

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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.

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

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STATE OF MINNESOTA:

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WE, E. C. PALMER, Commissioner, appointed by the Legislature of the State of Minnesota, to edit and superintend the printing and publication of the General Statutes of the State, and H. C. ROGERS, Secretary of State, hereby certify that we have examined and compared the foregoing Chapters of the General Statutes with the original rolls on file in the office of the Secretary of State, that the same comprise the whole of said General Statutes, and are correct transcripts of the original rolls aforesaid.

E. C. PALMER,

*Commissioner, &c.*

H. C. ROGERS,

*Secretary of State.*

JULY 1, 1866.

MINNESOTA STATUTES 1866

SECTIONS

OF THE

GENERAL ACTS

PASSED SUBSEQUENTLY TO THE PASSAGE OF THE REVISED STATUTES, AND EXPRESSLY REPEALED BEFORE THE PASSAGE OF THE GENERAL STATUTES.

Sections of Statutes			Expressly repealed by Statutes of		
Year.	Chapter.	Section.	Year.	Chapter.	Section.
1853	11	6	1856	5	11
1854	26	13, 14, 15 & 16	1855	67	1
1855	16	9 to 20	1858	53	6
1857	2	2	1862	38	1
1857 Ex. Sess.	51	10	1857 Ex. S.	81	12
1858	32	2	1858	33	2
"	32	2	1860	25	3
"	48	1	1860	43	6
"	65	17, 18, 19	1860	1	105
"	71	2 to 14	1864	71	12
"	74	11	1860	57	4
"	75	Art. 16, Sec. 5	1860	1	105
"	75	Art. 17, 18, 19, 20	1860	1	105
"	75	Art. 15, Secs. 8, 9, 10 & 11	1860	2	56
"	75	Art. 21, 22, 23	1860	3	27
"	75	Art. 24, Sec. 11	1860	14	13
1860	1	Art. 1 to 13	1860	14	13
"	1	64	1861	1	20
"	15	32	1860	20	1
"	18	20 & 21	1860	96	14
"	28	1	1864	29	1
1861	2	10	1862	9	6
"	55	1 to 7	1864	60	8

# GENERAL ACTS

PASSED SUBSEQUENTLY TO THE PASSAGE OF THE REVISED  
STATUTES AND EXPRESSLY REPEALED BEFORE THE  
PASSAGE OF THE GENERAL STATUTES.

Statutes.		Expressly repealed by Statutes of			Statutes.		Expressly repealed by Statutes of		
Year.	Chapter.	Year.	Chapter.	Section.	Year.	Chapter.	Year.	Chapter.	Section.
1851	10	1861	42	20	1860	53	1862	8	9
1852	5	1860	18	71	"	53	1863	15	13
"	8	1861	12	4	"	53	1865	48	13
"	14	1860	1	105	"	60	1861	19	3
"	20	1858	44	1	"	76	1861	51	4
1856	7	1860	1	105	"	76	1864	27	2
"	126	1862	1 Sp.L.	12	"	96	1861	15	84
1857	62	1860	3	48	1861	11	1862	1	44
"	62	1862	2 Sp.L.	4	"	13	1862	62	54
1858	5	1860	1	105	"	14	1862	62	54
"	8	1862	25	3	"	30	1865	74	3
"	17	1861	12	4	"	65	1865	6	20
"	24	1860	88	7	1862	8	1863	15	13
"	33	1860	25	2	"	8	1865	48	13
"	41	1861	55	8	"	59	1862E.S.	12	3
"	45	1861	55	8	"	60	1862E.S.	12	3
"	50	1860	58	4	1863	15	1865	48	13
"	58	1861	12	4	"	25	1865	58	7
"	75	1860	3	48	"	26	1864	27	2
"	82	1860	3	48	"	29	1865	26	1
"	83	1860	9	54	1864	26	1865	74	3
"	86	1861	15	84	"	32	1865	26	1
"	148Sp.L.	1863	45 Sp.L.	1	"	44	1865	58	7
1860	18	1861	15	84	"	68	1865	60	2
"	46	1861	11	68					

# A GLOSSARY

OF SUCH WORDS AND PHRASES CONTAINED IN THESE STATUTES AS BELONG TO FOREIGN LANGUAGES, AND THE MORE OBSCURE OF SUCH OTHERS AS ARE MERELY TECHNICAL.

**ABATEMENT**, plea of, is when for any default the defendant prays that the writ or plaint do abate; that is, cease against him for that time.

**ALIAS**, (*another.*) When prefixed to writ or execution, it means the second; as, *alias execution*, *alias writ of capias*, the second execution, the second writ of capias.

**ALIEN**. A subject of *another* government. An unnaturalized foreigner.

**ALIENATION**, an act by which the property and possession of real estate is transferred from one person to another, which may be done by deed, devise, or by matter of record.

**ALIMONY**, the allowance which is made by order of court to a woman for her support out of her husband's estate, upon being separated from him by divorce, or pending a suit for divorce.

**ALLODIAL**. That which is not held of any superior; free or independent; the opposite of *feudal*. *Allodial* lands are such as are free from any rent or service. In this state all lands are declared to be allodial. (See Con. art. 1, sec. 15, p. 26.)

**ALLODIUM**. Free, absolute independent ownership; a free estate; property held in absolute dominion without owing any rent, fealty or service to any superior; every man's own land, held of no one and of which he has the absolute property.

**ANSWER** is in this state used technically to mean the statement of the matter intended to be relied upon by the defendant in avoidance of the plaintiff's action. (See p. 460.)

**ATTAINDER**, the stain, forfeiture, and corruption of blood which followed upon being condemned for certain crimes. The consequences of attainder were, 1st, forfeiture of all the felon's estate, real and personal; 2d, the corruption of his blood by which his posterity were prevented from inheriting property from him, or through him for any remote ancestor.

**BILL OF ATTAINDER**, a bill brought into parliament for attainting persons condemned for high treason.

By the constitution of the United States, art. 1, sec. 10, states are prohibited from passing any bill of attainder; and by art. 3, sec. 3, congress "has power to declare the punishment of treason,

but no attainer of treason shall work corruption of blood or forfeiture, except during the life of the person attained."

**AVOIRDUPOIS**, a weight of which a pound contains sixteen ounces; its proportion to a pound Troy being as seventeen to fourteen. It is the weight of larger and coarser commodities.

## B.

**BARRETRY**, The offense of frequently exciting and stirring up suits and quarrels either at law or otherwise. No one can be convicted of a single act of barrety; for every indictment for that offense must charge the defendant with being a common barretor.

**BONA FIDE**. *In good faith.*

**BONUS**, a premium.

**BOTTOMRY**, a contract in the nature of a mortgage of a ship, on which the owner borrows money to enable him to fit out the ship, or to purchase a cargo for a voyage proposed, and he pledges the keel or bottom of the ship as a security for the repayment; and it is stipulated that if the ship should be lost in the course of the voyage by any of the perils enumerated in the contract, the lender also loses his money; but if the ship should arrive in safety, then he shall receive back his principal and also the interest agreed upon, which is generally called marine interest, however this may exceed the legal rate of interest. Not only the ship and tackle, if they arrive safe, but also the person of the borrower is liable for the money lent and the marine interest.

