

CHAPTER XXXIII.

An Act providing for the Filing of Chattel Mortgages and defining the effect thereof.

- SECTION 1. When chattel mortgage to be considered valid.
2. To be filed in office of town clerk where executed.
 3. Shall cease to be valid at expiration of one year.
 4. Copy certified by clerk to be received as evidence.
 5. Officer recording to number each instrument filed and keep index of the same.
 6. Fees allowed clerks or officers required to file instruments.
 7. Repeal of former laws.

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

SECTION 1. Every mortgage or conveyance intended to operate as a mortgage of goods and chattels, hereafter made, which shall not be accompanied by an immediate delivery, and be followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless it shall appear that such mortgage was executed in good faith, and not for the purpose of defrauding any creditor, and unless the mortgage, or a true copy thereof, shall be filed as directed in the succeeding Section of this Act. When mortgage valid

SEC. 2. Every such instrument shall be filed in the town or city of this State where the mortgagor therein, if a resident of this State, shall reside at the time of the execution thereof; and if not a resident, then in the city or town where the property so mortgaged shall be at the time of the execution of such instrument. In each of the towns of this State, such instrument shall be filed in the office of the town clerk thereof; and in the several cities of this State, in the office of the recorder, clerk or other officer in whose custody the records of the city are kept, and each of the officers hereinbefore named, are hereby required to file all such instruments, when presented to them for that purpose, to endorse thereon the time of receiving the same, and to deposit the same in their respective offices to be kept there for the inspection of all persons interested. Mortgage to be filed

SEC. 3. Every mortgage filed in pursuance of this Act, shall be held and considered to be a full and sufficient notice to all parties interested, of the existence and conditions thereof; but shall cease to be valid as against the creditors of the Mortgage not valid after expiration of one year

person making the same, or against subsequent purchasers and mortgagees in good faith, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a true copy of said mortgage together with a statement exhibiting the interest of the mortgage in the property claimed by him by virtue thereof, shall be again filed in the office of the clerk or other proper officer of the town or city where the mortgagor, if a resident of this State, shall then reside; or if not a resident, then in the town or city where the mortgaged property shall be at the time of such filing. The filing of such copy and statement shall extend the effect of the original filing for the further term of one year, when the same may be again renewed in like manner for a like period of time.

Copy to be received as evidence

SEC. 4. A copy of such original instrument, or of any copy thereof, so filed as aforesaid, including any statement made in pursuance of this Act, certified by the clerk or other officer, in whose office the same shall be filed, shall be received in evidence of the fact that such instrument, or copy and statement, was received and filed according to the endorsement of the clerk or other officer thereon and of no other fact; and in all cases the original endorsement by the clerk or other officer made in pursuance of this Act, upon such instrument or copy, shall be received in evidence only of the facts stated in such endorsement.

Officer to number each mortgage

SEC. 5. Every officer required by the second Section of this Act to file such instrument, shall number each instrument or copy, which shall be filed in his office by endorsing the number thereon and shall enter in a suitable book, to be provided by him at the expense of the town, or city, with an alphabetical index thereto, under the head of mortgagors and mortgagees respectively, the names of each party to such instrument, and in separate columns opposite to such names, the number of the instrument, the date, the amount secured thereby, when due, and the date of filing the same.

Fees for filing

SEC. 6. For services under this Act, the clerks and other officers required to file such instrument shall be entitled to receive the following fees:

For filing each instrument or copy and making the proper entry thereof, ten (10) cents.

For searching for each paper, five (5) cents, and—

For certified copies of such instruments, or copies, six (6) cents for each one hundred words.

Repeal of laws

SEC. 7. Sections three (3), four (4) and five (5) of Chapter twenty-seven (27) of the Revised Statutes of eighteen hundred and fifty-one, and so much of Section six (6) of the same Chapter as relates to the filing of chattel mortgages, are hereby repealed.

AMOS COGGSWELL,
Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved, March sixth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }

March 7th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.

CHAPTER XXXIV.

An Act relating to a Jury Fee.

- SECTION 1. Party moving trial to pay three dollars as a jury fee.
2. Act to take effect from and after passage.

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

SECTION 1. Before any Jury shall be sworn in any civil action, in any District Court of this State for the trial thereof, the party moving such trial shall pay to the Clerk of the Court three (3) dollars as a Jury fee; and the same shall be immediately paid by the Clerk to the Treasurer of the County, in aid of the fund of the county for paying Jurors in the District Court. Jury fee

SEC. 2 This Act shall take effect from and after its passage.

AMOS COGGSWELL,

Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved March tenth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }

March 10th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.