

CHAPTER 90.

[H. F. No. 49.]

AN ACT TO AMEND SUBDIVISION ONE (1) OF SECTION TWO HUNDRED AND TEN (210) OF CHAPTER SIXTY-SIX (66), OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO JUDGMENTS.

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

SECTION 1. That the first subdivision of section two hundred and ten (210) chapter sixty-six (66) general statutes of one thousand eight hundred and seventy-eight (1878), be amended by adding at the end thereof the following:

“When the defendant by his answer in such action shall not deny the plaintiff’s claim, but shall set up a counter-claim amounting to less than the plaintiff’s claim, judgment may be entered by the clerk of court in favor of plaintiff for the excess of his said claim over the said counter-claim, with costs and disbursements, upon the plaintiff’s filing with said clerk a statement signed by plaintiff, his attorney or agent, admitting such counter-claim, together with an affidavit of his costs and disbursements; which statement and affidavit shall be annexed to and be made a part of the judgment roll: all of which may be done without notice to the defendant.”

Judgments.

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

When act to take effect.

Approved February 21st, 1887.

CHAPTER 91.

(H. F. No. 4.)

AN ACT TO AMEND CHAPTER ELEVEN (11) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO TAXES

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

SECTION 1. That section seventy-three (73) of chapter eleven (11) of the general statutes of one thousand eight

hundred and seventy-eight (1878), be amended by adding at the end thereof the following words:

Tax judgments

"*Provided*, that any judgment rendered in such proceedings shall be void upon satisfactory proof made at any time that such real estate was exempt from taxation, or that such taxes were paid before judgment was rendered.

SEC. 2. That the last proviso of section eighty (80) of said chapter be and the same is hereby amended so as to read as follows:

Court may set aside judgment in certain cases.

"*Provided further*, that the court wherein such judgment is entered shall have power, in its discretion and for good cause shown by any person interested, to open such judgment at any time before the expiration of the period of redemption, and may allow any defense to be interposed in such case that might have been interposed before the entry of such judgment, and may at any time, upon satisfactory proof, vacate and set aside such judgment, on the ground that the tax in question was paid before judgment was rendered, or that the real estate in question was not subject to taxation.

"Application to open such judgment may be summary upon such notice to the purchaser and county auditor of the proper county, as the court may direct, and in case a defense is allowed to be interposed, the case shall proceed in all respects as in defended cases under this act."

SEC. 3. That section eighty-five (85) of said chapter be and the same hereby is amended so as to read as follows:

Records prima facie evidence.

"Section 85. Such certificate, or the record thereof, shall in all cases be *prima facie* evidence that all the requirements of law with respect to the sale have been duly complied with, and of title in the grantee therein, after the time for redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove either that the taxes were paid before judgment was rendered, or that the real estate was exempt from taxation, or that the court rendering the judgment pursuant to which the sale was made, had not jurisdiction to render the judgment, or that, after the judgment and before the sale, such judgment had been satisfied or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at said sale to the bidder who would pay the amount for which the piece or parcel was to be sold, nor unless that action in which the validity of the sale shall be called in question be brought, or the defense alleging its invalidity be interposed, within three (3) years after the date of the sale, except that any sale may be set aside or held invalid at any time on satisfactory proof that the taxes were paid before judgment was rendered, or that the real estate was exempt from taxation.

If any sale shall be set aside by reason of any defect in

the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made, as near as may be in accordance with the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 5, 1887.

CHAPTER 92.

[H. F. N. 671.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER ONE HUNDRED AND THIRTY-EIGHT (138), GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT FIXING THE TIMES FOR HOLDING THE GENERAL TERMS OF THE DISTRICT COURT IN THE ELEVENTH JUDICIAL DISTRICT."

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

SECTION 1. That section one (1) of chapter one hundred and thirty eight (138) of the general laws of one thousand eight hundred and eighty-five (1885) be amended as follows, to-wit: By striking out the word "March" in the eighteenth (18th) line in said section one (1) and inserting therefor the words "May and November." Terms of court in eleventh judicial district.

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

Approved March 7th, 1887.