## C.

**CAPIAS**, (*take you, or that you take.*) A writ or process commanding the officer to take the body of a person is called a "capias," or a "writ of capias." A writ directing the officer to "attach the goods and estate of the defendant, and for want thereof to take his body," is called a "writ of capias and attachment."

**CAPITAL CRIME**, a crime punishable with death.

**CHAMPERTY**. The maintenance of any man in his suit upon condition to have part of the thing in dispute when it is recovered. In the modern sense of the word, *champerty* signifies the purchase of an interest in a thing in dispute with the object of maintaining and taking part in the litigation. In this state *champerty* does not seem to be recognized as an offense. (See p. 495.)

**CIVIL LAW**, the municipal code of laws of the Romans. Degrees of kindred are by statute, in this state, to be computed according to the rules of the civil law. (See p. 354.)

Such computation is from one of the persons whose relationship is sought, up to the common ancestor, and then from the common ancestor down to the other of such persons.

**COMMON LAW**, in England, the unwritten law, founded on custom, and deriving its force and authority from the universal consent and immemorial practice of the people.

**COMMUTATION**. Change; substitution. The substitution of one punishment for another, after conviction of the party subject to it. The change of a punishment from a greater to a less; as from hanging to imprisonment.

Also the substitution of one mode of discharging a debt or obligation, for another, as discharging a road tax, payable in labor, by payment of money. (See p. 192.)

**COMPOUNDING A FELONY**. The offense of taking a reward for forbearing to prosecute a felony. As where a party robbed takes his goods again, or other amends, upon an agreement not to prosecute. (See p. 615.)

**CONTINGENT REMAINDER**, the remainder of an estate in lands limited to take effect on an event or condition which may never happen or be performed, or which may not happen or be performed till after the determination of the preceding particular estate; in which case such remainder never can take effect.

**COPARCENARY. COPARCENERS**. In England, an estate in coparcenary arose where a person seized of lands and tencements in fee-simple or in tail died, leaving only daughters, sisters, aunts, or other *female heirs*; in which case the estate descended to all such daughters, sisters, &c., jointly. By custom, in certain cases, an estate descended to all the male heirs, who became coparceners.

In this state, lands descend to all the children equally, and there is no substantial difference between coparceners and tenants in common.

**COVERTURE**, the state or condition of a married woman.

**CURTESY**. When a married woman is, during coverture, seized of real estate, her husband is entitled to hold the same after her death, for his life, if, during their marriage, they had issue born alive. This is called an "estate by the curtesy." The rights given to married women to hold property to their sole and separate use do not take away the husband's estate by the curtesy. (See pp. 363, 500.)

**CURTILAGE**, the open space situated within a common inclosure of a dwelling-house and the buildings connected therewith. (See 10 Cush. 480.)

## D.

**DE BONIS NON**, (*of the goods not.*) When upon the death, resignation, or removal of an executor

or administrator before the estate is fully settled, another person is appointed to administer *the estate not already administered*, he is called "administrator de bonis non," or if there is a will, "administrator de bonis non with the will annexed."

**DEFEASANCE**. A collateral deed, made at the same time with a conveyance, containing conditions upon the performance of which the estate may be defeated.

To be valid against third parties, the defeasance must in this state, be recorded in the registry of deeds. (See p. 331.)

**DISCLAIMER**, (*to abandon, to renounce.*) A plea in a real action, by which the defendant declares that he has nothing and claims nothing in the demanded premises, and wholly disavows and disclaims to have anything therein.

"It resembles a plea of tender of the whole sum demanded in an action of debt or assumpsit, in which case the defendant admits the plaintiff's right to the thing in controversy, but shows that he had no right of action for it." (13 Mass. 442.)

**DISCONTINUANCE, RESPECTING REAL ESTATE**. An alienation made or suffered by the tenant in tail, or other tenant seized in right of another, by which the issue in tail, or heir, or successor, or those in reversion or remainder, are driven to their action and cannot enter. It is used to distinguish those cases where a party whose freehold is ousted, can restore it only by action, from those in which he may restore it by entry.

By statute, in this state, a discontinuance does not take away or defeat any right of entry, or of action for recovery of real estate. (See p. 540.)

**DISSEISIN**. See **SEISIN**.

**DISTRAIN, DISTRESS**. A distress is the taking of personal property without process of law, from the possession of a wrong doer, as a pledge to a party injured, for redress of the injury, or the performance of some duty, or for the satisfaction of some claim.

Collectors may distrain for payment of taxes. (See pp. 178, 179.)

Owners or occupants of land may distrain cattle doing damage. (See p. 220.)

**DURESS**. An actual or threatened violence of a man's person contrary to law, to compel him to enter into a contract or to discharge one.

## E.

**EASEMENT**. A liberty, privilege or advantage in land without profit, distinct from ownership of the soil; such as a right of way over the land of another, or in a public highway, &c.

**ELISORS**. Electors or choosers. Persons appointed by the court to execute writs of venire in cases where both sheriff and coroner are disqualified from acting, and whose duty it is to choose, that is name, and return the jury. Persons appointed to execute any writ in default of the sheriff and coroner, are called *elisors*.

**ESCHEAT**. The falling or passing of real estate to the government in the nature of reversion, by reason of there being no person legally entitled to hold the same. (See pp. 353, 354.)

**ESTRAY**. Anything out of its place, especially an animal that has escaped from its owner and wanders or strays about. Usually defined as a wandering animal whose owner is unknown. (See p. 216.)

**EX OFFICIO**. *By virtue of office.*

**EX PARTE**, (*of the one part.*) Any thing done when only one party is present is said to be done *ex parte*.

**EX POST FACTO**. Something done after, and in relation to, a former act. After the deed is done, retrospective.

An *ex post facto law* is, technically, one which renders an act punishable in a manner in which it was not punishable when it was committed.—*Fletcher v. Peck*, 6 Cranch, 87.

By article 1, section 10, of the constitution of the United States, the states are prohibited from passing such a law. (See p. 6.)

It applies to laws respecting crimes only. (9 Mass. 363.)

**EXECUTORY DEVISE**. An executory devise of lands is such a disposition of them by will, that thereby no estate vests at the death of the deviser, but only on some future contingency. It differs from a remainder in three very material points: First, that it needs no particular estate to support it. Second, that by it a fee simple or other less estate may be limited after a fee simple. Third, that by this means, a remainder may be limited of a chattel interest, after a particular estate for life created in the same.

It is a limitation by will of a future contingent interest in lands, contrary to the rules of limitation of contingent estates in conveyances at law.

## F.

**FEE**, *inheritance*; **FEE SIMPLE**, *a simple inheritance*. An estate in fee, or fee simple, is an estate in lands held to a person, to him and his heirs forever, generally, absolutely and simply, without mentioning what heirs.

**FEE TAIL**. An estate in tail, or in fee tail, is an estate in lands descendible to some particular heirs only of the person to whom it is granted, and not to his heirs general.

