

# CHANGES

IN THE

## General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA  
SESSION OF 1881, AND THE REGULAR  
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

to the taking of private property for public uses by corporations; and all the provisions of law in said title, so far as the same may be applicable, shall apply in relation to such overflow, use, occupation, or taking, and the assessment of damages therefor, as if the United States were a corporation duly organized under said title. (1881, *Ex. Sess.* c. 67, § 1.)

See page 528.

SALE OF ISLANDS IN WATERS OF STATE.

\*§ 111. **State auditor to sell islands belonging to state.** That the state auditor of this state is authorized to cause to be surveyed and platted any island belonging to this state, in any river or lake, or within any of the waters of this state, and after such lands shall have been surveyed and platted, the state auditor shall be authorized to sell the same at such times and in such parcels as to him shall seem best for the interests of the state, *provided*, that no such sale shall be made without public notice thereof first having been given of the time and place thereof, as in case of sales of other public lands belonging to the state. (1883, c. 98, § 1.)

See page 528.

CHAPTER XXXIX.

CHATTEL MORTGAGES.

§ 2. **Filing of mortgages—where filed.** Every such instrument shall be filed in the town, city, or village where the property mortgaged is at the time of the execution of such mortgage, and a copy thereof filed in the town, city, or village where the mortgagor, if a resident of this state, resides at the time of the execution thereof. In each town such instrument shall be filed in the office of the town clerk thereof, and in the several cities and villages, in the office of the recorder, clerk, or other officer in whose custody the records of the city or village are kept, and each of the officers hereinbefore named shall file all such instruments when presented for that purpose, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of the town, city, or village, with an alphabetical index thereto, under the head of mortgagors and mortgagees, respectively, the names of each party to such instrument, and in separate columns opposite such names the number of the instrument, the date, the amount secured thereby, when due, and the date of filing the same. Such instrument or copy shall remain on file for the inspection of all persons interested. (1883, c. 38, § 1.)

See page 529.

\*§ 14. **Add:**

*Provided*, that the fact of sale, without the written consent of the mortgagee or assignee being established on the trial, shall be *prima facie* evidence of a fraudulent intent on the part of the vendor. (1883, c. 23, § 1.)

See page 531.

\*§ 16. **Filing of notes, etc.—where filed—indexing.** Every such note or other evidence of indebtedness or contract, or a copy thereof, shall be filed in the town, city, or village where the vendor resides at the time of the making thereof. In each town such instruments shall be filed in the office of the town clerk thereof; and in the several cities and villages, in the office of the recorder, clerk, or other officer in whose custody the records are kept; and each of the officers hereinbefore named shall file all such instruments when presented for that purpose, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book, to be provided by him at the expense of the town, city, or village, with an alphabetical index thereto, under the head of vendor and vendee respectively, the names of each party to such instrument, and in separate columns opposite such names the num-

ber of the instrument, the date, the amount thereof, when due, and the date of filing the same. Such instrument or copy thereof shall remain on file for the inspection of all persons interested. (1873, c. 65, § 2, *as amended* 1883, c. 38, § 2.)

See page 532.

\*§ 22. **Notes, etc., where filed—effect of filing.** The note, contract, or statement, or copy thereof, mentioned in section twenty-one of said chapter thirty-nine, shall, in order to constitute such lien, be filed in the office of the town clerk of the town, or the clerk or recorder of the city or village, in which the borrower resides, or in which the land on which said seed is to be sown is situated; and said clerk or recorder shall receive, file, endorse, and enter the same in the same manner as is by law required in case of chattel mortgages, and shall receive the same fees therefor; and from the time of filing such note, contract, or statement, or copy thereof, the party loaning the seed, or assigns, shall have a valid first claim and lien upon the growing crops and the crops grown from such seed, to the amount and according to the terms of the contract, against all creditors and purchasers, as well as against the owner; and such lien shall not be affected by any exemption laws; and the filing aforesaid shall constitute a sufficient notice to all persons of the existence of such lien; but such lien shall cease after one year from the date of filing the same. (*Id.* § 3.)

See page 533.

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## CHAPTER XLI.

### FRAUDS.

#### INSOLVENT LAW.

\*§ 37. Strike out the words "such sixty days," and insert in lieu thereof the words "four months." (1881, c. 148, § 4, *as amended* by 1881, *Ex. Sess.* c. 23, § 1.)

See page 547, and *Supp.* 1881, pp. 87, 88.

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## CHAPTER XLVI.

### TITLE TO REAL PROPERTY BY DESCENT.

\*§ 2. **Right of survivor in homestead.** The surviving husband or wife shall also be entitled to hold for the term of his or her natural life, free from any testamentary or other disposition thereof, and free from all claims on account of the debts of the deceased, the homestead of such deceased, as such homestead is or may be defined in the statutes relating to homestead exemptions. (1876, c. 37, § 2, *as amended* 1883, c. 58, § 1.)

See page 564.

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## CHAPTER XLIX.

### PROBATE COURTS.

#### PROCEEDINGS IN PROBATE COURT.

\*§ 8a. **Errors in records, etc.—how corrected.** That whenever it shall appear to any probate court of this state, in any matter concerning the estates of decedents or persons under guardianship, of which at any time it has had jurisdiction, that by mistake, inadvertence, omission, or otherwise, its records and proceedings are insufficient to identify, by correct, proper, or sufficient description, the