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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
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CHAPTER LXXV.

ACTIONS CONCERNING, AND RIGHTS IN REAL PROPERTY.

1 SECTION 1. An action may be brought by any person in
 2 possession, by himself, or his tenant of real property, against
 3 any person who claims an estate or interest therein, adverse C. S. p. 535, Sect. 1. c 64
 4 to him, for the purpose of determining such adverse claim,
 5 estate or interest.

1 SECT. 2. If the defendant in such action, disclaims in
 2 his answer, any interest or estate in the property, or suffers C. S. p. 535, Sect. 2.
 3 judgment to be taken against him without answer, the plain-
 4 tiff cannot recover costs.

1 SECT. 3. In an action for the recovery of dower, before
 2 admeasurement, or by a tenant in common, or joint tenant C. S. p. 535, Sect. 3.
 3 of real property, against a co-tenant, the plaintiff shall show,
 4 in addition to the evidence of his right, that the defendant
 5 either denied the plaintiff's right, or did some act amount-
 6 ing to such denial.

1 SECT. 4. In an action for the recovery of real property,
 2 when the plaintiff shows a right to recover, at the time the ac- C. S. p. 535, Sect. 4.
 3 tion was commenced, but it appears that such right has term-
 4 inated during the pendency of the action, the verdict and
 5 judgment shall be according to the fact, and the plaintiff
 6 may recover damages for withholding the property.

1 SECT. 5. Any person against whom a judgment for the
 2 recovery of real property is rendered, may within six months C. S. p. 535, Sect. 5.
 3 after written notice of the judgment, upon the payment of
 4 all costs and damages recovered thereby, demand another
 5 trial, by notice in writing to the adverse party, or to his
 6 attorney in the action, and thereupon the action may be
 7 brought to trial by either party.

1 SECT. 6. The judgment given on a trial to be had under
 2 the last section, shall be annexed to the judgment roll of the C. S. p. 535, Sect. 7.
 3 former trial, and the judgment last given shall be the final
 4 determination of the rights of the parties. If a prior judg-
 5 ment has been executed, restitution shall be ordered as the
 6 last judgment may determine the rights of the parties, and
 7 the same may be enforced by execution.

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C. S. p. 596, Sect. 8.

1 SECT. 7. Damages for withholding the property recov-
 2 ered, shall not exceed the fair value of the property, exclu-
 3 sive of the use of improvements, made by the defendant for
 4 a period not exceeding six years; and when permanent im-
 5 provements have been made by a defendant or those under
 6 whom he claims, holding under color of title adversely to
 7 the claims of the plaintiff, in good faith, the value thereof
 8 shall be allowed as a set-off against the damages of the plain-
 9 tiff for the use of the property.

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1864—p. 92, Sect. 1.

1 SECT. 8. Any person who erects any building, tene-
 2 ment or fences upon land, in good faith, and having color
 3 of title, and good reason to believe that the legal title to
 4 such lands is or was vested in him, when, in fact, such title
 5 was or is not in him, and he has no legal or equitable rights
 6 whereby he can enforce a conveyance to him of such title, such
 7 person shall be entitled to and may remove such buildings,
 8 tenements or fences from said land, doing no unnecessary dam-
 9 age to the land, and in so doing shall only be liable for the ac-
 10 tual damage done the land; *Provided*, That no person shall
 11 remove a building or fence under the provisions of this sec-
 12 tion, unless he removes the same within sixty days after the
 13 determination of the action or proceeding, respecting the
 14 title to the premises on which such building or fence is
 15 erected, as contemplated herein, or within sixty days after
 16 notice to remove the same, given by the holder of the legal
 17 title, unless within said sixty days an action is commenced
 18 and prosecuted to try such question of title.

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C. S. p. 596, Sect. 9.

1 SECT. 9. The court in which an action is pending for
 2 the recovery of real property, may on motion, upon notice
 3 by either party, and for cause shown, grant an order allow-
 4 ing to such party the right to enter upon the property and
 5 make survey and measurement thereof for the purpose of the
 6 action.

C. S. p. 596, Sect. 10.

1 SECT. 10. The order shall describe the property, and a
 2 copy thereof shall be served on the owner or occupant, and
 3 thereupon such party may enter upon the property with ne-
 4 cessary surveyors and assistants, and make such survey and
 5 measurement, but if any unnecessary injury is done to the
 6 property, he is liable therefor.

C. S. p. 596, Sect. 11.

1 SECT. 11. A mortgage of real property is not to be
 2 deemed a conveyance, so as to enable the owner of the mort-
 3 gage to recover possession of the real property without a
 4 foreclosure.

1 SECT. 12. When real property is sold on execution, the
 2 purchaser thereof, or any person who may have succeeded

3 to his interest, may after his estate becomes absolute, reco-
4 ver damages for injury to the property by the tenant in C. S. p. 596, Sect. 12. c 64
5 possession, after the sale, and before possession is delivered
6 under the conveyance.

