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THE
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TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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CHAPTER 84.

CONFESSION OF JUDGMENT WITHOUT ACTION.

SECTION

1. Judgment by confession in certain cases.
2. Statement in writing, what it must contain.
3. Statement to be filed and clerk to enter judgment.
4. Plea of confession signed by attorney.
5. Authority must be filed with the clerk.
6. Judgment shall be binding and effectual.

SECTION

7. Parties may submit controversy without action.
8. Judgment same as in other cases but without costs.
9. Judgment may be enforced or appealed from as in an action.

Sec. 1. A judgment by confession, may be entered without action, either for money due, or to become due, or to secure any person against contingent liability on behalf of the defendant, or both in the manner prescribed by this chapter.

Judgment by confession in certain cases.

Sec. 2. A statement in writing must be made, signed by the defendant, and verified by his oath, to the following effect:

Statement in writing, what it must contain.

1. It must authorize the entry of judgment for a specified sum:

2. If it be for money due, or to become due, it must state concisely the facts out of which it arose, and must show that the sum confessed therefor, is justly due, or to become due:

3. If it be for the purpose of securing the plaintiff against 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.

Sec. 3. The statement may be filed with the clerk of the district court, who must indorse upon it, and enter in the judgment book, a judgment of the district court for the amount computed, with five dollars costs. The statement, and affidavit with the judgment indorsed thereupon, become the judgment roll.

Statement to be filed and clerk to enter judgment.

Sec. 4. Judgments may also be entered in the district court in vacation, or in term, upon a plea of confession signed by an attorney of such court, although there be no suit then pending between the parties, if the following provisions be complied with, and not otherwise:

Plea of confession signed by attorney.

1. The authority for confessing such judgment, shall be in some proper instrument, distinct from that containing the bond, contract, or other evidence of the demand for which judgment is confessed:

2. Such authority shall be produced to the officer signing such judgment, and shall be filed with the clerk of the court in which the judgment shall be entered, at the time of filing and docketing such judgment.

Sec. 5. When the authority mentioned in the last section, shall have been filed with the clerk of the district court, judgment may be entered thereon, in the same manner, as is provided in section one of this chapter.

Authority must be filed with the clerk.

Sec. 6. Any judgment entered under either of the provisions of this chapter in vacation, shall be as final and effectual, as judgment rendered upon a verdict of a jury, and unless special provision be made for a stay of execution upon such judgment, execution may issue immediately upon the condition of such judgment.

Judgment shall be binding and effectual.

FORECLOSURE OF MORTGAGES.

SUBMITTING A CONTROVERSY WITHOUT ACTION.

Parties may submit controversy without action.

SEC. 7. Parties to a question in difference, which might be the subject of a civil action, may, without action, agree upon a case containing the facts upon which the controversy depends, and present a submission of the same, to any court which would have jurisdiction if an action had been brought; but it must appear by affidavit that the controversy is real, and the proceedings in good faith, to determine the rights of the parties; the court must thereupon hear and determine the case at a general term, and render judgment thereon, as if an action were depending.

Judgment same as in other cases, but without costs.

SEC. 8. Judgment must be entered in the judgment book, as in other cases, but without costs for any proceeding prior to notice of trial. The case, the submission, and a copy of the judgment, constitute the judgment roll.

Judgment may be enforced or appealed from as in an action.

SEC. 9. The judgment may be enforced in the same manner as if it had been rendered in an action, and is in the same manner subject to an appeal.

CHAPTER 85.

OF THE FORECLOSURE OF MORTGAGES BY ADVERTISEMENT.

SECTION

1. Mortgage of real estate may be foreclosed in certain cases by advertisement.
2. What requisite to entitle party to foreclose.
3. Mortgage may be foreclosed for each installment.
4. Notice to be given by publication.
5. Notice what to contain.
6. Sale, how, when, and by whom made.
7. Sale how may be postponed.
8. Separate tract of land how sold.
9. Mortgagee may purchase premises.
10. Officer to give purchaser a certificate of sale.

SECTION

11. Mortgagor may redeem in one year.
12. If premises not redeemed purchaser entitled to deed.
13. Surplus money to be paid to mortgagor.
14. Evidence of sale how perpetuated.
15. Affidavit shall be recorded by register of deeds.
16. Note to be made by register in margin of the record.
17. Record sufficient to pass the title.
18. Subsequent mortgagee entitled to redeem.
19. What shall be deemed evidence of the sale and foreclosure of the equity of redemption.

Mortgage of real estate may be foreclosed in certain cases by advertisement.

SEC. 1. Every mortgage of real estate, containing therein a power of sale, upon default being made in any condition of such mortgage, may be foreclosed by advertisement, in the cases and in the manner hereinafter specified.

What requisite to entitle party to foreclose.

SEC. 2. To entitle any party to give a notice as hereinafter prescribed, and to make such foreclosure, it shall be requisite:

1. That some default in a condition of such mortgage shall have accrued, by which the power to sell become operative:
2. That no suit or proceeding shall have been instituted at law, to recover the debt then remaining secured by such mortgage, or any part thereof; or if any suit or proceeding has been instituted, that the same