

Sec. 51. Sales not to be avoided, when.—In case of an action relating to any estate sold by an executor, administrator or guardian, in which an heir or person claiming under the deceased, or in which the ward or any person claiming under him, shall contest the validity of the sale, it shall not be avoided on account of any irregularity in the proceedings. *When sales not to be avoided.*
Provided it appears—

First. That the executor, administrator or guardian was licensed to make the sale, by the Probate Court having jurisdiction.

Second. That he gave a bond which was approved by the Judge of Probate, in case a bond was required upon granting a license.

Third. That he took the oath prescribed in this chapter.

Fourth. That he gave notice of the time and place of sale, as in this chapter prescribed, if such notice was required by the order of license; and

Fifth. That the premises were sold in the manner required by the order of license, and the sale confirmed by the court, and that they are held by one who purchased them in good faith.

SEC. 5. That all the provisions of this act shall apply as well to guardians' sales as to executors' or administrators' sales of real estate.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 23, 1881.

CHAPTER 44.

AN ACT TO AMEND SECTIONS ONE HUNDRED AND ONE (101), ONE HUNDRED AND TWO (102) AND ONE HUNDRED AND NINETEEN (119), OF TITLE SIX (6), OF CHAPTER SIXTY-SIX (66), GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO CIVIL ACTIONS.

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

SECTION 1. That section one hundred and one (101), of title six (6), chapter sixty-six (66), of the General Statutes one thousand eight hundred and seventy-eight (1878), relating to civil actions, be amended so as to read as follows:

Judgment in
civil actions.

SEC. 101. If the answer contains new matter and the plaintiff fails to reply or demur thereto within the time allowed by law, the defendant may move on notice for such judgment as he may be entitled to upon such statement, and the court may thereupon render judgment, or order a reference or assessment of damages by jury as the case requires.

Sec. 2. That section one hundred and two (102), of title six (6), chapter sixty-six (66), General Statutes one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

SEC. 102. If a reply to any new matter set up in the answer is insufficient, the defendant may demur thereto stating the ground thereof.

Sec. 3. That section one hundred and nineteen (119), of title six (6), chapter sixty-six (66), General Statutes of one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

Sec. 119. Every material allegation of the complaint not specifically controverted by the answer as prescribed, and every material allegation of new matter in the answer not controverted by the reply as prescribed, shall for the purpose of the action be taken as true, but the allegation of new matter in a reply is to be deemed controverted by the defendant, who may on the trial controvert it by proofs either in direct denial or by way of avoidance.

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

Approved February 19, 1881.

CHAPTER 45.

AN ACT TO AMEND SECTION FOUR (4) OF CHAPTER SEVENTY-ONE (71) OF THE GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO THE SUMMONING OF JURORS.

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

SECTION 1. That section four (4), of chapter seventy-one (71) of the General Statutes one thousand eight hundred and seventy-eight (1878), be amended by adding thereto the following:

Provided, that in the county of Hennepin, the petit jurors shall be summoned to appear at nine (9) o'clock A. M. on the second (2d) Tuesday of each general term of the District

When jurors
shall appear.