

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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1872.

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.

Absence of all the judges, clerk may adjourn.

SEC. 8. If neither of the judges appear, the clerk of said court may adjourn from day to day, as provided in the preceding section.

Special term may be called.

SEC. 9. 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.

Failure or continuance of term, causes to stand over.

SEC. 10. 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.

CHAPTER LXIV.

DISTRICT COURTS.

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*Authorizing District Ct. to change name
1869-68*

TITLE I.

POWERS AND JURISDICTION.

SECTION 1. 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.

Original jurisdiction of district courts in civil actions.

- 2 Min. 86.
4 Min. 13.
6 Min. 110.
6 Min. 150.
7 Min. 398.
9 Min. 166.
10 Min. 215.
10 Min. 250.
10 Min. 369.

SEC. 2. 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.

Original jurisdiction in equity.

- 2 Min. 30.
6 Min. 319.

SEC. 3. The said courts in term time, and the judges thereof in vacation, have power to award throughout the state, returnable to the proper county, writs of injunction, ne exeat, 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.

Power to issue writs and process.

- 2 Min. 61.
8 Min. 217.
4 Min. 204.

SEC. 4. 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.

Judge shall not try cause in which he is interested.

Handwritten: 1874, X, 219

SEC. 5. Whenever a judge of the district court is interested as counsel or otherwise, in the event of any cause or matter pending before said court, in any county of his district, another district judge, in an adjoining district, shall, when thereto requested by said judge, attend and try said cause, and the judge of any district shall discharge the duties of the judge of any other district, when convenience or the public interest requires it; and whenever a district judge is a party or otherwise interested in any cause, another district judge in an adjoining district shall, within his district, transact any ex parte business, hear and determine motions and grant orders in such causes when brought before him, which acts shall have the same force as if done in the district in which such actions are pending.

Judge of one district shall discharge duties of judge of another district, when.

SEC. 6. No judge of any of the courts of record of this state shall practice 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 practicing 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.

Judge shall not practice as attorney—nor receive fee—nor be partner of practicing attorney—shall reside in his district.

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SEC. 7. No one of the courts of this state shall be opened 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.

Court not to be opened on Sunday—exception.

SEC. 8. 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.

Judge unable to hold term, clerk to notify governor.

SEC. 9. In case the judge of any district court does not attend at the

Judge not attend

ing, sheriff or clerk to open and adjourn, &c.

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 said 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.

Persons bound to appear at term which is not held, to appear at next term.

SEC. 10. 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.

Process shall not abate by reason of vacancy or change in office of judge.

SEC. 11. 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.

Process to be tested.

SEC. 12. 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.

Process to be sealed, &c.

SEC. 13. 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 succeeding its date when no other time is fixed by law, or allowed by the rules or practice of the court for the return thereof.

Process shall be indorsed with name of attorney.

SEC. 14. 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.

Judge of court may adjourn the same—hold adjourned terms—appoint special terms and direct jurors to be drawn and summoned.

SEC. 15. 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.

May appoint special term for hearing issues of law, &c.

May appoint place of holding court, when

SEC. 16. 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.

May order special service, when.
1 Min. 347.
10 Min. 233.

SEC. 17. 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.

TITLE II.

JUDICIAL DISTRICTS.

1890 - 149
1894 - 234 1/2 248

SEC. 18. The state is divided into judicial districts as follows: The counties of Goodhue, Dakota, Washington, Chisago, Pine and Kanabec constitute the first judicial district. First judicial district.

SEC. 19. The county of Ramsey constitutes the second judicial district. Second judicial district.

SEC. 20. The counties of Houston, Fillmore, Winona, Olmsted and Wabashaw constitute the third judicial district. Third judicial district.

SEC. 21. The counties of Hennepin, Carver, Wright, McLeod, Lincoln, Meeker, Anoka, Isanti, Manomin, Monongalia and Kandiyohi constitute the fourth judicial district. Fourth judicial district.

SEC. 22. The counties of Scott, Rice, Steele, Waseca, Dodge, Mower and Freeborn constitute the fifth judicial district. Fifth judicial district.

SEC. 23. The counties of LeSueur, Sibley, Nicollet, Blue Earth, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Red Wood, Brown, Renville, Chippewa, Lac qui Parle and Bigstone constitute the sixth judicial district. Sixth judicial district.

SEC. 24. The counties of Stearns, Sherburne, Benton, Morrison, Crow Wing, Aiken, Cass, Douglass, [Todd,] Mille Lacs, Polk, Stevens, Traverse, Pembina, Clay, Andy Johnson, Otter Tail, Wadena, Becker, Pope, Saint Louis Carlton, Itasca and Lake constitute the seventh judicial district. Seventh judicial district.

TITLE III.

GENERAL TERMS.

