

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.

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CHAPTER LXX.

FEES.

FEES OF CLERKS OF DISTRICT COURTS.

§ 2. After "three dollars," in line nine on page 772, add:

Provided further, that on the holding of any terms of the district court in and for any county in this state, the presiding judge thereof shall, in his discretion, determine and fix by his order the number of deputies which shall in his judgment be necessary for the clerk of said court to have in attendance during said term of said court, and may revoke, modify, or revise said order at pleasure during said term, and thereupon said clerk shall appoint or discharge said deputies in pursuance of such order or its modifications. Such deputy or deputies so appointed shall receive the same fees *per diem* as said clerk. (1883, c. 48, § 1.)

Add at the end of § 2:

Provided further, that no civil action, appeal, or proceeding shall be entered in the clerk's office of said district court until the person desiring such entry shall deposit with said clerk the sum of three dollars on account of fees in the case, and out of which the clerk shall satisfy the fees due in such case as they accrue; and whenever said sum or any further deposit is exhausted, said clerk may require as a condition for further entries or clerk's fees an additional deposit of one dollar for the purposes and application aforesaid. Any balance remaining with the said clerk after such application and the determination of the case, shall be returned to the party depositing the same, his agent or attorney. This act shall not apply to the counties of Hennepin or Ramsey. (*Id.* § 2.)

See page 772.

CHAPTER LXXI.

PETIT JURIES.*

§ 2. **Number of jurors drawn for each general term.** A number of petit jurors, not less than twenty-four, shall be drawn for each general term of the district court, and no greater number shall be drawn unless the court otherwise orders; but in no case shall more than thirty-six petit jurors be drawn, and the judge of said court may, in his discretion, by an order filed with the clerk, direct that no petit juror be drawn or summoned for such term. (1881, c. 26, § 2.)

See page 784.

Add to section 4, p. 784, (see Supp. 1881, p. 105:)

Provided further, that at any time before the issuing of the *venire* the judge of the district court may, by his order in writing, filed with the clerk, fix a time in the term other than the first day thereof for the appearance of the petit jurors; in which case the *venire* shall command the sheriff to summon the persons so drawn as jurors as aforesaid to appear before the court at the time so fixed by the judge to serve as petit jurors. (1883, c. 62, § 1.)

CHAPTER LXXII.

OATHS AND ACKNOWLEDGMENTS.

*§ 17. **Forms of acknowledgments.** That the following forms of acknowledgment may be used in the case of conveyances or other written instruments af-

(*See as to excuse and penalty for non-attendance of jurors, *infra*, c. CVII, and *Laws* 1883, c. 103.)

fecting real estate; and any acknowledgment so taken and certified shall be sufficient to satisfy all requirements of law relating to the execution or recording of such instruments:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right:

On this — day of —, 18—, before me personally appeared A. B., (or A. B. and C. D.,) to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this — day of —, 18—, before me personally appeared A. B., to me known to be the person who executed the foregoing instrument in behalf of C. D., and acknowledged that he executed the same, as the free act and deed of said C. D.

3. In the case of corporations or joint-stock associations:

On this — day of —, 18—, before me appeared A. B., to me personally known, who, being by me duly sworn, (or affirmed,) did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association,) and that the seal affixed to said instrument is the corporate seal of said corporation, (or association,) and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors, (or trustees,) and said A. B. acknowledged said instrument to be the free act and deed of said corporation, (or association.)

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association) and that," and add, at the end of the affidavit clause, the words, "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.) (1883, c. 99, § 1.)

*§ 18. **Married women—how described in acknowledgment—examination of.** When a married woman unites with her husband in the execution of any such instrument, and acknowledges the same in one of the forms above sanctioned, she shall be described in the acknowledgment as his wife, but in all other respects her acknowledgment shall be taken and certified as if she were sole; and no separate examination of a married woman in respect to the execution of any release of dower, or other instrument affecting real estate, shall be required. (*Id.* § 2.)

See page 790.

CHAPTER LXXIII.

WITNESSES AND EVIDENCE.

Note to § 63, (SEC. 56,) p. 801:

The affidavits authorized by the two preceding sections, which have been or which may be filed within one year after the passage of chapter 89, Laws 1883, are thereby legalized and made evidence, and proceedings are declared not invalid by reason of failure to file and record same within the time mentioned in said sections. (1883, c. 89, §§ 1, 2.)

§ 89a. **Bills and notes fraudulently obtained, void.** 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 signa-