

Provided, that county superintendents shall, on the first day of July, October, January and April in each year, file with the county auditors a statement of the number of schools visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of the visitation, and shall be verified by oath or affirmation.

Supplies.

Provided further That the provisions of this act relating to the furnishing to county superintendents at the expense of the county of stationery needed in the examination of teachers, and for official correspondence, and the provisions hereof requiring the payment by the county of itemized and attested bills for postage incurred in official correspondence and in forwarding official documents to teachers, clerks and to the state superintendent of public instruction and express charges on packages sent by that officer to the county superintendent, shall be applied to, and be in force in each and every county in this state, any special law or any part of any special law relating to the salaries of county superintendents of schools or county officers to the contrary notwithstanding.

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

Approved April 25th 1895.

CHAPTER 66.

H. F. No. 175.

Amendment of
insolvency act.

An act to amend chapter one hundred and forty-eight (148) of the general laws of the State of Minnesota for the year eighteen hundred and eighty-one (1881) being an act entitled; "An act to prevent debtors from giving preference to creditors and to secure the equal distribution of the property of debtors among their creditors and for the release of debts against debtors;" and the acts amendatory thereof.

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

SECTION 1. That section one (1) of the act entitled "An act to prevent debtors from giving preference to creditors and to secure the equal distribution of the property of debtors among their creditors; and for the release of debts against debtors," as amended by section one (1) of chapter seventy-three laws of eighteen hundred and eighty-five (1885) and section one (1) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be amended so as to read as follows;

05 C 68
97 - 188
64-M - 180

95 C 66
78-M 408

95 C 66
80-M - 100

Whenever any debtor shall have become insolvent, or garnishment shall have been made against any debtor or property of any debtor shall have been levied upon by virtue of an attachment, execution or legal process issued against him for collection of money, he may make an assignment of all his unexempt property for the equal benefit of all his bona fide creditors who shall file releases of their demands against such debtor, as herein provided. Such an assignment shall be made, acknowledged and filed in accordance with and be governed by the laws of this state relating to assignments by debtors for the benefit of creditors, except as herein otherwise provided; and such assignment, if made within ten (10) days after garnishment shall have been made against the assignor, or within ten (10) days after property of such assignor shall have been levied upon by virtue of an attachment, execution or other legal process against him for collection of money as aforesaid, shall operate to vacate every garnishment and levy then pending, and to discharge all property therefrom, upon qualification of the assignee or his successor, as provided by law, unless he shall, within five (5) days thereafter, file in the the office of clerk of the court where such assignment was filed, notice to retain all pending garnishments and levies; in which case the same shall inure to the benefit of the creditors, under such assignment, and may be prosecuted by such assignee and his successors;

Provided that the release of any debtor under this act shall not operate to discharge any other party liable as surety, guarantor or otherwise for the same debt.

SEC. 2. That section six (6) of said chapter one hundred and forty-eight (148) laws of eighteen hundred and eighty-one (1881), as amended by section five (5) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be amended by adding thereto, the following: "And on removal of an assignee or receiver under this act, reasonable attorney's fees and costs shall be allowed and the same shall be a preferred claim against said insolvent estate.

Attorneys fees
and costs.

SEC. 3. That section three (3) of chapter one hundred and forty-eight (148) laws of eighteen hundred and eighty-one (1881) be amended by adding thereto at the end of such section the following; "and the court may require such debtor to deliver to the assignee or receiver any property which he appears to have failed to deliver and should have delivered; and in case of the failure of the debtor to obey any order of the court, the court may punish said debtor for such failure by fine or imprisonment or either in its discretion."

Delivery of
property to
assignee or
receiver.

Amending Sec.
10 Chap. 14s
G. L. 1881.

SEC. 4. That section ten (10) of chapter one hundred and forty-eight (148), laws of eighteen hundred and eighty-one (1881), as amended by section seven (7) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889), be amended by adding thereto immediately after the words "defraud his creditors" and before the words "then the court or judge shall require" the following; "or if within six (6) months prior to the making of the assignment or the appointment of a receiver by the court, the insolvent shall have induced the giving of credit by intentionally misrepresenting the actual value of his assets or the amount of his liabilities or by misrepresenting the condition of his business" and said section is further amended by adding thereto at the end thereof, the following; "and *provided further* that the release hereby required to be executed may be executed by the original holder of the demand, or by any one who has become the owner thereof at any time subsequent to the making of the assignment, or the appointment of a receiver by the court."

30 day limit to
file claims
stricken out.

SEC. 5. That section eleven (11) of said chapter one hundred and forty-eight (148) laws eighteen hundred and eighty-one (1881) be amended by striking out at the end of such section, the words "twenty days after such publication," and inserting in lieu thereof, the following: "Such time as the court shall by order provide, which time may be for cause extended."

Amends Sec. 5
Chap. 30 G. L.
1880.

SEC. 6. That section eight (8) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows; "in all assignments and receivership proceedings under this act, the court or a referee appointed by the court for that purpose, shall determine specifically and allow the reasonable value of the services performed by the assignee or receiver and of his attorney. Said assignee or receiver shall in all cases be entitled to the services of an attorney who may, in addition to the services usually performed by the attorney, prepare the deed of assignment and aid in the preparation of the schedules of debt and assets."

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

Approved April 13th 1895.