

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

Approved March 6, 1871.

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CHAPTER LXVIII.

*An Act providing for a stay of execution on judgments rendered in Courts of Justices of the Peace.* March 6, 1871.

- SECTION 1. Stay of judgments, how obtained.
2. When judgment creditor may have execution issued against judgment debtor.
  3. Form of recognizance.
  4. Certificate to be given of amount collected.
  5. When act to take effect.

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

SEC. 1. Execution upon a judgment rendered by any justice of the peace in this state may be stayed as hereinafter provided.

Upon a judgment for any sum not exceeding ten dollars exclusive of costs, one month; upon a judgment not exceeding twenty-five dollars exclusive of costs, two months; upon a judgment exceeding twenty-five dollars and not exceeding fifty dollars, three months; upon a judgment exceeding fifty dollars and not exceeding seventy-five dollars, exclusive of costs, four months; upon a judgment exceeding seventy five dollars, exclusive of costs, six months. *Provided*, That in order to obtain such stay the party applying therefor shall, within ten days after judgment is rendered, file a recognizance with one or more responsible persons to be approved by the justice, as bail for him, conditioned that the judgment debtor will pay the amount of such judgment, interest and costs, within the time for which the stay is granted, and authorizing the justice to issue execution for such amount upon de- Stay of judgment—how obtained.

fault of such payment. *Provided*, That the interest to be allowed shall be at the rate of twelve per cent. per annum on the amount of the judgment, including the costs.

When execution  
may issue against  
judgment debtor.

SEC. 2. If the judgment, interest and costs, be not paid at the expiration of the time for which the same may have been stayed, the judgment creditor may have execution issued against the judgment debtor and the bail for the amount thereof and accruing costs and interest.

SEC. 3. The recognizance provided for in section one of this act, may be in the following form :

Form of recogni-  
zance.

We A B and C D, do hereby acknowledge ourselves to owe and be indebted to E F in the sum of—dollars to be levied and collected of our several goods and chattels if default be made in the condition following :

Whereas, the above named E F did on the—day of—, A. D. 18—, recover a judgment for the sum of—dollars against the above named A B, in the justice's court of E H, Esq., a justice of the peace in and for the county of— and state of Minnesota, and said A B desires a stay of execution thereon for the term of—month from the date thereof. Now, if said A B, shall pay to said justice of the peace, or his successor in office, for the use of said E F, the said sum of—dollars, and interest thereon at twelve per cent. a year, said term of—month, then this obligation shall be void ; but if default be made in such payment, execution may issue against said A B and C D, for such amount as may be due on said judgment and interest as aforesaid, and costs accruing.

Dated this—day of—, A. D. 18—.

A B.  
C D.

Taken and acknowledged before me the date aforesaid.  
G H, Justice of the Peace.

The recognizance shall be in double the amount of the judgment, including costs, and the bail shall justify in all cases, and shall possess the qualifications required by section one hundred and twenty-two of chapter sixty-six of the general statutes.

Certificate to be  
given of amount  
collected.

SEC. 4. Every officer to whom an execution shall issue against bail as provided in the next preceding sections, shall certify in his return thereon whether the same, and

what amount, if any, was collected from the the bail, and the true date [of] such collection.

SEC. 5. This act shall take effect and be in force from and after the first day of April, 1871. When act to take effect.

Approved March 6, 1871.

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## CHAPTER LXIX.

*An Act to provide for the service of summons by publication in attachment cases in Justice's Courts, and regulating proceedings therein.* March 3, 1871.

- SECTION 1. When service of summons by publication.
2. Justice may adjourn the action, when.
  3. Length of time summons to be published.
  4. When act to take effect.

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

SECTION 1. Whenever upon the return of a writ of attachment, issued by a justice of the peace, it is made to appear to the satisfaction of the justice, by the return of the officer thereon, or by affidavit, that the defendant therein, or in case of more than one defendant, either of them cannot be found in the state, or keeps himself concealed therein to avoid the service of legal process, the justice may make an order that each defendant be served with a summons in the action by the publication thereof, as hereinafter provided, and shall thereupon issue a summons directed to the defendant requiring him to appear before the said justice at a time and place in said summons to be specified, to answer to the plaintiff in a civil action, (naming the said plaintiff,) which summons shall be made returnable not less than six nor more than twenty days after the expiration of the period of publication. And whenever upon the return of a writ of attachment it

When service of summons by publication.