

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

SEC. 37. If, after a judgment of sale is entered against a defendant in such case, he brings into court the principal and interest due, with costs, the proceedings in the action shall be stayed, but the court shall enter a judgment of foreclosure and sale, to be enforced by a further order of the court, upon a subsequent default in the payment of any portion, or installment of the principal, or of any interest thereafter to grow due.

Proceedings stayed, when.

SEC. 38. Nothing herein contained shall be so construed as to prevent the court from adjudging that the whole of the mortgaged premises shall be sold, notwithstanding they consist of distinct farms or tracts, whenever it is made to appear that a sale of the whole will be most beneficial to the interests of the parties.

Court may order sale of whole of mortgaged premises, when.

SEC. 39. Whenever possession of lands foreclosed as aforesaid is wrongfully withheld after final decree, the court may compel delivery of possession to the party entitled thereto by order directing the sheriff to effect such delivery.

May compel delivery of possession by order.

1870-119

CHAPTER LXXXII.

CONFESSION OF JUDGMENT WITHOUT ACTION.

SECTION

1. Judgment by confession, in what cases allowed.
2. Statement shall be made—shall contain, what.
3. Shall be filed with clerk who shall enter judgment—judgment roll, what.
4. Judgment may be entered on plea of confession.
5. Clerk may enter judgment on plea of confession, when.

SECTION

6. Effect of judgment entered under provisions of this chapter.
7. Matter in dispute may be submitted to court, when and how.
8. Judgment, how entered—what constitutes judgment roll.

SUBMITTING CONTROVERSY WITHOUT ACTION.

SECTION 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 what cases allowed.

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

Statement shall be made—shall contain what. 7 Min. 487.

First. It shall authorize the entry of judgment for a specified sum;

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

Third. If it is for the purpose of securing the plaintiff against a contingent liability, it shall state concisely the facts constituting the liability, and 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 shall indorse upon it, and enter in a judgment book a judgment of the district court for the amount computed. The statement and verification, with the judgment indorsed thereon, become the judgment roll.

Shall be filed with clerk who shall enter judgment—judgment roll, what.

Judgment may be entered on plea of confession.

SEC. 4. Judgment may also be rendered in the district court in vacation, or in term, upon a plea of confession signed by an attorney of such court, although there is no action then pending between the parties, if the following provisions are complied with, and not otherwise :

First. 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 ;

Second. Such copy shall be filed with the clerk of the court in which the judgment is entered at the time of filing and docketing such judgment.

Clerk may enter judgment on plea of confession, when.

SEC. 5. When the authority mentioned in the last section is 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.

Effect of judgment.

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 is made for a stay of execution upon such judgment, execution may issue immediately.

SUBMITTING A CONTROVERSY WITHOUT ACTION.

Matter in dispute may be submitted to court, when and how.

SEC. 7. Parties to a matter in dispute, 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 shall appear by affidavit that the controversy is real, and the proceedings in good faith, to determine the rights of the parties ; the court shall thereupon hear and determine the case at a general or special term, and render judgment thereon, as in civil actions.

Judgment, how entered—judgment roll, what constitutes.

SEC. 8. Judgment shall be entered in the judgment book, as in other cases. The case, submission, and a copy of the judgment, constitute the judgment roll, and 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 appeal.

CHAPTER LXXXIII.

ACTIONS AGAINST BOATS AND VESSELS.

- SECTION
1. Boats or vessels, for what liable.
 2. Action against boat or vessel, how brought.
 3. Complaint shall show, what.
 4. Clerk shall issue warrant.
 5. Proceedings on return of warrant.
 6. Who may appear and answer complaint.
 7. Bond may be given and boat discharged.
 8. Court to make order of sale, when.
 9. Execution to issue against obligors on bond, when.
 10. Owner, et als., summoned to show cause, when.
 11. Summons in such case shall show, what.
 12. Affidavit to accompany summons.

- SECTION
13. Answer of party summoned may contain, what.
 14. Pleadings and trial.
 15. Justices of the peace have jurisdiction, when.
 16. Proceedings before justice, how governed.
 17. Warrant issued by justice returnable forthwith—proceedings on return—bond may be given and boat released.
 18. Warrants, how served and returned.
 19. Power of officer under order of sale.
 20. Continuance granted, when—not to operate to discharge boat.
 21. Plaintiff not entitled to continuance.
 22. Who may take appeal.
 23. Actions to be commenced, when.