

SEC. 11. After one year from the time the county auditor of any county has received the number of text-books required for the district schools of his county, from the Superintendent of Public Instruction, the treasurer of such county shall pay no part of the State school tax fund belonging to a district of his county, to the treasurer of such district, until such treasurer produces his certificate in writing of the county superintendent of public schools in his county, certifying to the fact that the State text-books have been introduced into the school or schools of such district, and are used in such school to the exclusion of any other series of text-books.

Districts neglecting to introduce the State text-books—penalty

SEC. 12. For the purpose of carrying out the provisions of this act, there is hereby appropriated and set apart the sum of fifty thousand dollars, to be used as a revolving fund, to be designated "the school text-book fund." This fund shall at all times be subject to the warrants of the State Auditor issued to the contractor in payment for school books delivered on the order of the State Superintendent; and all payments of money into the treasury of the State by the county treasurers, on account of school text-books, delivered to their several counties, shall be credited by the Treasurer of State to the school text-book fund herein provided for.

Appropriation of \$50,000, as a revolving fund.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 23, 1877.

CHAPTER 76.

AN ACT PROVIDING FOR A STAY OF EXECUTION IN JUDGMENTS RENDERED IN THE DISTRICT COURTS, OF THIS STATE FOR THE RECOVERY OF MONEY ONLY.

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

SECTION 1. Execution upon any judgment, rendered for the recovery of money only, in any district court of this State, may be stayed for the period of six (6) months. *Provided*, that, in order to obtain such stay, the party applying therefor shall, within ten (10) days after judgment is rendered

Stay of execution allowed in District Court.

and docketed, file a bond, with two (2) or more responsible freeholders of this State as sureties, with the clerk of the court in which said judgment was rendered, in double the amount of the judgment and costs, which bond shall first be approved by the judge of said court, or the court commissioner of such county, conditioned that the judgment debtor will pay the amount of such judgment, interest and costs, within the time for which said stay is granted, and for the authorizing and empowering the issuing of an execution for such amount against the judgment debtor and sureties, upon default of such payment. *Provided*, that the interest to be allowed shall be at the rate of twelve (12) per cent. per annum on the amount of the judgment, including the cost.

Interest allowed.

If not paid at expiration of stay, execution to issue.

SEC. 2. If the judgment, interest and costs be not paid at the expiration of the time for which the same may have been stayed, the judgment creditor may have execution issued against the judgment debtor and his sureties, for the amount of such judgment, costs and interest as aforesaid.

Justification of sureties.

SEC. 3. Each surety must justify, by affidavit, that he is a resident and freeholder of this State, and worth the amount specified in the undertaking, above his debts and liabilities, and exclusive of his property exempt from execution.

Bond to run to judgment creditor.

SEC. 4. The bond herein prescribed shall run to the judgment creditor, his executors, administrators or assigns, a copy of which shall be served on the judgment creditor, his agent or attorney, if resident of the county wherein the judgment was rendered, within ten (10) days from such rendition, and the judgment creditor may except to the bond or the sufficiency of the sureties, and upon notice, or by order to show cause, the court may, in its discretion, order the execution to issue at once, notwithstanding such bond, unless the judgment debtor give such further bond and sureties as shall be deemed sufficient by the court; and the court may require the proposed sureties to justify orally, if required by the judgment creditor, and for cause shown, the court may require a still farther bond and sureties at any time, and, in default thereof, may order execution to issue.

Duty of officer in returning execution.

SEC. 5. Every officer, to whom an execution shall issue, against sureties, as provided in the preceding sections, shall certify, in his return thereon, whether the same, and what amount, if any, was collected from the sureties, and the true date of such collection.

Stay may be granted after levy is made.

SEC. 6. If the stay herein provided shall be granted after an execution shall have issued, or after levy made, then and in that case the levy shall be released; and the execution returned, with the cause of such return thereon noted by the officer.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.