

CHAPTER 532

EXECUTIONS, APPEALS AND EXTRAORDINARY REMEDIES

Sec.		Sec.	
	EXECUTION		
532.01	Stay of execution, when granted	532.26	Writ, when returnable
532.02	Recognizance	532.27	Bond
532.03	Form of recognizance	532.28	Writ, how executed
532.04	Execution at end of stay	532.29	Where defendant resides in another county
532.05	Execution, when issued	532.30	Service by publication
532.06	What to contain	532.31	Forthcoming bond
532.07	Entries in docket; endorsement	532.32	Perishable property
532.08	Renewal	532.33	Compensation of officer
532.09	Execution after filing transcript	532.34	Procedure
532.10	Endorsement; notice of sale	532.35	Dissolution
532.11	Sale; return	532.36	Sale on execution
532.12	Officer prohibited from purchasing		APPEALS
532.13	Receipt of money tendered	532.37	May be taken, when
532.14	Executions and transcripts where court discontinued	532.38	Requisites for appeals
	REPLEVIN	532.39	Allowance; effect
532.15	Affidavit	532.40	Return; evidence, when included
532.16	Bond	532.41	Appeals, how tried; judgment
532.17	Writ; when returnable	532.42	Entry on calendar
532.18	Taking property; service of writ	532.43	Allowance compelled, when
532.19	Return of property to defendant; bond	532.44	Return or amendment compelled, when
532.20	Officer's return; claimant made codefendant	532.45	Defective bond
532.21	Judgment for return to defendant; effect	532.46	Appeal to be tried, when
532.22	Judgment for defendant	532.47	Judgment, when affirmed; against sureties
532.23	Judgment for plaintiff; execution	532.48	Enforcement against sureties
	ATTACHMENT	532.49	Rights of surety paying
532.24	When allowed	532.50	Return; justice out of office
532.25	Affidavit; requisites		FORMS IN CIVIL ACTIONS
		532.51	Schedule of forms

EXECUTION

532.01 STAY OF EXECUTION, WHEN GRANTED. Execution upon a judgment by a justice of the peace may be stayed in the manner hereinafter provided, and for the following periods of time, to be calculated from the day of the judgment, but a longer period may be agreed upon:

- (1) If the judgment be for a sum not exceeding \$10, exclusive of costs, one month;
- (2) If it be for a sum above \$10 and not exceeding \$25, two months;
- (3) If it be for a sum above \$25 and not exceeding \$50, three months;
- (4) If it be for any sum above \$50, six months.

[R. L. s. 3946] (9058)

532.02 RECOGNIZANCE. No such judgment shall be stayed unless the party applying therefor, within ten days after the judgment is rendered, shall file with the justice a recognizance to the adverse party, in double the amount of the judgment, including costs, executed by one or more responsible persons, not parties thereto, who shall justify, approved by the justice, conditioned for the payment of the judgment and costs, with interest at the rate of six per cent per annum, and authorizing the justice to issue execution for such amount in default of payment.

[R. L. s. 3947] (9059)

532.03 FORM OF RECOGNIZANCE. The recognizance may be in the following form:

We, A. B. and C. D., acknowledge ourselves indebted to
in the sum of dollars, to be levied and collected of our several goods and chattels, if default be made in the conditions following:

Whereas, obtained judgment before,
a justice of the peace of the county of, on the day
of, 19....., against Now, if such
judgment, costs, and interest shall be paid at the expiration of
months from the time it was rendered, this recognizance shall be void.

Dated..... (Signed).....

Taken and acknowledged before me the date aforesaid.

.....
Justice of the Peace.

[R. L. s. 3948] (9060)

MINNESOTA STATUTES 1949

3769

EXECUTIONS, APPEALS, EXTRAORDINARY REMEDIES 532.13

532.04 EXECUTION AT END OF STAY. If, at the expiration of the stay, the judgment be not paid, execution shall issue against both principal and bail. If the principal do not satisfy the execution and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the bail, and in his return shall state what amount, if any, was collected from the bail, and the time when the same was received.

