

21079  
65

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

29

D

c 82

C. S. p. 669, Sect. 31.

1 SECT. 30. Any court, except a justice's court, may sus-  
 2 pend an attorney and counsellor from practising therein, for  
 3 any of the causes mentioned in section eighteen, for a period  
 4 not beyond the adjournment of the next general term of the  
 5 supreme court; the order of suspension shall state the cause  
 6 thereof, and be entered upon the minutes, and a certified  
 7 copy thereof transmitted by the court by which it is made  
 8 to the next general term of the supreme court which may  
 9 proceed thereon against the person suspended, in the man-  
 10 ner provided in this chapter.

## CHAPTER LXXXIX.

## ARBITRATORS.

c 85

C. S. p. 689, Sect. 1.  
Amended.

1 SECTION 1. All controversies which can be the subject  
 2 of a civil action, may be submitted to the decision of one or  
 3 more arbitrators in the manner provided in this chapter.

C. S. p. 689, Sect. 2.

1 SECT. 2. No such submission shall be made respecting  
 2 the claim of any person, to any estate in fee, or for life to  
 3 real estate, but any claim to an interest for a term of years,  
 4 or for one year or less, in real estate, and controversies res-  
 5 pecting the partition of lands between joint tenants, or ten-  
 6 ants in common, or concerning the boundaries of lands, or  
 7 concerning the admeasurement of dower, may be submitted  
 8 to arbitration.

C. S. p. 689, Sect. 3.

1 SECT. 3. The parties shall appear in person, or by their  
 2 lawful agents or attorneys, before any justice of the peace,  
 3 and shall there sign and acknowledge an agreement in sub-  
 4 stance as follows.  
 5 " Know all men, that of and  
 6 of have agreed to submit the demand, a  
 7 statement whereof is hereto annexed, (and all other de-  
 8 mands between them as the case may be,) to the determina-  
 9 tion of and the award of whom or the  
 10 greater part of whom, being made and reported within  
 11 from this day, to the district court for the county of  
 12 the judgment thereon shall be final; and if either  
 13 of the parties shall neglect to appear before the arbitrators,  
 14 after due notice given him of the time and place appointed  
 15 for hearing the parties, the arbitrators may proceed in his  
 16 absence.  
 17 Dated this day of in the year .  
 18 And the justice shall subjoin to the said agreement his  
 19 certificate, in substance as follows :

20 State of Minnesota, }  
 21 county of } ss.  
 22 Then the above named and personally ap-  
 23 peared, (or the above named personally, and the  
 24 said by the said his attorney, appeared,  
 25 as the case may be,) and acknowledged the above instru-  
 26 ment by them signed, to be their free act.  
 27 Before me, J. P. justice of the peace.

1 SECT. 4. If any specific demand is submitted to the ex-  
 2 clusion of others, the demand submitted shall be set forth  
 3 in the statement annexed to the agreement, otherwise it is C. S. p. 690, Sect. 4. c 85  
 4 not necessary to annex any statement of a demand, and the  
 5 words in the agreement relating to such statement may be  
 6 omitted, and the submission may then be of all demands  
 7 between the parties, or of all demands which either of them  
 8 has against the other, or the submission may be varied in  
 9 this respect, in any other manner according to the agree-  
 10 ment of the parties.

1 SECT. 5. Neither party has power to revoke a submis- C. S. p. 690, Sect. 5.  
 2 sion made as herein provided, without the consent of the  
 3 other; and if either of them neglects to appear before the  
 4 arbitrators after due notice, the arbitrators may, neverthe-  
 5 less, proceed to hear and determine the cause upon the evi-  
 6 dence produced by the other party.

1 SECT. 6. The arbitrators thus selected, shall appoint a C. S. p. 690, Sect. 6.  
 2 time and place for the hearing, and shall adjourn the same  
 3 from time to time as may be necessary; and on the applica-  
 4 tion of either party, and for good cause, they may postpone  
 5 such hearing to a time not extending beyond the day fixed  
 6 in such submission for rendering their award.

1 SECT. 7. Before proceeding to hear any testimony, the C. S. p. 690, Sect. 7.  
 2 arbitrators shall be sworn by an officer authorized to ad-  
 3 minister oaths, faithfully and fairly to hear and examine the  
 4 matters in controversy, and to make a just award according  
 5 to law and evidence.

1 SECT. 8. The time within which the award shall be C. S. p. 690, Sect. 8.  
 2 made and reported, may be varied according to the agree-  
 3 ment of the parties; and no award made after the time so  
 4 agreed upon, shall have any legal effect or operation, unless  
 5 made upon a recommitment of the award by the court to  
 6 which it is reported.

