

Nineteen Hundred Thirty-One  
Supplement

to

# Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the  
Legislature, both new and amendatory, and notes showing repeals,  
together with annotations from the various courts, state  
and federal, construing the constitution, statutes,  
charters and court rules of Minnesota



Edited by  
WILLIAM H. MASON, Editor-in-Chief  
W. H. MASON, JR., Assistant Editor

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## PLEADINGS AND TRIAL

**§9029. Title to real estate—Case certified.**

Removal to district court from municipal court forcible entry and detainer case. 178M 282, 226NW847.

## REPLEVIN

**§9072. Writ—When returnable.**

A writ of replevin issued pursuant to Laws 1895, c. 229, §22, is valid. 178M174, 226NW405.

## APPEALS

**§9092. May be taken, when.**

Where an appeal is taken on questions of law and the judgment is reversed, the suit is no longer pending so as to bar a second suit on the same cause of action. 173M29, 216NW252.

**§9093. Requisites.****½. Time for appeal.**

Defaulting defendant in municipal court was not entitled to notice of entry of judgment as respected time for appeal. *Anderson v. G.*, 236 NW483. See Dun. Dig. 486(74).

**2. Notice of appeal.**

Notice of appeal from municipal court cannot be served by mail. 178M366, 227NW200.

**3. Miscellaneous.**

Though notice of appeal served by mail was ineffective, the district court obtained jurisdiction where appellee moved there for judgment against garnishee. 178M366, 227NW200.

**§9099. Return or amendment compelled, when.**

Amendment of defective record on appeal from municipal court. Op. Atty. Gen., Dec. 9, 1930.

## CRIMINAL PROCEEDINGS

**§9110. Jurisdiction.**

Justice of the peace in Golden Valley has no jurisdiction to try a criminal case for an offense committed in Minneapolis. 174M608, 219NW452.

Waiver gives no such jurisdiction.—Id.

Village justices and constables have jurisdiction under criminal acts committed outside vil-

lage boundaries except offenses committed within the limits of any city or village wherein a municipal court is organized and existing. Op. Atty. Gen., May 19, 1931.

**§9111. Same—To try and determine.**

A municipal court organized under the general law has no jurisdiction of gross misdemeanors punishable by a fine in excess of \$100, or by imprisonment in excess of three months. State ex rel. *Ryan v. M.*, 234NW453. See Dun. Dig. 6900b (63).

**§9112. Complaint—Warrant.**

Labeling complaint and warrant as though state of Minnesota were plaintiff was mere irregularity that did not affect jurisdiction of justice, and additional language "against the form of the statute in such case made and provided," when charging a violation of an ordinance, was mere surplusage. 177M617, 225NW 286.

It is sufficient to state the facts and identify the ordinance by number. 177M617, 225NW286.

Section is not applicable where the charge constitutes a felony. \*Op. Atty. Gen., Aug. 5, 1930.

**§9117. Arraignment.**

Right of defendant to appeal after plea of guilty in municipal court. Op. Atty. Gen., Dec. 9, 1930.

**§9130. Allowance of appeal.**

Where there is an appeal from conviction in justice court for violation of game and fish laws, revocation of defendants license is ineffective until conviction on appeal. Op. Atty. Gen., Dec. 19, 1929.

**§9145. Fines—How collected and paid over.**

A justice of the peace, where the prescribed punishment is in the alternative as between a fine or jail sentence, may impose a straight jail sentence without the option of a fine, but where a defendant is sentenced to pay a fine and an alternative jail sentence is imposed in default of payment of the fine, the commitment should so state because the defendant is entitled to pay his fine to the sheriff any time after he is committed, and thereupon be released. Op. Atty. Gen., Feb. 28, 1931.

## CHAPTER 76

## Forcible Entry and Unlawful Detainer

**§9149. Recovery of possession.**

Minn. Bldg. & Loan Ass'n v. C., 234NW872.

**4. When action will lie.**

Force is not a necessary element to authorize action. 178M282, 226NW847.

**5. Who may maintain.**

Sheriff may maintain action against tenant on land bid in by state for non-payment of taxes. Op. Atty. Gen.

**6. Parties defendant.**

Husband of person holding under contract for

deed could be ejected in separate action against him alone. 178M282, 226NW847.

**§9157. Writ of restitution.**

Defendant evicted from premises under a writ of restitution has a right to appeal and have a trial de novo. 178M460, 227NW656.

**§9158. Appeal.**

178M460, 227NW656; note under §9157.

## CHAPTER 77

## Civil Actions

**§9164. One form of action—Parties, how styled.****2. Election of remedy.**

Election of remedies. 171M65, 212NW738.

Action to recover on an express contract, held not an election of remedies so as to bar a sub-

sequent action in conversion. 178M93, 226NW417.

A judgment entered on a verdict directed for the defendant on the ground that the defendant was not authorized by the law under which it was organized to execute the promissory notes alleged as causes of action by the receiver of the payee bank is not a bar to action for money