

“ 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

on complaint filed and upon proof being made to the satisfaction of the court, or on the verdict of a jury, finding such complaint to be true, to order such building, fencing, or fixture to be restored and replaced upon such premises, and to compel the same by attachment, and may in addition thereto impose a fine of not exceeding five hundred (500) dollars against the person or persons so found guilty of a violation of the provisions of this act.

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

Approved March 10th, 1862.

CHAPTER XLI.

An Act relating to actions for alleged illegal seizures of Personal Property under Attachments or upon Execution.

SECTION 1. Plaintiff to execute bond of indemnity—to whom.

2. Who to have no right of action against officers serving attachment or execution.

3. Act, when to take effect.

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

SECTION 1. That when any sheriff, coroner, constable, or other officer shall be required to attach or levy upon any personal property, and such officer shall have good reason to believe that such property is not the property of the defendant in the attachment or execution, he may require the plaintiff in the attachment or execution, or the person directing such attachment or levy to be made, to execute and deliver to him, a bond of indemnity in double the value of the property to be seized, conditioned to pay such officer all damages he may sustain by

Plaintiff to execute bond of indemnity—to whom