

## CHAPTER 239—S. F. No. 117.

*An Act to amend Section 4073 of the Revised Laws of Minnesota for the year 1905, relating to a limitation of time for the recovery of real estate or the possession thereof.*

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

Section 1. **Limitation not to bar action under certain conditions, and not to apply to actions relating to boundary lines of land.**—That Section 4073 of the Revised Laws of Minnesota for the year 1905, be and the same is hereby amended so as to read as follows:

“Section 4073. No action for the recovery of real estate, or the possession thereof, shall be maintained unless it appears that the plaintiff, his ancestor, predecessor or grantor, was seized or possessed of the premises in question within fifteen (15) years before the beginning of the action:

*Provided, however, such limitation shall not be a bar to an action for the recovery of real estate assessed as tracts or parcels separate from other real estate, unless it appears that the party claiming title by adverse possession or his ancestor, predecessor, or grantor, or all of them together, shall have paid taxes on the real estate in question at least five (5) consecutive years of the time during which he claims said lands to have been occupied adversely.*

*Providing, further, that the provisions of the foregoing proviso shall not apply to actions relating to the boundary line of lands, which boundary lines are established by adverse possession, or to actions concerning lands included between the government or platted line and the line established by such adverse possession, or to lands not assessed for taxation.”*

Sec. 2. **Not to affect pending actions.**—This act shall not affect any action now pending in any court.

Sec. 3. This act shall take effect and be in force from and after October 1st, 1913.

Approved April 11, 1913.

## CHAPTER 240—S. F. No. 119.

*An Act to legalize conveyances of real property made by husband or wife whose spouse was insane, by separate deed without the approval of a guardian for such insane spouse endorsed thereon.*

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

Section 1. **Certain conveyance legalized.**—All conveyances of real property in this state made prior to the first day of April,

1900, in which a husband or wife, whose spouse had, not less than three years prior to the date of such conveyance, been adjudged insane or incompetent to transact business, and such insanity or incompetency had continued to the date of such conveyance, and where such husband or wife was then the duly appointed guardian for such insane spouse, has conveyed real property in this state, other than homestead property, by separate deed but has failed and neglected to join in said deed as such guardian or to endorse on said deed approval thereof as such guardian for such insane spouse, shall be and the same are hereby declared to be legal and valid and of the same force and effect as if such grantor were unmarried and the records thereof heretofore actually made in the office of the register of deeds of the proper county shall be in all respects valid and legal and such conveyances and the records thereof shall have the same force and effect in all respects for the purpose of notice, evidence or otherwise, as may be provided by law in regard to conveyances in other cases; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any of the courts of this state.

Sec. 2. This act shall take effect and be in force from and after the first day of May, 1913.

Approved April 11, 1913.

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#### CHAPTER 241—S. F. No. 255.

*An Act to amend Section 4111, of the Revised Laws of 1905, relating to the service of summons by publication and personal service thereof out of the state.*

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

Section 1. **Three weeks' published notice required.**—That Section 4111 of the Revised Laws of 1905, be and the same is hereby amended so as to read as follows:

“Section 4111. In any of the cases mentioned in Section 4112, when the sheriff of the county in which the action is brought shall have duly determined that the defendant cannot be found therein and an affidavit of the plaintiff or his attorney shall have been filed with the clerk, stating the existence of one of such cases and that he believes the defendant is not a resident of the state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his place of residence, or that such residence is not known to him, service of the summons may be made upon such defendant by *three weeks' published notice* thereof; provided, that personal service of such summons without the state proved by the affidavit of the