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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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3 had probable cause to believe that the land on which the
4 trespass was committed was his own, or that of the person
5 in whose service, or by whose direction the act was done,
6 judgment shall be given for only the single damages assess-
7 ed in the action.

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C. S. p. 597, Sect. 20. 1 SECT. 30. Nothing in the last two sections authorizes
2 the recovery of more than the just value of the timber taken
3 from uncultivated wood land for the repair of a public high-
4 way or bridge upon the land, or adjoining it.

C. S. p. 597, Sect. 21. 1 SECT. 31. If a person put out of real property in a
2 forcible manner without lawful authority, or being so put
3 out, is afterwards kept out by force, recovers damages there-
4 for, judgment may be entered for three times the amount
5 at which the actual damages are assessed.

C. S. p. 597, Sect. 22. 1 SECT. 32. In case of forcible entry or forcible detention,
2 if a person claiming in good faith under color of title to be
3 rightfully in possession so put out, or kept out, recovers
4 damages therefor, judgment may be entered in his favor for
5 three times the amount at which the actual damages are as-
6 sessed.

CHAPTER LXXVI.

ACTIONS RESPECTING CORPORATIONS.

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C. S. p. 605, Sect. 1.
Amended. 1 - SECTION 1. This chapter embraces all corporations, in-
2 cluding in such designation, all associations having any cor-
3 porate rights, whether created by special acts or under
4 general laws.

C. S. p. 605, Sect. 2.
Amended. 1 SECT. 2. A foreign corporation may prosecute in the
2 courts of this state, in the same manner as corporations
3 created under the laws thereof.

C. S. p. 605, Sect. 3. 1 SECT. 3. A foreign corporation cannot maintain an ac-
2 tion in this state upon an obligation or liability arising out
3 of, or in consideration of an act which is contrary to the
4 law or policy of the state, or which is thereby forbidden in
5 respect to corporations or associations therein, whose gen-
6 eral business is similar to that of such foreign corporation.

C. S. p. 605, Sect. 5.
Amended. 1 SECT. 4. Actions may be commenced against corpora-
2 tions whether created under the laws of this state or any

3 other state or country except as otherwise expressly pro-
 4 vided, in the same manner as other civil actions, and where
 5 service of summons is made according to the statute, the
 6 plaintiff may proceed thereupon in the same manner as in
 7 civil actions against natural persons.

1 SECT. 5. Upon a complaint filed under the direction of
 2 the attorney general in any district court, such court has
 3 power to restrain by injunction, any corporation from as-
 4 suming or exercising any franchise, liberty, or privilege,
 5 or transacting any business not authorized by the act by or
 6 under which such corporation was created, and to restrain
 7 any individuals from exercising any corporate rights, privi-
 8 leges, or franchises not granted to them by law.

C. S. p. 606, Sect. 1.
Amended. c 67

1 SECT. 6. Such injunction may be issued before the com-
 2 ing in of the answer, upon satisfactory proof that the de-
 3 fendant complained of, has usurped, exercised, or claimed
 4 any franchise, privilege, liberty, or corporate right not
 5 granted to it.

C. S. p. 606, Sect. 2.
Amended.

1 SECT. 7. The district court may compel the officers of
 2 any corporation—

3 *First.*—To account for their official conduct in the man-
 4 agement and disposition of the funds and property commit-
 5 ted to their charge;

C. S. p. 606, Sect. 3.
Amended.

6 *Second.*—May decree and compel payment by them, to
 7 the corporation which they represent, and to its creditors
 8 of all sums of money, and of the value of all property which
 9 they have acquired to themselves, or transferred to others,
 10 or have lost or wasted by any violation of their duties as
 11 such officers;

12 *Third.*—May suspend any such trustee, or other officer
 13 from exercising his office whenever it appears that he has
 14 abused his trust;

15 *Fourth.*—May remove any trustee, or officer from his
 16 office, upon proof or conviction of gross misconduct;

17 *Fifth.*—May direct, if necessary, a new election to be
 18 held by the body or board duly authorized for that purpose,
 19 to supply any vacancy created by such removal;

20 *Sixth.*—May set aside all alienations of property made
 21 by the trustees, or other officers of any corporation, con-
 22 trary to the provisions of law, or for purposes foreign to
 23 the lawful business and objects of such corporation, in cases
 24 where the person receiving such alienation knew the pur-
 25 pose for which the same was made; and

26 *Seventh.*—May restrain and prevent any such alienation,
 27 in cases where it is threatened, or there is good reason to
 28 apprehend that it is intended.

