

Fourth—When the action is for divorce in the cases prescribed by law.

Fifth—When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest actual or contingent therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein.

Approved February 8, 1869.

CHAPTER LXXIV.

Feb'y 24, 1869.

An Act to amend Sections sixty-eight (68) and sixty-nine (69) of Chapter sixty-five (65) of the General Statutes, providing for the opening of judgments in justices' courts in certain cases.

SECTION 1. Amendment to Sections sixty-eight (68) and sixty-nine (69) of Chapter sixty-five (65) of the General Statutes.

68. In all cases when the service of summons is made by leaving a copy at the usual place of abode of defendant, plaintiff shall file a bond—in what amount.

69. Upon complying with conditions of this Section defendant permitted to appear and defend said action—within what time.

2. When act to take effect.

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

SECTION 1. That sections sixty-eight (68) and sixty-nine (69) of chapter sixty-five (65) of general statutes, be amended to read as follows:

Sec. 68. In all cases where the service of the summons is made by leaving a copy thereof at the last usual place of abode of the defendant, and where the service of the summons is made by publication, before judgment is rendered, the plaintiff shall file or cause to be filed with the justice a bond with sufficient sureties to be approved

When plaintiff
to file bond.

by said justice in double the amount of the judgment claimed, conditioned that if the defendant, within six months from the rendition of the judgment, appears and is admitted to defend the action, the plaintiff will abide the order of the court therein, and will refund all amounts collected upon said judgment, and make restitution of all property received in virtue thereof, if ordered by said court, and pay all costs and damages that may be adjudged against him.

Sec. 69. At any time within six months from the rendition of the judgment, as provided in the preceding section, the defendant therein shall be permitted to appear and defend said action upon complying with the following conditions :

First. He shall serve a notice upon the plaintiff, his agent or attorney, specifying that on a day therein named, which shall not be less than three nor more than ten days from the day of service thereof, that the defendant will apply to the justice of the peace before whom the judgment was rendered, or his successor in office, to have the said judgment re-opened. Time allowed for defendant to appear and defend said action.

Second. He shall file a bond with said justice, with sureties to be approved by him, in a sum double the amount of the judgment, conditioned that he will abide the order of the court in the case and pay all costs and damages that may be adjudged against him therein.

Third. He shall file a verified answer in said case. If said answer contains a good defense to the complaint in said action, or any material part thereof, said justice shall order said judgment re-opened, and like proceedings shall thereafter be had therein as by law provided for actions in justices' courts.

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

Approved February 24, 1869.