required to be done in fully organized counties: provided, that such board of commissioners shall not have power to levy any greater tax upon said counties than is sufficient to provide for the expenses thereof, including the laying out, opening and improving of roads and buildings, and repairing of bridges therein.

(1867, c. 112, § 8; G. S. 1878, c. 64, § 77.)

See § 1665.

(1304)

MINNESOTA STATUTES 1894

Tit. 4] COUNTIES ATTACHED FOR JUDICIAL PURPOSES. §§ 4952-4954

§ 4952. Appointment of clerk of court when county is detached.

That whenever any county that heretofore has been or hereafter may be attached to any other county for judicial purposes, heretofore has been or hereafter shall be detached from such county, and provision made for the holding of a general term of the district court in such detached county, it shall be the duty of the judge of the judicial district in which such detached county is situate, within thirty days after receiving notice of the passage of the act detaching such attached county, to appoint a clerk of the district court within and for such detached county, which clerk shall hold his office until his successor is elected and qualified.

(1873, c. 82, § 1; G. S. 1878, c. 64, § 78.)

§ 4953. Filing of papers, etc., when county is attached to another.

In all cases where any county or counties are or hereafter may be attached to any other county for judicial purposes, all pleadings, process, writs, recognizances, bonds and other papers by law required to be filed in the office of the clerk of the district court, shall be filed in the office of the clerk of such court in the county to which such county or counties are attached for judicial purposes.

(1873, c. 82, § 2; G. S. 1878, c. 64, § 79.)

§ 4954. Duty of secretary of state when an attached county is detached.

It shall be the duty of the secretary of state, within ten days after the filing in his office of any act of the legislature detaching any county that heretofore has been or hereafter may be attached to any other county for judicial purposes, and providing for the holding of a general term of the district court in such detached county, to notify, in writing, the judge of the judicial district in which such detached county is situate, of the passage of such act.

(1873, c. 82, § 3; G. S. 1878, c. 64, § 80.)

MUNICIPAL COURTS.

The laws in reference to municipal courts, being special rather than general in character, are not printed.

As to change of venue in such courts, see Laws 1893, c. 51.

See the following special laws relating to these courts in the respective localities named:

- Anoka, 1889, c. 18; 1891, c. 153.
- Brainerd, 1885, c. 116; 1887, cc. 100, 101; 1889, c. 44.
- Duluth, 1887, c. 2, subc. 3; Id. c. 323; 1891, c. 53, Confirmatory Act—Procedura.
- Village of Duluth, 1881, c. 11; 1885, c. 114, superseded by 1887, c. 2, subc. 12.
- Ely, 1891, c. 59.
- Hastings, 1883, c. 5.
- Mankato, 1881, Ex. S. c. 224; 1885, c. 119; 1887, c. 78.
- Minneapolis, 1874, c. 141; 1875, cc. 4, 5; 1877, c. 173; 1878, c. 25, § 11; 1878, c. 65; 1879, c. 87; 1881, c. 76, subc. 3; 1883, cc. 48, 49; 1885, c. 74; 1887, c. 21, consolidated act 1889, c. 34; 1891, c. 139. As to shorthand reporter, see 1887, c. 334.
- Moorhead, 1883, c. 10; not properly enacted. State v. Gould, 31 Minn. 189.
- Owatonna, 1889, c. 16.
- Redwood Falls, 1891, c. 1, subc. 15.
- Saint Paul, 1875, c. 2; 1876, c. 86, § 11; 1876, c. 211; 1877, cc. 173, 181; 1881, cc. 109, 373, 378; Id. Ex. S. cc. 63, 211; 1885, c. 247; 1889, c. 351, 1891, cc. 40, 41.
- Sauk Centre, 1889, c. 15; 1891, cc. 154, 155.
- Stillwater, 1876, c. 200; 1877, c. 55; 1878, c. 68; 1879, cc. 71, 332, 341; 1881, c. 92, subc. 12; 1885, cc. 72, 73, 118; 1887, c. 6; 1891, c. 50.
- Tower, 1889, c. 17; 1891, cc. 110, 112.
- Waseca, 1885, c. 117; 1891, c. 52, subc. 2.
- Winona, 1885, c. 115; 1887, cc. 49, 50; 1889, cc. 14, 533.