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C. S. p. 607, Sect. 4.

1 SECT. 8. Whenever any visitorial powers over any cor-
 2 poration, are vested by statute, in any corporate body or
 3 public officer, the provisions of the preceding section shall
 4 not be construed to impair the powers so vested.

C. S. p. 607, Sect. 6.

1 SECT. 9. Whenever a judgment is obtained against any
 2 corporation incorporated under the laws of this state, and
 3 an execution issued thereon, is returned unsatisfied in whole
 4 or in part, upon the complaint of the person obtaining such
 5 judgment or his representatives, the district court within
 6 the proper county, may sequester the stock, property,
 7 things in action, and effects of such corporation, and ap-
 8 point a receiver of the same.

C. S. p. 607, Sect. 7.
Amended.

1 SECT. 10. Upon a final judgment on any such complaint,
 2 the court shall cause a just and fair distribution of the pro-
 3 perty of such corporation, and of the proceeds thereof, to
 4 be made among the fair and honest creditors of such cor-
 5 poration, in proportion to their debts respectively.

C. S. p. 607, Sect. 8.

1 SECT. 11. Whenever any incorporated company re-
 2 mains insolvent for one year, or for one year neglects or re-
 3 fuses to pay and discharge its notes, or other evidences of
 4 debt, or for one year suspends the ordinary and lawful busi-
 5 ness of such corporation, it shall be deemed to have sur-
 6 rendered the rights, privileges, and franchises, granted by
 7 any act of incorporation, or acquired under the laws of this
 8 state, and shall be adjudged to be dissolved.

C. S. p. 607, Sect. 9.

1 SECT. 12. Whenever any corporation having banking
 2 powers, or the power to make loans on pledges, or deposits
 3 or authorized by law to make insurances, becomes insolvent,
 4 or unable to pay its debts, or neglects or refuses to pay its
 5 notes or evidences of debt on demand, or violates any of
 6 the provisions of its act or acts of incorporation, or of any
 7 other law, binding on such corporation, the district court
 8 may, by injunction, restrain such corporation and its offi-
 9 cers, from exercising any of its corporate rights, privileges,
 10 and franchises, and from collecting or receiving any debts
 11 or demands, and from paying out, or in any way transfer-
 12 ring or delivering to any person, any of the moneys, pro-
 13 perty, or effects of such corporation, until such court shall
 14 otherwise order.

C. S. p. 607, Sect. 10.
Amended.

1 SECT. 13. Such injunction may be issued on the com-
 2 plaint of the attorney general, in behalf of the state, or on
 3 the complaint of any creditor or stockholder of such cor-
 4 poration. Whenever such injunction issues against any
 5 bank for any violation of its charter, on the complaint of
 6 any creditor, the court shall proceed to final judgment in

7 such case, and adjudge a forfeiture, if the proof is sufficient,
 8 notwithstanding such creditor may settle with such corpora-
 9 tion, and relinquish his claim against said corporation, and
 10 in all such cases, the attorney general, or any creditor, shall
 11 have the right to appear and prosecute such action; and
 12 such action shall not be discontinued, if either of them so
 13 appear and prosecute the same.

1 SECT. 14. The court in any stage of the proceedings,
 2 may appoint one or more receivers to take charge of the
 3 property and effects of such corporation, and to collect, sue
 4 for, and recover the debts and demands that are due, and
 5 the property that belongs to such corporation, who shall in
 6 all respects be subject to the control of the court.

