

CHAPTER XXIV.

An Act relating to the proceedings of Sheriffs in levying executions or other process and to suits against them by claimants of property levied upon.

March 2, 1863.

SECTION 1. Property claimed by another person than the defendant the Sheriff may release such levy or taking—plaintiff may demand indemnification in two sufficient sureties accompanied by affidavits.

2. Person claiming ownership may commence suit, the sureties may be impleaded with sheriff—how execution to be satisfied.

3. When act to take effect.

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

SECTION 1. If property levied upon or taken by a sheriff by virtue of a writ of execution, warrant of attachment, or other process, be claimed by any other person than the defendant or his agent, and such person make 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 of him or his agent, indemnify the sheriff against such claim, by an undertaking 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 householders 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.

When sheriff may release the levying and taking of property—plaintiff may demand indemnification.

SEC. 2. If in such case, the person claiming the ownership of such property commence suit against the sheriff for the taking thereof, the sureties in the undertaking provided for in this act, and the plaintiff in such execution, attachment or other process, shall, on the motion or request of such sheriff, be impleaded

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How execution to
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with him in such suit. When in such case a judgment shall be 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 shall be sold to satisfy such execution.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1865.

CHAPTER XXV.

February 28, 1865.

An Act to amend section twelve of chapter thirty-five on page three hundred and ninety-eight of the Public Statutes of Minnesota, relating to deeds, mortgages and conveyances.

SECTION 1. Minority of wife in no case affect the validity of her conveyance.
2. When act to take effect.

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

SECTION 1. Section twelve of chapter thirty-five, on page three hundred and ninety-eight of the public statutes of Minnesota, be, and the same is hereby amended, by adding to said section the following words, to wit :

Minority of wife
in no case to affect
the validity of her
conveyance.

“ And whether the wife be a resident of this State or not, the minority of the wife shall in no case affect the validity of her conveyance: *Provided*, The husband join in such conveyance as herein provided.”

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

Approved February 28, 1865.