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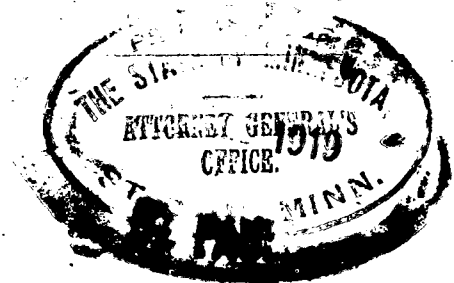
GENERAL STATUTES

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.

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5 court which would have jurisdiction if an action had been
 6 brought; but it shall appear by affidavit that the contro-
 7 versy is real, and the proceedings in good faith, to deter-
 8 mine the rights of the parties; the court shall thereupon
 9 hear and determine the case at a general or special term,
 10 and render judgment thereon, as in civil actions.

1 SECT. 8. Judgment shall be entered in the judgment
 2 book, as in other cases. The case, submission, and a copy
 3 of the judgment, constitute the judgment roll, and judg-
 4 ment may be enforced in the same manner as if it had been
 5 rendered in an action, and is in the same manner subject to
 6 appeal.

C. S. p. 643, Sects. 8
& 9, combined.

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CHAPTER LXXXIII.

ACTIONS AGAINST BOATS AND VESSELS.

1 SECTION 1. Every boat or vessel used in navigating the
 2 waters of this state is liable:

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

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

12 *Third.*—For all demands or damages accruing from the
 13 non-performance or mal-performance of any contract of af-
 14 freightment, or any contract touching the transportation of
 15 persons or property, entered into by the master, owner,
 16 agent or consignee of the boat or vessel on which such con-
 17 tract is to be performed; and,

18 *Fourth.*—For all injuries done to persons or property by
 19 such boat or vessel: *Provided, however,* That in no case
 20 shall any boat or vessel be liable, as aforesaid, for any debt
 21 contracted on account of work done or services rendered on
 22 board or for the benefit of such boat or vessel, until the
 23 contract therefor is fully and duly performed on the part of
 24 the person engaging to perform the same.

C. S. p. 647, Sect. 1;
 1864—p. 88, Sect. 1,
 combined.

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1 SECT. 2. Whoever wishes to institute an action against
 2 a boat or vessel, shall file his complaint against such boat or
 3 vessel by name, with the clerk of the district court of the
 4 county in which such boat or vessel may be.

C. S. p. 647, Sect. 3.

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- c76 C. S. p. 647, Sect. 4. 1 SECT. 3. The complaint shall set forth the plaintiff's
2 demand in all its particulars, and on whose account the
3 same accrued; it shall be verified by the affidavit of the
4 plaintiff or some credible person for him.
- C. S. p. 648, Sect. 5. 1 SECT. 4. Whenever any such complaint is filed in the
2 office of the clerk of the district court, he shall issue a war-
3 rant returnable in twenty days, directing and authorizing
4 the sheriff to seize the boat or vessel mentioned in the com-
5 plaint, and detain the same in his custody, together
6 with its tackle, apparel and furniture, until discharged from
7 such custody by due course of law.
- C. S. p. 648, Sect. 6. 1 SECT. 5. Upon the return of the warrant, issued by vir-
2 tue of the preceding section, proceedings shall be had in the
3 district court against the boat or vessel seized, in the same
4 manner as if the action had been instituted against the per-
5 son on whose account the demand accrued.
- C. S. p. 648, Sect. 7. 1 SECT. 6. The master, owner, agent or consignee of the
2 boat or vessel may appear on behalf of such boat or vessel,
3 and answer the complaint.
- C. S. p. 648, Sect. 9. 1 SECT. 7. If the master, owner, agent or consignee, be-
2 fore final judgment gives bond to the plaintiff, with sufficient
3 sureties to be approved by the court, or the judge or clerk
4 thereof in vacation, conditioned to satisfy the amount which
5 shall be adjudged to be owing and due to the plaintiff, in
6 the determination of the action, together with all costs ac-
7 cruing, such boat or vessel, with the tackle, apparel, and
8 furniture belonging thereto, shall be discharged from fur-
9 ther detention by the sheriff.
- C. S. p. 648, Sect. 10. 1 SECT. 8. If judgment is rendered against any boat or
2 vessel, in favor of the plaintiff, the court shall make an or-
3 der directed to the sheriff, commanding him to sell such
4 boat or vessel, together with its tackle, apparel, and furni-
5 ture, to satisfy the judgment, and all costs that may have
6 accrued in the cause, which order shall be executed and re-
7 turned in the same manner as an execution.
- C. S. p. 648, Sect. 11. 1 SECT. 9. If a bond has been entered into, according to
2 the seventh section of this chapter, and judgment rendered
3 in favor of the plaintiff, execution shall be issued for the
4 amount of judgment and costs, in favor of the plaintiff,
5 against the principal and sureties in such bond.
- c33 1862-p. 90, Sect. 12. 1 SECT. 10. Whenever judgment is rendered against any
2 boat or vessel in favor of the plaintiff, and such boat or ves-
3 sel has been discharged from the custody of the sheriff prior

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4 to the rendition of such judgment; by the giving of bonds
 5 or otherwise, or when from any cause whatever, said judg-
 6 ment or any part thereof remains unpaid for the period of
 7 sixty days, the masters and owners thereof, either or both,
 8 and in case the owner is a foreign corporation, then the of-
 9 ficers, members, or stockholders of such corporation or
 10 either or any of them may be summoned as is hereinafter
 11 provided, to show cause why he or they shall not be bound
 12 by the judgment in the same manner as if said action had
 13 been originally commenced and prosecuted to judgment
 14 against them.