[R. L. s. 3949] (9061)

532.05 EXECUTION, WHEN ISSUED. Upon every judgment rendered by a justice, except when stayed as aforesaid, execution shall be issued by such justice, or his successor in office, or any other justice lawfully having custody of the docket containing such judgment, in the manner hereinafter prescribed, at any time upon demand after the expiration of the time allowed by law for appeal.

[R. L. s. 3950] (9062)

532.06 WHAT TO CONTAIN. The execution shall command the officer to levy upon the personal property of the person against whom the same shall be granted, except such as is exempt by law, to satisfy the debt or damages, with interest and costs, and to pay the money to the justice within 30 days.

[R. L. s. 3951] (9063)

532.07 ENTRIES IN DOCKET; ENDORSEMENT. Before any execution is delivered, the justice shall state in his docket, and also on the back of the execution, the amount of the debt or damages and costs, separately, and the officer receiving such execution shall endorse thereon the time of its reception by him.

[R. L. s. 3952] (9064)

532.08 RENEWAL. If any execution is not satisfied, it may, at the request of the plaintiff, be renewed from time to time by the justice issuing the same, by an endorsement to that effect, dated and signed. If any part of such execution has been satisfied, the endorsement of renewal shall express the sum due on the execution. Every such endorsement shall renew the execution in full force in all respects for 30 days, and no longer, and an entry of such renewal shall be made in the docket of the justice.

[R. L. s. 3953] (9065)

532.09 EXECUTION AFTER FILING TRANSCRIPT. If an execution shall not have been issued prior to the filing of a transcript of the judgment in the district court, the justice may issue an execution upon such judgment after the filing of such transcript, and, on the return thereof unsatisfied in whole or in part, shall on demand of the judgment creditor, deliver to him a certified transcript of the entries in his docket relating to the issue and return of such execution, the amount collected thereon, and the costs accrued since the entry of judgment. Upon filing such transcript with the clerk of the court, he shall make a note of the facts in the docket where such judgment is entered, and thereafter, execution may issue out of the district court for the amount of such judgment unsatisfied, with interest and accrued costs.

[R. L. s. 3954] (9065a)

532.10 ENDORSEMENT; NOTICE OF SALE. The officer, after taking property into his custody by virtue of the execution, shall endorse thereon the time of the taking, and a description thereof, and shall also, without delay, give at least ten days' posted notice in the election district where the property is to be sold, containing a description of the property, and the time and place when and where the same will be exposed for sale.

[R. L. s. 3955] (9065b)

532.11 SALE, RETURN. At the time and place so appointed, the officer shall expose the property to sale at public vendue to the highest bidder, and he shall in all cases return the execution, and have the money before the justice at the time of making such return.

[R. L. s. 3956] (9066)

532.12 OFFICER PROHIBITED FROM PURCHASING. No officer shall directly or indirectly purchase any property at any sale made by him upon execution.

[R. L. s. 3957] (9067)

532.13 RECEIPT OF MONEY TENDERED. Every officer holding an execution shall receive and endorse thereon all money tendered to him in payment thereof,

and shall give the person paying the same a receipt therefor, specifying on what account the same was paid.

[R. L. s. 3958] (9068)

532.14 EXECUTIONS AND TRANSCRIPTS WHERE COURT DISCONTINUED. Wherever in any city or village a justice court shall be discontinued, all the books and records of such court shall be delivered to the municipal court of such city or village, if there be one, and such municipal court and each judge and clerk thereof shall have power and authority to issue all necessary executions and transcripts on judgments entered in such justice courts, in the same manner and for the same purposes as the justice court could have done prior to the discontinuance of such justice court.

[1911 c. 177 s. 1] (9069)

REPLEVIN

532.15 AFFIDAVIT. When the object of the action is to recover the possession of personal property, the plaintiff, or some other person, shall, before the writ is issued, make and file with the justice an affidavit stating that the property, describing it, is wrongfully detained by the defendant, that the plaintiff is entitled to the immediate possession thereof, that it was not taken from him by any process legally and properly issued against him, or, if so taken, that it was exempt from seizure on such process. It shall also state the value of the property, according to the best knowledge and belief of the affiant.

[R. L. s. 3959] (9070)

532.16 BOND. The plaintiff shall also execute a bond to the defendant, to be approved by the justice, in an amount 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 thereon 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.