**FELONY**. By statute in this state, any crime punishable by death or imprisonment in the state prison, and no other, is a felony. (See p. 593.)

**FEME COVERT**. A married woman.

**FREEHOLD**. A freehold estate is an interest in lands held in fee, for life, or for some other uncertain period. An estate for years, however long the time, is not, by common law, a freehold, because its duration is certain.

## G.

**GENERAL ISSUE**. A form of plea by a defendant making a general denial of the whole of the allegations in the indictment, or complaint against him.

**GENERAL AVERAGE**. A contribution made by the proprietors in general of a ship or cargo, toward the loss sustained by any individuals of their number whose property has been voluntarily sacrificed for the common safety. To constitute a case for general average these things must concur: 1. An imminent common peril; 2. A voluntary jettison to avoid this peril; and 3. The success of the attempt.

## H.

**HABEAS CORPUS**, (*have the body.*) The writ of habeas corpus is a writ issued by a judge, magistrate, or court, commanding that some person held in custody or under restraint shall be brought before the same or some other judge, magistrate, or court at a certain time or place for the purpose of inquiry into the legality of the restraint, or of having the person in court, for trial as a party, or as a witness, or for some other cause making his personal attendance necessary.

**HEREDITAMENTS**. An inheritance or an estate which descends to one by succession.

**INCORPOREAL HEREDITAMENT** is such a right issuing out of, or concerning, or annexed to, or exercisable within a thing corporate or tangible, such as an annuity charged on lands, and granted to a person and his heirs.

**HYPOTHECATION**, a certain kind of pledge of personal property without delivery to the pledgee, originally peculiar to the civil law.

In the common law, cases of hypothecation, in the strict sense of the civil law, that is, of a pledge of a chattel, without possession by the pledgee, are scarcely to be found. Cases of bottomry bonds, and claims for seamen's wages against ships, are the nearest approach to it; but these are liens and privileges rather than hypothecation.

## I.

**INCHOATE**. Begun; commenced; incipient; incomplete. A term applied to dower, as *initiate* is to curtesy.

**IN FULL LIFE**. Alive in fact and in law. A party may be physically alive, or *in life*, and yet civilly dead; hence the use of the phrase to express life in both senses or in the fullest sense of the word.

**IN INVITUM**. Against an unwilling party; against a party without his consent.

**INNUENDO**. An averment which explains the meaning, or points out the application of some words or matters expressed, commonly used in actions of slander, but now, by statute, not necessary. (See p. 462.)

**INQUEST**. A judicial inquiry, or examination; an inquiry into any cause or matter, civil or criminal, by a jury summoned for the purpose. Most commonly applied, in this sense, to the inquiry made by a coroner's jury.

A grand jury was formerly sometimes termed the great or grand *inquest* and the term is retained in modern practice.

The finding of a jury in a civil case, *ex parte*, that is, where the opposite party does not appear at the trial. The counsel who takes a verdict in such a case is said to *take an inquest*.

**IN SOLIDO**. For the whole, to, or for the full amount; jointly and severally. A contract *in solido* is one by which each party is bound severally as well as jointly, and by which each is liable for the whole.

**INTERLOCUTORY**. Intermediate. An interlocutory judgment, decree, or order, is one entered between the commencement and the end of a suit, deciding some particular point, without making a final decision of the matter in issue.

**ISSUE**. In relation to kindred, it means all persons who have descended from a common ancestor.

In pleading, it is the close or result of the pleadings, by which the single material point depending in the suit is presented for determination.

## J.

**JEOPAIL.** An oversight in pleading; a mistake, or error; strictly the acknowledgment of an oversight. Hence the statute (14 Edw. III, st. 1, c. 6.) which first gave the liberty of amendment in such cases was called the Statute of Jeofail, and the term has continued to be applied to the various statutes of amendment since passed.

**JETSAM.** Goods thrown into the sea from a vessel in danger of wreck, for the purpose of lightening her, and which remain under water, without coming to land.

**JOINT TENANTS, ESTATES IN JOINT TENANCY.** Applied to real estate. The peculiar incident of an estate in joint tenancy, distinguishing it from an estate in common, is the right of survivorship, by which, upon the death of any joint tenant, the entire estate goes to the survivors or survivor, and the last survivor holds it to himself and his heirs. It is a life estate to all but the last survivor.

**JOINTURE.** An estate settled upon a wife, to be enjoyed after her husband's decease for her own life at least, in lieu and in satisfaction of dower. A jointure strictly signifies a joint estate limited to both husband and wife and such was its original form; but in its more usual form, it is a sole estate limited to the wife only, expectant upon a life estate in the husband.

**JURAT.** In practice. The memorandum or clause at the foot of an affidavit, showing when, (and in English practice, where,) and before whom it was sworn.

**JUSTIFICATION.** In practice. The procedure by which the competency or sufficiency of bail is established, or made out.

## K.

**KIN.** Relation or relationship by blood or consanguinity.

## L.

**LACHES.** Slackness, negligence or remissness.— Neglect to do something which by law a man ought, or is obliged to do. Neglect to make a claim within a reasonable time.

**LAW OF THE LAND.** Due process of law. A trial by due course and process of law, or according to the common law.

**LEVY.** A seizure. Commonly used in the statutes to express the taking of property on executions to satisfy judgments, or on warrants for the collection of taxes.

**LIEN.** In its most extensive signification, it includes every case in which real or personal property is charged with, or held for the payment of any debt or duty. In a more limited sense, it is the right of detaining the property of another until some claim is satisfied. (See p. 589.)

**LIS PENDENS.** A pending suit; the actual pendency of a suit, or other proceeding. A notice of

*lis pendens* is one of the proceedings in an action relating to real property. (See p. 540.)

When a man is to be affected by a pending suit there ought to be a close and continued prosecution of it. (1 Vern. 286.)

**LOCATE.** In American law. To place; to fix, ascertain or designate the place or situation of a certain piece or tract of land. To place one's self upon land; to settle on it, or take actual possession.

**LOCUS IN QUO.** In pleading. The place in which; the place where.

## M.

**MAINTENANCE.** An officious intermeddling in a suit that no way belongs to one by maintaining or assisting either party with money, or otherwise to prosecute or defend it. Literally a taking in hand; a bearing up, or upholding of quarrels and sides to the disturbance or hindrance of common right.

**MANDAMUS, (we command.)** A mandamus is a writ issuing in the name of the state, from a court of record or judge thereof, and is directed to some inferior court, or to some person or corporation exercising a public authority, commanding them to do some particular thing specified in the writ, which it belongs to their office or their duty to perform. And generally in all cases of omissions or mistakes where there is no other adequate specific remedy, resort may be had to this writ.

**MARSHALLING OF SECURITIES.** In equity, that principle of arrangement by which a party having a lien on or interest in a certain fund may compel a party having a lien or interest in the same fund, and also on another fund, to resort in the first instance to such other fund for satisfaction, whenever it will not trench upon the rights or operate to the prejudice of the party entitled to the double fund. (4 Min. 260.)

