

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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## CHAPTER 86.

## ACTIONS TO VACATE CHARTERS, ETC., AND TO PREVENT USURPATIONS.

## 4545. For usurpation of office, etc.

**Powers of Attorney General.**—The Attorney General, as the chief law officer of the state, possesses, in addition to the authority expressly conferred by statute, all common-law powers incident to and inherent in the office. State ex rel. Young v. Robinson, 101 Minn. 277, 112 N. W. 269, 20 L. R. A. (N. S.) 1127.

See note under section 1562.

## CHAPTER 87.

## SPECIAL PROCEEDINGS.

## MANDAMUS.

## 4556. To whom issued, etc.

**In general.**—The Board of Regents of the State University is an inferior tribunal, corporation, or board. Gleason v. University of Minnesota, 104 Minn. 359, 116 N. W. 650.

**4560. Writ, how issued—Order—Service.**—Writs of mandamus shall be issued upon the order of the court or judge, which shall designate the return day, and direct the manner of service thereof, and service of the same shall be by copies of the writ, order allowing same, and petition upon which the writ is granted. (R. L. 4560, as amended by Laws 1909, c. 408, § 1.)

G. S. 1894, § 5979, cited in Bailey v. Swallow, 98 Minn. 104, 107 N. W. 727.

## 4564. Effect of judgment for plaintiff—Appeal.

**Judgment—Collateral attack.**—A judgment directing issuance of a peremptory writ commanding the doing of some act, which is within the jurisdiction of the court to command, cannot be collaterally impeached or avoided in proceedings to punish disobedience. If facts arise subsequently rendering its modification proper, the exclusive remedy is by motion in the original action. State ex rel. Tuthill v. Giddings, 98 Minn. 102, 107 N. W. 1048.

## 4566. Jurisdiction of district and supreme courts.

Cited in Gleason v. University of Minnesota, 104 Minn. 359, 116 N. W. 650.

## HABEAS CORPUS.

## 4584. Proceedings on return of writ.

Cited in State ex rel. Grande v. Bates, 101 Minn. 303, 112 N. W. 260.

## 4586. Prisoner remanded, when.

Cited in State ex rel. Bales v. Bailey, 106 Minn. 138, 118 N. W. 676, 19 L. R. A. (N. S.) 775.

## 4587. Held under process, when discharged.

**Existence of court.**—The legal existence of a court organized under color of law cannot be questioned in habeas corpus sued out by a person convicted and sentenced in proceedings had before it. State ex rel. Bales v. Bailey, 106 Minn. 138, 118 N. W. 676, 19 L. R. A. (N. S.) 775.

## 4601. Appeal to supreme court.

Cited in State ex rel. Johnson v. Bryant, 99 Minn. 49, 108 N. W. 880.