[R. L. s. 3960] (9071)

532.17 WRIT; WHEN RETURNABLE. Upon the approval and filing of such bond by the justice, he shall issue a writ, directed to the sheriff or any constable of the county in which the action is brought, commanding him to take the property described therein and deliver the same to the plaintiff, and to summon the defendant to appear and answer the same on the return day of the writ. Such writ shall be returnable not less than six, nor more than 12, days from its date, and served not less than six days prior to the return day thereof.

[R. L. s. 3961] (9072)

532.18 TAKING PROPERTY; SERVICE OF WRIT. The officer receiving such writ shall forthwith take possession of the property mentioned therein, 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 enclosure, having first demanded entrance and exhibited his authority, if required, and also serve the writ upon the defendant, if he can be found, in the same manner as a summons in justice court.

[R. L. s. 3962] (9073)

532.19 RETURN OF PROPERTY TO DEFENDANT; BOND. The defendant, or any one or more of several defendants, may require the return of the property at any time within two days after the service of the writ, upon executing to the plaintiff a bond in the same amount as the bond of the plaintiff, with sufficient sureties, approved by the justice, conditioned that the property shall be delivered to the plaintiff, if delivery be adjudged, and for the payment by such defendant of all damages and costs adjudged against him in the action. Upon the approval of such bond, the officer shall deliver the property to the defendant. If such return of the property is not required, the same shall be delivered to the plaintiff.

[R. L. s. 3963] (9074)

532.20 OFFICER'S RETURN; CLAIMANT MADE CODEFENDANT. Immediately after the delivery of the property to the party entitled thereto, the officer

shall return the writ, and state fully in his return in what manner he served and executed the same. If a third party claims the property, he shall be made a codefendant.

[R. L. s. 3964] (9075)

532.21 JUDGMENT FOR RETURN TO DEFENDANT; EFFECT. If the property has been delivered to the plaintiff and the action is dismissed before answer, or the defendant in his answer claims a return thereof, the defendant shall have judgment for the return of the property, and the damages, if any, for the detention or taking and withholding thereof. Such judgment shall not be a bar to another action for the same property or any part thereof.

[R. L. s. 3965] (9076)

532.22 JUDGMENT FOR DEFENDANT. If the plaintiff fails to establish his right to the property, or the action is dismissed, the defendant shall recover such damages and costs as under the circumstances he shows himself entitled to, and, in addition thereto, if the property has been taken from his possession, may have judgment for the return thereof or its value.

[R. L. s. 3966] (9077)

532.23 JUDGMENT FOR PLAINTIFF; EXECUTION. If the property be not obtained, 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 taking or withholding thereof, and upon entry of any such judgment the justice, at the expiration of ten days thereafter, if no appeal be taken, shall issue execution for the costs and damages awarded to such plaintiff, together with the amount due plaintiff as the value of the property not obtained, and to which plaintiff is entitled.

[R. L. s. 3967] (9078)

ATTACHMENT

532.24 WHEN ALLOWED. A creditor may proceed against the property of his debtor by attachment, at the commencement or during the pendency of an action, in the cases, upon the conditions, and in the manner provided in this chapter.

[R. L. s. 3968] (9079)

532.25 AFFIDAVIT; REQUISITES. Before a writ of attachment shall be issued, the plaintiff or some person in his behalf shall make and file with the justice an affidavit stating that the defendant is indebted to the plaintiff in a sum exceeding \$5.00, 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 or implied, or upon a judgment or decree of some court, and containing a further statement that the affiant has good reason to believe that the defendant:

- (1) Is a foreign corporation, or is a domestic corporation, and that all of its officers upon whom a summons may be served are non-residents of the state, or cannot be found therein;
- (2) Is a non-resident of this state;
- (3) Has absconded or is about to abscond from the state;
- (4) Has removed or is about to remove any of his property out of the state, with intent to defraud his creditors;
- (5) Resides in another county and more than 100 miles from the residence of the justice;
- (6) Contracted the debt under fraudulent representations;
- (7) So conceals himself that the summons cannot be served upon him; or
- (8) Has fraudulently conveyed or disposed of, or is about to fraudulently convey or dispose of, any of his property or effects, so as to hinder, delay, or defraud his creditors.