**MARTIAL LAW.** An arbitrary kind of law or rule sometimes established in a place or district occupied or controlled by an armed force, by which the civil authority and the ordinary administration of the law are either wholly suspended or subjected to military power. It is founded on paramount necessity, and proclaimed by a military chief. It is quite a distinct thing from *military law*, with which it is sometimes confounded.

**MAYHEM** is the unlawfully and violently depriving another of the use of such of his members as may render him the less able in fighting—either to defend himself or to annoy his adversary. And therefore, the cutting off, or disabling or weakening a man's hand, or finger, or striking out his eye or fore tooth, are held to be mayhems. But the cutting off his ear, or nose, or the like, are not held to be mayhems at common law, because they do not weaken but only disfigure him. (For the punishment of this offense, see p. 600.)

**MERGER.** The drowning, sinking, absorption or extinguishment of one estate in another.

The extinguishment by act of law of one estate in another by the union of the two estates. The consolidation of a greater estate with a less.

**MESNE PROCESS.** *Intermediate* process, which issues pending the suit upon some collateral interlocutory order, as to summon juries, witnesses and the like.

It includes any process between original and



final process; that is, between the original writ and the execution.

With us, *mesne process* in common speech, seems to denote the original writ, or *first process*, by virtue of which the proper officer attaches property, arrests the body, or makes service on the defendant. (See pp 455, 494.)

**MESNE PROFITS.** The value of the premises during the time that the owner has been wrongfully kept out of the possession of his estate.

**MESSUAGE.** Dwelling-house. A grant or devise of a messuage will pass a house and the buildings belonging to it, its curtilage, garden, and orchard, and the close on which the house is built.

**MILL,** held to mean not merely the building in which the business is carried on, but the site, dam and other things connected with the frechold. (3 Mason 280.)

**MILL SITE.** The grant of a mill site passes all the land covered by the mill. (2 Appl. 61.)

**MINOR.** In England and in the United States, unless changed by statute, a person, whether male or female, who has not attained the age of twenty-one years.

In this state, females of the age of eighteen years, are considered of full age for all purposes. (See p. 399.)

Minors are also in law called *infants*.

**MISPRISON OF TREASON** is the bare knowledge and concealment of treason by being merely passive, and without any degree of assent thereto. Any assent makes the person a principal traitor. (See p. 596.)

**MITTIMUS,** (*we send.*) It is the name of a precept in writing, under the hand and seal of a justice of the peace, or, if issued by a court, under the seal of the court, and signed by the clerk, directed to the jailor, commanding him to receive and safely keep the person named therein, until he shall be delivered by due course of law.

**MONTH.** A division of a year, being either a *lunar* month consisting of twenty-eight days or four weeks, or a *calendar* month consisting of from twenty-eight to thirty-one days.

By the common law of England a month is, in matters temporal, a lunar month. In ecclesiastical matters, on the other hand, *month* means a *calendar* month.

In the United States the term "month" is usually computed, especially in statutes and judicial proceedings, as *calendar*. (See p. 74.)

## N.

**NE EXEAT REGNO,** (that he go not out of the kingdom.) commonly called *Ne Exeat*. In equity practice. A writ issuing out of chancery forbidding the person or persons to whom it is directed from leaving the kingdom or state. It was formerly used in England for state purposes, but has now become a mere process between private parties in an equity suit, and is used where one party wishes to prevent the other from withdrawing his person or property from the jurisdiction of the court, by going abroad.

**NEXT OF KIN.** Nearest of blood. A term applied in the law of descent and distribution, to the nearest blood relatives of a deceased person, though it is sometimes construed to mean only those who are entitled to take under the statute of distributions, and sometimes, to include other persons.

Nearness of kin is computed by the rule of the civil law, according to which, the father and son

of the deceased stand in the first degree, the grandfather, grandson and brother in the second, the uncle and nephew in the third, cousins in the fourth, &c.; the deceased himself being the point or terminus from which the computation is made.

**NISI,** (*unless.*) This word is used in legal proceedings to indicate that any order, &c., shall take effect at a given time, *unless* before that time the order, &c., is modified, or something else is done to prevent its taking effect.

**NISI PRIUS,** (*unless before.*) *Nisi prius*, applied to terms of court, denotes those terms at which jury trials are heard.

Cases in court are sometimes said to be *continued nisi*, which means that they are continued for a special purpose, and that they will be entered on the docket of the next term, *unless* they are before that time otherwise disposed of.

**NOL. PROSSED, NOLLE PROSEQUI,** (*is not desirous of prosecuting further.*) *Noll. proseed*, applied to indictments and criminal prosecutions, indicates that the prosecuting officer has discontinued them.

**NOLO CONTENDERE,** (*I do not wish to contend.*)

The name of a plea by a defendant to an indictment or criminal complaint, the legal effect of which is to admit the truth of the charges in the indictment or complaint, and upon which the defendant may be sentenced.

**NON COMPOS.** Not of sound mind, memory, or understanding. This is a generic term, and includes all the species of madness, whether arising from idiocy, sickness, lunacy, or drunkenness.

In this state, by statute, a person *non compos* is included in the term "insane person." (See p. 75.)

**NON FEASANCE.** A not doing; an omission to do something that ought to be done. The not doing of that which it was a party's duty or contract to do.

**NON OBSTANTE VEREDICTO.** Notwithstanding the verdict. A judgment *non obstante veredicto*, is a judgment entered, by order of the court, for the plaintiff in an action at law, *notwithstanding a verdict* in favor of the defendant. It is always upon the merits, and never granted but in a very clear case, as where it is apparent to the court from the defendant's own plea, that he can have no merits. (9 Min. 50.)

**NON TENURE.** A plea in a real action, by which the defendant asserts that he does not hold either the whole land, or some part of the land mentioned in the plaintiff's complaint. See **DISCLAIMER**.

**NUNCUPATIVE WILL.** A will made verbally. A nuncupative will or testament is a verbal declaration by a testator of his will before a competent number of legal witnesses.

In this state, by statute, a soldier in actual military service, or a mariner at sea, may dispose of his wages and other personal estate by a nuncupative will. (See p. 556.)

## O.

**OUSTER, OUSTED.** An ouster is the actual turning out, or keeping excluded, the party entitled to possession of any real property corporeal. Any continuing act of exclusion from the enjoyment constitutes an ouster.

**OUSTED** indicates the condition of the party so kept excluded.

OYER, (*to hear; the hearing.*) It is a term used in pleading, and denotes that the person making the plea asks that he may hear the bond, or deed, or instrument read, which is declared on.

## P.

PANEL. A list of the names of jurors returned by the sheriff for the trial of a cause, which, in England, is written on an oblong piece of parchment annexed to the jury process.

PARCENER. A co-heir of lands; otherwise termed *coparcener*. One who holds an estate with others in coparcenary.

Parceners are so called, according to Littleton, because they may be constrained to make partition.

PERMISSIVE WASTE. That kind of waste which is matter of omission only; as by suffering a house to fall for want of necessary reparations.

PETIT TREASON, (*little treason.*) This offense was formerly the killing of a master by his servant; of a husband by his wife; of his superior by an ecclesiastical person, either secular or regular. It was called *petit* (little) treason because of the civil or ecclesiastical connections between the person killed and the one taking his life.