SEC. 25. The general terms of the district court shall be held in each year at the times and places following: In the first judicial district—in the county of Goodhue, on the first Tuesday in December, and the third Tuesday in May. General terms of district court, when held in first district.

In the county of Dakota, on the third Tuesday in June, and the fourth Tuesday in January.

In the county of Washington, on the second Tuesday in April, and the second Tuesday in November.

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

SEC. 26. In the second judicial district—in the county of Ramsey, on the first Monday in May, and the first Thursday after the first Monday in November. Second district, when held.

SEC. 27. In the third judicial district—in the county of Olmsted, on the fourth Monday in April, and the first Monday in October. Third district, when held.

In the county of Winona, on the fourth Monday in March, and the second Monday in September.

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

In the county of Fillmore, on the first Tuesday after the third Monday in May, and the first Tuesday after the second Monday in November.

In the county of Wabashaw, on the first Tuesday after the first Monday in June, and the first Tuesday after the fourth Monday in November.

Fourth district,
when held.

SEC. 28. In the fourth judicial district—in the county of Hennepin, on the first Tuesday in May, and the third Tuesday in November.

In the county of Carver, on the third Tuesday in October, and the third Tuesday in March.

In the county of Meeker, on the second Tuesday in September.

In the county of Wright, on the fourth Tuesday in September.

In the county of Anoka, on the third Tuesday in December.

In the county of McLeod, on the third Tuesday in September.

Fifth district,
when held.

SEC. 29. In the fifth judicial district—in the county of Waseca, on the third Monday in February.

In the county of Dodge, on the first Monday in March, and the first Monday in September.

In the County of Mower, on the second Monday in March, and the third Monday in September.

In the county of Freeborn, on the fourth Monday in March, and the fourth Monday in September.

In the county of Rice, on the first Monday in May, and the first Monday in October.

In the county of Scott, on the third Monday in April, and the second Monday in November.

In the county of Steele, on the first Monday in April, and the first Monday in December.

Sixth district,
when held.

SEC. 30. In the sixth judicial district—in the county of Brown, on the third Tuesday in June.

In the county of Blue Earth, on the third Tuesday in May, and the first Tuesday in December.

In the county of Faribault, on the first Tuesday in June.

In the county of Martin on the third Tuesday in October.

In the county of McLeod, on the second Tuesday in September.

In the county of Nicollet, on the first Tuesday in May, and the first Tuesday in November.

In the county of Sibley, on the second Tuesday in April, and the first Tuesday in October.

In the county of LeSueur, on the first Tuesday in March, and the first Tuesday in September.

In the county of Renville, on the first Thursday in July.

Seventh district,
when held.

SEC. 31. In the seventh judicial district—in the county of Stearns, on the second Tuesday in April, and the first Tuesday in October.

In the county of Morrison, on the first Tuesday in September.

In the county of Sherburne, on the first Tuesday in May.

In the county of Benton, on the third Tuesday in September.

In the county of Crow Wing, on the last Tuesday in August.

In the county of Douglas, on the third Tuesday in October.

In the county of Mille Lacs, biennially, on the first Tuesday in June.

In the county of Saint Louis, biennially, on the first Tuesday in August.

Judge may hold
court in county
for which general
terms are not
provided—shall
cause notice to
be given.

SEC. 32. 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.

TITLE IV.

COUNTIES ATTACHED TO OTHERS FOR JUDICIAL PURPOSES.

SEC. 33. For judicial purposes, to enforce civil rights and criminal justice, the counties of Pine and Kanabec are attached to the county of Chisago; the counties of Carlton, Itasca and Lake, are attached to the county of Saint Louis; the counties of Aiken, Cass, Pembina, Polk, Becker, Clay, Andy Johnson, Otter Tail and Wadena, are attached to the county of Crow Wing; the county of Todd is attached to the county of Morrison; the counties of Pope, Stevens and Traverse, are attached to the county of Stearns; the counties of Monongalia and Kandiyohi, are attached to the county of Meeker; the counties of Chippewa, Lac qui Parle and Bigstone, are attached to the county of Renville; the county of Lincoln is attached to the county of McLeod; the county of Manomin is attached to the county of Hennepin; the county of Isanti is attached to the county of Anoka; the counties of Jackson, Nobles and Rock, are attached to the county of Martin; the counties of Cottonwood, Murray, Pipestone and Redwood, are attached to the county of Brown; and the county of Watonwan is attached to the county of Blue Earth; and for such purposes, all the officers of the counties of Chisago, Saint Louis, Crow Wing, Morrison, Stearns, Meeker, Hennepin, Anoka, Renville, Martin, Brown and Blue Earth, necessary to effect the same, shall have and exercise full jurisdiction, power and authority over and act in and for the counties respectively attached to said counties as aforesaid as fully as if they were part of the same.

Certain counties attached to others for judicial purposes.

County officers to have jurisdiction, &c., over counties attached.

all amended on these two pages