

specifically provided, and the compensation of judges of probate in such counties shall be fixed and determined as now provided by law, and in all such counties the compensation of clerks of probate shall be twenty-five (25) per cent of the salary paid the judge of probate and such additional sum as may be allowed by the board of county commissioners of such counties provided the total compensation of such clerk of probate shall not exceed the sum of nine hundred (900) dollars per year and shall be paid at the same time and in the same manner as provided for payment to judges of probate.

SEC. 4. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after January 1st, nineteen hundred and two.

Approved April 11th, 1901.

S. F. No. 256.

CHAPTER 237.

"Torrens"
land title
act.

An act concerning land titles in counties of this state having over seventy-five thousand (75,000) inhabitants.

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

Applicable
in counties
with over
75,000 popu-
lation.

SECTION 1. In counties of this state having over seventy-five thousand (75,000) inhabitants the owner of any estate or interest in land therein, whether legal or equitable, may apply as hereinafter mentioned to have the title of said land registered. The application may be made by the applicant personally, or by an agent thereunto lawfully authorized in writing, which authority shall be executed and acknowledged in the same manner and form as is now required as to a deed, and shall be recorded in the office of the register of deeds before the making of the application by such agent. A corporation may apply by its authorized agent, and infant or any other person under disability by his legal guardian. Tenants in common shall join in the application. The person in whose behalf the application is made shall be named as applicant plaintiff.

Registration
of title

Applicant's
interest.

SEC. 2. It shall not be an objection to bringing land under this act that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge, but no mortgage, lien, charge or lesser estate than a fee simple shall be registered unless the estate in fee simple to the same land is registered.

Title by
tax sale.

SEC. 3. No title derived through sale for any tax assessment shall be entitled to be registered, unless it shall

be made first to appear that the title of the applicant or those whom he claims title has been adjudicated by a court of competent jurisdiction, and a decree of such court duly made and recorded in the office of the register of deeds, decreeing the title of the applicant or those through whom he claims title to be in him or them, or unless it shall be made first to appear that the applicant or those through whom he claims title have been in the actual and undisputed possession of the land under such title at least fifteen years.

SEC. 4. The application shall be in writing and shall be signed and verified by the oath of the applicant, or signed and verified by the oath of the agent authorized to act in that behalf. It shall set forth substantially:

Application
in writing,
and require-
ments of
same.

A. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

B. Whether the applicant (except in the case of a corporation) is married, or not, and if married, the name and residence of the husband or wife. Age of applicant.

C. The description of the land.

D. The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

E. The names of all persons or parties as appear of record to have any title, claim, estate, lien or interest in the lands described in the application for registration.

F. Whether the land is occupied or unoccupied, and if occupied by any other person than the applicant, the name and postoffice address of each occupant, and what estate or interest he has or claims in the land.

G. Whether the land is subject to any lien or incumbrance, and if any, give the nature and amount of the same, and if recorded, the book and the page of record; also give the name and postoffice address of each holder thereof.

H. Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and postoffice address of every such person and the nature of his estate or claim.

I. In case it is desired to settle or establish boundary lines, the names and postoffice addresses of all the owners of the adjoining lands that may be affected thereby, so far as he is able, upon diligent inquiry, to ascertain the same.

J. If the application is on behalf of a minor, the age of such minor shall be stated. If the application is by

a husband or wife, the other shall by indorsement thereon acknowledged, as in the case of deeds or by a separate instrument acknowledged in the same way, signify his or her assent to the registration as prayed.

K. When the place of residence of any person whose residence is required to be given is unknown, it may be so stated if the applicant will also state that upon diligent inquiry he has been unable to ascertain the same.

One application may include several pieces of land

SEC. 5. Any number of contiguous pieces of land in the same county and owned by the same person, and in the same right, or any number of pieces of property in the same county having the same claim of title and belonging to the same person, may be included in one application.

SEC. 6. The application may be amended only by supplemental statement in writing, signed and verified as in the case of original application.

Power of district court to establish title.

SEC. 7. The application for registration shall be made to the district court in the county where the land is situated, or to the district court in the county to which it is attached for judicial purposes. Said court shall have power to inquire into the condition of the title to and any interest in the land, and any lien or incumbrance thereon, and to make all orders, judgments and decrees as may be necessary to determine, establish and declare the title or interest, legal or equitable, as against all persons, known or unknown, and all liens and incumbrances thereon, whether existing by law, contract, judgment, mortgage, trust deed or otherwise, and to declare the priority as between the same, and to remove all clouds from the title, and for that purpose the said court shall be always open, and such orders, judgments and decrees may be made and entered as well in vacation as in term time.

Register of deeds to be registrars.

SEC. 8. Registers of deeds in the several counties in this state shall be registrars of titles in their respective counties. Their deputies shall be deputy registrars. All acts performed by registrars and deputy registrars under this law shall be performed under rules and instructions established and given by the district court having jurisdiction of the county in which they act.