PLEA. A term in pleading denoting the defendant's answer by matter of fact to the plaintiff's declaration. The word is sometimes erroneously used to denote the argument or address of counsel, either to the jury or the court.

POSTHUMOUS, (*after the death of.*) A posthumous child is one born after the death of its parent. Posthumous children, by our statutes, are considered as living at the death of their parents, for the purpose of inheritance of property. (See p. 355.)

PRESCRIPTION. A mode of acquiring title to property by long and continued usage.

PRIMA FACIE, (*on the first view or appearance; at first sight.*) *Prima facie* evidence of a fact, is that which in law is sufficient to establish the fact, unless rebutted.

"PRIMA FACIE evidence is competent evidence tending to prove a proposition of fact, and if it is not rebutted or controlled by other evidence, will stand as sufficient proof of such proposition of fact." (1 Gray, 500.)

PROCEDENDO. A writ by which a cause which has been removed from an inferior to a superior court by certiorari or otherwise, is sent down again to the same court to be proceeded in there, where it appears to the superior court that it was removed on insufficient grounds.

PROCHEIN AMI, (*next friend.*) Where one as a minor cannot sue in his own name, he may sue in the name of some person competent to sue, who is called his *prochein ami*, and he is then said to bring the suit by his *prochein ami*, or next friend.

PROFERT, (*produces.*) PROFERT IN CURIA, (*produces in court.*) Where a plaintiff declares on a deed, or a defendant pleads a deed and makes title under it, he does it with a *profert*, or *profert in curia*, by declaring that he "brings here into court the said writing obligatory."

PROHIBITION. A writ to forbid a court from proceeding in a cause depending before it, on the suggestion that the cognizance of such cause does not belong to it. (See p. 556.)

PRO RATA. Proportional.

PRO TEMPORE, PRO TEM. For the time.

## Q.

QUARANTINE. The space of time (*forty days*, more or less,) during which a ship or vessel, coming from a port or place infected, or supposed to be infected with a contagious or epidemic disease, is detained after her arrival, within certain designated limits, generally called the quarantine ground, and during which time her crew and passengers are required to remain on board, without intercourse with those on shore.

The word *quarantine*, by the law of England, indicated the space of forty days, during which the widow of a landed man had a right to remain in her husband's principal mansion immediately after his death. The right of the widow was also called her *quarantine*.

QUARE CLAUSUM. This is an abbreviation for *quare clausum fregit*, "wherefore he broke the close." It is generally used in connection with actions of tort or trespass; as, "*trespass quare clausum.*" In such connection, it means an action to recover damages for breaking and entering the close (or premises) of the plaintiff.

QUASHED, QUASH, *overthrown, annulled, made void.* Where proceedings in courts, whether civil or criminal, are clearly irregular and void, the court will *quash* them; that is, declare them void.

QUIETUS. An acquittance or discharge. This word is used in American law and applied to the discharge of an executor or administrator.

QUORUM signifies the number of persons belonging to a legislative assembly, or corporation, or a society, or other body, required to transact business.

## R.

RECOGNIZANCE. An obligation of record, entered into before a court, or officer duly authorized for that purpose, with a condition to do some act required by law which is therein specified, or pay the sum of money therein mentioned. In criminal cases, the condition is that the defendant shall appear before the proper court to answer thereto the charges against him, and meanwhile to keep the peace and be of good behavior. Witnesses are required to recognize to testify.

In civil cases, recognizances are entered into by bail, conditioned that they will pay, upon certain contingencies, the debt, interest and costs recovered by the plaintiff. There are also recognizances under the authority of statutes. (See pp. 626, 628.)

RE-ENTRY. The resuming or retaking a possession that one has lately foregone. Particularly applied to land. The entry by a lessor upon the premises leased, on failure of the tenant to pay the rent or perform the covenants in the lease; such re-entry being made pursuant to a proviso contained in the lease. (See p. 540.)

RELATOR. An informer; a person in whose behalf certain writs are issued, such as writs of mandamus and informations in the nature of a *quo warranto*.

RELICTION. A leaving; a leaving dry. Recess of the sea, by which land formerly covered with water is left dry.

REMAINDER. An estate in remainder is an estate limited to take effect and be enjoyed after another estate is determined. As if a man seized in fee simple granteth lands to A for twenty years, and

after the determination of the said term, then to B and his heirs forever; here A is tenant for years, and B has the remainder in fee.

**CONTINGENT OR EXECUTORY REMAINDERS** are where the estate in remainder is limited to take effect either to a dubious and uncertain person, or upon a dubious and uncertain event; so that the particular estate may chance to be determined, and the remainder never take effect.

**VESTED REMAINDERS** are where the estate is invariably fixed, to remain to a determinate person after the particular estate is spent.

**REMITTITUR.** (Is sent back or remitted.) A sending back (of a record.) A relinquishment (of damages.)

**REPLEVIN.** An action of replevin lies for the recovery specifically (in specie) of any personal chattel which has been wrongfully taken and detained from the owner's possession, together with damages for the detention.

**REQUISITION.** The formal demand by one government upon another, of the surrender of a fugitive criminal.

**RES JUDICATA, (a matter adjudged.)** A question settled by judicial decision.

**RESPONDENTIA.** A loan of money on maritime interest, on goods laden on board of a ship, which in the course of the voyage, must from their nature be sold or exchanged, upon this condition, that if the goods should be lost in the course of the voyage, by any of the perils enumerated in the contract, the lender shall lose his money; if not, that the borrower shall pay him the sum borrowed with the interest agreed upon. The contract is called *respondentia* because the money is lent on the personal responsibility of the borrower. (See **BOTTOMRY.**)

**REVERSION.** An estate in reversion is the residue of an estate left in the grantor, to commence in possession after the determination of some particular estate granted out by him.

## S.

**SATISFACTION PIECE.** A memorandum in writing entitled in a cause stating that satisfaction is acknowledged between the parties, plaintiff and defendant. Upon this being duly acknowledged and filed in the office where the record of the judgment is, the judgment becomes satisfied, and the defendant discharged from it. (See p. 486.)

**SCIRE FACIAS, (that you make known, or show cause.)** The name of a judicial writ, founded upon some record, and requiring the defendant to show cause why the plaintiff should not have the advantage of such record.

**SEISIN.** The possession of an estate of freehold. In the absence of other evidence, a deed of land duly acknowledged and recorded, raises a presumption that the grantor had sufficient seisin to enable him to convey, and also vests the legal seisin in the grantee. (15 Pick. 185.)

**DISSEISEN** is an ouster of the rightful owner from the seisin or estate in the land and the commencement of a new estate in the wrong doer. Notorious and exclusive adverse possession without right, constitutes a disseisin. (5 Met. 33.)

**DISSEISED,** unlawfully ousted, or expelled from, and kept out of the possession of, an estate of freehold.

**SEQUESTRATION.** In practice. The taking possession of a defendant's property, by virtue of a

judicial process, and holding it until some act is done or claim satisfied.

