

plication of the plaintiff at the time of applying for the order in the first section of this act named or at any time thereafter, make an order staying all further proceedings in said action, for such time as may be necessary to enable the plaintiff to have the said party in said action named, brought into court to defend in said action.

*Judge may order proceedings to be stayed—for what purpose.*

SEC. 4. After a party has been brought into court under the provisions of this act, the action shall proceed against all the parties thereto in the same manner as though they had all been originally made defendants therein.

*When action may proceed.*

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

*When act to take effect.*

Approved February 27, 1868.

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## CHAPTER LXXX.

*An Act to provide for the filing or service of undertakings in lieu of bonds in certain cases.*

March 5, 1868.

- SECTION 1. What to be deemed a sufficient compliance with the law to sustain action.
2. When act to take effect.

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

SECTION 1. That in all cases of appeal from the board of county commissioners to the district court upon the allowance or disallowance of any account of indebtedness, and in all actions brought before justices of the peace, and in all cases of an appeal from a justice court or a probate court to the district court, and in all actions commenced in the district court, and in all cases of appeal or writ of error to remove a cause or proceeding therein to the supreme court, and in all cases of special or equitable proceedings in either the district or supreme courts, the filing or service or both, as may be required by law or the practice of the court, of an undertaking signed by a surety or sureties,

*When action can be sustained*

as the law may require, containing a condition substantially the same as that required by law, to be contained in the various bonds now required by law in such cases, with like sureties, qualifications and justifications, and without any acknowledgment and without the seal or signatures of the person or parties taking such proceeding, shall be deemed a sufficient compliance with the law to sustain any such action, appeal or proceeding, and every such undertaking shall be construed in any proceeding taken or had thereon, to save and secure all rights and liabilities to the same extent in every particular as though a bond had been executed, acknowledged, filed and served in the manner now required by law, and the damages presumed to accrue to the party against which such proceeding is taken, shall be construed to be a sufficient consideration for such undertaking to support the same or any action thereon, though no consideration be mentioned therein: *Provided*, That no undertaking or bond need be given or executed in any case before such appeal or other proceeding is instituted or taken in favor of the state of Minnesota and county, town, city, school district therein or any executor or administrator as such.

When act to take effect.

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

Approved March 5, 1868.

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## CHAPTER LXXXI.

February 29, 1868

*An Act to amend section one hundred and forty-nine (149), of chapter sixty-six (66), of the General Statutes, in relation to garnishment.*

SECTION 1. Amendment to Section 149, Chapter 66, General Statutes. Fees and mileage to be paid in advance.

2. When act to take effect.

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

SECTION 1. That section one hundred and forty-nine