

CHAPTER 93.

ATTACHMENT AND REPLEVIN.

AN ACT to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Duty of justice of peace. That when a writ of attachment, or of replevin, has been issued by any justice of the peace in any action, and it shall be found that the defendant is absent so that personal notice, or service of process, cannot be had, it shall be the duty of the justice, upon the return day, unless the defendant appear, to make an order, fixing a day for the trial, not less than sixty days thereafter, and requiring notice to be given by any constable as provided in the next section.

SEC. 2. Notice. That upon such order being made, at least sixty days' notice of the pendency of such action shall be given by posting up written or printed notices in three public places in the township where the action was commenced, and such notices shall have the same effect of a personal service, and the justice shall proceed to hear the cause upon the day specified for that purpose.

[150] **SEC. 3. Jurisdiction.** That in actions in which writs of attachment or replevin shall be issued, justices of the peace shall have jurisdiction coextensive with the county.

SEC. 4. Repeal. That so much of chapter 129, and all other provisions of the code conflicting with this act, be, and the same are hereby repealed.

SEC. 5. Repeal, etc. Section 2359 of chapter 129 of the code, is hereby repealed; and sections 1846 and 1852 of the code are hereby declared applicable to proceedings in justices' courts.

Approved, January 24th, 1853.

CHAPTER 94.

APPEALS AND WRITS OF ERROR.

AN ACT further to regulate appeals and writs of error to the district court.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Appeals and writs of error—appellee. That in all cases of appeal to, or error from the supreme court, unless a transcript be filed by the first day of the term, and the fee paid or security given, the judgment may be affirmed with a penalty of not exceeding ten per centum upon the amount of the judgment in the court below, at the discretion of the court; and if the transcript and other proper papers connected with said appeal, or writ of error be not filed by the first day of the term next after the appeal is perfected, or writ of error taken, the appellee may cause said papers to be filed and take judgment as above provided.

SEC. 2. Repeal. Such provisions of the code as may be in conflict herewith are repealed.

Approved, January 24th, 1853.