In international law. The seizure of the property of an individual and the appropriation of it to the use of the government.

**SEVERAL TENANCY.** A tenant in severalty is he who holds lands and tenements in his own right only, without any other person being joined or connected with him in point of interest during his estate therein.

**SHAM.** False; *sham answer*; a false answer; an answer of false or fictitious matter drawn to entrap an opponent or create delay.

**SINE DIE.** Without day; without appointment of a day to appear again. A term expressive of a final adjournment, discharge or dismissal.

**SOLE CORPORATION.** A sole corporation consists of only one person, to whom and his successors belongs that legal perpetuity, the enjoyment of which is denied to all natural persons.

**SOLE TENANCY.** A sole tenant is one who holds lands in his own right, without being joined with any other.

**STRUCK JURY.** A special jury. So called because constituted by *striking out* a certain number of names from a prepared list. (See p. 513.)

**SUBORNATION OF PERJURY.** Procuring another person to commit perjury. (p. 613.)

"To constitute subornation of perjury, the party charged must have procured the commission of the perjury, by inciting, instigating, or persuading the guilty party to commit the crime." (5 Met. 245.)

**SUBPENA, (under penalty; at your peril.)** It is a summons issued by a court or magistrate to compel a witness to attend before a court or magistrate, or some person or persons named in the process, at the time and place therein mentioned, to testify what he may know relating to the cause or matter described therein. It usually concludes with words similar to these: "Hereof fail not, at your peril."

**SUBPENA DUCES TECUM, (at your peril bring with you.)** This is a process issued by a court for compelling the attendance of a witness, with a direction requiring the witness to "bring with him" and produce to the court the books, papers, &c., named in the process, that are in his possession, or under his control, tending to elucidate the matter in issue.

**SUBPENA IN EQUITY PRACTICE.** A mandatory writ or process from the court, directed to and requiring the person or persons, or corporation, &c., named therein, to appear at the time and place mentioned therein, and answer the matters charged against it, him, or them.

**SUBROGATION.** The substitution of one person for another as a creditor with a succession to the rights of the latter. The mode by which a third person, who pays a creditor, succeeds to his rights against the debtor.

**SUPERSEDEAS, (that you stay or supersede.)** The name of a writ containing a command to stay the proceedings at law.

## T.

**TAIL, ESTATE.** (See **FEE TAIL.**)

**TENANT IN TAIL.** The holder of an estate tail is called a tenant in tail.

**TALESMAN.** A person returned by order of the

court from among the bystanders, or from the county at large, to serve as a juror in order to complete the panel. (See pp. 479, 513.)

**TENANT BY THE CURTESY.** One, who, on the death of his wife seized of an estate of inheritance, after having by her issue born alive and capable of inheriting her estate, holds the lands and tenements for the term of his life. After the birth of the issue and before the death of the wife, he is called tenant by the curtesy *initiate*; after the death of the wife, tenant by the curtesy, *consummate*.

**TENDER.** An offer of a sum of money in satisfaction of a debt or claim by producing and showing the amount to the creditor or party claiming, and expressing a willingness to pay it. A mere offer to pay is not, in legal strictness, a tender. The actual production of the money may be dispensed with, when there is a refusal to accept or something equivalent thereto, but the offer to pay must be an absolute one, not coupled with any condition.

**TERMINI.** Limits, boundaries.

**TORT.** A legal injury, a wrong. In modern practice *tort* is constantly used as an English word to denote a wrong or wrongful act, for which an action will lie, as distinguished from a *contract*.

**TRESPASS.** An unlawful act committed with force directly applied to the person or property.

**TROY WEIGHT.** A scale of weight used for weighing gold, silver, diamonds, &c. The pound contains twelve ounces, or five thousand seven hundred and sixty grains.

## U.

**UMPIRE.** A person to whom a matter which has been submitted to arbitrators, is in case of their disagreement, referred for final decision.

**UNDERWRITER.** An insurer; so called from his *underwriting* or *subscribing* the policy. A term constantly applied to insurers, whether corporations or individuals, but most properly applicable to the latter.

**USURY.** In old English law. Interest of money; increase for the loan of money; a reward for the use of money.

In modern law. Unlawful interest, a premium or compensation paid or stipulated to be paid for the use of money borrowed or retained, beyond the rate of interest established by law.

## V.

**VENDOR'S LIEN.** An equitable lien allowed the vendor of land upon the land sold, for the purchase money. (4 Min. 65.)

**VENIRE, VENIRE FACIAS,** (*to come, that you cause to come.*) The name of a writ issued by the clerk of the court, directed to the sheriff, commanding him to *cause to come* before the court, on a specified day, a certain number of persons qualified to serve as jurors.

**VENUE OF ACTIONS.** The venue is the county from which the jury are to come who are to try the issue.  
As used in the statutes, it means the county where the action is to be brought. (See pp. 454, 455.)

**VOIRE DIRE.** (*To say the truth.*) A preliminary oath administered to witnesses and jurors for the purpose of ascertaining whether any legal ground exists for excluding such witness or juror from testifying in, or trying the cause.

## W.

**WASTE.** A spoil, or destruction in houses, gardens, trees, or other corporeal hereditaments, to the disherison of him that hath the remainder or reversion in fee simple or fee tail.

**WEAR, Weir.** A taking; a place in a river artificially constructed for taking fish, by so narrowing the stream by dams projecting from each bank, that the passage may be easily closed by a net.  
In the statutes the word "wear" seems to be used as synonymous with "boom." (See p. 242.)

**WITHOUT RECOURSE.** A clause used in the indorsement of negotiable instruments where the indorser intends to exempt himself from liability to other parties. "Such an indorsement transfers the whole interest, and the clause "without recourse" merely rebuts the indorser's liability to the indorsee and subsequent holder.

## E R R A T A .

## CHAPTER I.

- Sect. 21. In lines 12 and 13, for "sectary," *read*, secretary.  
 Sect. 39. In line 7, for "original," *read*, original.  
 Sect. 52. In margin, for "118," *read*, 117.

## CHAPTER III.

- Sect. 16. In line 8, for "be," *read*, by.

## CHAPTER IV.

- Sect. 1. In line 41, for "calender," *read*, calendar.

## CHAPTER V.

- Sect. 21. In line 21, for "warrnt," *read*, warrant.

## CHAPTER VI.

- Sect. 39. In line 9, for "corporated," *read*, corporate.  
 Sect. 39. In line 10, before "franchises," *insert*, its.  
 Sect. 44. In line 10, for "judgement," *read*, judgment.

## CHAPTER VII.

- Sect. 2. In line 1, *strike out* "of each."

## CHAPTER VIII.

- Sect. 35. In line 3, for "tnirty," *read*, thirty.  
 Sect. 43. In line 4, for "lien," *read*, line.  
 Sect. 56. In line 6, for "thirthy," *read*, thirty.  
 Sect. 61. In lines 4 and 5, for "townshipl ine," *read* township line.  
 Sect. 66. In line 13, for "channels," *read* channel.  
 Sect. 83. In line 6, for "revised," *read*, reversed.  
 Sect. 99. In line 4, for "asoresaid," *read*, aforesaid.  
 Sect. 108. In line 7, for "couuty," *read*, county.  
 Sect. 128. In line 9, for "coun-," *read*, county.  
 Sect. 153. In line 12, for "fulfill," *read*, fulfil.  
 Sect. 181. In line 26, for "applications," *read*, application.

