

CHAPTER LXXIX.

February 27, 1868

An Act to authorize the District Court, or any Judge thereof, in actions now or hereafter pending therein, to bring parties into court to defend such actions by order.

SECTION 1. Judge may if reason deemed sufficient grant an order requiring the party to appear and answer complaint.

2. How order served.

3. Judge may make an order staying all proceedings—for what purpose.

4. When action may proceed.

5. When act to take effect.

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

When judge can
order party to
appear.

SECTION 1. Whenever the plaintiff, his agent or attorney in any action now or hereafter pending in any of the district courts of this state, shall discover that any party ought, in order to a full and just determination of such action, to have been made defendant therein, and shall make an affidavit stating the pendency of such action and the reasons why such party ought to have been made defendant therein, and present the same to said court or to a judge thereof, the said court or judge shall, if such reasons are deemed sufficient, grant an order reciting the summons by which the action was commenced, and requiring the said party to appear and answer the complaint in said summons named within twenty days after the service of such order upon him, exclusive of the day of such service, and in default thereof, the judgment or relief demanded in said complaint will be rendered against him, in all respects as though he had been made a party to such action in the first instance.

How order to
be served.

SEC. 2. The order shall be served upon the party in the manner now provided by law for the service of a summons in said court, in civil actions.

SEC. 3. The said court or judge may upon ap-

plication of the plaintiff at the time of applying for the order in the first section of this act named or at any time thereafter, make an order staying all further proceedings in said action, for such time as may be necessary to enable the plaintiff to have the said party in said action named, brought into court to defend in said action.

Judge may order proceedings to be stayed—for what purpose.

SEC. 4. After a party has been brought into court under the provisions of this act, the action shall proceed against all the parties thereto in the same manner as though they had all been originally made defendants therein.

When action may proceed.

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

When act to take effect.

Approved February 27, 1868.

CHAPTER LXXX.

An Act to provide for the filing or service of undertakings in lieu of bonds in certain cases.

March 5, 1868.

SECTION 1. What to be deemed a sufficient compliance with the law to sustain action.

2. When act to take effect.

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

SECTION 1. That in all cases of appeal from the board of county commissioners to the district court upon the allowance or disallowance of any account of indebtedness, and in all actions brought before justices of the peace, and in all cases of an appeal from a justice court or a probate court to the district court, and in all actions commenced in the district court, and in all cases of appeal or writ of error to remove a cause or proceeding therein to the supreme court, and in all cases of special or equitable proceedings in either the district or supreme courts, the filing or service or both, as may be required by law or the practice of the court, of an undertaking signed by a surety or sureties,

When action can be sustained