1 SECT. 13. An action for the recovery of real property,
2 against a person in possession or in receipt of the rents and C. S. p. 596, Sect. 13.
3 profits thereof, cannot be prejudiced by an alienation made
4 by such person, either before or after the commencement of
5 the action, but in such case if the defendant has no proper-
6 ty sufficient to satisfy the damages recovered for the with-
7 holding of possession, such damages may be collected by
8 action against the purchaser.

1 SECT. 14. The district court has power to pass the title
2 to real estate by a judgement, without any other act to be C. S. p. 670, Sect. 1.
3 done on the part of the defendant, when such appears to be Amended. c 83
4 the proper mode to carry its judgments into effect; and such
5 judgement being recorded in the registry of deeds of the
6 county where such real estate is situated, shall, while in
7 force, be as effectual to transfer the same, as the deed of the
8 defendant.

1 SECT. 15. When in case of a lease of real property,
2 and on the failure of the tenant to pay rent, the landlord has a
3 self-helping right to re-enter for such failure, he may bring C. S. p. 596, Sect. 14. c 64
4 an action to recover possession of the property, and such
5 action is equivalent to a demand of the rent and a re-entry
6 upon the property; but if at any time before the expiration
7 of six months after possession obtained by the plaintiff on
8 recovery in the action, the lessee or his successor in inter-
9 est, as to the whole or part of the property, pays to the
10 plaintiff, or brings into court the amount of rent then in ar-
11 rears with interest and the costs of the action, and performs
12 the other covenants on the part of the lessee, he may be re-
stored to the possession, and hold the property according to
the terms of the original lease.

1 SECT. 16. In actions affecting the title to, lien upon, or
2 interest in real property, the plaintiff, at the time of the
3 commencement of the action, or at any time afterwards, C. S. p. 596, Sect. 1. c 19
4 must file for record in the office of the register of deeds of
5 each county, in which the real property so affected; or some
6 part thereof is situated, a notice of the pendency of the ac-
7 tion, containing the names of the parties, the object of the
8 action, and a description of the real property in the county
9 affected thereby; and when the plaintiff amends his com-
10 plaint by altering the description of the premises affected
11 thereby, or so as to extend his claim against the premises,
12 he shall file a new notice. And the register of deeds shall

13 record all such notices in the same book and in the same
 14 manner as mortgages are recorded. From the time of filing
 15 such notice, and from such time only, the pendency of the
 16 action shall be notice to purchasers or incumbrancers of the
 17 rights and equities of the plaintiff to the real property in
 18 said notice described.

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1861—ch. 19, Sect. 2.
Amended.

1 SECT. 17. If in any such action there are defendants
 2 against whom no personal claim is made, the plaintiff may
 3 serve upon such defendants at the time of the service of
 4 the summons on them, a written notice, subscribed by the
 5 plaintiff or his attorney, setting forth the general object of
 6 the action, a description of the property affected by it, and
 7 that no personal claim is made against such defendants. If
 8 any such defendant on whom such notice is so served, un-
 9 reasonably defends the action, he shall pay full costs to the
 10 plaintiff.

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C. S. p. 410, Sect. 31.

1 SECT. 18. Every person in possession of land, out of
 2 which any rent is due, whether it was originally demised in
 3 fee, or for any other estate of freehold, for any term of
 4 years, shall be liable for the amount or proportion of rent
 5 due from the land in his possession, although it is only a
 6 part of what was originally demised.

C. S. p. 410, Sect. 32.

1 SECT. 19. Such rent may be recovered in a civil action,
 2 and the deed, demise, or other instrument in writing, if
 3 there is any, showing the provisions of the lease, may be
 4 used in evidence by either party to prove the amount due
 5 from the defendant.

C. S. p. 410, Sect. 33.

1 SECT. 20. Nothing contained in the two preceding sec-
 2 tions shall deprive landlords of any other legal remedy for
 3 the recovery of their rent, whether secured to them by their
 4 leases or provided by law.

C. S. p. 411, Sect. 34.

1 SECT. 21. Estates at will may be determined by either
 2 party by three months' notice in writing for that purpose,
 3 given to the other party; and when the rent reserved is
 4 payable at periods of less than three months, the time of
 5 such notice shall be sufficient if it is equal to the interval between
 6 the times of payment; and in all cases of neglect or refusal
 7 to pay the rent due on a lease at will, fourteen days' notice
 8 to quit, given in writing by the landlord to the tenant, is
 9 sufficient to determine the lease.

C. S. p. 411, Sects. 35
& 36 combined &
amended.

1 SECT. 22. Aliens may take, hold, transmit and convey
 2 real estate, and no title to real estate shall be invalid on ac-
 3 count of the alienage of any former owner.

