

CHAPTER XXXVIII.

An Act to Repeal Section Thirty-five of Chapter Seven of the Compiled Statutes Relating to Register of Deeds.

SECTION 1. Amendment to section 85. Repealed.
 2. Act, when to take effect.

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

Repeal of former
acts

SECTION 1. That section 35 of chapter 7 of the compiled statutes be and the same is hereby repealed.

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

Approved March 5th, 1862.

CHAPTER XXXIX.

An Act to Amend Section Fifty-one of Chapter Eighty-four of the Compiled Statutes Relating to Witnesses.

SECTION 1. Amendment to section 51. When contractor admitted to testify in his own behalf.
 2. Act, when to take effect.

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

SECTION 1. That section 51 of chapter 84 of the compiled statutes be amended by adding thereto the following words:

“ Except that in cases where two or more persons are joint or joint and several parties to a contract or cause of action on the same side and only one or a part of such persons is dead or shown to the court to be insane, the other party to such contract or cause of action, shall be admitted to testify in his own behalf.”

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

Approved March 10th, 1862.

CHAPTER XL.

An Act to Prevent the Commission of Wastes upon Incumbered Real Estate.

SECTION 1. Mortgage or Mechanic's lien on real estate—how protected.
 2. Power of district court for violation of preceding section.
 3. Act, when to take effect.

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

SECTION 1. That no mortgagor or other person shall remove any building, fixture, or fence, situate or being upon any real estate on which real estate any mortgage or mechanic's lien exists, either before or after the foreclosure of said mortgage, or sale in satisfaction of such lien to the prejudice of any lien holder without first having procured the consent of the person owning or holding such lien.

SEC. 2. That whenever any person shall, in violation of the provisions of the first (1st) section of this act, wrongfully remove any such building, fencing or fixture from any such incumbered real estate to the prejudice of the owner of the lien thereon, so as to lessen or to impair his security in the premises, the district court of the county in which such real estate is situated shall have power