

complaint, or if the value of the property attached be less than the amount claimed, then in double the value of the property, with two or more sureties, to be approved by the officers allowing the writ of attachment. *Conditioned*, That if the plaintiff recover judgment in the action he will pay such judgment or an amount thereon equal to the value of the property attached; and the officer approving such bond shall make an order discharging such attachment.

SEC. 3. That section one hundred and forty-one of said chapter sixty-six be amended so as to read as follows:

Section 141. The defendant may at any time, before the time for answering expires, or at any time thereafter when he has answered, and before trial, apply to the court on notice to vacate the writ of attachment. If the motion is made upon affidavits on the part of the defendant but not otherwise, the plaintiff may oppose the same by affidavits, in addition to those on which the writ of attachment was allowed.

Further amends

SEC. 4. This act shall take effect and be in force from and after its passage:

Approved, March 7, 1867.

CHAPTER LXVII.

An Act in relation to motions and orders.

March 7, 1867

SECTION 1.—Defines an order.

2.—What is a motion.

3.—When notice of motion to be served.

4.—Where motion to be made.

5.—When act to take effect.

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

Order

SECTION 1. Every direction of a court or judge made or entered in writing, and not included in a judgment, is denominated an order.

Motion

SEC. 2. An application for an order is a motion.

Notice of motion

SEC. 3. When a notice of a motion is necessary it must be served eight days before the time appointed for the hearing; but the judge may by an order to show cause prescribe a shorter time.

Where motion made

SEC. 4. Motions must be made in the district in which the action is pending or in an adjoining district; *Provided*, That no motion shall be made in an adjoining district which shall require the hearing of such a motion at a greater distance from the county seat where the action is pending in which such motion is made than the residence of the judge of the district wherein such action is pending from such county seat. Orders made out of court and without notice, may be made by any judge of a district court at any place in the state; but no order to stay proceedings for a longer time than twenty days shall be made, except upon the notice to the adverse party. Motions for judgment upon demurrer or upon the pleadings may be made and determined in vacation; and when any motion is made in a district court other than that in which the action is pending, the order, determination or judgment thereon is to be entered in the same manner and have the same force and effect as when made in and by the judge of the district, and in the county in which the action is pending.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1867.