[R. L. s. 3969] (9080)

532.26 WRIT, WHEN RETURNABLE. In the first five cases mentioned in section 532.25, the writ shall be returnable in three days. In all other cases it shall be returnable as an ordinary summons.

[R. L. s. 3970] (9081)

532.27 BOND. Before issuing the writ, the justice shall require a bond on the part of the plaintiff, conditioned that, if he fails to recover judgment, the plaintiff will pay all costs that may be adjudged against him, and all damages that the defendant may sustain by reason of the attachment, not exceeding \$100.

[R. L. s. 3971] (9082)

532.28 WRIT, HOW EXECUTED. The officer shall execute the writ by attaching the personal property of the defendant not exempt by law, and by serving upon him, in the manner required in the case of a summons, a copy of the writ, with a certified inventory of the property attached, and shall make due return of his doings thereunder.

[R. L. s. 3972] (9083)

532.29 WHERE DEFENDANT RESIDES IN ANOTHER COUNTY. When it shall appear from the return of the officer that he has attached property in his county, but that the defendant cannot be found therein, and it shall be made to appear by affidavit that defendant resides in another county in this state, the action shall be continued for a period not exceeding 20 days, and the summons shall be served in the same manner as a district court summons.

[R. L. s. 3973] (9084)

532.30 SERVICE BY PUBLICATION. When it shall appear by the return of the officer upon a writ of attachment that he has attached property thereunder, and it shall further appear to the satisfaction of the justice from the return or the affidavit for attachment filed in the action that the defendant is a non-resident, or cannot be found in the state, or that he keeps himself concealed therein to avoid the service of legal process, the justice may order that service of the summons be made by publication, as in this chapter prescribed. Upon making such order, the justice shall adjourn the action to the time when such summons is made returnable.

[R. L. s. 3974] (9085)

532.31 FORTHCOMING BOND. When property of the defendant is attached, the defendant, or any other person in his behalf, may obtain possession thereof by giving a bond, with sureties to the satisfaction of the officer executing the writ, in double the value of the property attached, conditioned that the same shall be forthcoming when and where the justice shall direct, and shall abide the judgment of the justice; and the property of the defendant attached in the possession of any other person may be retained by such person upon giving bond with like sureties and conditions.

[R. L. s. 3975] (9086)

532.32 PERISHABLE PROPERTY. When property which is likely to perish or depreciate in value before the probable end of the action, or the keeping of which would be attended with much loss or expense, is seized on attachment, the justice may order the same to be sold by the officer in the same manner and upon the same notice as is required in the case of goods sold on execution; and the proceeds of such sale shall remain in the hands of the officer, subject to be disposed of as the property would have been, had it remained unsold.

[R. L. s. 3976] (9087)

532.33 COMPENSATION OF OFFICER. The justice may allow the officer having charge of property seized on attachment reasonable compensation for his trouble and expense in keeping the same.

[R. L. s. 3977] (9088)

532.34 PROCEDURE. Like pleadings and proceedings shall be had, as far as practicable, in actions begun by attachment, and actions founded on contract commenced by summons.

[R. L. s. 3978] (9089)

532.35 DISSOLUTION. An attachment may be dissolved on motion at any time before final judgment if the defendant appears and pleads to the action and gives bond to the plaintiff, with sufficient surety, approved by the justice, in double the amount claimed in the writ or complaint, conditioned that, if judgment is rendered against him, he will pay the same, with costs and interest. On such dissolution the property attached shall be released, and the action proceed as if commenced by summons only.

[R. L. s. 3979] (9090)

532.36 SALE ON EXECUTION. When judgment is rendered in an action begun by attachment, execution may issue thereon, and the property attached may be sold in the same manner as in other cases, except as otherwise provided in this chapter.

