

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.

SAINT PAUL:
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fecting real estate; and any acknowledgment so taken and certified shall be sufficient to satisfy all requirements of law relating to the execution or recording of such instruments:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right:

On this — day of —, 18—, before me personally appeared A. B., (or A. B. and C. D.,) to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this — day of —, 18—, before me personally appeared A. B., to me known to be the person who executed the foregoing instrument in behalf of C. D., and acknowledged that he executed the same, as the free act and deed of said C. D.

3. In the case of corporations or joint-stock associations:

On this — day of —, 18—, before me appeared A. B., to me personally known, who, being by me duly sworn, (or affirmed,) did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association,) and that the seal affixed to said instrument is the corporate seal of said corporation, (or association,) and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors, (or trustees,) and said A. B. acknowledged said instrument to be the free act and deed of said corporation, (or association.)

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association) and that," and add, at the end of the affidavit clause, the words, "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.) (1883, c. 99, § 1.)

*§ 18. **Married women—how described in acknowledgment—examination of.** When a married woman unites with her husband in the execution of any such instrument, and acknowledges the same in one of the forms above sanctioned, she shall be described in the acknowledgment as his wife, but in all other respects her acknowledgment shall be taken and certified as if she were sole; and no separate examination of a married woman in respect to the execution of any release of dower, or other instrument affecting real estate, shall be required. (*Id.* § 2.)

See page 790.

CHAPTER LXXIII.

WITNESSES AND EVIDENCE.

Note to § 63, (SEC. 56,) p. 801:

The affidavits authorized by the two preceding sections, which have been or which may be filed within one year after the passage of chapter 89, Laws 1883, are thereby legalized and made evidence, and proceedings are declared not invalid by reason of failure to file and record same within the time mentioned in said sections. (1883, c. 89, §§ 1, 2.)

§ 89a. **Bills and notes fraudulently obtained, void.** No person, nor the heirs or personal representatives of any person, whose signature is obtained to any bill of exchange, promissory note, or other paper negotiable under the law-merchant, shall be held on any such bill, note, or contract, nor liable in any manner on account of such signature, if it shall be made to appear as a matter of fact that the signature to such bill, note or contract is obtained by fraudulent representation, trick or artifice as to the nature and terms of the contract so signed, and that the person whose signature is so obtained does not at the time of affixing such signa-

ture believe that the contract so signed is a bill of exchange, promissory note or other paper negotiable under the law-merchant, and that the person whose signature is so obtained was not guilty of negligence in signing such paper without knowledge of its terms; that the question of negligence in any suit on such contract shall in all cases be one of fact for the jury, or (if the suit be tried by the court without a jury) for the court; that in all such cases the person sought to be charged on such bill, note or contract shall be entitled to a jury trial on such question of negligence. (1883, c. 14, § 1.)

See page 804.

CHAPTER LXXV.

ACTIONS CONCERNING REAL PROPERTY.

§ 2a. Plaintiff may include unknown parties by publication of summons. That in any action brought to determine any adverse claim, estate, lien, or interest in real property, under section two of chapter seventy-five of the General Statutes, A. D. one thousand eight hundred and seventy-eight, the plaintiff may include as defendant in such action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties who are known to have, some title, claim, estate, lien, or interest in the lands in controversy, the following, viz.: "Also all other persons or parties unknown, claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." And service of the summons may be had upon all such unknown persons or parties defendant, by publication, as provided by law in case of non-resident defendants. And all such unknown persons or parties so served shall have the same rights as are provided by law in case of all the other defendants upon whom service is made by publication, and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have or claim any right, estate, lien, or interest in the said property in controversy, at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, if the same is in favor of the plaintiff therein, as effectually as if the action was brought against such defendant by his or her name, and personal service of the summons obtained: *provided, however*, that such judgment shall not bind such unknown persons or parties defendants, unless the plaintiff shall file a notice of *lis pendens* in the office of register of deeds, as provided by law, before commencing the publication of the said summons, and a copy of said notice of *lis pendens* be printed and published with said summons, and following next thereafter in the columns of the newspaper wherein said summons is printed and published. (1881, *Ex. Sess.* c. 81, § 1.)

See page 814.

*§§ 25, 26, are repealed by 1881, *Ex. Sess.* c. 51, § 1.

See page 818.

CHAPTER LXXXI.

FORECLOSURE OF MORTGAGES.

FORECLOSURE BY ADVERTISEMENT.

* § 6. *Change subdivision second to read:*

Second. The date of the mortgage, and when and where recorded. (1883, c. 24, § 1.)

See page 842.