

CHAPTER 123.

AN ACT TO AMEND SECTION TWO (2) OF CHAPTER FIFTY-FIVE (55) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), IN RELATION TO PROBATE BONDS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two (2) of chapter fifty-five (55) of the general statutes of one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended by adding thereto the following provisions: Upon application to the probate court having jurisdiction, made by a surety of an executor, administrator or guardian, to be discharged from further liability as such surety, said court shall by order require such executor, administrator or guardian to furnish a new bond, to the satisfaction of said court, within ten (10) days after personal service of such order. Compliance with such order shall operate to discharge such surety from liability for any subsequent act or omission of such executor, administrator or guardian, and an order shall be thereupon made to that effect, and in such case the surety so exonerated may enforce an accounting before the court by such executor, administrator or guardian concerning all his prior acts and doings. If an executor, administrator or guardian, upon being ordered to furnish a new bond as aforesaid, shall fail to comply therewith, he shall be removed and be compelled to render and settle his account as soon as practicable.

When new bond shall be furnished to the satisfaction of the court.

In case of non-compliance to be removed.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1885.

CHAPTER 124.

AN ACT TO AMEND SECTION TWO (2) OF TITLE ONE (1) OF CHAPTER SIXTY-FIVE (65) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873), RELATING TO COURTS OF JUSTICES OF THE PEACE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two (2) of title one (1) of chapter sixty-five (65) of the general statutes of one thousand

Where not to hold terms of court.

eight hundred and seventy-eight (1878) be and the same is [hereby] amended so as to read as follows: *Provided further*, That no justice of the peace shall hold his office or court in any saloon, or in any room adjacent to a saloon, where there is communication by door or otherwise between said place where said court is held and said saloon.

Where terms of court may be held.

SEC. 2. Every justice of the peace shall keep his office in the town, city or ward for which he is elected; but he may issue process in any place in the county, and may in his discretion, for the convenience of parties, make any process issued by him, either civil or criminal, returnable, and may hold his court at any place appointed by him in a town, or ward adjoining the town or ward in which he resides, or in any incorporated village located within the town in which said justice resides; *Provided*, The place so appointed be within his county.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

CHAPTER 125.

AN ACT TO AMEND SECTION ONE HUNDRED AND FORTY-EIGHT (148) OF CHAPTER SIXTY SIX OF GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO BONDS IN ATTACHMENT.

Be it enacted by the Legislature of the State of Minnesota:

Bond required before issuing writ—upon what condition.

SECTION 1. That section one hundred and forty-eight (148) of chapter sixty-six (66) of general statutes one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows: Before issuing the writ, the judge or court commissioner shall require a bond on the part of the plaintiff, with sufficient sureties, conditioned that if the defendant recovers judgment or if the writ shall be set aside or vacated, the plaintiff will pay all costs that may be awarded to the defendant and all damages that he may sustain by reason of the attachment, not exceeding the penalty of the bond, which shall be at least two hundred and fifty (250) dollars.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1885.