

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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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Judgment may be entered on plea of confession.

SEC. 4. Judgment may also be rendered in the district court in vacation, or in term, upon a plea of confession signed by an attorney of such court, although there is no action then pending between the parties, if the following provisions are complied with, and not otherwise:

First. The authority for confessing such judgment shall be in some proper instrument, distinct from that containing the bond, contract, or other evidence of the demand for which judgment is confessed;

Second. Such copy shall be filed with the clerk of the court in which the judgment is entered at the time of filing and docketing such judgment.

Clerk may enter judgment on plea of confession, when.

SEC. 5. When the authority mentioned in the last section is filed with the clerk of the district court, judgment may be entered thereon, in the same manner as is provided in section one of this chapter.

Effect of judgment.

SEC. 6. Any judgment entered under either of the provisions of this chapter in vacation, shall be as final and effectual as judgment rendered upon a verdict of a jury, and unless special provision is made for a stay of execution upon such judgment, execution may issue immediately.

SUBMITTING A CONTROVERSY WITHOUT ACTION.

Matter in dispute may be submitted to court, when and how.

SEC. 7. Parties to a matter in dispute, which might be the subject of a civil action, may, without action, agree upon a case containing the facts upon which the controversy depends, and present a submission of the same, to any court which would have jurisdiction if an action had been brought; but it shall appear by affidavit that the controversy is real, and the proceedings in good faith, to determine the rights of the parties; the court shall thereupon hear and determine the case at a general or special term, and render judgment thereon, as in civil actions.

Judgment, how entered—judgment roll, what constitutes.

SEC. 8. Judgment shall be entered in the judgment book, as in other cases. The case, submission, and a copy of the judgment, constitute the judgment roll, and judgment may be enforced in the same manner as if it had been rendered in an action, and is in the same manner subject to appeal.

CHAPTER LXXXIII.

ACTIONS AGAINST BOATS AND VESSELS.

SECTION

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20. Continuance granted, when—not to operate to discharge boat.
21. Plaintiff not entitled to continuance.
22. Who may take appeal.
23. Actions to be commenced, when.

SECTION 1. Every boat or vessel used in navigating the waters of this state is liable :

Boats or vessels,
for what liabl.
1 Min. 390.
2 Min. 175.
3 Min. 192.
8 Min. 97.
10 Min. 242.

First. For all debts contracted by the master, owner, agent, or consignee thereof, on account of supplies furnished for the use of such boat or vessel, on account of work done or services rendered on board or for the benefit of such boat or vessel, or on account of labor done or materials furnished by mechanics, tradesmen, or others in and for building, repairing, fitting out, furnishing, or equipping the same;

Second. For all sums due for wharfage or anchorage of such boat or vessel within this state ;

Third. For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of the boat or vessel on which such contract is to be performed ; and,

Fourth. For all injuries done to persons or property by such boat or vessel : *provided, however,* that in no case shall any boat or vessel be liable, as aforesaid, for any debt contracted on account of work done or services rendered on board or for the benefit of such boat or vessel, until the contract therefor is fully and duly performed on the part of the person engaging to perform the same.

SEC. 2. Whoever wishes to institute an action against a boat or vessel, shall file his complaint against such boat or vessel by name, with the clerk of the district court of the county in which such boat or vessel may be.

Action against
boat or vessel,
how brought.

SEC. 3. The complaint shall set forth the plaintiff's demand in all its particulars, and on whose account the same accrued ; it shall be verified by the affidavit of the plaintiff or some credible person for him.

Complaint shall
show, what.
1 Min. 252.
1 Min. 256.

SEC. 4. Whenever any such complaint is filed in the office of the clerk of the district court, he shall issue a warrant returnable in twenty days, directing and authorizing the sheriff to seize the boat or vessel mentioned in the complaint, and detain the same in his custody, together with its tackle, apparel and furniture, until discharged from such custody by due course of law.

Clerk shall issue
warrant.

SEC. 5. Upon the return of the warrant, issued by virtue of the preceding section, proceedings shall be had in the district court against the boat or vessel seized, in the same manner as if the action had been instituted against the person on whose account the demand accrued.

Proceedings on
return of war-
rant.

SEC. 6. The master, owner, agent or consignee of the boat or vessel may appear on behalf of such boat or vessel, and answer the complaint.

Who may appear
and answer com-
plaint.

SEC. 7. If the master, owner, agent or consignee, before final judgment gives bond to the plaintiff, with sufficient sureties to be approved by the court, or the judge or clerk thereof in vacation, conditioned to satisfy the amount which shall be adjudged to be owing and due to the plaintiff, in the determination of the action, together with all costs accruing, such boat or vessel, with the tackle, apparel, and furniture belonging thereto, shall be discharged from further detention by the sheriff.

Boat may be dis-
charged, if bond
is given.

SEC. 8. If judgment is rendered against any boat or vessel, in favor of the plaintiff, the court shall make an order directed to the sheriff, commanding him to sell such boat or vessel, together with its tackle, apparel, and furniture, to satisfy the judgment, and all costs that may have accrued in the cause, which order shall be executed and returned in the same manner as an execution.

Court to make
order of sale,
when.

SEC. 9. If a bond has been entered into, according to the seventh section of this chapter, and judgment rendered in favor of the plaintiff,

Execution to is-
sue against obli-
gors in bond,
when.

execution shall be issued for the amount of the judgment and costs, in favor of the plaintiff, against the principal and sureties in such bond.

