

malicious prosecution, criminal conversation or seduction, or upon a promise to marry.

Third. Nor for an action against an executor or administrator as such.

Actions must in all cases be brought in the township where plaintiff or defendant or one of several defendants reside, or at the county seat of the county in which the action is brought.

If none of the defendants reside in the state, action may be brought in any county and township wherein either of the defendants may be found.

If there be no justice in the proper township, qualified or able to try the case, the action may be commenced in any adjoining township in the same county or at the county seat thereof.

Change of
venue.

SEC. 2. Nothing herein contained shall be construed to abrogate or qualify the right of change of venue in civil actions as now provided by statute.

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

Approved April 19, 1895.

S. F. No. 297.

CHAPTER 34.

To amend Sec.
101 Chap. 65
G. S. 1878.

An act to amend section 101 of chapter sixty-five (65) of the general statutes of 1878, relating to service of writs of attachment in justice court.

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

SECTION 1. That section one hundred and one (101) of chapter sixty-five (65) of the general statutes of 1878 be amended so that the same, when amended shall read as follows:

Writ of attachment—how
served.

Sec. 101. The writ of attachment shall be returnable as an ordinary summons, and the officer shall execute the same by summoning the defendant, if to be found within the county, and by attaching the goods and chattels, moneys and credits of the defendant, not exempt by law. *Provided*, that if the defendant is a resident of said county but cannot be found therein the officer shall serve said writ by leaving a copy of same, with inventory of property levied on, certified by him, at the last usual place of abode of the said defendant with some person of suitable age and discretion then resident therein.

Sec. 2. All acts or parts of acts inconsistent with or

conflicting with the provisions of this act are hereby repealed.

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

Approved April 5th, 1895.

CHAPTER 35.

S. F. No. 500.

An act to amend section 31 of chapter 32 of the general statutes of Minnesota of 1878, entitled "Logs and Lumber."

To amend Sec.
31 Chap. 32.
G. S. 1878.

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

SECTION 1. Section thirty-one of chapter thirty-two of the general statutes of the state of Minnesota for eighteen hundred and seventy-eight is hereby amended so as to read as follows:

Whoever takes any logs or timber, not his own, from any of the rivers or their tributaries, in or bordering on this state, or from any slough, ravine, island or land adjoining said rivers or tributaries, into or upon which any logs may run; or cuts out, mutilates, destroys or renders illegible, the mark or marks on any logs or timber, not his own, or in any manner willfully injures any such logs, not his own, or whoever, other than the surveyor general or his deputy, places upon any log or piece of timber not his own, any mark except the original mark, shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty, nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, and shall be further liable for double the market value of said logs at the time so taken or injured, to be recovered by the owner of such logs in a civil action.

Penalty for interfering with logs.

In any prosecution under this section, if any such log or timber shall be found in the possession of the defendant, with the mark cut out or destroyed, or partially cut out or destroyed, or such log or timber partially sawed or manufactured into lumber, or partially cut up into any other product, such possession shall be presumptive evidence of his guilt.

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

Approved April 11th, 1895.