

# 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.

ture 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 on 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. (1883, c. 14, § 1.)

See page 804.

---

## CHAPTER LXXV.

### ACTIONS CONCERNING REAL PROPERTY.

§ 2a. Plaintiff may include unknown parties by publication of summons. That in any action brought to determine any adverse claim, estate, lien, or interest in real property, under section two of chapter seventy-five of the General Statutes, A. D. one thousand eight hundred and seventy-eight, the plaintiff may include as defendant in such action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties who are known to have, some title, claim, estate, lien, or interest in the lands in controversy, the following, viz.: "Also all other persons or parties unknown, claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." And service of the summons may be had upon all such unknown persons or parties defendant, by publication, as provided by law in case of non-resident defendants. And all such unknown persons or parties so served shall have the same rights as are provided by law in case of all the other defendants upon whom service is made by publication, and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have or claim any right, estate, lien, or interest in the said property in controversy, at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, if the same is in favor of the plaintiff therein, as effectually as if the action was brought against such defendant by his or her name, and personal service of the summons obtained: *provided, however*, that such judgment shall not bind such unknown persons or parties defendants, unless the plaintiff shall file a notice of *lis pendens* in the office of register of deeds, as provided by law, before commencing the publication of the said summons, and a copy of said notice of *lis pendens* be printed and published with said summons, and following next thereafter in the columns of the newspaper wherein said summons is printed and published. (1881, *Ex. Sess.* c. 81, § 1.)

See page 814.

\*§§ 25, 26, are repealed by 1881, *Ex. Sess.* c. 51, § 1.

See page 818.

---

## CHAPTER LXXXI.

### FORECLOSURE OF MORTGAGES.

#### FORECLOSURE BY ADVERTISEMENT.

\* § 6. *Change subdivision second to read:*

*Second.* The date of the mortgage, and when and where recorded. (1883, c. 24, § 1.)

See page 842.