

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA

36

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COMPLETE IN TWO VOLUMES.

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VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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**§ 45. (Sec. 26.) Action for waste.**

The action may be maintained by the reversioner against the assignee of a life-estate. *Curtiss v. Livingston*, 36 Minn. 380, (31 N. W. Rep. 357.)

**§ 47. (Sec. 28.) Willful trespass—Treble damages.**

See *Tait v. Thomas*, 22 Minn. 537.

**§ 50. (Sec. 31.) Forcible eviction—Damages.**

Where a tenant or under-tenant is wrongfully and forcibly ejected from the leased premises, he may recover treble damages under the statute, or may proceed, as in an ordinary action of trespass, for the recovery of damages actually suffered by him, including special damages to his property. *Bagley v. Sternberg*, 34 Minn. 470, 26 N. W. Rep. 602.

CHAPTER 76.

ACTIONS RESPECTING CORPORATIONS.

See *Merchants' Nat. Bank v. Bailey Manuf'g Co.*, 34 Minn. 325, 326, 25 N. W. Rep. 639; *Johnson v. Fischer*, 30 Minn. 173, 176, 14 N. W. Rep. 799; *Allen v. Walsh*, 25 Minn. 543, 555; *Merrill v. Ressler*, 33 N. W. Rep. 117.

**§ 2. Foreign corporations—Power to sue.**

See *Becht v. Harris*, 4 Minn. 504, (Gil. 394.)

**§ 10. Sequestration—Order of distribution.**

Upon a final judgment on any such complaint, the court shall cause a just and fair distribution of the property of all such corporations, and of the proceeds thereof, not distributed prior to the passage of this act, to be made in the following manner: After the payment of costs, debts due the United States, the state of Minnesota, all taxes or assignments levied and unpaid, expenses of the receivership and executing the trust, the receiver shall pay in full, if sufficient there remains for that purpose, the claims duly proven of all servants, clerks, or laborers for personal services or wages owing from such corporation, for services performed for the three months preceding the appointment of a receiver of such corporation as provided in section nine, and the balance of said estate shall then be distributed among the general creditors of such corporation, under the direction of the court. (*As amended 1887, c. 25.*)

The receiver may avoid a chattel mortgage upon the property of a corporation not filed as required by law. *Farmers' L. & T. Co. v. Minneapolis E. & M. Works*, 35 Minn. 543, 29 N. W. Rep. 349.

**§ 11. Action for dissolution of railroad corporations, etc.**

The corporation is not dissolved until the forfeiture is judicially ascertained and declared. *State v. Railroad Co.*, 36 Minn. 246, 30 N. W. Rep. 816.

**§ 22. Action against stockholders—Judgment.**

The remedy for enforcing the statutory liability of stockholders is that provided by this chapter, and it is the only remedy. *Allen v. Walsh*, 25 Minn. 543. Followed, *Johnson v. Fischer*, 30 Minn. 173, 14 N. W. Rep. 799.

A creditor of a corporation, such as those provided for in c. 34, may sue the corporation for the debt, and join as defendants one or more of the stockholders, to enforce their individual liability; and in such an action it is unnecessary to join all the creditors of the corporation, or all the stockholders subject to individual liability. *Merchants' Nat. Bank v. Bailey Manuf'g Co.*, 34 Minn. 323, 25 N. W. Rep. 639.