C. S. p. 608, Sect. 11. c67

1 SECT. 15. If such application is made by a creditor of
 2 any corporation, whose directors or stockholders are made
 3 liable by law for the payment of such debt, in any event or
 4 contingency, such debtors or stockholders or any of them,
 5 may be made parties to the action, either at the time of fi-
 6 ling the complaint or in any subsequent stage of the pro-
 7 ceedings, whenever it becomes necessary to enforce such
 8 liability.

C. S. p. 608, Sect. 13.

1 SECT. 16. If any creditor of a corporation desires to
 2 make such directors or stockholders parties to the action,
 3 after a judgment therein against the corporation, he may do
 4 so on filing a supplemental complaint against them, found-
 5 ed upon such judgment; and if such decree was rendered
 6 in a proceeding instituted by the attorney general, such
 7 creditor may, on his application, be made complainant there-
 8 in, and may in like manner make the directors and stock-
 9 holders sought to be charged, defendants in such action.

C. S. p. 608, Sect. 14.

1 SECT. 17. Whenever any creditor of a corporation
 2 seeks to charge the directors, trustees or other superintend-
 3 ing officers of such corporation, or the stockholders thereof,
 4 on account of any liability created by law, he may file his
 5 complaint for that purpose, in any district court which pos-
 6 sesses jurisdiction to enforce such liability.

C. S. p. 608, Sect. 15.

1 SECT. 18. The court shall proceed thereon as in other
 2 cases, and when necessary, shall cause an account to be
 3 taken of the property and debts due to and from such cor-
 4 poration, and shall appoint one or more receivers.

C. S. p. 608, Sect. 16.
Amended.

1 SECT. 19. If on the coming in of the answer, or upon
 2 the taking of any such account, it appears that such corpo-
 3 ration is insolvent, and that it has no property or effects to
 4 satisfy such creditors, the court may proceed without ap-

C. S. p. 608, Sect. 17.

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5 pointing any receiver, to ascertain the respective liabilities
6 of such directors and stockholders, and enforce the same by
7 its judgment as in other cases.

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C. S. p. 608, Sect. 18.
Amended.

1 SECT. 20. Upon a final judgment in any such action, to
2 restrain a corporation, or against directors or stockholders,
3 the court shall cause a just and fair distribution of the prop-
4 erty of such corporation, and of the proceeds thereof to be
5 made among its creditors.

C. S. p. 608, Sect. 19.

1 SECT. 21. In all cases in which the directors or other
2 officers of a corporation, or the stockholders thereof, are made
3 parties to an action in which a judgment is rendered, if the
4 property of such corporation is insufficient to discharge its
5 debts, the court shall proceed to compel each stockholder to
6 pay in the amount due and remaining unpaid on the shares
7 of stock held by him, or so much thereof as is necessary to
8 satisfy the debts of the company.

C. S. p. 609, Sect. 20.

1 SECT. 22. If the debts of the company remain unsatis-
2 fied, the court shall proceed to ascertain the respective lia-
3 bilities of the directors or other officers, and of the stock-
4 holders, and to adjudge the amount payable by each, and
5 enforce the judgment as in other cases.

C. S. p. 609, Sect. 25.
Amended.

1 SECT. 23. Whenever any action is brought against any
2 corporation, its directors or other superintending officers
3 or stockholders, according to the provisions of this chapter,
4 the court, whenever it appears necessary or proper, may or-
5 der notice to be published, in such manner as it shall direct,
6 requiring all the creditors of such corporation to exhibit
7 their claims and become parties to the action within a rea-
8 sonable time, not less than six months from the first publi-
9 cation of such order, and in default thereof to be precluded
10 from all benefit of the judgment which shall be rendered in
11 such action, and from any distribution which shall be made
12 under such judgment.

CHAPTER LXXVII.

ACTIONS BY OR AGAINST EXECUTORS, ADMINISTRATORS, AND HEIRS.

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C. S. p. 610, Sects. 1
& 2, combined &
amended.

1 SECTION 1. A cause of action arising out of an injury to
2 the person, dies with the person of either party, except as
3 provided in the next section. All other causes of action,