

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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## CHAPTER LXXXII.

## CONFESSION OF JUDGMENT WITHOUT ACTION.

## SECTION.

1. Judgment by confession, when allowed.
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3. Shall be filed with clerk who shall enter judgment—judgment-roll.
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5. Clerk may enter judgment on such plea.
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- this chapter.
- SUBMITTING CONTROVERSY WITHOUT ACTION.**
7. Matter in dispute may be submitted to court, when and how.
  8. Judgment, how entered—judgment-roll

§ 1. **Judgment by confession, when allowed.** 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.

§ 2. **Statement to be made—contents thereof.** A statement in writing shall be made, signed by the defendant, and verified by his oath, to the following effect:

*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.

7 M. 393 (487).

§ 3. **Filing of statement—entry of judgment—judgment-roll.** 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.

§ 4. **Judgment on plea of confession.** 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 authority shall be filed with the clerk of the court in which the judgment is entered, at the time of filing and docketing such judgment. (*As amended 1870, c. 68, § 1.*)

§ 5. **Same—may be entered by clerk.** 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.

§ 6. **Effect of such judgments.** 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.

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

§ 8. **Judgment, how entered—judgment-roll.** 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.

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§ 1. **Boats or vessels, for what liable.** Every boat or vessel used in navigating the waters of this state is liable:

<sup>2 M. 146 (175); 3 M. 124 (192.)</sup>

*First.* For all debts contracted by the master, owner, agent or consignee thereof, on account of supplies furnished for the use of such boat or vessel, on account of work done or services rendered on board or for the benefit of such boat or vessel, or on account of labor done or materials furnished by mechanics, tradesmen or others, in and for building, repairing, fitting out, furnishing or equipping the same;

<sup>1 M. 288 (300.)</sup>

*Second.* For all sums due for wharfage or anchorage of such boat or vessel within this state;

*Third.* For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of the boat or vessel on which such contract is to be performed; and,

<sup>10 M. 190 (242)</sup>

*Fourth.* For all injuries done to persons or property by such boat or vessel: *provided*, however, that in no case shall any boat or vessel be liable, as