

SECTION 1. A homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon and its appurtenances, to be selected by the owner thereof, and not included in the laid out or platted portion of any incorporated town, city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, if within the laid out or platted portion of any incorporated town, city or village, having over five thousand inhabitants, or one half acre, if within the laid out or platted portion of any incorporated town, city, or village having less than five thousand inhabitants, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this state, shall not be subject to attachment, levy, or sale upon execution or any other process issuing out of any court within this state. This section shall be deemed and construed to exempt such homestead in the manner aforesaid, during the time it shall be occupied by the widow or minor child or children of any deceased person who was when living entitled to the benefits of this act.

Quantity of land exempt as a homestead.

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

When act to take effect.

Approved March 9, 1875.

CHAPTER LXVII.

AN ACT TO AMEND SECTION EIGHTY-TWO OF CHAPTER SEVENTY-THREE OF THE GENERAL STATUTES AS AMENDED BY CHAPTER SIXTY-FOUR OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SIXTY-SEVEN, RELATING TO EVIDENCE.

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

SECTION 1. Section eighty-two of chapter seventy-three of the general statutes, as amended by chapter sixty-four of the general laws of eighteen hundred and sixty-seven, the same being section three hundred and fifty-seven of chapter forty-one of the statutes at large, is hereby amended so as to read as follows: In actions brought on promissory notes or bills of exchange by the indorsee, the possession of the note or bill is *prima facie* evidence that the same was endorsed by the person by whom it purports to be endorsed, and every written instrument purporting to have been signed or executed by any person, shall be proof that it was so signed or executed, until the person by whom it purports to have been signed or executed

Effect of possession of note sued on as evidence.

shall deny the signature or execution of the same by his oath or affidavit; but this section shall not extend to instruments purporting to have been signed or executed by any person who shall have died previous to the requirement of such proof.

When act to
take effect.

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

Approved February 24, 1875.

CHAPTER LXVIII.

AN ACT TO AMEND TITLE ONE OF CHAPTER EIGHTY OF THE GENERAL STATUTES OF MINNESOTA, (THE SAME BEING TITLE ONE OF CHAPTER FORTY-FIVE OF THE STATUTES AT LARGE,) RELATING TO THE WRIT OF MANDAMUS.

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

SECTION 1. Section four of title one of chapter eighty of the general statutes of Minnesota, be amended so as to read as follows:

Writ is alternative or peremptory—alternative writ shall state, what—peremptory writ shall state, what.

Sec. 4. The writ of mandamus is either alternative or peremptory. The alternative writ shall state concisely the facts showing the obligation of the defendant to perform the act, and his omission to perform it, and command him, that immediately after the receipt of a copy of the writ, or at some other specified time, to do the act required to be performed, or show cause before the court out of which the writ issued, at a specified time and place, why he has not done so; and that he then and there make his return to the writ, with his certificate on such return of having done as he is commanded. The peremptory writ shall be in similar form, except that the words requiring the defendant to show cause why he has not done as commanded shall be omitted.

Allowance to be endorsed.

SEC. 2. Section six of said title is hereby amended so as to read as follows: The court or judge by an endorsement on the writ, shall allow the same and designate the return day thereof, and direct the the manner of the service thereof, provided that such service shall be by copy of the writ, and of the allowance thereof, and of any order or direction of said court or judge endorsed upon said writ.

When act to take effect.

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

Approved March 2, 1875.