Owner, et als,
summoned to
show cause,
when

SEC. 10. Whenever judgment is rendered against any boat or vessel in favor of the plaintiff, and such boat or vessel has been discharged from the custody of the sheriff prior to the rendition of such judgment, by the giving of bonds or otherwise, or when from any cause whatever, said judgment or any part thereof remains unpaid for the period of sixty days, the masters and owners thereof, either or both, and in case the owner is a foreign corporation, then the officers, members, or stockholders of such corporation or either or any of them may be summoned as is hereinafter provided, to show cause why he or they shall not be bound by the judgment in the same manner as if said action had been originally commenced and prosecuted to judgment against them.

Summons in
such case shall
contain, what.

SEC. 11. The summons provided for in the last section shall be subscribed by the judgment creditor, his representative or attorney, describe the judgment and require the party summoned to show cause within twenty days after the service of the summons, and may be served in the same manner that a summons is served in civil actions.

Affidavit to ac-
company sum-
mons.

SEC. 12. The summons shall be accompanied by an affidavit of the person subscribing it that the judgment has not been paid or satisfied to his knowledge, information or belief, and shall specify the amount due thereon.

Answer of party
summoned,
may contain
what.

SEC. 13. The party summoned may answer, denying the judgment or setting up any defence that may have arisen subsequent to the rendition of said judgment, and in addition thereto, that he was not at the time said cause of action arose against said boat or vessel the master, owner or part owner thereof, or that he was not at the time said cause of action arose against said boat or vessel, or at any time since, an officer, member or stockholder of any foreign corporation which was the owner of such boat or vessel, at the time said cause of action arose, but no other defence whatever.

Pleadings and
trial.

SEC. 14. The party issuing the summons may demur or reply to the answer, and the party summoned may demur to the reply, and the issue may be tried and judgment and costs given, and enforced by execution in the same manner as in civil actions.

Justices of the
peace to have
jurisdiction,
when.

SEC. 15. Justices of the peace, within their respective counties, have cognizance of all cases arising under this chapter, when the demand claimed does not exceed the sum of one hundred dollars.

Proceedings be-
fore justices, how
governed.

SEC. 16. In all their proceedings, justices of the peace shall conform to the provisions of law governing justices' courts, and as near as may be to the provisions of this chapter, as they apply in the district court.

Warrant issued
by justice return-
able forthwith—
proceedings on
return—bond
may be given and
boat released.

SEC. 17. Every warrant issued by a justice of the peace under this chapter, shall be returnable forthwith; and upon the return thereof the justice shall hear and determine the action in a summary manner: *provided*, that if the master, owner, agent, or consignee executes a bond to the plaintiff with sufficient surety to be approved by the justice, conditioned that he will satisfy the amount which may be adjudged to be owing and due to the plaintiff on the determination of the action, together with costs, then the boat, vessel, tackle, apparel and furniture seized by such warrant shall be discharged from custody.

Warrants, how
served and re-
turned.

SEC. 18. All warrants issued under the provisions of this chapter, shall be served and returned as writs of attachment are served and returned.

Power of officer
under order of
sale.

SEC. 19. Whenever an order of sale is made for the sale of a boat or vessel, with its tackle, apparel, and furniture, the sheriff or constable has power to sell such part thereof, or such interest therein, as shall be neces-

sary to satisfy the amount of judgment rendered in favor of the plaintiff, and all the costs that have accrued.

SEC. 20. Upon good and sufficient cause shown by the master, owner, agent, or consignee of any boat or vessel, sold under this chapter, the court or justice of the peace may grant a continuance of the cause; but no such continuance shall operate as a discharge of such boat or vessel from the custody of the sheriff or constable.

Continuance, granted, when—effect of continuance.

SEC. 21. No continuance of a cause, under this chapter, shall be granted to the plaintiff.

Plaintiff not entitled to continuance.

SEC. 22. In all cases arising under this chapter, if judgment is rendered in favor of the plaintiff, the master, owner, agent, or consignee of the boat or vessel, or other person interested, may appeal from the judgment, as in other cases.

Who may take appeal.

SEC. 23. All actions against a boat or vessel, under the provisions of this chapter, shall be commenced within one year after the cause of action accrues.

Actions to be commenced within one year.

CHAPTER LXXXIV.

1874-212

FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

SECTION

1. Forcible entry into lands or tenements forbidden.
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4. Summons, how served.
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SECTION

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13. Appeal, how and when taken.
14. Proceedings stayed by appeal.
15. Justice to grant certificate of appeal, when—effect of certificate.
16. Appeal not to be dismissed for want of form.
17. Amendments may be allowed.
18. Answer to contain, what.
19. Appellate court may compel justice to make or amend return.
20. Forms allowed.

SECTION 1. No person shall hereafter make an entry into lands or tenements, except in cases where entry is given by law; and in such cases, not with strong hands, nor with a multitude of people, but only in a peaceable manner; if any person from henceforth does to the contrary, he shall be punished by fine.

Forcible entry into lands or tenements forbidden

SEC. 2. Any justice of the peace has authority to inquire as hereinafter directed; as well against those who may make unlawful or forcible entry into lands or tenements, and detain the same, as against those who having lawful or peaceful entry into lands or tenements, unlawfully and forcibly detain the same; and if it is found upon such inquiry, that an unlawful or forcible entry has been made, and that said lands tenements

Justices of the peace to have jurisdiction.