

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

Approved March 21, 1899.

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CHAPTER 80.

S. F. No. 180.

Attachment.

*An act to provide for attachment of property in certain cases.*

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

Writ to issue in justice court upon affidavit stating grounds.

SECTION 1. That in cases pending in a justice court, or pending in the district court, on appeal from a justice court, the plaintiff shall be entitled to a writ of attachment upon making and filing in the court where said cause is pending, an affidavit made by the plaintiff, or some one in his behalf, stating that defendant is indebted to the plaintiff in a sum exceeding five (5) dollars, and specifying the amount of such indebtedness as near as may be over and above all legal set-offs, and that the same is due upon contract, express(ed) or implied or upon judgment or decree of some court, and containing a further statement that the affiant has good reason to believe that defendant has fraudulently conveyed or disposed of, or is about fraudulently to convey or dispose of any of his property or effects, so as to hinder, delay or defraud his creditors.

Bond; terms of.

SEC. 2. Before issuing a writ of attachment the justice shall require a bond on the part of the plaintiff with sufficient surety, conditioned that if the plaintiff fail to recover judgment, the plaintiff shall pay all costs that may be adjudged against him and all damages which the defendant may sustain by reason of the attachment, not exceeding the sum of one hundred (100) dollars.

Writ to issue on appeal same as in district court.

SEC. 3. When the cause is pending in the district court on an appeal from the justice court, the plaintiff shall be entitled to a writ of attachment the same as if said action had been commenced in the district court, upon filing the affidavit provided for in section one of this act, and upon complying with all the conditions and requirements provided by law for the issuance of attachments in the district court.

Laws relating to in district court made applicable.

SEC. 4. All laws relating to the attachment of property in the district court not inconsistent with the provisions of this chapter, are hereby made applicable to the provisions of this act.

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

Approved March 21, 1899.