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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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against such insolvent in the district court, and if upon the hearing of such cause in the supreme court, it shall appear by affidavit that any clause in the last preceding section has been violated, then and in that case, a new trial or hearing, shall be awarded to the district court, in which such judgments may have been rendered.

SEC. 26. The new hearing to be had, in pursuance of the last preceding section shall be in all respects conducted according to the provisions of this chapter; and the judgment rendered on such new hearing shall be final and conclusive in the premises.

New hearing when allowed.

SEC. 27. No judgment rendered in pursuance of the provisions of this chapter, shall be, or become a lien upon any other property, than such as may have been assigned in satisfaction thereof.

Judgment on what to become a lien.

SEC. 28. The court in which judgment may have been rendered in pursuance of the provisions of this chapter, may from time to time make such order, for the distribution of the proceeds of the sale of the property assigned by any insolvent, as to said court may appear most for the interest of the creditors; and for the payment from the proceeds of sales of such property, of all legal fees and expenses accruing on the application for discharge by any such insolvent.

Judge may make order for the distribution of the proceeds of sale, &c.

CHAPTER 90.

OF THE RELIEF OF PERSONS CONFINED IN JAIL ON CIVIL PROCESS.

SECTION

1. Person confined in prison how discharged.
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3. Notice how served.
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SECTION

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10. Effect of discharge.
11. Judgment shall remain in full force.
12. Debtor liable for support in prison.
13. Plaintiff may order prisoner discharged.

SEC. 1. Every person confined in jail, on an execution issued on a judgment recovered in an action for injury shall be discharged therefrom at the end of ten days from his first confinement, upon the conditions hereinafter specified.

Person confined in prison how discharged.

SEC. 2. Such person shall cause notice to be given to the plaintiff in the suit, his agent or attorney in writing, that on a certain day and hour and at a certain place, he will apply to two justices of the peace of the county where the person is committed, stating the names of such justices, for the purpose of obtaining a discharge from his imprisonment.

Notice of application to be given plaintiff.

SEC. 3. Such notice shall be served by a copy on the plaintiff, his agent, or attorney, twenty-four hours before the hour of hearing the application in cases where the plaintiff, his agent, or attorney lives within twenty miles of the place of the hearing, and twenty-four hours shall be added to the time of the notice, for every twenty additional miles, the plaintiff, his agent or attorney, shall reside distant from that place.

Notice how served.

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RELIEF OF PERSONS CONFINED IN JAIL, &c.

Justices on hearing how to proceed.

SEC. 4. At the time and place specified in such notice, such person shall be taken under the custody of the jailor, or the sheriff or his deputy, before such justices, who shall examine the prisoner on his oath concerning his estate and effects, and the disposal thereof, and his ability to pay the judgment for which he is committed; and they shall also hear any other legal and pertinent evidence that may be produced by the debtor or the creditor.

Plaintiff may appear and examine prisoner.

SEC. 5. The plaintiff in the action may, upon such examination propose to the prisoner any interrogatories, pertinent to the inquiry, and they shall if required, by the creditor be proposed and answered in writing, and the answers shall be signed and sworn to by the prisoner, and the plaintiff in the action may have a copy of the interrogatories and answers, certified by the justices, upon paying therefor the legal fees.

Justices when to administer oath to prisoner.

SEC. 6. If upon such examination the justices shall be satisfied that the prisoner is entitled to his discharge, they shall administer to him the following oath, to wit:

Form of oath.

"I, _____ do solemnly swear that I have not any estate, real or personal, to the amount of twenty dollars, except such as is by law exempted from being taken in execution, and that I have not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same, to my use or to defraud my creditors; so help me God."

Certificate of discharge, and form of.

SEC. 7. After administering the oath, the justices shall make a certificate under their hands, as follows:

To the sheriff or jailor of the county of _____ :

The undersigned, two justices of the peace for said county, certify that _____ confined in your jail, upon an execution at the suit of _____ is entitled to be discharged from imprisonment if he be imprisoned for no other cause.

Jailor when to discharge debtor.

SEC. 8. The jailor upon receiving such certificate, shall forthwith discharge the prisoner, if he be imprisoned for no other cause.

Debtor may apply for discharge every ten days.

SEC. 9. If such justices should not discharge the prisoner, he shall be entitled to apply for his discharge at the end of every succeeding ten days, in the same manner as above provided, and the same proceedings shall thereupon be had.

Effect of discharge.

SEC. 10. The prisoner after being so discharged, shall be forever exempted from arrest or imprisonment for the same debt, unless he shall be convicted for having willfully sworn falsely upon his examination before the two justices, or in taking the oath before prescribed.

Judgment shall remain in full force.

SEC. 11. The judgment against any prisoner, who is discharged as aforesaid, shall remain in full force against any estate which may then, or at any time afterwards belong to him, and the plaintiff in the action may take out a new execution against the goods and estate of the prisoner, in like manner as if he had never been committed in the execution.

Debtor liable for support in prison.

SEC. 12. If the debtor shall undertake to satisfy the execution, he shall not be entitled to his discharge until he has paid all the charges for his support in prison, in addition to the sum due on the execution, and the costs and charges thereon.

Plaintiff may order prisoner discharged.

SEC. 13. The plaintiff in the action may, at any time, order the prisoner to be discharged, and he shall not thereafter be liable to imprisonment for the same cause of action.