

by husband and wife prior to the time when the general statutes went into effect, and which were properly signed, sealed and witnessed, and were acknowledged before any officer authorized by law to take the acknowledgment of deeds, when it appears by the certificate of acknowledgment attached to or endorsed upon such deed or conveyance, that the execution of the instrument was acknowledged both by the husband and wife, and that the wife, on a separate examination by the officer, acknowledged that she executed the instrument freely and without the compulsion of her husband, shall be legal, valid and effectual to all intents and purposes, and be entitled to record, and all records of such instruments heretofore made shall be legal and valid for all purposes.

Deeds and conveyances executed by husband and wife and separately acknowledged before competent officer, declared valid, though made before adoption of general statutes.

SEC. 2. Such certificate of acknowledgment attached to or endorsed upon such deed or conveyance or record thereof, or a certified copy of such record, shall be prima facie evidence that such deed or conveyance was properly acknowledged by husband and wife in the manner and form required by law at the date of such acknowledgment, so as fully to pass and release to the grantee in such deed or conveyance all the estate of such husband and wife, including the wife's right or claim of dower.

Effect of certificate of acknowledgment as evidence.

SEC. 3. This act shall take effect and be enforced from and after its passage.

Approved March 7, 1873.

CHAPTER LXV.

AN ACT TO PROVIDE FOR FILING CERTAIN NOTES OR OTHER EVIDENCES OF INDEBTEDNESS OR CONTRACTS IN THE OFFICE OF TOWN CLERKS.

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

SECTION 1. Every note of hand or other evidence of indebtedness or contract, the conditions of which are that the title or ownership to the property for which said note or other evidence of indebtedness or contract is given,

Notes or other evidences of debt given for property, whereof the title is to remain in the vendor, are void, when.

remains in the vendor, shall be absolutely void as against the creditors of the vendee, and as against subsequent purchasers and mortgagees in good faith, unless the note or other evidence of indebtedness or contract, or true copies thereof, or if said contract be oral, then a memorandum expressing the terms and conditions thereof be filed as hereinafter provided.

How and where such notes must be filed.

SEC. 2. Every such note or other evidence of indebtedness or contract, shall be filed in the town or city where the vendee resides at the time of the making thereof, in the office of the town clerk thereof, and in the several cities, in the office of the recorder, clerk, or other officer in whose custody the records are kept, and each of the officers hereinbefore named shall file all such instruments, when presented for that purpose, indorse thereon the time of reception, the number thereof, 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 vendor and vendee 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 thereof, when due, and the date of filing the same. Such instrument or a copy thereof shall remain on file for the inspection of all persons interested.

Force and effect of such notes so filed.

SEC. 3. Every note or other evidence of indebtedness or contract filed in pursuance of this chapter, shall be held and considered to be full and sufficient notice to all parties interested, of the existence and conditions thereof, but shall cease to be notice as against the creditors of the vendee and subsequent purchasers and mortgagees in good faith, after the expiration of one year from the day on which such note or other evidence of indebtedness or contract became due.

Copies of such notes, effect of as evidence.

SEC. 4. A copy of any such note or other evidence of indebtedness or contract, or copy filed and endorsed as aforesaid, together with any statement made in pursuance of this act, when certified by the clerk or other proper officer to be a true copy of the original on file in his office, shall be received in evidence in like manner and with like effect as the original instrument or copy filed and endorsed.

Such notes when paid, how withdrawn from file.

SEC. 5. Whenever any note or other evidence of indebtedness or contract filed under the provisions of this act has been paid, or the conditions thereof satisfied, the vendor or his assignee or personal representatives, shall

give to the vendee or his assignee or personal representatives, a certificate in writing under his hand, stating the date of the instrument and that the same has been paid and discharged in full, and on delivering said certificate in writing to the officer with whom such instrument is filed, the said officer shall deliver said instrument to the person producing said certificate, and shall file said certificate in his office, endorsing thereon the name of the county, town, (or city or village,) and the true date of filing the same, and shall write the word "satisfied," with the date, opposite to such instrument, in the book in which such instruments are entered.

SEC. 6. The town clerk and the recorder, clerk or other officer of any city or village, in whose custody the records of such village or city are kept, shall receive the sum of ten cents for filing every note, contract or other evidence of indebtedness, to be paid by the party presenting the same for filing, and the sum of ten cents for filing every certificate of discharge, to be paid by the party presenting the same for filing, which fee must be paid before such instruments or certificates shall be entitled to record.

Fees of officers
for filing same.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 10, 1873.

CHAPTER LXVI.

AN ACT TO AMEND SECTION ONE OF CHAPTER SIXTY-SIX OF THE GENERAL LAWS OF THE YEAR A. D. EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO EVIDENCE IN JUSTICE COURTS.

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

SECTION 1. That section one hundred and six of chapter sixty-five of the general statutes of Minnesota, as the same is amended by section one of chapter sixty-six of the general laws of the year A. D. one thousand eight hun-