

# 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:  
WEST PUBLISHING COMPANY.  
1883.

supreme court in which there has not been a final hearing: *provided, always*, that except as aforesaid nothing in this act contained shall be construed so as to divest the supreme court of jurisdiction to hear and finally determine any and all such suits or proceedings now pending in said court: *and provided, further*, that any such suit or proceeding now pending in the supreme court in which there is any issue of fact which has not been finally heard or determined, the said supreme court shall, on request of the attorney of either the plaintiff or defendant in such suit or proceeding, transmit the record to the district court of the proper county, which district court shall thereupon and thereafter have jurisdiction of the case, and shall proceed to try any issue or issues therein, in the same manner and with the same effect as if such suit or proceeding had been originally commenced in such district court: *and provided, further*, that the district court in which such suit or proceeding is pending may grant a change of venue as in ordinary civil actions. (*As amended 1881, c. 40, § 1.*)

See page 835.

(See *State ex rel. Colter v. Burr*, 8 N. W. Rep. 599, 2 Minn. 245.)

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## CHAPTER LXXXI.

### FORECLOSURE OF MORTGAGES.

#### FORECLOSURE BY ADVERTISEMENT.

\*§ 1. **Foreclosure by advertisement within fifteen years.** Every mortgage of real estate, heretofore or hereafter executed, containing therein a power of sale, upon default being made in any condition of such mortgage, may be foreclosed by advertisement within fifteen years after the maturing of such mortgage or the debt secured thereby, in the cases and in the manner hereinafter specified. (1878, c. 53, § 1, *as amended 1879, c. 21, § 1.*)

See page 841.

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## CHAPTER LXXXIV.

### FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

Add to § 6, page 854:

And if the officer cannot find in his county said person against whom such complaint is made, and said person has no last and usual place of abode therein, then such summons may be served by leaving a true and certified copy thereof upon the premises described in such complaint, not less than six days before the return-day thereof. Such copy may be left with any person using, occupying, or in charge of said premises, or any part thereof, and such action shall thereupon proceed as though a personal service were made of said summons. (*As amended 1881, c. 50, § 1.*)

(Jurisdiction of municipal court of St. Paul in action of forcible entry and detainer. See *ante*, \*§ 82a, p. 96.)

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## CHAPTER LXXXVI.

### APPEALS IN CIVIL ACTIONS.

\*§ 23a. **Dismissal of appeal during vacation.** Any judge of the supreme court shall, during vacation, have the same power as the court at term to dismiss any appeal

and remand the cause to the court below, upon the stipulation of the parties to such appeal consenting to such dismissal, to be filed with the clerk of said court. (1879, c. 70, § 1.)

See page 861.

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## CHAPTER XCIV.

### OFFENCES AGAINST LIFE AND PERSON.

(NOTE.—See Laws 1879, c. 75, relative to improper employment of children. *Ants.*, p. 42.)  
See page 882.

§ 34. (SEC. 24.) **Manslaughter in fourth degree, how punished.** Whoever is convicted of manslaughter in the fourth degree shall be punished by imprisonment in the state prison for a period not exceeding four years, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. This act shall not extend to any act done or offence committed prior to the passage hereof, but the provisions of law now in force prescribing the punishment for murder in the fourth degree shall continue in force as to all such offences committed prior to the passage hereof. (*As amended* 1881, c. 62, § 2.)

See page 886.

\*§ 67. **Getting on or off cars in motion.** It shall be unlawful for any person, other than passengers or employes, to get on or off, or to swing on or hang on from the outside, of any engine or car upon any railroad while the same is in motion or switching. (1879, c. 81, § 1.)

\*§ 68. **Penalty.** Any person violating any of the provisions of this act shall be fined in any sum not exceeding ten dollars, of which violations justices of the peace and judges of municipal courts shall have exclusive jurisdiction. (*Id.* § 2.)

\*§ 69. **Duty of officers.** It shall be the duty of the police officers of any city and constable and sheriffs of any town or county in this state to arrest persons in the act of violating the provisions of this act, and take them before the proper magistrate and make complaint under oath of such violation, to the end that due punishment may be enforced for such violation. (*Id.* § 3.)

See page 890.

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## CHAPTER XCV.

### OFFENCES AGAINST PROPERTY.

(NOTE.—See Laws 1879, c. 73, [*post*, p. 110,] relative to coloring grain.)  
See page 891.

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## CHAPTER XCVIII.

### OFFENCES AGAINST PUBLIC PEACE.

\*§ 11. **Use of abusive or obscene language—penalty.** Any person who shall use, in reference to and in the presence of another, or in reference to or in the presence of any member of the family of another, abusive or obscene language, intended or naturally tending to provoke an assault, or any breach of the peace, shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding one hundred dollars. (1881, c. 134, § 1.)\*

(\*An act to prevent the use of language calculated to cause a breach of the peace. Approved February 18, 1881.)