

surrender by his surety or sureties, take the oath that he does not intend to leave the state, or the oath for the relief of poor debtors, and the taking of either of said oaths by such person shall be a discharge of his surety or sureties.

take the oath without surrender by surety.

SECTION 2. No person shall be arrested on mesne process in an action of tort unless the plaintiff or some person in his behalf makes oath to the satisfaction of some magistrate named in section one, chapter one hundred and twenty-four of the General Statutes, that he believes, and has reason to believe, that he has a good cause of action against the defendant, that he has reasonable expectation of recovering a sum equal, at least, to one-third the damages claimed in the writ, and that he believes and has reason to believe that the defendant intends to leave the state, so that if execution be obtained it cannot be served upon him; and such affidavit, with a certificate of the magistrate, that he is satisfied the same is true, shall be annexed to the writ.

Arrest on mesne process in action of tort.

SECTION 3. When a person is arrested, or has given bail, or is imprisoned on mesne process, or is arrested or imprisoned on any execution, he may be discharged in the same manner, and subject to the same provisions of law as a person arrested on an execution mentioned in section five chapter one hundred and twenty-four of the General Statutes.

Discharge of debtor under arrest or imprisonment.  
G. S. 124, § 5,

SECTION 4. Sections two and twenty-three, chapter one hundred and twenty-four of the General Statutes are repealed.

Repeal of G. S. 124, §§ 2, 23.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT TO GIVE A RIGHT OF ACTION AGAINST OWNERS OF RAILROADS TO PERSONS WHO PERFORM LABOR OR FURNISH MATERIALS IN AND FOR THE CONSTRUCTION OF SAID ROADS.

*Ch. 353.*

*Be it enacted, &c., as follows:*

SECTION 1. Any person to whom a debt is due for labor performed, or for materials furnished and actually used in constructing any railroad, by virtue of an agreement with the owner of such railroad, or with any person having authority from or rightfully acting for such owner in procuring or furnishing such labor or materials, shall have a right of action against the owner of such railroad to recover such debt with costs, except as is provided in the following sections.

Right of action against owner of railroad for labor performed and materials furnished.

Contractor not to have right unless contract is with owner.

SECTION 2. No person who has contracted to construct the whole or any specified part of such railroad shall have such right of action, unless his contract is with the owner of the railroad.

Written statement under oath to be served on owner of amount of debt, &c., for labor.

SECTION 3. No person shall have such right of action, under the provisions of this act, for labor performed, unless he shall, within thirty days after ceasing to perform such labor, serve on the owner of the railroad a written statement under his oath, of the amount of the debt so due him, and of the name of the person or persons for whom and by whose employment the labor was performed, by causing said statement to be filed in the office of the clerk of any city or town in which any of said labor shall have been performed or said materials furnished. But such right of action shall not be lost by any mistake made in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due him, with interest thereon.

Statement of amount of materials to be served on owner.

SECTION 4. No person shall have a right of action under the provisions of this act for materials furnished, unless before beginning to furnish the same, he shall have served written notice of his intention to claim such right in the manner provided for serving the statement named in the preceding section.

Actions to be commenced within sixty days after ceasing to perform labor.

SECTION 5. No action under the provisions of this act shall be maintained, unless commenced within sixty days after the plaintiff therein ceased to perform the labor or to furnish the materials, as the case may be.

*Approved June 11, 1873.*

### Ch. 354.

#### AN ACT RELATING TO THE TAXATION OF INCOMES.

*Be it enacted, &c., as follows:*

Income in excess of \$2,000 subject to taxation.

SECTION 1. Section four of chapter eleven of the General Statutes is so far amended that the income subject to taxation shall be only so much as exceeds two thousand dollars, and which has accrued to any person during the year ending on the first day of May of the year in which the tax is assessed.

Act to have the same effect as if in force on May 1st, 1873.

SECTION 2. This act shall take effect upon its passage, and shall apply to the assessment of taxes for the present year in the same manner and to the same effect as if it had been in force on the first day of May of the present year.

*Approved June 11, 1873.*