

*James C. Child*  
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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shall be liable to the party aggrieved for all damages occasioned by such refusal, to be recovered in a civil action, and if the subpoena on which he attested shall have been issued out of any court of record, such refusal shall be considered a contempt of said court, and be punished by fine and imprisonment at the discretion of said court.

(104.) SEC. VII. Such court may also issue an attachment to bring such witness before them in vacation, as well as term time, to answer for said contempt. Term time.

(105.) SEC. VIII. The provisions of this act shall not be so construed as in any way to impair the validity of section 53 of chapter 95 of the revised statutes of Minnesota. How construed.

(106.) SEC. IX. This act shall take effect from and after its passage. To take effect.

CHAPTER 85.

ARBITRATORS.

SECTION	SECTION
1. Controversy may be submitted to arbitrators.	12. Award may be accepted, rejected or re-committed.
2. When submission not to be made.	13. On what grounds party may move court to set aside award.
3. Parties to make agreement of submission; form of agreement.	14. In what cases court may alter award.
4. Agreement to submit, what to contain.	15. Award when to be returned to court.
5. Submission not to be revoked.	16. Judgment how rendered; costs how taxed.
6. To appoint a time and place for the hearing.	17. Record of judgment, how made.
7. Arbitrators to be sworn.	18. Record how filed and docketed, &c.
8. Award made after time fixed by parties not to have effect.	19. Arbitrators may make award concerning costs.
9. Award to be in writing.	20. Court may enforce judgment.
10. To be delivered to the clerk.	21. Arbitrators may administer oaths.
11. Court to have cognizance of award.	

[Chapter 96, Revised Statutes.]

(1.) SEC. I. All controversies which might be the subject of a personal action at law, or of a suit in equity, may be submitted to the decision of one or more arbitrators in the manner provided in this chapter. Controversy may be submitted to arbitrators.

(2.) SEC. II. No such submission shall be made respecting the claim of any person, to any estate in fee, or for life to real estate, but any claim to an interest for a term of years, or for one year or less, in real estate, and controversies respecting the partition of lands between joint tenants, or tenants in common, or concerning the boundaries of lands, or concerning the admeasurement of dower, may be submitted to arbitration. When submission not to be made.

(3.) SEC. III. The parties shall appear in person, or by their lawful agents or attorneys, before any justice of the peace, and shall there sign and acknowledge an agreement in substance as follows: Parties to make agreement of submission.

“ Know all men, that \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ have \_\_\_\_\_ agreed to submit the demand, a statement whereof is hereto annexed, (and all other demands between them as the case may be,) to the determination of \_\_\_\_\_ and \_\_\_\_\_ the award of whom or the greater part of whom, being made and reported within \_\_\_\_\_ from this day, to the district court for the county of \_\_\_\_\_ Form of agreement not to be made.

the judgment thereon shall be final; and if either of the parties shall neglect to appear before the arbitrators, after due notice given them of the time and place appointed for hearing the parties, the arbitrators may proceed in his absence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

And the justice shall subjoin to the said agreement his certificate, in substance as follows:

Territory of Minnesota, }  
 county of \_\_\_\_\_ } ss.

Then the above named \_\_\_\_\_ and \_\_\_\_\_ personally appeared, (or the above named \_\_\_\_\_ personally, and the said \_\_\_\_\_ by the said \_\_\_\_\_ his attorney, appeared, as the case may be,) and acknowledged the above instrument by them signed, to be their free act.

Before me, \_\_\_\_\_ J. P. justice of the peace.

Agreement to submit, what to contain.

(4.) SEC. IV. If any specific demand is submitted to the exclusion of others, the demand submitted shall be set forth in the statement annexed to the agreement, otherwise it shall not be necessary to annex any statement of a demand, and the words in the agreement relating to such statement may be omitted, and the submission may then be of all demands between the parties, or of all demands which either of them has against the other, or the submission may be varied in this respect, in any other manner according to the agreement of the parties.

