

## CHAPTER 38.

S. F. No. 40.

*An act to amend section fifty-eight hundred and fifty (5850) of the general statutes of eighteen hundred and ninety-four (1894), being section sixteen (16) of chapter seventy-five (75) of the general statutes of eighteen hundred and seventy-eight (1878), relating to actions concerning and rights in real property.*

Rights in real property.

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

SECTION 1. That section fifty-eight hundred and fifty (5850) of the general statutes of eighteen hundred and ninety-four (1894), being section sixteen (16) of chapter seventy-five (75) of the general statutes of eighteen hundred and seventy-eight (1878), be amended so as to read as follows:

Amendment.

In any action to try the title to land, brought by any person claiming title, against the occupant, the occupant may, in addition to his other defenses, allege the amount and value of all improvements made by himself or those under whom he claims, and also the amount of all taxes and assessments paid upon such land by himself or those under whom he claims, and if the claim be under an official deed the purchase money paid therefor; the claimant may reply, alleging the value of the premises, without the improvements, at the time of the commencement of the action, and also the value of the yearly rent of the land, without the improvements, during the possession of the occupant.

Title to land and value of improvements.

And in case the action is brought by the occupant against the claimant to quiet title or to determine any adverse claim thereto, the claimant in his answer, in addition to setting up his title, may allege the value of the premises without any improvements, at the time of the commencement of the action, and also the value of the yearly rent of the land, without any improvements, during the possession of the occupant; the occupant may in addition to his other proper matter of reply allege the amount and value of all improvements made by himself, or those under whom he claims title, and also the amount of all taxes and assessments paid upon such land by himself, or those under whom he claims, and, if the claim be under official deed, the purchase money paid therefor (e).

To quiet title.

In case the title is found to be in the claimant, the jury, or court, in case the action is tried without a jury, shall assess the value of all improvements made, and all taxes or assessments paid upon the land by the oc-

Shall assess improvements, taxes, etc., when.

cupant, or those under whom he claims, with interest at seven per cent, and if his claim be under an official deed, regular upon its face, and without actual notice of any defect invalidating the same, shall also find the purchase money paid by him or those under whom he claims, with interest thereon at seven per cent. The jury, or court, in case of trial by the court, shall also assess the value of the land, at the time of commencing the action, without the improvements, and also the value of yearly rent thereof during the occupant's possession.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved March 9, 1897.

S. F. No. 159.

## CHAPTER 39.

Legalizing  
certain mort-  
gage fore-  
closures.

*An act to legalize and make valid certain mortgage foreclosures heretofore made under and by virtue of title two (2) of chapter eighty-one (81) of the general statutes of 1894, relating to foreclosure of mortgages.*

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

SECTION 1. That no judgment, sale, sheriff's certificate of sale or other foreclosure proceedings heretofore made or taken under title two (2) of chapter eighty-one (81) of the general statutes of 1894, shall be set aside or deemed invalid by reason of the failure to file a bond or security before the entry of judgment, and all such foreclosure proceedings wherein such bond or security has not been made or filed, are hereby legalized and made valid, and such foreclosure proceedings shall have the force and effect as if such bond and security had in fact been filed.

SEC. 2. Nothing herein contained shall affect the rights of parties in any action now pending.

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

Approved March 9, 1897.