



General Statutes of the State of Kansas, 1897
Volume 2; Containing All Laws of a General
Nature, from the Admission of the State in 1861 to
the Eighth

Kansas

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1897 Excerpt: ...v. Reid, 34 K. 413. Where a motion is made before a justice of the peace to vacate and discharge proceedings in garnishment after final judgment, and said motion is overruled, said ruling by the justice is a final order, and may be taken to the district court on error; Carlyle v. Smith, 36 K. 614. Where a garnishee answers that he is indebted to the principal debtor "on certain conditions, to be performed by said debtor," and thereupon the plaintiff brings suit against the garnishee on said answer and the order of garnishment, such garnishee is not estopped by eaid proceedings from showing that the conditions under which the conditional indebtedness arose had not been complied with, and that he is by reason thereof not indebted as claimed; Linder v. Murdy, 37 K. 152. See Woodward v. Witascheck, 38 K. 760. Where a judgment is rendered in favor of the defendant, either in a justices court or in the district court all attachment and garnishment proceedings then pending in the case will by reason of such judgment be discharged; Washer v. Campbell, 40 K. 749. An appeal by the defendant from a final judgment to the district court discharges the attachment; Eld. v. Casey, 14 K. 504. 74--g 44 ch. 81, Gen. Stat. 1868. 75--§ 45, same. ATTACHED PROPERTY HOW DISPOSED OF. § 76. If judgment be rendered in the action for the defendant, the attachment shall be discharged, and the property attached or its proceeds shall be returned to him. § 77. If judgment be rendered for the plaintiff, it shall be satisfied as follows: So much of the property remaining in the hands of the officers, after applying the moneys rising from the sale of perishable property, and so much of the personal property, if any, as may be necessary to satisfy the judgment, shall ...



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