

H. F. No. 182.

CHAPTER 171.

Relating to
executions,
attachments
and other
process.

An act to amend section five thousand two hundred and ninety-six (5296), and section five thousand two hundred and ninety-seven (5297) of general statutes of one thousand eight hundred and ninety-four (1894), being sections one hundred and fifty-four (154) and one hundred and fifty-five (155) of chapter sixty-six (66) of general statutes one thousand eight hundred and seventy-eight (1878), relating to executions, attachments and other process.

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

Amendment.

SECTION 1. Sections five thousand two hundred and ninety-six (5296) and five thousand two hundred and ninety-seven (5297) of general statutes of one thousand eight hundred ninety-four (1894), being sections one hundred and fifty-four (154) and one hundred and fifty-five (155) of chapter sixty-six (66) of general statutes one thousand eight hundred and seventy-eight (1878), are hereby amended to read as follows:

When other
than defend-
ant claims
property
levied upon,
sheriff may
release, un-
less.

Sec. 5296. If any property levied upon or taken by a sheriff, by virtue of a writ of execution, attachment, or other process, "or in an action of claim and delivery," 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 sufficient sureties accompanied by their affidavits 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.

Sec. 5297. If, in such case, the person claiming the ownership of such property commences an action against the sheriff for the taking thereof, the obligors in the bond provided for in the preceding section, and the plaintiff in such execution, attachment, or other process, "or action of claim and delivery," shall on

motion of such sheriff, be impleaded with him in such action.

When in such case, a judgment is rendered against the sheriff and his co-defendants, an execution shall be immediately issued thereon and the property of such co-defendants shall be first exhausted before that of the sheriff is sold to satisfy such execution.

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

Approved April 21, 1897.

CHAPTER 172.

H.F. No, 363.

An act to make members of the town board of supervisors ineligible to the office of road overseer.

Supervisors
ineligible as
road
overseers.

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

SECTION 1. In no case shall any member of the town board of supervisors hold the office of road overseer.

SEC. 2. Any willful violation of this act shall be declared a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding fifty (50) dollars.

SEC. 3. This act shall take effect and be in force from and after January 1st, 1898.

Approved April 21, 1897.

CHAPTER 173.

H.F. No. 739.

An act giving liens on stray logs, timber and other floatables picked up and secured in another state by any person or corporation duly authorized by such other state so to do, and brought into this state the same as though picked up and secured in this state under the laws hereof.

Liens on
stray logs,
timber, etc.

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

SECTION 1. When any lost or stray logs, timber or other floatables shall have been picked up or secured within the territory of any other state, upon any waters within such state, upon which waters there is