

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.

ber of the instrument, the date, the amount thereof, when due, and the date of filing the same. Such instrument or copy thereof shall remain on file for the inspection of all persons interested. (1873, c. 65, § 2, *as amended* 1883, c. 33, § 2.)

See page 532.

*§ 22. **Notes, etc., where filed—effect of filing.** The note, contract, or statement, or copy thereof, mentioned in section twenty-one of said chapter thirty-nine, shall, in order to constitute such lien, be filed in the office of the town clerk of the town, or the clerk or recorder of the city or village, in which the borrower resides, or in which the land on which said seed is to be sown is situated; and said clerk or recorder shall receive, file, endorse, and enter the same in the same manner as is by law required in case of chattel mortgages, and shall receive the same fees therefor; and from the time of filing such note, contract, or statement, or copy thereof, the party loaning the seed, or assigns, shall have a valid first claim and lien upon the growing crops and the crops grown from such seed, to the amount and according to the terms of the contract, against all creditors and purchasers, as well as against the owner; and such lien shall not be affected by any exemption laws; and the filing aforesaid shall constitute a sufficient notice to all persons of the existence of such lien; but such lien shall cease after one year from the date of filing the same. (*Id.* § 3.)

See page 533.

CHAPTER XLI.

FRAUDS.

INSOLVENT LAW.

*§ 37. Strike out the words "such sixty days," and insert in lieu thereof the words "four months." (1881, c. 148, § 4, *as amended* by 1881, *Ex. Sess.* c. 23, § 1.)

See page 547, and Supp. 1881, pp. 87, 88.

CHAPTER XLVI.

TITLE TO REAL PROPERTY BY DESCENT.

*§ 2. **Right of survivor in homestead.** The surviving husband or wife shall also be entitled to hold for the term of his or her natural life, free from any testamentary or other disposition thereof, and free from all claims on account of the debts of the deceased, the homestead of such deceased, as such homestead is or may be defined in the statutes relating to homestead exemptions. (1876, c. 37, § 2, *as amended* 1883, c. 53, § 1.)

See page 564.

CHAPTER XLIX.

PROBATE COURTS.

PROCEEDINGS IN PROBATE COURT.

*§ 8a. **Errors in records, etc.—how corrected.** That whenever it shall appear to any probate court of this state, in any matter concerning the estates of decedents or persons under guardianship, of which at any time it has had jurisdiction, that by mistake, inadvertence, omission, or otherwise, its records and proceedings are insufficient to identify, by correct, proper, or sufficient description, the

property of any such decedent or person under guardianship upon which it has administered, [in] such case, such probate court, either before or after final judgment or decree of assignment, distribution, or settlement of such estate, may, upon the petition of any person interested in such estates, upon due notice thereof given in the manner provided in and by section fourteen, chapter forty-seven, page five hundred and sixty-nine, General Statutes, and in case no cause shall be shown to the contrary, allow and make any and all such amendments and correction of errors, omission, and mistakes in its proceedings, files, records, judgments, and decree, and in pleadings or papers thereto appertaining, as shall seem to such court necessary and proper for the purpose of clearly defining, declaring, and preserving the rights of persons interested in such estates, or their heirs, legal representatives, or assigns: *provided*, that from any such order or decision an appeal may be taken to the district courts in the manner now provided by law. (1881, *Ex. Sess.* c. 76, § 1.)

See page 574.

***§ 10a. Law partner of judge not to practice before him.** No attorney, who is the law partner of any judge of probate in this state shall appear or practice as an attorney in any action or proceedings before such judge of probate who is his partner. (1881, *Ex. Sess.* c. 80, § 1.)

***§ 10b. Clerk not to practice before him.** No clerk of any probate court in this state shall appear or practice as an agent or attorney in any action or proceeding in the probate court of which he is such clerk. (*Id.* § 2.)

See page 574.

CHAPTER LVI.

PARTITION AND DISTRIBUTION OF ESTATES.

Add to section 12, page 598.

Provided further, that if none of the parties entitled to shares in such land will accept the same as provided in this and the preceding section, then and in such case the probate court may authorize the executor or administrator to sell such land and pay the proceeds, after deducting costs and expenses of sale, to the parties respectively entitled to the same, designating the proportion that each shall receive; such sale to be made and conducted in the same manner as provided by law for the sale of lands by executors and administrators for the payment of debts. (1883, c. 42, § 1.)

§ 19a. Reopening of decree—when permitted. 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 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 affect the lien of any mortgage upon said real estate. (1883, c. 113, § 1.)

See page 598.