Submission not to be revoked.

(5.) SEC. V. Neither party shall have power to revoke a submission made as herein provided, without the consent of the other; and if either of them shall neglect to appear before the arbitrators after due notice, the arbitrators may, nevertheless, proceed to hear and determine the cause upon the evidence produced by the other party, as provided in the agreement of submission.

To appoint a time and place for the hearing.

(6.) SEC. VI. The arbitrators thus selected shall appoint a time and place for the hearing, and shall adjourn the same from time to time as may be necessary; and on the application of either party, and for good cause, they may postpone such hearing to a time not extending beyond the day fixed in such submission for rendering their award.

Arbitrators to be sworn.

(7.) SEC. VII. Before proceeding to hear any testimony, the arbitrators shall be sworn by an officer authorized to administer oaths, faithfully and fairly to hear and examine the matters in controversy, and to make a just award according to law and evidence, to the best of their understanding.

Award made after time fixed by parties not to have effect.

(8.) SEC. VIII. The time within which the award shall be made and reported, may be varied according to the agreement of the parties; and no award made after the time so agreed upon, shall have any legal effect or operation, unless made upon a recommitment of the award by the court to which it is reported.

Award to be in writing.

(9.) SEC. IX. To entitle any award to be enforced, according to the provisions of this chapter, it must be in writing, subscribed by the arbitrators making the same, and attested by a subscribing witness.

To be delivered to the clerk.

(10.) SEC. X. The award shall be delivered by one of the arbitrators, to the clerk of the court, designated in the agreement, or shall be inclosed and sealed by them, and transmitted to the clerk, and shall remain sealed until opened by the court.

Court to have cognizance of award.

(11.) SEC. XI. The court to which the award is returned shall have cognizance thereof in the same manner, and the same proceedings shall be had thereon, as if it had been made by referees appointed by a rule of the same court.

Award may be accepted, reject-

(12.) SEC. XII. The award may be accepted or rejected by the court for any legal and sufficient reason, or it may be recommitted to the same

arbitrators for a rehearing by them; and when an award is accepted and confirmed by the court, judgment shall be rendered thereon in the same manner as upon a like award made by referees appointed by a rule of the court, and execution shall issue accordingly.

(13.) SEC. XIII. Any party complaining of such award may move the court designated in such submission, to vacate the same upon either of the following grounds:

1. That such award was procured by corruption, fraud, or other undue means;
2. That there was evident partiality or corruption in the arbitrators, or either of them;
3. That the arbitrators were guilty of misconduct in refusing to postpone the hearing upon sufficient cause shown, or in refusing to hear evidence, pertinent and material to the controversy, or any other misbehavior by which the rights of any party shall have been prejudiced;
4. That the arbitrators exceeded their powers, or that they so imperfectly executed them, that a mutual, final and definite award on the subject matter submitted was not made;
5. That the award was contrary to law and evidence.

(14.) SEC. XIV. Any party to such submission may also move the court designated therein, to modify or correct such award in the following cases:

1. Where there is an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in such award;
2. Where the arbitrators shall have awarded upon some matter not submitted to them, nor affecting the merits of the decision upon the matters submitted;
3. Where the awards shall be imperfect in some matter of form not affecting the merits of the controversy, and where, if it had been a verdict, such defect could have been amended or disregarded by the court according to the provisions of law.

(15.) SEC. XV. The award may be returned at any term or session of the court, that shall be held within the time limited in the submission; and the parties shall attend at every such term or session, without any express notice for that purpose, in like manner as if an action for the same cause were pending between them in the same court; but the court may require actual notice to be given to either party, when it shall appear to them necessary or proper, before they proceed to act upon the award.

(16.) SEC. XVI. Upon such award being confirmed or modified, the court shall render judgment in favor of the party to whom any sum of money or damages shall have been awarded, that he recover the same, and if the award shall have ordered any act to be done by either party, judgment shall be entered that such act be done according to such order; the costs of proceedings shall be taxed as in suits, and if no provision for the fees and expenses of the arbitrators shall have been made in the award, the court shall make a suitable allowance.

