

shall deny the signature or execution of the same by his oath or affidavit; but this section shall not extend to instruments purporting to have been signed or executed by any person who shall have died previous to the requirement of such proof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1875.

When act to  
take effect.

### CHAPTER LXVIII.

AN ACT TO AMEND TITLE ONE OF CHAPTER EIGHTY OF THE GENERAL STATUTES OF MINNESOTA, (THE SAME BEING TITLE ONE OF CHAPTER FORTY-FIVE OF THE STATUTES AT LARGE,) RELATING TO THE WRIT OF MANDAMUS.

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

SECTION 1. Section four of title one of chapter eighty of the general statutes of Minnesota, be amended so as to read as follows:

Writ is alterna-  
tive or peremp-  
tory—alterna-  
tive writ shall  
state, what—  
peremptory  
writ shall state,  
what.

Sec. 4. The writ of mandamus is either alternative or peremptory. The alternative writ shall state concisely the facts showing the obligation of the defendant to perform the act, and his omission to perform it, and command him, that immediately after the receipt of a copy of the writ, or at some other specified time, to do the act required to be performed, or show cause before the court out of which the writ issued, at a specified time and place, why he has not done so; and that he then and there make his return to the writ, with his certificate on such return of having done as he is commanded. The peremptory writ shall be in similar form, except that the words requiring the defendant to show cause why he has not done as commanded shall be omitted.

Allowance to  
be endorsed.

Sec. 2. Section six of said title is hereby amended so as to read as follows: The court or judge by an endorsement on the writ, shall allow the same and designate the return day thereof, and direct the the manner of the service thereof, provided that such service shall be by copy of the writ, and of the allowance thereof, and of any order or direction of said court or judge endorsed upon said writ.

When act to  
take effect.

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

Approved March 2, 1875.