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THE
ORGANIC AND OTHER GENERAL LAWS

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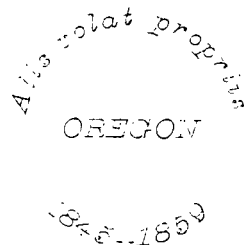
AND
Other Public Acts and Statutes of the United States.

1845--1864.

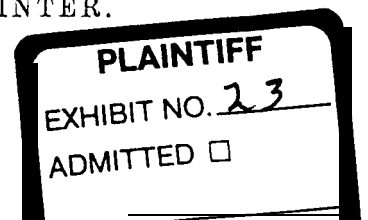
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I hereby affirm that the attached
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Maureen J. Bennett 11-8-03
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1866.



upon a lake, river or other water bordering upon such county OCT. 11, 1862. and opposite thereto; but otherwise than this, the jurisdiction of a justice's court does not depend upon where the cause arose, provided the defendants or either of them reside in the precinct where the action is commenced, or be found therein at the commencement thereof; and if neither of them reside in the state, the action may be commenced in any precinct in the state.

TITLE V.

Incidental powers and duties of the courts of justice and the judicial officers thereof.

<p>SEC. 884. Powers of courts respecting the conduct of judicial proceedings.</p> <p>885. How exercised.</p> <p>886. Judicial officer, definition of; when disqualified to act.</p> <p>887. Judicial officer not to act as attorney, except.</p> <p>888. Powers of judge out of court.</p> <p>889. Subsequent application to another judge, when prohibited.</p>	<p>SEC. 890. Power of judicial officers respecting the conduct of proceedings before them.</p> <p>891. How exercised.</p> <p>892. Power of judicial officers to take and certify proof or acknowledgments, affidavits or depositions.</p> <p>893. Same subject.</p>
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SEC. 884. Every court of justice has power:

1. To preserve and enforce order in its immediate presence;
2. To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority;
3. To provide for the orderly conduct of proceedings before it, or its officers;
4. To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein ;
5. To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto ;
6. To compel the attendance of persons, to testify in an action, suit or proceeding therein, in the cases and manner provided by this code;
7. To administer oaths in an action, suit or proceeding pending therein, and in all other cases, where it may be neces-

Powers of court³ respecting judicial proceedings, to preserve and enforce order and obedience.

OCT. 11, 1862. sary in the exercise of its powers, Or the performance Of its
d u t i e s .

Powers, how ex-
ercised.

SEC. 885. For the effectual exercise of the powers specified in the last section, the court may punish for contempt in the cases and the manner provided in this code.

Judicial officer,
definition of.

SEC. 886. A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such, in a court of which he is a member in any of the following cases:

When disquali-
fied to act.

1. In an action, suit or proceeding to which he is a party, or in which he is directly interested;

2. When he was not present and sitting as a member of the court, at the hearing of a matter submitted for its decision;

3. When he is related to either party, by consanguinity or affinity within the third degree ;

4. When he has been attorney in the action, suit or proceeding in question for either party.

But this section does not apply to an application to change the place of trial, or the regulation of the order of business in court. In the cases specified in subdivisions 3 and 4, the disqualification may be waived by the parties, and except in the supreme court., shall be deemed to be waived, unless an application for a change of the place of trial be made as provided in this code.

Judicial officer,
not to act as
attorney, except.

SEC. 887. Any judicial officer may act as an attorney in any action? suit or proceeding to which he is a party, or in which he is directly interested. A judge of the county court or justice of the peace otherwise authorized by law, may act as an attorney in any court, other than the one of which he is judge, except in an action, suit or proceeding removed therefrom to another court for review; but no judicial officer shall act as attorney in any court, or otherwise, other than in this section allowed.

Powers of a judge
out of court.

SEC. 888. A judge may exercise, out of court, all the powers expressly conferred upon a judge as contradistinguished from a court, and not otherwise.

Subsequent ap-
plication to
another judge,
when prohibited.

SEC. 889. If an application for an order, made to a judge of the court in which the action, suit or proceeding is pending: be refused in whole or in part, or be granted conditionally, no subsequent application for the same order shall be made to any other judge. A violation of this section is punishable as a contempt, and an order made contrary thereto may be revoked

by the judge who made it, or vacated by the court or judge thereof in which the action, suit or proceeding is pending. OCT. 11, 1862.

SEC. 890. Every judicial officer has power :

Power of judicial officers, respecting the conduct of proceedings before them.

1. To preserve and enforce order in his immediate presence, and in the proceedings before him, when he is engaged in the performance of a duty imposed upon him by this code or other statute ;

2. To compel obedience to his lawful orders, as provided in this code ;

3. To compel the attendance of persons to testify in a proceeding pending before him in the cases and manner provided in this code ;

4. To administer oaths to persons, in a proceeding pending before him, and in all other cases where it may be necessary, in the exercise of his powers and the performance of his duties.

SEC. 891. For the effectual exercise of the powers specified in the last section, a judicial officer may punish for contempt, in the cases and manner provided in this code. Powers, how exercised.

SEC. 892. The judges of the supreme court and circuit courts have power in any part of the state, to take and certify : Power to take and certify affidavits, depositions and acknowledgments of deeds.

1. The proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged ;

2. The acknowledgment of satisfaction of a judgment in any court ;

3. An affidavit or deposition, to be used in any court of justice or other tribunal of this state ;

4. To exercise any other power. and perform any other duty conferred or imposed upon them by this code or other statutes.

SEC. 893. Every other judicial officer may, within the county, city, district or precinct, in which he is chosen : Same subject.

1. Exercise the powers mentioned in subdivisions 1, 2 and 3, of the last section ;

2. Exercise any other power, and perform any other duty conferred or imposed upon him by this code or other statutes.

TITLE VI.

Seals of the courts of justice.