

as the law may require, containing a condition substantially the same as that required by law, to be contained in the various bonds now required by law in such cases, with like sureties, qualifications and justifications, and without any acknowledgment and without the seal or signatures of the person or parties taking such proceeding, shall be deemed a sufficient compliance with the law to sustain any such action, appeal or proceeding, and every such undertaking shall be construed in any proceeding taken or had thereon, to save and secure all rights and liabilities to the same extent in every particular as though a bond had been executed, acknowledged, filed and served in the manner now required by law, and the damages presumed to accrue to the party against which such proceeding is taken, shall be construed to be a sufficient consideration for such undertaking to support the same or any action thereon, though no consideration be mentioned therein: *Provided*, That no undertaking or bond need be given or executed in any case before such appeal or other proceeding is instituted or taken in favor of the state of Minnesota and county, town, city, school district therein or any executor or administrator as such.

When act to take effect.

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

Approved March 5, 1868.

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## CHAPTER LXXXI.

February 29, 1868

*An Act to amend section one hundred and forty-nine (149), of chapter sixty-six (66), of the General Statutes, in relation to garnishment.*

SECTION 1. Amendment to Section 149, Chapter 66, General Statutes. Fees and mileage to be paid in advance.

2. When act to take effect.

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

SECTION 1. That section one hundred and forty-nine

(149), of chapter sixty-six (66), of the general statutes, be amended by adding to the end thereof the following words, viz :

But no person shall be obliged to appear as garnishee, unless his fees for one day's attendance and mileage, according to law, is paid or tendered in advance.

Fees and mileage to be paid in advance.

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

When act to take effect.

Approved February 29, 1868.

## CHAPTER LXXXII.

*An Act to amend section two hundred and ninety-seven, of chapter sixty-six, of the General Statutes, in relation to judgments.*

March 3, 1868.

SECTION 1. Amendment to Section 297, Chapter 66, General Statutes. When purchaser is evicted may recover price paid with interest.

2. When act to take effect.

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

SECTION 1. That section two hundred and ninety-seven of chapter sixty-six, page four hundred and ninety-five of the general statutes of the State of Minnesota, be amended so as to read as follows :

Sec. 297. If the purchaser of real property sold on execution, or his successor in interest is evicted therefrom in consequence of irregularity in the proceedings concerning the sale, or of the reversal or the discharge of the judgment, he may recover the price paid with interest from the judgment creditor ; such judgment creditor, if the recovery was in consequence of the irregularity, shall thereupon be entitled to a new execution on the judgment at any time within ten years after such eviction, for the price paid on the sale, with interest ; and for that purpose

When purchaser is evicted may recover price paid with interest.