

CHAPTER XXXIII.

An Act to Amend Chapter Seventy-six (76) of the Compiled Statutes, Relating to Suits against Boats.

SECTION 1. Amendment to chapter 76.

Section 22. Who to be held responsible for debts of boats in certain cases.

23. Summons to be subscribed by judgment creditor.

24. Summons to be accompanied by an affidavit—specification.

25. Party summoned may set up defense—in what.

26. May be tried in same manner as civil actions.

3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter seventy-six (76) of the public statutes relating to proceedings for the collection of demands against boats and vessels be amended by adding thereto the following sections:

Who to be responsible for debts of boats in certain cases

Sec. 22. That whenever judgment shall be rendered against any boat or vessel in favor of the plaintiff, and such boat or vessel shall have 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 shall remain unpaid for the period of sixty (60) days, the master 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.

By whom summons to be subscribed

Sec. 23. The summons provided for in the last section must be subscribed by the judgment creditor, his representative or attorney, describe the judgment and require the party summoned to show cause within twenty (20) days after the service of the summons, and may be

served in the same manner that summonses are served in civil actions.

Sec. 24. The summons must 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 must specify the amount due thereon. Summons to be accompanied by an affidavit

Sec. 25. Upon such summons the party summoned may answer within the time specified therein denying the judgment or setting up any defense 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 defense whatever. In what may party set up defense

Sec. 26. 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. How tried

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1862.