(17.) SEC. XVII. A record of such judgment shall be made, commencing with a memorandum reciting the submission, then stating the hearing before the arbitrators, their award, the proceedings of the court thereupon in modifying or confirming such award, and the judgment of the court for the recovery of the debt or damages awarded, and that the parties perform the acts ordered by the award, and for the recovery of the costs allowed.

(18.) SEC. XVIII. Such record shall be filed and docketed as records of judgments in other cases, shall have the same force and effect in all

ed or recommitted.

On what grounds party may move court to set aside award.

In what cases court may alter award.

Award when to be returned to court.

Judgment how renewed.

Costs how taxed.

Record of judgment how made.

Record how filed and docketed, &c.

respects, be subject to all the provisions of law in relation to judgments in actions, and may in like manner be removed and reversed by writ of error, and execution shall issue thereupon.

Arbitrators may make award concerning costs.

(19.) SEC. XIX. If there is no provision in the submission concerning the costs of the proceedings, the arbitrators may make such award respecting the costs as they shall judge reasonable, including therein a compensation for their own services; but the court may reduce the sum charged for the compensation of the arbitrators, if it shall appear to them unreasonable.

Court may enforce judgment.

(20.) SEC. XX. Where by such judgment any party shall be required to perform any act other than the payment of money, the court rendering such judgment shall enforce the same by rule; and the party refusing or neglecting to perform and execute such act, or any part thereof, shall be subject to all the penalties of contemning an order of such court.

Arbitrators to hear and receive testimony.

(21.) SEC. XXI. [*As amended on page 21 of the amendments of 1852, to the revised statutes:*] The arbitrators shall hear and receive the testimony of either party, under oath; and shall have power to administer all necessary oaths to parties or witnesses appearing before them. Nothing in this chapter contained, shall preclude the submission and arbitrament of controversies according to the common law. And in all cases, arbitrators may be sworn, and thereupon shall have power to administer oaths to parties and witnesses, on any hearing or examination before them, of the matter submitted, and any such party or witness swearing willfully or corruptly false, on any such hearing or examination, shall be deemed guilty of perjury.

May swear witnesses.

CHAPTER 86.

LABORERS', MECHANICS' AND OTHER LIENS. (a)

SECTION	SECTION
1. Complaint what to allege where party claims a lien.	15. Lien how long to remain; action for debt secured by it.
2. Complaint what to allege where work was done for contractor; such complaint shall be a lien; proviso.	16. Satisfaction of lien, certificate for; fees on recording same.
3. Summons and notice to be served.	17. Jurisdiction under lien law only in state district court.
4. Lien hereby created how far effectual.	18. Rights of executors, &c., as to lien.
5. District court to have jurisdiction in all cases.	19. Conflicting acts repealed.
6. Satisfaction when entered.	20. Act of March 20, 1858, when to take effect.
7. Penalty for refusal to enter satisfaction.	21. Lien on land, buildings, and boats, extent of.
8. Judgment to be for damage, interest, &c.	22. Owner to satisfy lien out of money due contractor.
9. Lien given for personal labor; sale under it.	23. Copies of claims of liens how given to contractor; contractor how to object.
10. Carriers and others to have same lien and power of sale.	24. Arbitration of claim for work, &c.
11. Previous lien acts repealed.	25. Contractor failing to pay, owner to do so.
12. Other laws having provisions of this, repealed.	26. Collusion by owner and contractor to defeat lien.
13. Act of March 3, 1855, when to take effect.	27. Account of claim to be recorded, and lien to hold for two years.
14. Extent of mechanics' lien on house and land; precedence of it.	

(a) It will be seen that the act of March 3d, 1855, by section 23 only repeals the former laws "regarding or affecting Mechanics' liens." As the following sections of the revised statutes may not fall within the operation of this repealing clause, they are published.