

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 (5) years after the removal of such disability. *Provided further*, that such actions shall be commenced with reasonable diligence in all cases.

SEC. 2. That this act shall take effect and be in force from and after the first (1st) day of September, A. D. one thousand eight hundred and eighty-three (1883).

Approved March 1, 1883.

CHAPTER 113.

AN ACT PROVIDING FOR THE ASSIGNMENT OF THE ESTATES OF DECEASED PERSONS IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota :

Providing for
assignment of
estates in certain
cases.

SECTION 1. In any case where a decree has heretofore been made or shall hereafter be made without notice by a probate court, purporting to assign the estate of a deceased person or the residue thereof, to the person or persons entitled thereto, and such probate court has made an order in terms discharging the executor or administrator of such estate, any person interested in any real estate embraced within the terms of such decree, whether as heir or devisee of such deceased person, or as grantee of any heir or devisee, may apply to said court to have the said real estate of such deceased person, or the portion thereof in which the applicant is interested, assigned to the person or persons entitled thereto; and thereupon such court shall by order appoint a time for hearing said application, and shall direct notice of such hearing to be given by publication of said order in a newspaper published in the county where said court is held, and named in the order, for three (3) weeks successively, at least once in each week, and upon the hearing, unless it appears that there are debts or claims existing against the deceased or the estate, not paid or provided for, the probate court shall enter a decree assigning said real estate to the person or persons entitled thereto, and the share or shares so assigned shall be held by the respective owners free from all debts, claims or demands, against the estate, except that

the same shall not effect the lien of any mortgage upon said real estate.

Sec. 2. And this act shall take effect and be in force from and after its passage.

Approved March 1, 1883.

CHAPTER 114.

AN ACT TO DECLARE BILLS, NOTES AND OTHER NEGOTIABLE INSTRUMENTS OBTAINED BY FRAUDULENT REPRESENTATIONS OR ARTIFICES VOID IN THE HANDS OF ANY PERSON.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. 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 signature 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 or 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.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1883.