

## CHAPTER XXXVI.

*An Act to amend Section ten of Chapter seventy of the General Laws of eighteen hundred and sixty, in relation to Garnishee process.*

SECTION 1. When defendant not resident of State not necessary to serve garnishee summons—  
how to proceed.

2. When act to take effect.

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

SECTION 1. That section ten of chapter seventy of the general laws of 1860, entitled "An act to authorize and regulate garnishee proceedings," be amended by adding at the end of said section the following, that is to say :

*Provided*, That when the defendant shall not appear at the time and place specified in the summons for the appearance of the garnishee, on filing an affidavit, stating that the defendant is not a resident of this state, and that the affiant has reason to believe, and does believe, that the defendant is not within this State, it shall not be necessary to serve upon the defendant a copy of such garnishee summons, or any notice to the defendant in such action in any court ; and the examination shall proceed in like manner as if the defendant had been duly served with such copy and notice, or had appeared at the time and place specified in the summons for the appearance of the garnishee.

When defendant  
not resident of  
State not necessary  
to serve garnishee  
summons—  
how to proceed

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

Approved March 4, 1864.