

what amount, if any, was collected from the the bail, and the true date [of] such collection.

SEC. 5. This act shall take effect and be in force from and after the first day of April, 1871. When act to take effect.

Approved March 6, 1871.

CHAPTER LXIX.

An Act to provide for the service of summons by publication in attachment cases in Justice's Courts, and regulating proceedings therein. March 3, 1871.

- SECTION 1. When service of summons by publication.
2. Justice may adjourn the action, when.
 3. Length of time summons to be published.
 4. When act to take effect.

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

SECTION 1. Whenever upon the return of a writ of attachment, issued by a justice of the peace, it is made to appear to the satisfaction of the justice, by the return of the officer thereon, or by affidavit, that the defendant therein, or in case of more than one defendant, either of them cannot be found in the state, or keeps himself concealed therein to avoid the service of legal process, the justice may make an order that each defendant be served with a summons in the action by the publication thereof, as hereinafter provided, and shall thereupon issue a summons directed to the defendant requiring him to appear before the said justice at a time and place in said summons to be specified, to answer to the plaintiff in a civil action, (naming the said plaintiff,) which summons shall be made returnable not less than six nor more than twenty days after the expiration of the period of publication. And whenever upon the return of a writ of attachment it

When service of summons by publication.

shall appear by the returns of the officer that he has found and attached property in his county, but that the defendant cannot be found in the county, and it shall be made to appear by affidavit, that the defendant resides in another county in the state, then and in that case the action shall be continued for a period not exceeding twenty days and the summons shall be served upon the defendant in the same manner as a summons is served under like circumstances in the district court.

Justice may adjourn the action.

SEC. 2. Upon making such order the justice shall adjourn the action to the time when said summons is made returnable, during which time his jurisdiction in the action shall continue, for the purpose of the subsequent proceedings therein, and the detention of any property attached by virtue of the writ of attachment, in the custody of the officer, to abide the result of the action, or the disposal of any such property in pursuance of section ninety-seven of chapter sixty-five, of the general statutes.

Length of time summons to be published.

SEC. 3. The summons shall be published once in each week for three successive weeks in a newspaper published in the county in which the action is pending, if there is one, or if there is no newspaper published in said county, then in a newspaper published in an adjoining county in this state, or if there is no newspaper published in either of said counties, then in a newspaper published at the state capital. If such defendant's place of residence is known to the officer or person upon whose return or affidavit the order of publication is made, a copy of the summons and of the complaint in the action shall, within six days after the summons is issued, be deposited in the post office addressed to the said defendant at his place of residence, and the postage thereon paid.

When act to take effect.

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

Approved March 3, 1871.