1 SECT. 11. The summons provided for in the last section
 2 shall be subscribed by the judgment creditor, his represen- 1862-p.90, Sect. 7 c 33
 3 tative or attorney, describe the judgment and require the
 4 party summoned to show cause within twenty days after the
 5 service of the summons, and may be served in the same
 6 manner that a summons is served in civil actions.

1 SECT. 12. The summons shall be accompanied by an 1862-p.91, Sect. 21 c 33
 2 affidavit of the person subscribing it that the judgment has
 3 not been paid or satisfied to his knowledge, information or
 4 belief, and shall specify the amount due thereon.

1 SECT. 13. The party summoned may answer, denying 1862-p.91, Sect. 25 c 33
 2 the judgment or setting up any defense that may have arisen
 3 subsequent to the rendition of said judgment, and in addi-
 4 tion thereto, that he was not at the time said cause of action
 5 arose against said boat or vessel the master, owner or part
 6 owner thereof, or that he was not at the time said cause of
 7 action arose against said boat or vessel, or at any time
 8 since, an officer, member or stockholder of any foreign cor-
 9 poration which was the owner of such boat or vessel at the
 10 time said cause of action, arose, but no other defense what-
 11 ever.

1 SECT. 14. The party issuing the summons may demur 1862-p.91, Sect. 26 c 33
 2 or reply to the answer, and the party summoned may de-
 3 mur to the reply, and the issue may be tried and judgment
 4 and costs given, and enforced by execution in the same
 5 manner as in civil actions.

1 SECT. 15. Justices of the peace, within their respective c. s. p. 648, Sect. 12 c 76
 2 counties, have cognizance of all cases arising under this
 3 chapter, when the demand claimed does not exceed the sum
 4 of one hundred dollars.

1 SECT. 16. In all their proceedings, justices of the peace c. s. p. 648, Sect. 13
 2 shall conform to the provisions of law governing justices'
 3 courts, and as near as may be to the provisions of this chap-
 4 ter, as they apply in the district court.

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C. S. p. 648, Sect. 14;
1901—p. 149, Sect. 1,
combined.

1 SECT. 17. Every warrant issued by a justice of the peace
2 under this chapter, shall be returnable forthwith; and upon the
3 return thereof the justice shall hear and determine the action
4 in a summary manner; *Provided*, That if the master, own-
5 er; agent, or consignee executes a bond to the plaintiff with
6 sufficient surety to be approved by the justice, conditioned
7 that he will satisfy the amount which may be adjudged to
8 be owing and due to the plaintiff on the determination of
9 the action, together with costs, then the boat, vessel, tackle,
10 apparel and furniture seized by such warrant shall be dis-
11 charged from custody.

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C. S. p. 648, Sect. 15.

1 SECT. 18. All warrants issued under the provisions of
2 this chapter, shall be served and returned as writs of attach-
3 ment are served and returned.

C. S. p. 648, Sect. 16.

1 SECT. 19. Whenever an order of sale is made for the
2 sale of a boat or vessel, with its tackle, apparel, and furni-
3 ture, the sheriff or constable has power to sell such part
4 thereof, or such interest therein, as shall be necessary to
5 satisfy the amount of judgment rendered in favor of the
6 plaintiff, and all the costs that have accrued.

C. S. p. 649, Sect. 17.

1 SECT. 20. Upon good and sufficient cause shown by the
2 master, owner, agent, or consignee of any boat or vessel,
3 sold under this chapter, the court or justice of the peace
4 may grant a continuance of the cause; but no such contin-
5 uance shall operate as a discharge of such boat or vessel
6 from the custody of the sheriff or constable.

C. S. p. 649, Sect. 18.

1 SECT. 21. No continuance of a cause, under this chap-
2 ter, shall be granted to the plaintiff.

C. S. p. 649, Sect. 20.

1 SECT. 22. In all cases arising under this chapter, if
2 judgment is rendered in favor of the plaintiff, the master,
3 owner, agent, or consignee of the boat or vessel, or other
4 person interested, may appeal from the judgment, as in
5 other cases.

C. S. p. 648, Sect. 21.

1 SECT. 23. All actions against a boat or vessel, under
2 the provisions of this chapter, shall be commenced within
3 one year after the cause of action accrues.