1 SECT. 23. A person seized of an estate in remainder or C. S. p. 411, Sect. 37. c 36
 2 reversion, may maintain a civil action for any injury done
 3 to the inheritance, notwithstanding an intervening estate
 4 for life or years.

1 SECT. 24. One joint tenant or tenant in common, and
 2 his executors or administrators may maintain an action C. S. p. 411, Sect. 38.
 3 against his co-tenant, for receiving more than his just pro-
 4 portion of the rents or profits of the estate owned by them
 5 as joint tenants or tenants in common.

1 SECT. 25. Anything which is injurious to health, or in-
 2 decent or offensive to the senses, or an obstruction to the free
 3 use of property, so as to interfere with the comfortable en- C. S. p. 506, Sect. 15. c 64
 4 joyment of life or property, is a nuisance, and the subject
 5 of an action; such action may be brought by any person
 6 whose property is injuriously affected, or whose personal
 7 enjoyment is lessened by the nuisance, and by the judg-
 8 ment, the nuisance may be enjoined or abated, as well as
 9 damages recovered.

1 SECT. 26. If a guardian, tenant by the curtesy, in dower,
 2 for life or years, joint tenant, or tenant in common of real C. S. p. 507, Sect. 16.
 3 property, commits waste thereon, any person injured by
 4 the waste may bring an action against him therefor, in which
 5 action there may be judgment for treble damages, forfeit-
 6 ure of the estate of the party offending, and eviction from
 7 the property.

1 SECT. 27. Judgment of forfeiture and eviction can only C. S. p. 507, Sect. 17.
 2 be given in favor of the person entitled to the reversion,
 3 against the tenant in possession, when the injury to the es-
 4 tate in reversion is adjudged in the action to be equal to the
 5 value of the tenant's estate or unexpired term, or to have
 6 been done in malice.

1 SECT. 28. Whoever cuts down or carries off any wood
 2 or underwood, tree or timber, or girdles, or otherwise in- C. S. p. 507, Sect. 18.
 3 jures any tree, timber, or shrub, on the land of another per-
 4 son, or in the street or highway in front of any person's
 5 house, village or city lot, or cultivated grounds, or on the
 6 commons, or public grounds of any city or town, or on the
 7 street or highway in front thereof, without lawful authority,
 8 is liable to the owner of such land, or to such city or town,
 9 for treble the amount of damages which may be assessed
 10 therefor, in a civil action in any court having jurisdiction,
 11 except as provided in the next section.

1 SECT. 29. If upon trial of such action it appears that the C. S. p. 507, Sect. 19.
 2 trespass was casual or involuntary, or that the defendant

3 had probable cause to believe that the land on which the
4 trespass was committed was his own, or that of the person
5 in whose service, or by whose direction the act was done,
6 judgment shall be given for only the single damages assess-
7 ed in the action.

c64 C. S. p. 597, Sect. 20. 1 SECT. 30. Nothing in the last two sections authorizes
2 the recovery of more than the just value of the timber taken
3 from uncultivated wood land for the repair of a public high-
4 way or bridge upon the land, or adjoining it.

C. S. p. 597, Sect. 21. 1 SECT. 31. If a person put out of real property in a
2 forcible manner without lawful authority, or being so put
3 out, is afterwards kept out by force, recovers damages there-
4 for, judgment may be entered for three times the amount
5 at which the actual damages are assessed.

C. S. p. 597, Sect. 22. 1 SECT. 32. In case of forcible entry or forcible detention,
2 if a person claiming in good faith under color of title to be
3 rightfully in possession so put out, or kept out, recovers
4 damages therefor, judgment may be entered in his favor for
5 three times the amount at which the actual damages are as-
6 sessed.

CHAPTER LXXVI.

ACTIONS RESPECTING CORPORATIONS.

c66 C. S. p. 605, Sect. 1. Amended. 1 SECTION 1. This chapter embraces all corporations, in-
2 cluding in such designation, all associations having any cor-
3 porate rights, whether created by special acts or under
4 general laws.

C. S. p. 605, Sect. 2. Amended. 1 SECT. 2. A foreign corporation may prosecute in the
2 courts of this state, in the same manner as corporations
3 created under the laws thereof.

C. S. p. 605, Sect. 3. 1 SECT. 3. A foreign corporation cannot maintain an ac-
2 tion in this state upon an obligation or liability arising out
3 of, or in consideration of an act which is contrary to the
4 law or policy of the state, or which is thereby forbidden in
5 respect to corporations or associations therein, whose gen-
6 eral business is similar to that of such foreign corporation.

C. S. p. 605, Sect. 5. Amended. 1 SECT. 4. Actions may be commenced against corpora-
2 tions whether created under the laws of this state or any