

# CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
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or principal was required thereby to appear, and surrender him up to such officer or judge; such surety or sureties, or either of them, may have such person or principal so arrested by the sheriff of the county by delivering to such sheriff a certified copy of the recognizance, or instrument of bail, under which he or they are held as sureties, with a direction to such sheriff indorsed thereon, requiring him to arrest such principal, and bring him before such officer or judge, to be so surrendered, and it shall be the duty of such sheriff, upon the receipt of any such copy so indorsed, and a tender or payment to him of his fees for so doing, to so arrest such principal and bring him before such officer or judge to be so surrendered. (1881, c. 105, § 1.)\*

\*§ 35. **Sheriff to be notified of proposed surrender.** Before any such surety or sureties shall personally so surrender the person for whom he or they are bail, the sheriff of the county shall be notified to be, and he or one of his deputies shall be, present to take such person so surrendered into custody, if he fails or refuses to give new bail, as herein provided. (*Id.* § 2.)

\*§ 36. **Commitment of party surrendered.** When any such person is so surrendered, the officer or judge to whom he is surrendered shall, by a new commitment, commit him to jail, unless he shall give sufficient bail with new sureties, as he was required by law to do in the first instance. (*Id.* § 3.)

\*§ 37. **Fees of sheriff.** The sheriff is allowed the same fees and mileage for making an arrest or attending before said officer or judge under this act as he is allowed for arresting a person under a bench warrant; and in all cases his fees shall be paid by the surety or sureties surrendering any principal as herein provided for. (*Id.* § 4.)

See page 937.

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## CHAPTER CVII.

### GRAND JURIES.

§ 60. **Indictment to be presented, filed and recorded.** Whenever an indictment is found it shall be immediately presented by the foreman in the presence of the grand jury to the court and filed with the clerk to be recorded in a book kept for that purpose, as soon as the arrangement shall have been made, the same to remain in the office of said clerk as a public record. (*As amended* 1881, c. 47, § 1.)

\*§ 61. **Clerk to certify to the record.** The clerk shall certify at the bottom of the record that he has compared the same with the original indictment, and that it is a true copy thereof. (*Id.* § 2.)

\*§ 62. **Effect to be given to the record of indictment.** The record of such indictment shall have all the force and be of the same effect for all the purposes required as the original indictment, and although such indictment should be lost or mislaid, or should for any reason not be before the court, any proceeding may be had upon the record aforesaid in the same manner and with the same effect as if the original indictment was before the court; and in such case no trial, conviction, or sentence shall be invalid by reason of the fact that such original indictment has disappeared from the files of the court, in such case, after the recording of such indictment. (*Id.* § 3.)

See page 942.

(Grand juries in Crow Wing county. See 1881, c. 82, § 66. *Ante*, p. 95.)

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## CHAPTER CXVI.

### CHALLENGING JURORS.

§ 23. **Exception or denial of challenge.** The adverse party may except to the challenge in the same manner as to a challenge to a panel, and the same proceedings shall be

(\*An act to provide for the surrender of a principal by his sureties or bail. Approved March 7, 1881.)

had thereon as prescribed in sections five, six, and seven, except that if the challenge is sustained the juror shall be excluded. The adverse party may also orally deny the facts alleged as the ground of challenge. (*As amended 1881, c. 9, § 1.*)

See page 962.

CHAPTER CXX.  
JAILS AND PRISONS.

STATE PRISON.

§ 44. (Sec. 42.) as to salary of warden of state prison, amended to increase such salary from one thousand eight hundred dollars to two thousand five hundred dollars per annum. (1881, c. 70, § 1.)

See page 972.

CHAPTER CXXIII.  
CURATIVE ACTS.

CONVEYANCES DEFECTIVELY EXECUTED.

\*§ 4a. *Same*--without witnesses. All conveyances of or affecting real estate heretofore recorded in the several counties of the state of Minnesota being without or having but one witness, and in all other respects executed according to the laws of this state, be and the same are hereby legalized and made good and valid: *provided, however*, that nothing herein contained shall in any manner affect the rights or title of any *bona fide* purchaser without notice for a valuable consideration. (1879, c. 93, § 1.)

See page 999.

\*§ 30a. *Mortgages given to partnership in firm name*--legalization of foreclosure. That all mortgages heretofore made of any real property in this state, or of any interest therein, to any partnership or firm in their partnership or firm name, and which said mortgages have been foreclosed by advertisement pursuant to the statute relating to foreclosing by advertisement in the name of said partnership or firm, be and the same are, together with all proceedings had in such foreclosure, hereby legalized and confirmed, so far as relates to any question of defect by reason of the mortgagees' names being stated in said mortgages by their partnership or firm name, instead of the individual names of the members of said partnership or firm. (1881, c. 140, § 1.)

See page 1003.

CHAPTER CXXIV.  
MISCELLANEOUS LAWS.  
SUBJECTS FOR DISSECTION.

\*§ 39. *Penalty for violating section one of this act.* Every person who unlawfully shall exhume, remove, or carry off the remains or any part of the remains of any deceased person, or who shall deliver up such remains in violation of or contrary to any or all of the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been exhumed, removed, carried off, or delivered contrary to any or all of the provisions of this act, shall, each and every one of such persons, be deemed guilty of a felony, and shall on conviction

Ch. CXXIII, §§ 30b to 30c, incl. See 1883 Suppl., pp. 91, 92.