

CHAPTER 158.

[H. F. No. 534.]

AND ACT TO AMEND SECTION SIXTEEN (16) OF CHAPTER SIXTY-FIVE (65), GENERAL STATUTES OF EIGHTEEN HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO SERVICE OF SUMMONS IN JUSTICE COURTS.

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

justice court.

SECTION 1. That section sixteen (16) of chapter sixty-five (65) of the general statutes of eighteen hundred and seventy-eight (1878), be and the same is hereby amended so as to read as follows:

Section 16. Every justice issuing any summons authorized by this title, upon being satisfied by the affidavit of the party applying for such summons, his agent or attorney, that the defendant is about to depart from this state, or is about to dispose of his property with the intention of defrauding his creditors, and setting forth that he has made due and diligent search for an officer to serve the same, and that no regular, qualified officer can be found in said county to serve such summons in time, may empower any suitable person, not a party to the action, to execute the same by an endorsement upon the summons to the following effect: "At the request, cost and risk of the plaintiff, I authorize A. B. to execute and return this summons, E. F., justice of the peace;" and the person so empowered shall thereupon possess all the authority of a constable in relation to the execution of such summons, and be subject to the same obligations.

Provided, that no such person so empowered shall charge or receive any fees either for service or mileage for serving such process.

When act to take effect

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

Approved March 20, 1889.