

## CHAPTER 26.

AN ACT TO AMEND SECTION ONE HUNDRED AND TWENTY-FIVE (125), CHAPTER SIXTY-SIX (66), GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866), RELATING TO REPLEVIN.

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

Amendment to chapter 66 of General Statutes.

SECTION 1. Section one hundred and twenty-five (125) of chapter sixty-six (66) of the General Statutes of one thousand eight hundred and sixty-six is hereby amended by adding at the end thereof the following:

Where personal property described in an affidavit is concealed, the defendant must be examined under oath touching its disposition.

Whenever, by the return of the officer, or by the affidavit of the plaintiff, his agent or attorney, it shall appear that any of the property described in the affidavit for the claim and delivery of any personal property required by said chapter to be made has been concealed by the defendant, or can not, after diligent search, be found, the court, or a judge thereof, shall require the defendant, and such other persons as to the said court or judge may seem proper, to attend and be examined on oath touching any disposition of such property, to the end that the same may be made subject to seizure by the officer in said action, and the court or judge may enforce said order and any subsequent orders in said matter, as in the case of contempt.

When act to take effect.

SEC. 2. This act shall be in force from and after its passage.

Approved February 15, 1877.

## CHAPTER 27.

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-SEVEN (137) OF CHAPTER SIXTY-SIX (66) OF GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866), RELATING TO DEMAND OF INDEMNITY BY SHERIFFS.

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

Amendment to chapter 66 of General Statutes.

SECTION 1. That section one hundred and thirty-seven (137) of chapter sixty-six (66) of the Statutes of one thousand eight hundred and sixty-six (1866), be amended so as to read as follows :

Sec. 137. If any property levied upon or taken by sheriff by virtue of a writ of execution, attachment, or other process, is claimed by any other person than the defendant or his agent, and such person, his agent or attorney, makes affidavit of his title thereto or right to the possession thereof, stating the value thereof and the ground of such title or right, the sheriff may release such levy or taking, unless the plaintiff, on demand, indemnify the sheriff against such claim by bond executed by two (2) sufficient sureties, accompanied by their affidavit that they are each worth double the value of the property as specified in the affidavit of the claimant of such property, and are freeholders and residents of the county; and no claim to such property by any other person than the defendant or his agent shall be valid against the sheriff, unless so made, and notwithstanding such claim, when so made, he may retain such property under levy a reasonable time to demand such indemnity.

Extends the right to an agent or attorney to make affidavit of title to property levied upon.

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

When act to take effect.

Approved February 20, 1877.

## CHAPTER 28.

AN ACT TO AMEND SECTION TWO HUNDRED (200), CHAPTER SIXTY-SIX (66), GENERAL STATUTES, RELATING TO NOTICES OF TRIAL AND NOTES OF ISSUE.

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

SECTION 1. That section two hundred (200) of chapter sixty-six (66) of the general statutes, is hereby amended as follows:

Sec. 200. At any time after issue, and at least eight days before the term, either party may give notice of trial; and the party giving the notice shall furnish the clerk, at least seven days before the term, with a note of issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served; and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue. The cause once placed upon the calendar of a term, if not tried at the term for which the notice was given, need not be noticed for a subsequent term, but shall remain upon the calendar from term to term, until finally disposed of or stricken off by the court. The party upon whom notice of trial is served, may also file the note of issue and cause the action to be placed upon the calendar, without further notice on his part.

Notes of issue must be filed with the clerk seven days before term time, instead of four.

Party upon whom notice is served, may file notice of issue, without notice.

SEC. 2. This act shall take effect and be in force from and after the 1st day of April, A. D. 1877.

When act to take effect.

Approved February 26, 1877.