

on complaint filed and upon proof being made to the satisfaction of the court, or on the verdict of a jury, finding such complaint to be true, to order such building, fencing, or fixture to be restored and replaced upon such premises, and to compel the same by attachment, and may in addition thereto impose a fine of not exceeding five hundred (500) dollars against the person or persons so found guilty of a violation of the provisions of this act.

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

Approved March 10th, 1862.

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## CHAPTER XLI.

### *An Act relating to actions for alleged illegal seizures of Personal Property under Attachments or upon Execution.*

SECTION 1. Plaintiff to execute bond of indemnity—to whom.

2. Who to have no right of action against officers serving attachment or execution.

3. Act, when to take effect.

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

SECTION 1. That when any sheriff, coroner, constable, or other officer shall be required to attach or levy upon any personal property, and such officer shall have good reason to believe that such property is not the property of the defendant in the attachment or execution, he may require the plaintiff in the attachment or execution, or the person directing such attachment or levy to be made, to execute and deliver to him, a bond of indemnity in double the value of the property to be seized, conditioned to pay such officer all damages he may sustain by

Plaintiff to execute bond of indemnity—to whom

reason of such seizure ; and such officer may assign such bond to the party claiming to be injured by such seizure, on the request of such party, who may have an action upon such bond to recover his damages, after the amount of such damages shall have been ascertained, or such party may sue the person or party at whose request or by whose direction such attachment or levy was made, or either or both of them ; *Provided*, That an acceptance by the person claiming to be injured by such seizure, of an assignment of the bond of indemnity so taken by such officer, shall relieve and discharge such officer from all liability, because of such seizure, to the party so claiming to be injured by reason of such attachment or levy.

SEC. 2. Any person having a claim to any property in the possession of the defendant in attachment or execution levied upon by a sheriff, coroner, constable or other officer, by virtue of a warrant of attachment or execution, shall not have any right of action against such sheriff, coroner, constable, or other officer, for the value of the same, or for damages for the taking, detention or conversion thereof, unless he or his agent shall give notice in writing to such sheriff, coroner, constable, or other officer so seizing the same, of his claim to such property before the day of sale thereof; nor shall such person have any right of action against such officer, for taking any such property, or for detaining the same previous to such notice. *Provided*, That if such sheriff, coroner, constable, or other officer has any notice or knowledge that the property so attached or levied upon belongs to any person other than the defendant, in the attachment or execution, he shall be liable to the party injured, although the notice aforesaid may not be served upon him.

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

Approved March 11th, 1862.