

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1875.

CHAPTER LI.

AN ACT TO AMEND SECTIONS FOUR AND TWENTY-ONE OF CHAPTER FORTY OF THE GENERAL STATUTES, BEING CHAPTER THIRTY-FOUR OF BISSELL'S STATUTES AT LARGE, RELATING TO CONVEYANCES AND THE RECORDING THEREOF.

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

SECTION 1. That section four of chapter forty of the general statutes of the state of Minnesota, being section four, chapter thirty-four, of Bissell's statutes at large, be amended so as to read as follows, viz. :

Deed of quit-
claim shall pass
whole estate.

Sec. 4. A deed of quit-claim and release of the form in common use is sufficient to pass all the estate which the grantor could convey by deed of bargain and sale. The word "heir" or "heirs," or other words of inheritance, shall not be necessary to create or convey an estate in fee simple. Any conveyance by deed of land in this state heretofore executed without the word "heir" or "heirs," or other words of inheritance therein, shall be deemed and received as *prima facie* proof of an intention on the part of the parties to such conveyance to convey an estate in fee simple.

SEC. 2. That section twenty-one of chapter forty of the general statutes of the state of Minnesota, being section twenty-one of chapter thirty-four of statutes at large, be amended so as to read as follows, viz. :

Conveyances to
be recorded—
effect of record.

Sec. 21. Every conveyance by deed, mortgage, or otherwise, of real estate within this state, shall be recorded in the office of the register of deeds of the county where such real estate is situated, and every such conveyance not so recorded shall be void, as against any subsequent purchaser in good faith and for a valuable consideration of the same real estate, or any part [portion] thereof, whose conveyance, whether in the form of a warranty deed or deed of bargain and sale, deed of quit-claim and release, of the form in common use, or otherwise, is first duly recorded, or as against any attachment levied thereon, or any judgment lawfully obtained at the suit of any party against the person in whose name the title to such land appears of record, prior to the recording of such conveyance.

Every conveyance aforesaid heretofore executed and not so recorded, and which shall not be so recorded within three months from the passage of this act, shall be void against any subsequent purchaser in good faith and for a valuable consideration of the same real estate, or any portion thereof, claiming under or through a deed of quit-claim and release, of the form in common use, heretofore so recorded, or which may be recorded before such prior conveyance. The fact that such first recorded conveyance of such subsequent purchaser for a valuable consideration, is in the form or contains the terms of a deed of quit-claim and release aforesaid, shall not affect the question of good faith of such subsequent purchaser, or be of itself notice [to him] of any unrecorded conveyance of the same real estate, or any part thereof; *Provided, however,* That all deeds, mortgages, and other instruments affecting real estate situate in any unorganized county, may be recorded in the county to which such unorganized county is attached for judicial purposes, and records of such instruments which have been or shall be so made, shall have the same effect as if recorded in the county where the premises are situate.

Record of deeds and mortgages in unorganized counties, how effected.

SEC. 3. This act shall take effect from and after its passage.
Approved March 2, 1875.

When act to take effect.

CHAPTER LII.

AN ACT TO AMEND SECTION TEN OF CHAPTER FORTY, OF THE GENERAL STATUTES, BEING SECTION TEN OF CHAPTER THIRTY-FOUR OF STATUTES AT LARGE, RELATING TO THE MANNER OF EXECUTING DEEDS IN FOREIGN COUNTRIES.

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

SECTION 1. That section ten of chapter forty, of the general statutes, be amended by adding to said section the following: And, *Provided further,* That any deed of land in this state executed and acknowledged in any foreign country, which shall have endorsed thereon or attached thereto a certificate of any minister resident, charge-de-affairs or consul of the United States appointed to reside therein, that such deed is executed and acknowledged according to the laws of such country, shall be entitled to record in the county in which such land is situated.

Deeds—how executed in foreign country.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 8, 1875.