[R. L. s. 3980] (9091)

APPEALS

532.37 MAY BE TAKEN, WHEN. Any person aggrieved by any judgment rendered by a justice of the peace, when the judgment exceeds \$15, or in an action of replevin when the value of the property, as sworn to in the affidavit, exceeds \$15, or in any case where the amount claimed in the complaint exceeds \$30, may appeal, by himself or agent, to the district court of the county where the same was rendered. An appeal on questions of law, as herein provided, may be taken in any action, without reference to the amount in controversy or the amount of the judgment. Sections 532.37 to 532.50 shall not apply to actions of forcible entry and detainer.

[R. L. s. 3981; 1949 c. 275 s. 1] (9092)

532.38 REQUISITES FOR APPEALS. No appeal shall be allowed unless the following requisites are complied with within ten days after judgment is rendered:

(1) An affidavit shall be filed with the clerk of the district court of the county wherein the cause was tried, stating that the appeal is made in good faith and not for the purpose of delay;

(2) A bond shall be executed by the party appealing, his agent or attorney, to the adverse party in a sum sufficient to secure such judgment and costs of appeal, with sufficient surety to be approved by the clerk of the district court, conditioned that the appellant shall prosecute his appeal with effect and abide by the order of the court therein;

(3) The party appealing shall serve a notice upon the opposite party, his agent or attorney who appeared for him on the trial, specifying the ground of appeal generally as follows: That the appeal is taken upon questions of law alone or upon questions of both law and fact. Such notice shall be served by delivering a copy thereof to the person upon whom service is made, or by leaving a copy at his residence; provided that if any party has appeared by attorney, service upon such attorney may be made in the manner provided in section 543.17 and the original notice, with proof of service thereof, shall be filed with the clerk of the district court to which the appeal is taken, within ten days after such service is made, and thereupon such clerk shall immediately give notice in writing by registered mail to the justice of the peace before whom the cause was tried;

(4) The party appealing shall pay to the clerk of the district court, for the use of the justice before whom the cause was tried, the sum of \$2.00, which is hereby fixed as his fee for making the return, which sum shall be paid to the justice by said clerk upon filing the return of the justice in the office of the clerk, and thereupon it shall be the duty of the clerk to cause an entry of such appeal to be made upon the calendar of the next general term of the district court occurring more than 20 days after the filing of such notice of appeal.

[R. L. s. 3982; 1917 c. 283 s. 1] (9093)

532.39 ALLOWANCE; EFFECT. Upon compliance with the foregoing provisions, the justice shall allow the appeal, and make an entry of such allowance in his docket. The allowance of the appeal shall suspend further proceedings before the justice.

[R. L. s. 3983] (9094)

532.40 RETURN; EVIDENCE, WHEN INCLUDED. Within 20 days after filing the notice of appeal, and before the first day of the next general term of the district court, the justice shall file in the office of the clerk of such court a transcript of all the entries made in his docket, together with all process and other papers relating to the action and filed with the justice; and upon the filing of such return the district court shall become possessed of the action, and shall proceed therein in the same manner, as near as may be, as in actions originally commenced therein, except as in this chapter otherwise provided. Upon an appeal upon questions of law alone, the justice, upon the request of either party, shall return to the district court, as a part of his return on the appeal, a transcript of all the evidence given upon the trial.

[R. L. s. 3984] (9095)

532.41 APPEALS, HOW TRIED; JUDGMENT. Upon an appeal upon questions of law alone, the action shall be tried in the district court upon the return of the justice. Upon an appeal upon questions of law and fact, the action shall be tried in the district court in the same manner as though originally commenced therein.

[R. L. s. 3985] (9096)

532.42 ENTRY ON CALENDAR. The appellant shall cause an entry of the appeal to be made by the clerk of the district court upon the calendar for trial, on or before the second day of the term, unless otherwise ordered by the court, and the plaintiff in the justice court shall be the plaintiff in such district court. If the appellant fails or neglects to enter the appeal, as aforesaid, the appellee may have the same entered at any time during that or a succeeding term, and the judgment of the court below shall be affirmed, with interest and the costs of both courts. It shall not be necessary for either party to notice the appeal for trial, or file a note of issue.

[R. L. s. 3986] (9097)

532.43 ALLOWANCE COMPELLED, WHEN. If a justice shall fail to allow an appeal when the same ought to have been allowed, the district court, on such fact satisfactorily appearing, may, by attachment, compel him to allow the same, and to return his proceedings in the action, together with all papers required to be returned therein.