1 SECT. 9. To entitle any award to be enforced, according C. S. p. 690, Sect. 9.  
 2 to the provisions of this chapter, it shall be in writing, sub-  
 3 scribed by the arbitrators making the same, and attested by  
 4 a subscribing witness.

c 85

c. s. p. 690, Sect. 10. 1 SECT. 10. The award shall be delivered by one of the  
2 arbitrators, to the clerk of the court, designated in the  
3 agreement, or shall be inclosed and sealed by them, and  
4 transmitted to the clerk, and shall remain sealed until open-  
5 ed by the court.

c. s. p. 690, Sect. 12. 1 SECT. 11. The award may be accepted or rejected by  
2 the court for any legal and sufficient reason, or it may be  
3 re-committed to the arbitrators for a re-hearing by them.

c. s. p. 691, Sect. 13. 1 SECT. 12. Any party complaining of such award may  
2 move the court designated in such submission, to vacate the  
3 same upon either of the following grounds :

4 *First.*—That such award was procrued by corruption,  
5 fraud, or other undue means ;

6 *Second.*—That there was evident partiality or corruption  
7 in the arbitrators, or either of them ;

8 *Third.*—That the arbitrators were guilty of misconduct,  
9 in refusing to postpone the hearing upon sufficient cause  
10 shown, or in refusing to hear evidence, pertinent and mate-  
11 terial to the controversy, or any other misbehavior by  
12 which the rights of any party have been prejudiced ;

13 *Fourth.*—That the arbitrators exceeded their powers, or  
14 that they so imperfectly executed them, that a mutual, fi-  
15 nal and definite award on the subject matter submitted was  
16 not made.

17 *Fifth.*—That the award is contrary to law and evidence.

c. s. p. 691, Sect. 14. 1 SECT. 13. Any party to such submission may also move  
2 the court designated therein, to modify or correct such  
3 award in the following cases :

4 *First.*—Where there is an evident miscalculation of fig-  
5 ures, or an evident mistake in the description of any per-  
6 son, thing or property referred to in such award ;

7 *Second.*—Where the arbitrators have awarded upon some  
8 matter not submitted to them, nor affecting the merits of  
9 the decision upon the matter submitted,

10 *Third.*—Where the award is imperfect in some matter  
11 of form not affecting the merits of the controversy, and  
12 where, if it had been a verdict, such defect could have been  
13 amended or disregarded by the court.

c. s. p. 691, Sect. 15. 1 SECT. 14. The award may be returned at any term or  
2 session of the court, that is held within the time limited in  
3 the submission ; and the parties shall attend at every such  
4 term or session, without any express notice for that purpose,  
5 in like manner as if an action for the same cause was pen-  
6 ding between them in the same court ; but the court may  
7 require actual notice to be given to either party, when it  
8 shall appear necessary or proper, before it proceeds to act  
9 upon the award.

1 . SECT. 15. Upon such award being confirmed or modi-  
 2 fied, the court shall render judgment in favor of the party to C. S. p. 601, Sect. 16. c 85  
 3 whom any sum of money or damages have been awarded,  
 4 that he recover the same, and if the award has directed  
 5 any act to be done by either party, judgment shall be en-  
 6 tered that such act be done according to such order; the  
 7 costs of proceedings shall be taxed as in actions, and if no  
 8 provision for the fees and expenses of the arbitrators has  
 9 been made in the award, the court shall make a suitable al-  
 10 lowance.

1 . SECT. 16. A record of such judgment shall be made,  
 2 commencing with a memorandum reciting the submission, C. S. p. 601, Sect. 17.  
 3 then stating the hearing before the arbitrators, their award,  
 4 the proceedings of the court thereupon in modifying or con-  
 5 firming such award, and the judgment of the court for the  
 6 recovery of the debt or damages awarded, and that the par-  
 7 ties perform the acts ordered by the award, and for the re-  
 8 covery of the costs allowed.

1 . SECT. 17. Such record shall be filed and docketed as  
 2 records of judgments in other cases; shall have the same C. S. p. 601, Sect. 18.  
 3 force and effect in all respects, be subject to all the provis-  
 4 ions of law in relation to judgments in actions, and may in  
 5 like manner be removed by appeal and reversed, and exe-  
 6 cution be issued thereupon.

1 . SECT. 18. If there is no provision in the submission  
 2 concerning the costs of the proceedings, the arbitrators may C. S. p. 602, Sect. 19.  
 3 make such award respecting the costs as they shall judge  
 4 reasonable, including therein a compensation for their own  
 5 services; but the court may reduce the sum charged for the  
 6 compensation of the arbitrators, if it appears to them un-  
 7 reasonable,

1 . SECT. 19. The arbitrators shall hear and receive the  
 2 testimony of either party, under oath; and shall have pow- C. S. p. 602, Sect. 21.  
 3 er to administer all necessary oaths to parties or witnesses Amended.  
 4 appearing before them. Nothing in this chapter contained  
 5 shall preclude the submission and arbitrament of controver-  
 6 sies, according to the common law.