

SEC. 2 This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
February 27, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIII.

An Act to allow Justices of the Peace to enter Judgment upon Confession.

- SECTION 1. Authorizes Justices of the Peace to enter judgment upon confession in cases not exceeding one hundred dollars.
1. No judgment to be taken except
 1. Defendant must personally appear.
 2. Confession to be in writing, signed and witnessed.
 3. Statement of facts, showing the liability.
 2. Statement and affidavit to be filed, and judgment entered on judgment book.
 3. Transcript to be made, on demand, and to be filed by Clerk of Court.
 4. Judgment to have lien upon real estate, same as judgment of District Court.
 5. Act to take effect May 1, 1858.

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

SECTION 1. That any Justice of the Peace in this State may enter a judgment by confession, if the defendant or defendants in any case, when the debts or damages shall not exceed one hundred dollars, with such stay of execution as may be agreed on by the parties interested in such judgment.

SEC. 2. No confession shall be taken, or judgment rendered thereon, unless the following requisites be complied with:

1st. The defendant must personally appear before the Justice.

To be in writing
and verified

2d. The confession shall be in writing, signed by the defendant, and verified by his oath, and filed with the Justice.

Statement of
facts

3d. If it be for money due, or to become due, the confession must state concisely the facts out of which it arose, and must show that the sum confessed therefor, is honestly due, or to become due. If it be for the purpose of securing a contingent liability, it must state concisely the facts constituting the liability, and must show that the sum confessed therefor does not exceed the same.

Duties of justice
of peace

SEC. 3. The statement and affidavit may be filed with the Justice of the Peace, who must endorse upon it the time of filing, and must enter upon his judgment book a judgment for the amount confessed, with one dollar costs. The statement and affidavit, with the judgment endorsed thereupon become the judgment roll.

Transcripts

SEC. 4. Every Justice, on demand of any person in whose favor a judgment has been confessed, as hereinbefore provided, shall give a certified transcript of such judgment, and the Clerk of the District Court of the same county in which the judgment was rendered, shall, upon the production of any such transcript, file the same in his office, and forthwith enter such judgment in his docket of the District Court judgment and decrees, and shall note the time of filing such transcript.

Filing in district
court

SEC. 5. Every such judgment, from the time of filing the transcript thereof, shall have the same lien on the real estate of the defendant or defendants in the county, as a judgment of the District Court of the same county, shall be equally under the control of the District Court, and shall be carried with execution in the same manner and with like effect as the judgment of such District Courts, but no execution shall be in force thereon out of the District Court, until an execution shall have been in force by a Justice, and returned, that the defendant or defendants, have no goods or chattels whereon to levy the same.

Lien on real es-
tate

Execution

SEC. 6. This Act shall take effect from and after the first day of May next.

GEORGE BRADLEY,

Speaker *pro tem.* of the House of Representatives.

RICHARD G. MURPHY,

President *pro tem.* of the Senate.

APPROVED—February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }

February 2, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.