

## CHAPTER XLV.

AN ACT TO AMEND SECTION 289, OF CHAPTER 66, OF THE GENERAL STATUTES OF 1866, RELATING TO CIVIL ACTIONS, THE SAME BEING SECTION 232, OF CHAPTER 41, OF BISSELL'S STATUTES AT LARGE.

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

SECTION 1. That section 289, of chapter 66, of the general statutes of 1866, the same being section 232, of chapter 41, of Bissell's statutes at large, be and the same hereby is amended so as to read as follows :

Sec. 289. Whenever any sale of real property is made upon any execution, or pursuant to any judgment, decree or order of a court, (except when otherwise specified in such judgment, decree or order) the officer shall make and deliver to the purchaser a certificate under his hand and seal containing—

Certificate of sale  
on judgment, etc.  
—to contain  
what.

*First.*—A description of the execution, judgment, decree or order under which such sale is made.

*Second.*—A description of the real property sold.

*Third.*—The price paid for each parcel sold separately.

*Fourth.*—The date of the sale and the name of the purchaser.

*Fifth.*—When subject to redemption it shall be so stated.

Said certificate shall be executed, proved or acknowledged, and recorded as required by law for the conveyance of real estate.

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

When act to take  
effect.

Approved February 25, 1876.

## CHAPTER XLVI.

AN ACT TO AMEND SECTION 36, OF CHAPTER 66, OF THE GENERAL STATUTES, BEING SECTION 36, OF CHAPTER 41, OF STATUTES AT LARGE, RELATING TO CIVIL ACTIONS.

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

SECTION 1. Section 36, of chapter 66, of the general statutes, being section 36, of chapter 41, of statutes at large, is hereby amended so as to read as follows :

Sec. 36, An action does not abate by the death, marriage, or other disability of a party, or by the transfer of any interest, if the cause of action survives or continues. In case of the death, marriage, or other disability of a party, the court, on motion, may allow the action to be continued by or against his representative or successor in interest. In case of any other transfer of interest, the action shall be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be added or substituted in the action.

Action not abated.

After a verdict of a jury, decision or finding of a court, or report of a referee, in any action for a wrong, such action shall not abate by the death of any party.

When act to take effect.

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

Approved February 25, 1876.

## CHAPTER XLVII.

### AN ACT TO REGULATE PROCEEDINGS IN CIVIL ACTIONS IN CASE OF DEATH OF PARTY PENDING APPEALS THEREON.

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

Duty of appellant.

SECTION 1. In all cases where an appeal has been taken to the supreme court, and before such appeal has been perfected, or argued and submitted, the respondent to such appeal dies, it shall be and is the duty of the appellant to apply to the supreme court, if in session, to any judge thereof when not in session, to have the legal representative or successor in interest of such deceased respondent substituted as the party respondent in such appeal. In case such appellant fails or neglects to cause such substitution to be made within sixty days from the death of such respondent, or in case any such appeal has heretofore been taken and remains unperfected, and no substitution made as herein provided, within sixty days from the passage of this act, upon the filing of an affidavit, by the legal representative or successor in interest of such deceased respondent, with the clerk of the supreme court, showing that such appeal has been taken, and the death of the respondent therein, and that the appellant has failed to make, or caused to be made, such substitution, such appeal shall be deemed abandoned, and it shall be the duty of the clerk of the supreme court to enter an order dismissing said appeal; and upon the filing of a certified copy of such order in the office of clerk of the court from which such appeal was taken,

Appeal abandoned.