

SECTION 1. That all railroad companies who at the date of the passage of this act are the owners of and operating a railroad in the State of Minnesota, of a gauge less than four feet eight and one-half inches in width, shall within such reasonable time as may be fixed by the railroad and warehouse commission change the gauge of said railroads, to four feet eight and one-half inches.

Gauge to be 4 feet 8½ inches when required by Railroad and Warehouse Commission.

SEC. 2. It shall be the duty of the railroad and warehouse commission, within one year after the passage of this act, to examine all the railroads in this state now in existence, that are less than four feet eight and one-half inches gauge, and if they find that it is feasible or in their judgment necessary and reasonable to change the gauge of any such railroad to four feet eight and one-half inches, they shall make their order in writing, fixing such reasonable time within which such gauge shall be changed to that width. In making such order, said commission shall take into consideration the amount and probable life of the rolling stock of such narrow gauged road, and all other facts bearing on the reasonableness of the time to be allowed to make such change of gauge.

Railroad and Warehouse Commission, duty of.

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

Approved March 20, 1899.

CHAPTER 79.

S. F. No. 321.

An act relating to the vacation of streets, alleys and public grounds in cities having a population of over fifty thousand inhabitants; and repealing all acts and parts of acts inconsistent therewith.

Streets, alleys and public grounds; vacation of.

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

SECTION 1. That no vacation of any street, alley or public ground in any city having, according to the then last state or national census, a population of over fifty thousand inhabitants, shall be hereafter allowed except upon such terms and conditions, as well as to the compensation, if any, to be paid by the persons seeking such vacation, or otherwise, as shall be specified in the resolution ordering such vacation.

Vacation of not allowed except on terms specified in resolution.

SEC. 2. All acts and parts of acts relating to compensation otherwise than as herein provided, are hereby repealed

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

Approved March 21, 1899.

CHAPTER 80.

S. F. No. 180.

Attachment.

An act to provide for attachment of property in certain cases.

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

Writ to issue in justice court upon affidavit stating grounds.

SECTION 1. That in cases pending in a justice court, or pending in the district court, on appeal from a justice court, the plaintiff shall be entitled to a writ of attachment upon making and filing in the court where said cause is pending, an affidavit made by the plaintiff, or some one in his behalf, stating that defendant is indebted to the plaintiff in a sum exceeding five (5) dollars, and specifying the amount of such indebtedness as near as may be over and above all legal set-offs, and that the same is due upon contract, express(ed) or implied or upon judgment or decree of some court, and containing a further statement that the affiant has good reason to believe that defendant has fraudulently conveyed or disposed of, or is about fraudulently to convey or dispose of any of his property or effects, so as to hinder, delay or defraud his creditors.

Bond; terms of.

SEC. 2. Before issuing a writ of attachment the justice shall require a bond on the part of the plaintiff with sufficient surety, conditioned that if the plaintiff fail to recover judgment, the plaintiff shall pay all costs that may be adjudged against him and all damages which the defendant may sustain by reason of the attachment, not exceeding the sum of one hundred (100) dollars.

Writ to issue on appeal same as in district court.

SEC. 3. When the cause is pending in the district court on an appeal from the justice court, the plaintiff shall be entitled to a writ of attachment the same as if said action had been commenced in the district court, upon filing the affidavit provided for in section one of this act, and upon complying with all the conditions and requirements provided by law for the issuance of attachments in the district court.

Laws relating to in district court made applicable.

SEC. 4. All laws relating to the attachment of property in the district court not inconsistent with the provisions of this chapter, are hereby made applicable to the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1899.