## CHAPTER IX.

Sect. 6. In line 4, *insert* the, after "give."

## CHAPTER X.

Sect. 26. In line 4, for "officers," *read*, offices.

Sect. 36. In margin, for "1864," *read*, 1860.

Sect. 80. In line 1, for "Fach," *read*, Each.

Sect. 83. In line 2, for "discharging," *read* discharging.

## CHAPTER XI.

Sect. 8. In margin, for "15," *read*, 16.

Sect. 9. In margin, for "15," *read*, 16.

Sect. 13. In line 10, for "in," *read*, into.

Sect. 20. In line 18, after "than," *insert*, as.

Sect. 32. In line 11, after "to," *insert*, its.

Sect. 39. In line 5, for "exection," *read*, execution.

Sect. 42. In margin, *insert*, amended.

Sect. 46. In line 14, for "shows," *read*, shown.

Sect. 59. In margin, for "64," *read*, 62.

Sect. 76. In margin, for "864," *read*, 1864.

Sect. 81. In line 18, for "officer," *read*, officers.

Sect. 83. In margin, for "41," *read*, 43.

Sect. 84. In margin, for "1860," *read*, 1861.

Sect. 126. In margin, for "1861," *read*, 1864.

Sect. 128. In line 7, for "be," *read*, is.

Sect. 128. In line 10, *strike out* as.

Sect. 128. In line 13, for "be," *read*, is.

Sect. 134. In line 8, for "propoation," *read*, proportion.

Sect. 141. In line 4, for "facia," *read*, facie.

Sect. 152. In margin, for "26," *read*, 25.

## CHAPTER XII.

Sect. 8. In lines 31 and 32, for "com-nies," *read*, companies.

## CHAPTER XIII.

Sect. 14. In line 7, for "overseers," *read*, overseer.

Sect. 18. In margin, for "34," *read*, 84.

Sect. 25. In line 6, for "dallars," *read*, dollars.

Sect. 55. In line 3, for "commissioner," *read*, commissioners.

Sect. 69. In line 3, for "on," *read*, in.

Sect. 73. In line 2, for "beloning," *read*, belonging.

## CHAPTER XV.

- Sect. 9. In line 9, for "connty," *read*, county.  
 Sect. 9. In line 39, for "iterns," *read*, items.

## CHAPTER XVII.

- Sect. 5. In line 12, for "give," *read*, gives.

## CHAPTER XIX.

- Sect. 1. In line 5, *strike out* "up," after "notice."  
 Sect. 19. In line 8, for "property," *read*, property.  
 Sect. 35. In line 16, before "owner," *insert*, the.

## CHAPTER XX.

- Sect. 1. In line 4, for "dear," *read*, deer.  
 Sect. 7. In line 9, for "aury," *read*, any.

## CHAPTER XXVI.

- Sect. 5. In margin, for "88," *read*, 86.

## CHAPTER XXIX.

- Sect. 3. In line 2, after "laying," *insert*, out.

## CHAPTER XXXI.

- Sect. 6. In line 9, for "lacated," *read*, located.

## CHAPTER XXXII.

- Sect. 4. In line 1, for "six," *read*, seven.  
 Sect. 5. In line 10, after "Pepin," *insert*, to the southern line of Wabashaw county.  
 Sect. 5. Add at end of section, the Mississippi river and its tributaries from the southern line of Wabashaw county to the southern line of the State of Minnesota, constitute the seventh district.  
 Sect. 7. In margin, for "63," *read*, 65.  
 Sect. 15. In margin, for "1862," *read*, 1863.  
 Sect. 15. In margin, for "147," *read*, 67.  
 Sect. 16. In margin, for "4," *read*, 5.  
 Sect. 19. In line 15, for "lbe," *read*, the.  
 Sect. 21. In line 4, for "survered," *read*, surveyed.  
 Sect. 33. In line 12, *strike out*, "or their."

## CHAPTER XXXIII.

- Sect. 7. In line 2, for "tranferred," *read*, transferred.  
 Sect. 32. In line 6, after "States," *insert*, or.  
 Sect. 40. In margin, for "826," *read*, 862.

## CHAPTER XXXIV.

- Sect. 8. In line 9, for "inteligibly," *read*, intelligibly.  
 Sect. 8. In line 10, for "iuterests," *read*, interests.  
 Sect. 21. In line 8, for "idots," *read*, idiots.  
 Sect. 26. In line 4, after "canal," *insert*, comma.  
 Sect. 44. In line 11, for "published," *read*, punished.  
 Sect. 47. In line 2, *strike out* comma before "less," and insert it before "be."  
 Sect. 55. In line 14, for "register," *read*, registry.  
 Sect. 98. In line 12, for "purchasc," *read*, purchase.

## CHAPTER XXXV.

- Sect. 25. In line 3, for "instrution," *read*, instruction.

## CHAPTER XXXVI.

- In title, for "SCAOOLS," *read*, SCHOOLS.  
 Sect. 26. In margin, for "26," *read*, 25.  
 Sect. 35. In line 20, for "each," *read*, each.  
 Sect. 37. In line 1, *strike out* "in."  
 Sect. 39. In line 13, for "effected," *read*, affected.  
 Sect. 44. In margin, for "1862," *read*, 1864.  
 Sect. 52. In margin, for "1862," *read*, 1864.  
 Sect. 53. In margin, for "1862," *read*, 1864.  
 Sect. 67. In margin, for "1," *read*, 14.  
 Sect. 77. In margin, for "3," *read*, 13.

## CHAPTER XXXVIII.

- Sect. 27. In line 1, *strike out* comma, after "not."  
 Sect. 45. In margin, for "46," *read*, 49.  
 Sect. 45. In line 16, for "but," *read*, and.

## CHAPTER XLIV.

- Sect. 1. Insert marginal note found opposite Sect. 2.

## CHAPTER XLVI.

- Sect. 1. In line 25, for "desceased," *read* deceased.



## CHAPTER XLVII.

Sect. 24. In line 10, for "divise," *read*, devise.

## CHAPTER XLIX.

Sect. 7. In line 1, for "proceedings," *read*, pleadings.

## CHAPTER L.

Sect. 6. In line 4, *insert* who, after "person."  
 Sect. 9. In line 5, for "suitable," *read*, unsuitable.  
 Sect. 13. In line 2, for "seperate," *read*, separate.

## CHAPTER LIII.

Sect. 23. In line 7, for "demurer," *read*, demurrer.  
 Sect. 46. In line 2, for "as," *read*, at.

## CHAPTER LVII.

Sect. 16. In line 4, for "right," *read*, right.  
 Sect. 46. In line 6, for "maintaiued," *read*, maintained.

