

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:
WEST PUBLISHING COMPANY.
1883.

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.

Note to *§ 11, page 843:

By chapter 98, Laws 1883, certificates made and recorded after the twenty days mentioned in said section are legalized.

Add to *§ 14, page 844:

Within twenty-four hours after such redemption is made, the party redeeming shall cause the documents so required to be produced to be filed in the office of the register of deeds of the county in which the mortgaged lands are situated, and the register of deeds shall indorse thereon the date and hour of receiving the same, and shall preserve such documents in his office for one year thereafter, for which service he shall be entitled to receive one dollar: *provided*, that in case such redemption shall be made at any place other than the county seat, it shall be deemed a sufficient compliance herewith to forthwith deposit such documents in the nearest post-office, addressed to such register of deeds, with the postage thereon prepaid. (*As amended* 1881, *Ex. Sess. c. 3, § 1.*)

Note to *§ 19, *§ 20, and *§ 23, page 845:

By chapter eighty-nine, Laws one thousand eight hundred and eighty-three, the affidavits authorized by these sections which have been or may be filed within one year from the passage thereof, are legalized and made evidence, and proceedings heretofore had without them are declared to be not invalid by failure to file and record the same within the time prescribed in said sections. (1883, c. 89, §§ 1, 2.)

*§ 26a. **Sheriff's certificate of sale on foreclosure made evidence—limitation for questioning.** That the sheriff's certificate of any sale, heretofore or hereafter made, under a power to sell contained in a mortgage, shall be *prima facie* evidence that all the requirements of law in that behalf have been duly complied with, and *prima facie* evidence of title in fee thereunder in the purchaser at such sale, his heirs or assigns, after the time for redemption therefrom has expired; and no such sale shall be held invalid or set aside by reason of any defect in the notice thereof, or in the publication or posting of such notice, or in the proceedings of the officer making such sale, unless the action in which the validity of such sale shall be called in question be commenced, or the defense alleging its invalidity be interposed, within five years after the date of such sale: *provided*, that persons under disability to sue by reason of being minors, insane persons, idiots, persons in captivity, or in any country with which the United States are at war when such sale was made, may commence such action or interpose such defense at any time within five years after the removal of such disability: *provided further*, that such actions shall be commenced with reasonable diligence in all cases. (1883, c. 112, § 1.)

*§ 26b. **When act to take effect.** That this act shall take effect and be in force from and after the first day of September, A. D. one thousand eight hundred and eighty-three. (*Id.* § 2.)

See page 845.

FORECLOSURE BY ACTION.

§ 34. (SEC. 31.) *Change line five (at top of page 847) to read:* Judgment or other lien creditors may redeem in the order and manner specified in title one. (*As amended* 1883, c. 25, § 1.)

See page 846.

CHAPTER LXXXIV.

FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

§ 7. **Adjournment of trial granted, when—security for rent.** The justice of the peace may, at his discretion, adjourn any trial under this chapter not exceeding six days; but in all cases mentioned in section eleven of this chapter, except a case