

(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.

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

Fees and mileage to be paid in advance.

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.

the judgment shall be deemed valid against the judgment debtor, his personal representatives, heirs or devisees ; but not against a purchaser in good faith as an incumbrancer where title or incumbrance has accrued before a levy on such new execution.

When act to take effect.

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

Approved March 3, 1868.

CHAPTER LXXXIII.

February 27, 1868

An Act to amend section ninety-one (91), chapter sixty-six (66), of the General Statutes, relating to the pleading of judgments.

SECTION 1. Amendment to Section 91, Chapter 66, General Statutes. Judgment—how pleaded.

2. When act to take effect.

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

SECTION 1. That section ninety-one (91), of chapter sixty-six (66), of the general statutes, be and the same is hereby amended so as to read as follows :

Judgment—how pleaded.

Sec. 91. In pleading a judgment or other determination of a court or officer of special or general jurisdiction, it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made, in cases of special jurisdiction ; if such allegation is controverted, the party pleaded is bound to establish on the trial the facts conferring jurisdiction.

When act to take effect.

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

Approved February 27, 1868.