## CHAPTER LIX.

Sect. 22. In line 10, for "therefore," *read*, therefor.  
 Sect. 29. In line 3, after "by," *insert* any.

## CHAPTER LXIII.

Sect. 32. In line 2, for "actoin," *read*, action.

## CHAPTER LXIV.

In title, for "JURISDITION," *read*, JURISDICTION.  
 Sect. 13. In line 1, for "whereby," *read*, where by.

## CHAPTER LXV.

Sect. 7. In line 1, for "jnstice," *read*, justice.  
 Sect. 12. In line 3, for "expressed," *read*, express.  
 Sect. 38. In line 5, for "tranferred," *read*, transferred.  
 Sect. 53. In line 3, for "partise," *read*, parties.  
 Sect. 112. In line 2, for "their," *read*, there.  
 Sect. 129. In line 141, for "be-," *read*, between.  
 Sect. 167. In line 64, after "Whereas," *insert*, at.

## CHAPTER LXVI.

Sect. 22. In line 1, after "of," *insert*, a.

- Sect. 56. In line 1, after "jurisdiction," *insert*, of.  
 Sect. 106. In line 5, for "proceedings," *read*, proceeding.  
 Sect. 111. In line 13, *strike out* "and."  
 Sect. 111. In line 13, for "plaintiff," *read*, plaintiff.  
 Sect. 117. In margin, for "131," *read*, 133.  
 Sect. 120. In margin, for "545," *read*, 549.  
 Sect. 134. In margin, for "1861," *read*, 1860.  
 Sect. 134. In line 32, for "properfy," *read*, property.  
 Sect. 141. In margin, for "543," *read*, 553.  
 Sect. 148. In margin, for "146," *read*, 246.  
 Sect. 149. In margin, for "146," *read*, 246.  
 Sect. 171. In line 10, for "four," *read*, three.  
 Sect. 260. In line 4, after "thereof," *insert*; semi-colon.  
 Sect. 282. In line 4, for "ninety-eight," *read*, seventy-nine.  
 Sect. 286. In margin, for "582," *read*, 572.  
 Sect. 286. In line 8, for "person," *read*, persons.  
 Sect. 298. In line 1, after "when," *strike out*, a.  
 Sect. 298. In line 6, for "againt," *read*, against.  
 Sect. 303. In line 2, for "proceeding," *read*, proceedings.

## CHAPTER LXVII.

- Sect. 9. In line 3, for "continuences," *read*, continuances.  
 Sect. 12. In line 9, for "mismangement," *read*, mismanagement.  
 Sect. 20. In margin, for "36," *read*, 63.

## CHAPTER LXIX.

- Sect. 3. In line 1, for "seized," *read*, secured.

## CHAPTER LXX.

- Sect. 10. In line 64, for "proceeding," *read*, proceedings.  
 Sect. 27. In line 1, after "entitled," *insert*, to.

## CHAPTER LXXII.

- Sect. 8. In line 3, for "notary publics," *read*, notaries public.

## CHAPTER LXXIV.

- Sect. 8. In line 17, for "by the publication directed by section six; and," *read*, by publication; and.  
 Sect. 14. In line 3, for "specified," *read*, specific.  
 Sect. 17. In margin, for "1," *read*, 15.  
 Sect. 37. In line 2, for "specified," *read*, specific.  
 Sect. 38. In line 4, for "salc," *read*, sale.

## CHAPTER LXXV.

Sect. 14. In line 2, for "judgement," *read*, judgment.

## CHAPTER LXXVII.

Sects. 11 to 15. In margin, for "615," *read*, 612.

## CHAPTER LXXIX.

Sect. 3. In line 10, before "law," *strike out*, this.

## CHAPTER LXXX.

Sect. 8. In line 1, for "mandate," *read*, mandamus.

Sect. 12. In line 5, for "supremc," *read*, supreme.

Sect. 26. In line 2, for "or," *read*, of.

## CHAPTER LXXXI.

Sect. 3. In line 7, for "as," *read*, was.

Sect. 5. In line 7, for "newnspaper," *read*, newspaper.

## CHAPTER LXXXIV.

Sect. 20. In line 31, for "camplaint," *read*, complaint.

## CHAPTER LXXXVI.

Sect. 5. In line 7, for "restituion," *read*, restitution.

Sect. 8. In line 17, for "judgement," *read*, judgment.

Sect. 9. In line 1, for "pnrpose," *read*, purpose.

## CHAPTER LXXXIX.

Sect. 12. In line 4, for "procrued," *read*, procured.

## CHAPTER XCI.

Sect. 4. In line 6, for "procurring," *read*, procuring.

Sect. 13. In margin, for "776," *read*, 736.

## CHAPTER XCIV.

Sect. 4. In line 1, for "homiside," *read*, homicide.

Sect. 9. In line 1, for "aanother," *read*, another.

Sect. 11. In line 6, for "physician," *read*, physicians.

Sect. 42. In line 4, after "out," *insert*, of.

Sect. 42. In line 17, for "dollare," *read*, dollars.

## CHAPTER XCV.

- Sect. 2. In line 3, for "dwelliug," *read*, dwelling.  
 Sect. 4. In line 5, after "be," *insert*, punished by.  
 Sect. 15. In line 3, for "prommissory," *read*, promissory.  
 Sect. 22. In line 2, for "serveant," *read*, servant.

## CHAPTER XCVI.

- Sect. 1. In lines 10 and 11, for "exchance," *read*, exchange.  
 Sect. 6. In line 7, for "intend," *read*, intent.

## CHAPTER XCVIII.

- Sect. 4. In line 8, for "forwith," *insert*, forthwith.

## CHAPTER XCIX.

- Sect. 11. In line 1, for "Ah," *read*, All.

## CHAPTER CVI.

- Sect. 18. In line 4, for "offer," *read*, offers.

## CHAPTER CVII.

- Sect. 33. In line 2, for "excluson," *read*, exclusion.  
 Sect. 34. In line 3, for "tnem," *read*, them.

## CHAPTER CVIII.

- Sect. 1. In line 1, for "pleadings," *read*, pleading.  
 Sect. 2. In line 87, for "thon," *read*, than.  
 Sect. 5. In line 3, for "subsequent," *read*, subsequent.  
 Sect. 8. In line 4, for "erroneus," *read*, erroneous.

## CHAPTER CXI.

- Sect. 3. In line 1, for "dafendant," *read*, defendant.  
 Sect. 3. In line 8, for "four and five," *read*, and four.

## CHAPTER CXIV.

- Sect. 13. In line 10, for "the," *read*, the.

## CHAPTER CXVI.

- Sect. 5. In line 2, for "sllal," *read*, shall.  
 Sect. 25. In line 25, for "person," *read*, persons.

## CHAPTER CXX.

- Sect. 7. In line 4, for "appartments," *read*, apartments.  
Sect. 13. In line 6, for "af," *read*, of.  
Sect. 45. In line 5, for "thaq," *read*, that.  
Sect. 47. In margin, for "8," *read*, 68.

## CHAPTER CXXII.

- Page 855. In line 16, for "warrants," *read*, warrants.  
Page 869. In line 39, for "cammon," *read*, common.