

CHAPTER LXVI.

AN ACT TO AUTHORIZE ANY JUDGE OF THE DISTRICT COURT
TO APPOINT AN ASSISTANT COUNTY ATTORNEY.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the several judges of the district courts in this state may, by order, to be duly entered on the minutes, at any term of the court, appoint any attorney of the court to act as, or in place of, or to assist the county attorney in any business or proceeding before the grand jury or in court, whether there be a county attorney present at such term or not, and the person so appointed shall take the usual oath of office, and shall thereupon be fully authorized to be present before the grand jury at any time when the county attorney might by law be present before that body. *Provided,* That no compensation shall be paid by the county to such person so appointed by the court to assist the county attorney, when that officer is present at the term when such appointment is made, except the same be paid with the consent of the county attorney, and be deducted from the regular salary of that officer. Compensation.

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

Approved February 10, 1876.

CHAPTER LXVII.

AN ACT IN RELATION TO POWERS OF ATTORNEY AND THEIR
EFFECT AS EVIDENCE.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That any power of attorney for the conveyance of real estate heretofore executed in blank, or with the name of the grantee of the power omitted therefrom at the time of such execution, and delivered to some person with intention to have the same take effect, shall, if afterward filled out with the name of some person to execute such power, be deemed to be and be as valid and effectual for all purposes as if such name had been Validity of

inserted therein before the execution thereof; and when any deed of real estate has heretofore been or shall hereafter be executed under or by virtue of any such power, and all persons claiming by, through or under him or them, shall be forever barred and estopped from alleging in any pleading or proving upon trial in any cause or proceeding the fact that such power was so executed in blank.

When act to take effect.

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

Approved March 6, 1876.

CHAPTER LXVIII.

AN ACT TO AMEND CHAPTER 61, OF THE GENERAL LAWS FOR THE YEAR 1873, ENTITLED AN ACT TO PROVIDE A MORE EFFICIENT METHOD FOR THE TAKING OF DEPOSITIONS OF PERSONS WITHOUT THE STATE.

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

SECTION 1. That section 1 of chapter 61 of the general laws of the year 1873, be and the same hereby is amended so as to read as follows:

Testimony—how taken—notice of same.

Section 1. Whenever the testimony of any person without this state is wanted in any civil action or proceeding in any court of this state, the same may be taken by and before any officer authorized to administer an oath in the state or territory in which the testimony of such person may be taken, upon notice to the adverse party of the time and place of taking the same. Such notice shall be in writing, and shall be served as other notices in civil actions are required to be served, and shall be served so as to allow the adverse party sufficient time by the usual route of travel, allowing one day for every one hundred miles of distance between the place of the service of the notice and the place of the taking of such testimony, and one day for preparation, exclusive of Sundays and the day of service; and the examination may, if so stated in the notice, be adjourned from day to day. *Provided*, that the justice of the peace or judge of the court before which, or the court commissioner of the county in which the action is pending may, on motion, and by order in the cause, designate the time and place for the taking of the testimony, and the time within which a copy of the order shall be served on the adverse party or his attorney. *And Provided, further*, that whenever the defendant in any action or