

(681) of the public statutes, be amended by adding thereto the following words:

*Provided*, That where one of the original parties to the contract or cause of action in issue and on trial, is dead, or is shown to the court to be insane, the other party shall not be admitted to testify in his own favor, and where an executor or administrator is a party, the other party shall not be admitted to testify in his own favor, except as to such acts and contracts as have been done or made since the probate of the will or the appointment of the administrator.

Approved March 8th, A. D. 1861.

When party to  
an action not al-  
lowed to testify

## CHAPTER XXXVII.

*An Act to Amend Section Eighty-Eight (88) of Chapter Fifty-Nine (59) of the Public Statutes of Minnesota, being Section Seventy-Four (74) of Chapter Sixty-Nine (69) of the Revised Statutes.*

- SECTION 1. Every judgment from the time of filing of the transcript shall have the same lien on real estate as a judgment of the district court.
2. Act, when to take effect.

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

SECTION 1. That section eighty-eight (88) of chapter fifty-nine (59) of the Public Statutes of Minnesota be amended so as to read as follows:

SEC. 88. Every such judgment from the time of such filing of the transcript thereof shall have the same lien on the real estate of the defendant in the county, as a judgment of the district court of the same county, shall be equally under the control of the district court, and shall be carried into execution in the same manner and with like effect as the judgment of such district court; and upon filing with the clerk of the district court of any other county, a transcript of the original docket of a justice's judgment in the District court of that county, the

Every judgment  
to have lien on  
real estate

same shall be therein docketed, and thereupon become a lien upon the real property in such county, in the same manner as provided upon the filing of transcripts in district courts; but no execution shall be issued thereon out of the district court, until an execution shall have been issued by a justice, and returned that the defendant has no goods or chattels whereon to levy the same, and the same shall appear by a certificate from the justice, filed with the clerk of the district court to that effect.

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

Approved February 18th, A. D. 1861.

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### XXXVIII.

*An Act to Amend Chapter Seventy-six of the Public Statutes of the State of Minnesota, in regard to Proceedings against Boats.*

SECTION 1. When boat to be discharged from custody of sheriff.

2. Act, when to take effect.

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

SECTION 1. Section fourteen (14) of chapter seventy-six (76) of the public statutes of the State of Minnesota, is hereby amended by adding to the end thereof the following words: *Provided*, That if the master, owner, agent, or consignee shall execute a bond to the plaintiff with sufficient surety to be approved by the justice, conditioned that he will satisfy the amount which shall be adjudged to be owing and due to the plaintiff on the determination of the action, together with costs, then any boat, vessel, tackle, apparel and furniture seized by such warrant shall be discharged from the custody of the sheriff or constable.

When boat to be discharged from custody of sheriff