

CHAPTER 219.

AN ACT TO GRANT A STAY OF EXECUTION UPON A CERTAIN JUDGMENT, WHEREIN THE STATE OF MINNESOTA IS PLAINTIFF AND JACOB LEVY, N. B. HARWOOD, MERRILL RYDER, DEFENDANTS.

WHEREAS, On the nineteenth (19) day of October, one thousand eight hundred and seventy-five (1875), one Jacob Levy, having been duly indicted for the crime of larceny was, at a general term of the district court, in and for the county of Winona, third judicial district, *duly convicted of the crime of larceny, in value more than one hundred dollars (\$100)*, and was thereupon consigned by order of said court to the custody of the sheriff of said county, there to await the sentence of said court; that, pending such sentence the said court to wit, on the nineteenth (19) day of October, one thousand eight hundred and seventy-five (1875), and on motion ordered that said Levy be admitted to bail in the sum of twelve hundred dollars (\$1,200); and that thereafter, to-wit, on the twenty-first (21st) day of October, one thousand eight hundred and seventy-five (1875), said Jacob Levy, of the city of Winona, as principal, and N. B. Harwood and Merrill Ryder, of the city of St. Paul, as sureties, executed to the State of Minnesota, a recognizance in the usual form in which they bind themselves, their heirs, executors and administrators, in the sum of twelve hundred dollars (\$1,200), that the said Levy shall be and appear before said court, when required by said court to receive the sentence of said court, in said conviction; that said recognizance was duly filed in said court on the twenty-third (23d) day of October, one thousand eight hundred and seventy-five, and said Levy released from custody; and

WHEREAS, On the twenty-sixth (26th) day of August, one thousand eight hundred and seventy-six (1876), an order was made by the honorable judge of said court, directing said Levy to be and appear before said court on the second (2d) day of October, one thousand eight hundred and seventy-six (1876), then and there to receive the judgment and sentence of said court for said offense, whereof he stood convicted; that due service of such order was made upon said Harwood and Ryder, the sureties of said Jacob Levy; that said Levy failed to appear on said second (2d) day of October, one thousand eight hundred and seventy-five (1875), and the said sureties, Harwood and Ryder, failed to appear and produce their principal, said Levy; that on said second (2d) day of October, one thousand eight hundred and seventy-five (1875), the said court did order that the default of said Levy be recorded, and that the recognizance be declared forfeited, and the default of said Levy, and the declaration of forfeiture of said

recognizance were then and there duly entered by the clerk of said court; and thereafter, to-wit, on the twenty-third (23d) day of October, one thousand eight hundred and seventy-six (1876), the said court did, by order, direct that said recognizance be prosecuted; and,

WHEREAS, On the ——— day of February, one thousand eight hundred and seventy-seven (1877), an action was duly commenced in the district court, in and for Winona county, third (3d) judicial district, wherein the State of Minnesota was plaintiff, and Jacob Levy, N. B. Harwood and Merrill Ryder defendants, to recover the sum of twelve hundred dollars (\$1,200), as provided in said recognizance; that said cause came on for trial on the twenty-ninth (29th) day of March, one thousand eight hundred and seventy-seven (1877), and judgment was duly rendered in favor of said plaintiff, and against said defendants, for the sum of twelve hundred dollars (\$1,200) and costs, and disbursements of said action, and that said judgment was on the twentieth (20th) day of August, one thousand eight hundred and seventy-seven (1877), duly docketed in the office of the clerk of said court; and,

WHEREAS, On the twenty-seventh (27th) day of August, one thousand eight hundred and seventy-seven, an appeal was taken by said defendants to the supreme court of the State; that on the nineteenth (19th) day of November, one thousand eight hundred and seventy-seven (1877), the said cause came on for argument in said court, and points and authorities were duly filed; and that on the second (2d) day of January, one thousand eight hundred and seventy-eight (1878), the said court ordered that the judgment of the court below be, and the same is in all things, affirmed; and that on the twenty-fifth (25th) day of January, one thousand eight hundred and seventy-eight (1878), the order of said court was duly entered of record, and judgment was rendered accordingly; and,

WHEREAS, The said Harwood and Ryder, sureties, have endeavored and are now using all means possible to secure the person of said Jacob Levy, that he may be arrested and produced in the said district court, and believe that in a reasonable time the person of such Levy can be secured; therefore,

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

SECTION 1. That there be, and is hereby granted, a stay of execution upon the judgment obtained in the said district court, in and for Winona county, third judicial district, in which the State of Minnesota is plaintiff, and Jacob Levy, N. B. Harwood and Merrill Ryder defendants, for the period of one year, from and after the tenth (10th) day of March, one thousand eight hundred and seventy-eight (1878), and at any time after the expiration of the time for which the said judgment has been stayed, the judgment creditor may have execution issued against the said judgment debtors.

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

Approved March 9th, 1878.