

CHAPTER LXVI.

March 7, 1867

An Act to amend sections one hundred and thirty, one hundred and forty and one hundred and forty-one of title nine of chapter sixty-six of the General Statutes relating to attachments.

SECTION 1.—When writ of attachment issued.

2.—Defendant may give bonds.

3.—Defendant may apply to have writ of attachment vacated.

4 --When act shall take effect.

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

Amendment

SECTION 1. That section one hundred and thirty, title nine of chapter sixty-six of the General Statutes be and the same is hereby amended so as to read as follows :

Section 130. The writ of attachment shall be allowed whenever the plaintiff, his agent or attorney shall make affidavit that a cause of action exists against the defendant, specifying amount of the claim and the ground thereof; and that the plaintiff's debt was fraudulently contracted, or that the defendant is either a foreign corporation or not a resident of this state, or has departed therefrom, as deponent verily believes, with intent to defraud or delay his creditors or to avoid the service of a summons, or keeps himself concealed therein with like intent, or has assigned, secreted or disposed of, or is about to assign, secrete or dispose of his property with intent to delay or defraud his creditors: *Provided*, That the writ of attachment shall not be allowed in actions for libel, slander, seduction, breach of promise of marriage, false imprisonment or assault and battery.

Further amends

SEC. 2. That section one hundred and forty, of said chapter sixty-six, be amended so as to read as follows:

Section 140. A defendant whose property has been attached, may at any time before trial, execute to the plaintiff a bond in double the amount claimed in the

complaint, or if the value of the property attached be less than the amount claimed, then in double the value of the property, with two or more sureties, to be approved by the officers allowing the writ of attachment. *Conditioned*, That if the plaintiff recover judgment in the action he will pay such judgment or an amount thereon equal to the value of the property attached; and the officer approving such bond shall make an order discharging such attachment.

SEC. 3. That section one hundred and forty-one of said chapter sixty-six be amended so as to read as follows:

Section 141. The defendant may at any time, before the time for answering expires, or at any time thereafter when he has answered, and before trial, apply to the court on notice to vacate the writ of attachment. If the motion is made upon affidavits on the part of the defendant but not otherwise, the plaintiff may oppose the same by affidavits, in addition to those on which the writ of attachment was allowed.

Further amends

SEC. 4. This act shall take effect and be in force from and after its passage:

Approved, March 7, 1867.

CHAPTER LXVII.

An Act in relation to motions and orders.

March 7, 1867

SECTION 1.—Defines an order.

2.—What is a motion.

3.—When notice of motion to be served.

4.—Where motion to be made.

5.—When act to take effect.