

GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

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CHAPTER 63.

SUPREME COURT.

Sections.

4407. Number of judges.
4408-4412. Jurisdiction.
4413-4417. Terms of court.

SEC. 4407. **Number of judges.**— The supreme court shall consist of one chief justice and four associate justices.

1881, ch. 141: "An act to increase the number of associate justices of the supreme court." Approved March 7, 1881. Const. art. 6, § 2, provides that the supreme court shall consist of one chief justice and two associate justices, but the number of associate justices may be increased to a number not exceeding four by the legislature by a two-thirds vote, when it shall be deemed necessary. Election of judges, term, qualifications, compensation and vacancy. Const. art. 6, §§ 3, 6, 10, 11.

JURISDICTION.

SEC. 4408. **Original and appellate.**— The supreme court has power to issue writs of error, certiorari, mandamus, prohibition, quo warranto, and also all other writs and processes, not especially provided for by law, to all courts of inferior jurisdiction, to corporations and to individuals, that are necessary to the furtherance of justice and the execution of the laws; * and shall be always open for the issuance and return of all such writs and processes, and for the hearing and determination of the same, and all matters therein involved, subject to such regulations and conditions as the court may prescribe. Any judge of said court may order the issuance of any such writ or process, and prescribe as to the service and return of the same.

G. S. ch. 63, § 1, as amended 1876, ch. 58. Approved February 3d. Amendment inserted "*quo warranto*" and added matter below *. 1 M. 365; 4 M. 364; 10 M. 369; 13 M. 508; 14 M. 248; 28 M. 41; 27 M. 36. Const. art. 6, § 2, provides that the supreme court "shall have original jurisdiction in such remedial cases as may be prescribed by law and appellate jurisdiction in all cases both in law and equity; but there shall be no trial by jury in said court."

SEC. 4409. **Same — Enforce judgments — Rules.**— Said court is vested with full power and authority necessary for carrying into complete execution all its judgments, decrees and determinations, in the matters aforesaid, and for the exercise of its jurisdiction as the supreme judicial tribunal of the state; and shall, by order made at general or special term, from time to time make and prescribe such general rules and regulations for the conduct and hearing of causes in said court, not inconsistent with the statute law of the state, as it may deem proper; and the said court shall, by order, prescribe the manner of publication, at the expense of the state, of such rules and regulations; and the same shall not be in force until thirty days after the publication thereof.

G. S. ch. 63, § 2.

SEC. 4410. **Power of each judge in vacation.**— Any one of the judges of the supreme court has power, in vacation, to issue any of the writs or processes which the said court is allowed by law to issue.

G. S. ch. 63, § 5.

SEC. 4411. **Decisions — Filing — Judgments.**— The said court shall, in all cases decided by it, give its decision in writing, which shall be filed with the clerk of said court, with the other papers in the case. Decisions in cases heard at a general term may be filed in vacation, and judgment entered thereon

in pursuance of the finding and order of the court, with the same effect as upon decisions made and filed in term.

G. S. ch. 62, § 3.

SEC. 4412. **Syllabus of decision.**—Said court, at the time of announcing the decision, in every action pending in said court, shall file with the clerk thereof a syllabus of the decision in such action, so prepared as to embody, as briefly as practicable, the principles settled in and by such decision; and said clerk, immediately thereafter, shall make, and furnish to the publishers of each of the daily papers in the city of St. Paul who consent to publish the same without charge, a copy of each syllabus so filed, accompanied with the title of the action.

G. S. ch. 63, § 4.

TERMS.

SEC. 4413. **General terms.**—There shall be two general terms of the supreme court held at the seat of government of the state, one on the first Tuesday in April, and one on the first Tuesday in October.

G. S. ch. 63, § 6, as amended 1872, ch. 43. Approved February 24, 1872. Amendment changed terms from first Tuesday in January and July. Const. art. 6, § 2, provides that supreme court "shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide by a two-thirds vote that one term in each year shall be held in each or any judicial district."

SEC. 4414. **Adjournment.**—If any two judges of said court shall not attend on the first or any other day of the term, the clerk shall enter such fact on the record, and the judge present shall adjourn the court to the next day, and so on from day to day for six days, if neither of the absent judges appear; at the end of which period said court shall be adjourned, and all matters pending therein shall stand continued until the next regular or special term.

G. S. ch. 63, § 7.

SEC. 4415. **Same.**—If neither of the judges appear, the clerk of said court may adjourn from day to day, as provided in the preceding section.

G. S. ch. 63, § 8.

SEC. 4416. **Special terms.**—Whenever, from any cause, it appears to the judges of said court, or any two of them, that the public interests require that a special term of the said court be held, the said judges, or any two of them, have authority to appoint a special term, giving twenty days' previous notice thereof, by advertisement published in a newspaper at the seat of government of the state.

G. S. ch. 63, § 9.

SEC. 4417. **Failure or continuance of term.**—Whenever there is no general term of said court at the time fixed therefor by law, for any cause, or whenever there is a continuance of the term of said court, or a change in the time of holding any term by act of the legislature, all causes then upon the calendar of said court, all writs, recognizances, appeals and proceedings, commenced, taken, or made returnable to said court at said term, shall stand over to, and be heard at, the next general or special term, with like effect as if no such failure, continuance or change had occurred.

G. S. ch. 63, § 10.