

## CHAPTER 32.

AN ACT TO AMEND SECTION FORTY-SIX (46) OF CHAPTER FIFTY-NINE (59), GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878). RELATING TO ACCOUNTS OF GUARDIANS.

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

SECTION 1. That section forty-six (46) of chapter fifty-nine (59), general statutes one thousand eight hundred and seventy-eight (1878), be and the same is hereby amended so as to read as follows:

Guardians re-  
quired to render  
an account of  
property of  
minor children,  
etc., on oath.

Sec. 46. Guardians of minor children, spendthrifts, insane persons and all persons under guardianship, shall be required to render an account, on oath, of the property, money and effects in their hands, or which shall have come to their hands as such guardian, and all proceeds and interest derived therefrom and the management and disposition thereof within one year after their appointment, or within one year from the passage of this act, and at such other times as the judge of probate of the county having jurisdiction of the person and estate of their said wards may require.

When act to  
take effect.

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

Approved February 26, 1885.

## CHAPTER 33.

AN ACT TO AMEND CHAPTER FIVE (5), GENERAL LAWS OF THE STATE OF MINNESOTA PASSED AT EXTRA SESSION ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED AN ACT TO AMEND TITLE NINE (9) OF CHAPTER SIXTY-FIVE (65) OF GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), IN RELATION TO THE ACTION OF REPLEVIN IN JUSTICES' COURTS.

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

SECTION 1. That section one (1) of chapter five (5) of general laws passed at extra session one thousand eight

hundred and eighty-one (1881) be amended so as to read as follows: The plaintiff shall also execute a bond to the defendant, with sufficient sureties, to be approved by the justice, in a penalty at least double the value of the property sought, as appears by the affidavit filed, conditioned that he will appear on the return day of the writ and prosecute his action to judgment, and return the property to the defendant, if a return thereof is ordered by the court, and also pay all costs and damages that may be adjudged against him. The bond shall be filed with the justice, for the use of any person injured by the proceedings, and an action may be maintained on such bond to recover the amount of any judgment rendered, on dismissal of the action for want of jurisdiction, or any other cause, or for failure to abide by any such judgment, or to return the property when ordered by the court upon such dismissal.

Plaintiff to give bond—in what amount—bond to be filed with the justice.

SEC. 2. That section two (2) of chapter five (5) of general laws passed at extra session one thousand eight hundred and eighty-one (1881) be amended to read as follows: Upon the approval and filing by the justice of the bond required by section one (1) of this act, the justice shall issue a writ, directed to the sheriff or any constable of the county in which the action may be brought, commanding him to take the property described therein and deliver the same to the plaintiff, and summon the defendant to appear and answer the same on the return day mentioned in the writ.

When justice to issue writ.

SEC. 3. That section three (3) of chapter five (5) of general laws passed at the extra session of one thousand eight hundred and eighty-one (1881) be amended so as to read as follows: In obedience to such writ, the officer receiving such writ shall forthwith take possession of the property mentioned in the writ, if the same is in the possession of the defendant, or his agent, for which purpose he may break open any dwelling house or other inclosure, having first demanded entrance, and exhibited his authority, if required, and shall return the writ immediately after the service thereof, and state in his return fully in what manner he served and executed the same.

Duty of officer serving writ.

SEC. 4. That section four (4) of chapter five (5) of general laws passed at the extra session of one thousand eight hundred and eighty-one (1881) be amended so as to read as follows: If the property sought be not obtained, the plaintiff if he establishes his right thereto, shall recover the value of that right; whether obtained or not, he shall recover the damages and costs he has sustained in consequence of the illegal detention, or the taking or withholding thereof; and upon the entry of any such judgment the justice shall, at the expiration of ten (10) days thereafter, if no appeal be taken from such judgment, issue execution for the costs and damages awarded to said plaintiff, together with the amount due plaintiff as the value of the property not obtained, and to which plaintiff is entitled.

How damages may be recovered if property sought be not obtained.

When defendant may recover damages.

SEC. 5. That section five (5) of chapter five (5) of general laws passed at extra session of one thousand eight hundred and eighty-one (1881) be amended so [as] to read as follows: If the plaintiff fails to establish his right to the property, or the action is dismissed by the justice for want of jurisdiction or other cause, or the action is dismissed by the plaintiff, the defendant shall recover such damages and costs as, under the circumstances, he shows himself entitled, and, in addition thereto, may have judgment for the return of the property, or the value thereof, if the same shall have been taken out of his possession or delivered to the plaintiff.

Repeal of inconsistent acts.

SEC. 6. All laws or parts of laws heretofore passed and inconsistent with the provisions of this act are hereby repealed.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1885.

## CHAPTER 34.

AN ACT TO AMEND SUBDIVISION TENTH (10TH) OF SECTION THREE HUNDRED AND TEN (310) OF CHAPTER SIXTY-SIX (66) OF GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO PROPERTY EXEMPT FROM EXECUTION.

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

SECTION 1. That subdivision tenth (10th) of section three hundred and ten (310) of chapter sixty-six (66) of the general statutes one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows:

Kinds and quantity of seed grain exempt.

Tenth — Necessary seed grain for the actual personal use of the debtor, for one season, to be selected by him; not, however, in any case, to exceed the following kinds and amounts respectively, viz.: fifty bushels of wheat, fifty bushels of oats, fifteen bushels of potatoes, three bushels of corn, and thirty bushels of barley, and binding material sufficient for use in harvesting the crop raised from the seed grain above specified.

When act to take effect.

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

Approved March 5, 1885.