

SEC. 2. This act shall take effect immediately.

When act to
take effect.

Approved March 5, 1869.

CHAPTER LVI.

*An Act to amend Section sixty-nine of the General Statutes
entitled "Married Women."* March 5, 1869.

- SECTION 1. All property owned by any married woman, at the time or previous to her marriage, shall continue to be her separate property after marriage, and may enjoy the rents and profits and all avails of her industry free from the liabilities on account of the debts of the husband.
2. A married woman shall be bound by her contracts and responsible for torts committed by her—liabilities—may make contracts and shall be bound thereby—exceptions.
 3. Husband and wife not liable for each other's debts—exceptions.
 4. Contract between husband and wife relating to real estate not valid—validity in relation to other subjects.
 5. In case of desertion by the husband the wife may bring action for a decree which shall debar him from having any right in her lands—rights of a married woman in case the Court grant such decree—a certified copy of said decree may be recorded in the office of the Register of Deeds.
 6. Not to affect ante-nuptial contracts, nor to exempt a husband from liabilities for torts committed by his wife.
 7. When act to take effect.

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

SECTION 1. All property, real, personal and mixed, and choses in action, owned by any married woman, or owned or held by any woman at the time of her marriage, shall continue to be her separate property notwithstanding such marriage; and any married woman may, during coverture, receive, take, hold, use and enjoy property of any and every description, and the rents, issues and profits thereof, and all avails of her contracts and industry, free from the control of her husband and

Married women
to control their
own property.

from any liability on account of his debts as fully as if she were unmarried.

To be responsible for torts—may make contracts.

SEC. 2. A married woman shall be bound by her contracts and responsible for torts committed by her, and her property shall be liable for her debts and torts to the same extent as if she were unmarried. Any married woman shall be capable of making any contract, either by parol or under seal, which she might make if unmarried, and shall be bound thereby, except that no conveyance or contract for the sale of real estate, or of any interest therein by a married woman, other than mortgages on lands to secure the purchase money of such lands, and leases, for terms not exceeding three years, shall be valid unless her husband shall join with her in such conveyance, save as provided in section five of this chapter. And no right to an estate by the courtesy shall attach as against a mortgage given by a married woman to secure the purchase money of the land so mortgaged.

Not liable for each other's debts.

SEC. 3. No married woman shall be liable for any debts of her husband, nor shall any married man be liable for any debts or contracts of his wife, entered into either before or during coverture, except for necessities furnished to the wife after marriage, where he would be liable at common law.

What contracts between husband and wife valid.

SEC. 4. No contract between a husband and wife, the one with the other, relative to the real estate of either or any interest therein, shall be valid, nor shall any power of attorney or other authority from the one to the other to convey real estate or any interest therein be of any force; but in relation to all other subjects either may be constituted the agent of the other, or contract each with the other as fully as if the relation of husband and wife did not exist. But in all cases where the rights of creditors or purchasers in good faith come in question the husband shall be held to have notice of the contracts and debts of his wife, and the wife shall be held to have notice of the contracts and debts of her husband as fully as if a party thereto.

In case of desertion wife to have full control of her property—decree to be recorded.

SEC. 5. Whenever a married woman shall be deserted by her husband for the space of one year, or whenever she would for any cause be entitled to a divorce from her husband under the laws of this state, she may bring an action against him in the district court, asking for a decree which shall debar him from having any right or estate by the courtesy or otherwise in her lands, and which shall give

her full authority to alien, sell and convey and dispose of her lands without the interference of her husband. And the court may grant such decree whenever it shall appear just or expedient, and thereupon the wife shall have full control of her real estate, with power to convey the same without her husband joining in the conveyance and as fully as if she were unmarried, or the court may by such decree make such limitations upon the power to convey such real estate as it may seem meet. A certified copy of such decree may be recorded in the deed records in the office of the register of deeds of any county wherein such lands may lie.

SEC. 6. Nothing in this act shall be construed to affect ante-nuptial contracts or settlements, nor to exempt a husband from liabilities for torts committed by his wife. Not to affect ante-nuptial contracts.

SEC. 7. This act shall take effect and be in force on and after June first, one thousand eight hundred and sixty-nine, and shall stand in the stead of and supersede chapter sixty-nine of the general statutes. When act to take effect.

Approved March 5, 1869.

CHAPTER LVII.

An Act to amend Section two of Chapter forty, of the General Statutes, relating to Deeds, Mortgages and other conveyances.

March 5, 1869.

SECTION 1. Amendment to Section two (2) of Chapter forty (40) of the General Statutes.
2. When act to take effect.

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

SECTION 1. That section two, of chapter forty, of the general statutes, be and the same is hereby amended by striking therefrom the following words: "But the wife Amendment to Chapter forty of general statutes.