[R. L. s. 3987] (9098)

532.44 RETURN OR AMENDMENT COMPELLED, WHEN. Upon an appeal being made and allowed, the district court may by attachment compel a return by the justice of the proceedings in the action, and of the papers required by him to be returned, and, when satisfied that the return of the justice is essentially erroneous or defective, may, in like manner, compel him to amend the same.

[R. L. s. 3988] (9099)

532.45 DEFECTIVE BOND. No appeal allowed by a justice shall be dismissed on account of there being no bond, or of the bond given being defective or insufficient, if the appellant, before the motion to dismiss is determined, shall execute a sufficient bond, approved by the judge of the district court, and pay all costs incurred by reason of such default or omission.

[R. L. s. 3989] (9100)

532.46 APPEAL TO BE TRIED, WHEN. All appeals allowed 30 days before the first day of the term of the district court held next after the appeal is allowed shall be determined at such term, unless continued for cause.

[R. L. s. 3990] (9101)

532.47 JUDGMENT, WHEN AFFIRMED; AGAINST SURETIES. In all cases of appeal from a justice court, the district court shall have power to affirm the judgment upon a dismissal of the appeal for any cause, or upon any default of the appellant to appear and prosecute his appeal; and in all cases, if the judgment is against the appellant, the same shall be rendered against him and his sureties in the bond.

[R. L. s. 3991] (9102)

532.48 ENFORCEMENT AGAINST SURETIES. If upon an execution issued upon such judgment the principal shall not pay the amount thereof, and the officer cannot find sufficient property of said principal to satisfy the same, it shall be enforced against the sureties, and the officer shall specify in his return by whom the money was paid, and the time of payment.

[R. L. s. 3992] (9103)

532.49 RIGHTS OF SURETY PAYING. After a return of the execution satisfied in whole or in part out of the property of the surety, such surety is entitled to a judgment against the principal, on motion, for the amount so paid by him, with interest from the time of payment. Such motion shall be made within one year after the return day of the execution, and the return of the officer shall be evidence of the facts therein stated on the hearing of such motion.

[R. L. s. 3993] (9104)

532.50 RETURN; JUSTICE OUT OF OFFICE. When an appeal shall be taken from a judgment after the justice who rendered it has gone out of office, he shall make return of such appeal in like manner and with like effect as if the appeal had been taken while he held such office.

[R. L. s. 3994] (9105)

FORMS IN CIVIL ACTIONS

532.51 SCHEDULE OF FORMS. The following or equivalent forms shall be used by justices of the peace in proceedings to be had under the provisions of this chapter.

MINNESOTA STATUTES 1949

3775

EXECUTIONS, APPEALS, EXTRAORDINARY REMEDIES 532.51

SUMMONS

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

You are hereby commanded to summon, the defendant herein, if he shall be found in your county, to be and appear before the undersigned, one of the justices of the peace in and for said county, on the day of 19....., at o'clock ... m., at my office in the in said county, to answer the complaint of plaintiff, in a civil action, wherein the plaintiff claims the sum of dollars, with interest thereon from the day of 19....., at the rate of per cent per annum; and have you then and there this writ.

Given under my hand and dated this day of 19.....

Justice of the Peace.

SUMMONS FOR PUBLICATION

State of Minnesota, }
County of } ss.

The State of Minnesota, to, Defendant:

You are hereby summoned to be and appear before the undersigned, one of the justices of the peace in and for said county, on the day of 19....., at o'clock ... m., at my office in the of in said county, to answer to the complaint of plaintiff, in a civil action, wherein the plaintiff claims the sum of dollars. Should you fail to appear at the time and place aforesaid, judgment will be rendered against you, upon the evidence adduced by said plaintiff, for such sum as he shall show himself entitled to.

Given under my hand and dated this day of 19.....

Justice of the Peace.

EXECUTION

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

Whereas, judgment against for the sum of dollars and cents, lawful money of the United States, and for dollars and cents, costs of suit, was recorded the day of 19....., before at the suit of

These are, therefore, to command you to levy distress on the personal property of the said (excepting such as the law exempts); and make sale thereof according to law in such case made and provided, to the amount of the said sum, together with 25 cents for this execution, and the same return to me within 30 days, to be rendered to the said for said judgment, interest, and costs. Hereof fail not, under penalty of the law.

Given under my hand this day of 19.....

Justice of the Peace.

WRIT OF ATTACHMENT

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

You are hereby commanded to attach the personal property of, or so much thereof as shall be sufficient to satisfy the sum of, with interest and costs of suit, in whosoever hands or possession the same may be found in your county, and so provide that the personal property so attached may be subject to further proceeding thereon, as the law requires and also to summon the said defendant, if to be found, to be and appear at my office in the in said county, on the day of 19....., at o'clock ... m., to answer to the complaint of plaintiff, in a civil action, wherein the plaintiff

MINNESOTA STATUTES 1949

claims the sum of dollars, with interest thereon from the day of, 19....., at the rate of per cent per annum; and have you then and there this writ.

Given under my hand and dated this day of, 19.....

Justice of the Peace.

WRIT OF REPLEVIN

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

Whereas,, of said county, complains that has taken and does unjustly detain the following described personal property, of the value of dollars, to wit:

Therefore you are commanded that you cause the same property to be replevied without delay, and if within two days after the service of this writ the said shall require a return of the property, and shall execute to the plaintiff a good and sufficient bond, duly approved by me, according to the statute in such case made and provided, that you deliver the said property to him, but, if said bond is not given at the expiration of the two days, that you cause the said goods and chattels to be delivered to the said, and also that you summon the said to be and appear before me, one of the justices of the peace in and for said county, on the day of, 19....., at o'clock m., at my office in the in said county, to answer complaint of

Given under my hand this day of, 19.....

Justice of the Peace.

SUBPOENA

State of Minnesota, }
County of } ss.

The State of Minnesota, to

You are hereby required to appear before the undersigned, one of the justices of the peace in and for the said county, at my office in the on the day of, 19....., at o'clock m., to give evidence in a certain cause then and there to be tried, between plaintiff, and defendant, on the part of

Given under my hand this day of, 19.....

Justice of the Peace.

VENIRE

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

You are hereby commanded to summon to be and appear before the undersigned, one of the justices of the peace in and for said county, on the day of, 19....., at o'clock m., at my office in the, in said county, to make a jury for the trial of a civil action between plaintiff, and defendant; and have you then and there this writ.

Given under my hand this day of, 19.....

Justice of the Peace.

WARRANT FOR CONTEMPT

State of Minnesota, }
County of } ss.

The State of Minnesota, to the Sheriff or Any Constable of Said County:

You are hereby commanded to apprehend A. B., and bring him before J. P., one of the justices of the peace of said county, at his office in said county, to show cause why he, the said A. B., should not be convicted of a criminal contempt

MINNESOTA STATUTES 1949

3777

EXECUTIONS, APPEALS, EXTRAORDINARY REMEDIES 532.51

alleged to have been committed on the day of,
19....., before the said justice, while engaged as a justice of the peace in judicial
proceedings.

Dated this day of, 19.....

Justice of the Peace.

RECORD OF CONVICTION FOR CONTEMPT

State of Minnesota, }
County of } ss.

Whereas, on the day of, 19....., while the un-
dersigned, one of the justices of the peace of the said county, was engaged in
the trial of a cause between C. D., plaintiff, and E. F., defendant, in said county,
according to the statute in such case made and provided, A. B., of the said county,
did interrupt the said proceedings, and impair the respect due to the authority of
the undersigned, by (here describe the cause particularly); and whereas the said
A. B. was thereupon required by the undersigned to answer for the said contempt,
and show cause why he should not be convicted thereof; and whereas the said
A. B. did not show any cause against the said charge: Be it therefore remembered
that the said A. B. is adjudged to be guilty, and is convicted, of a criminal contempt
aforesaid, before the undersigned, and is adjudged by the undersigned to pay a
fine of dollars, or to be imprisoned in the common jail of said
county for the term of two days, or until he is discharged from imprisonment
according to law.

Dated this day of, 19.....

Justice of the Peace.

[R. L. s. 3998] (9109)