Registrar's bond

SEC. 9. Every register of deeds shall, before entering upon his duties as registrar of titles, give a bond with sufficient sureties, to be approved by a judge of the district court, payable to the State of Minnesota, in such sum as shall be fixed by the board of county commissioners of the county in which he acts, conditioned for the faithful discharge of his duties, and to deliver up all

papers, books, records and other property belonging to the county or appertaining to his office as registrar of titles, whole, safe, and undefaced, when lawfully required so to do; said bond shall be filed in the office of the secretary of state, and a copy thereof shall be filed and entered upon the records of the district court in the county wherein the register of deeds shall hold his office.

SEC. 10. Deputy registrars shall perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in the case of the death of the registrar or his removal from office, the vacancy shall be filled in the same manner as is now provided by law for filling such vacancy in the office of the register of deeds. The person so appointed to fill such vacancy shall file a bond, and be vested with the same powers as the registrar whose office he is appointed to fill.

Deputy registrars.

SEC. 11. No registrar or deputy registrar shall practice as an attorney or counselor-at-law, nor while in office be in partnership with any attorney or counselor-at-law so practicing.

Registrar not to practice law.

SEC. 12. The registrar shall be liable for any neglect or omission of the duties of his office when occasioned by a deputy registrar, in the same manner as for his own personal neglect or omission.

Registrar liable for neglect of deputy.

SEC. 13. The judges of the district court in and for the judicial districts for which they were elected or appointed shall appoint one or more competent attorneys in each county within their district to be examiner of titles and legal advisers of the registrar. The salary of examiners of titles in each county shall be fixed by the board of county commissioners, and shall be paid in the same manner that other salaries of county employes are paid.

Examiner of titles.

SEC. 14. If the applicant is not a resident of the State of Minnesota, he shall file with his application a paper, duly acknowledged, appointing an agent residing in the state, giving his name in full and postoffice address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent as if made on the applicant within the commonwealth. If the agent so appointed dies or removes from the state, the applicant shall at once make another appointment in like manner, and if he fails so to do, the court may dismiss the application.

If applicant is non-resident.

SEC. 15. The application shall be filed in the office of the clerk of the court, to whom the application is made,

Duties of clerk of district court.

and in case personal service a true copy thereof shall be served with the summons, and the clerk shall docket the same in a book to be kept for that purpose, which shall be known as the "Land Registration Docket." The application shall be entitled (name of applicant), applicant, to have registered the title to (here insert description to the land), plaintiff, against (here insert the names of all persons named in the application as being in possession of the premises, or as having any lien, incumbrance, right, title or interest in the land, and the names of all persons who shall be found by the report of the examiner hereinafter provided for, to be in possession or to have any lien, incumbrance, right, title or interest in the land), also all other persons or parties unknown, claiming any right, title, estate, lien, or interest in the real estate described in the application herein, defendants. All orders, judgments and decrees of the court in the case shall be minuted in such docket. All final orders or decrees shall be recorded, and proper reference made thereto in such docket. The applicant shall also file with the said clerk, at the time the application is filed, an abstract of title such as is now commonly used, satisfactory to the examiner who is to examine the title.

Duplicate
filing of ap-
plication.

SEC. 16. At the time of the filing of the application in the office of the clerk of the court, a duplicate of the said application shall be filed in the office of the register of deeds, which copy shall be recorded and indexed by the register of deeds with the records of deeds.

Duties of
examiner.

SEC. 17. Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title and into the truth of the matter set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and also, as to all judgments against applicant or those through whom he claims title, which may be a lien upon the lands described in the application; he shall search the records and investigate all the facts brought to his notice and file in the case a report thereon, including with a certificate of his opinion upon the title. The clerk of the court shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the clerk of the court.

SEC. 18. If, in the opinion of the examiner, the applicant has a title, as alleged, and proper for registration, or, if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be, issue a summons substantially in the form hereinafter provided for. The summons shall be issued by the order of the court and attested by the clerk of the court.

Summons
by court.

SEC. 19. The applicant shall be known as applicant plaintiff. All persons named in the application or found by the report of the examiners, as being in possession of the premises, or as having of record any lien, incumbrance, right, title or interest in the land, and all other persons who shall be designated as follows, viz.: "All other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein," shall be and shall be known as defendants.

"Applicant
plaintiff."

Defendants.

SEC. 20. The summons shall be directed to the defendants and require them to appear and answer the application of the applicant plaintiff within twenty days after the service of the summons, exclusive of the day of service; and said summons shall be served as is now provided for the service of summons in civil actions in the district court in this state, except as herein otherwise provided. The summons shall be served upon non-resident defendants and upon "all such unknown persons or parties," defendant, by publishing said summons in a newspaper printed and published in the county where the application is filed (if there is no such newspaper in the county, then a newspaper printed and published in an adjoining county, and if there is no such newspaper in an adjoining county, then a newspaper printed and published at the capital of the state), once in each week for three consecutive weeks, and such service by publication shall be deemed complete at the end of the twenty-first day from and including the first publication.

Service of
summons.

SEC. 20. A. The clerk of court shall also, within twenty days after the first publication, send a copy thereof by mail to such defendants who are not residences of the state, whose place of address is known or stated in the application and whose appearance is not entered and who are not in person served with the summons. The certificate of the clerk that he has sent such notice, in pursuance of this section, shall be conclusive evidence thereof. Other or further notice of the application for registration may

Copies to
non-resi-
dents.

be given in such manner and to such persons as the court or any judge thereof may direct.

SEC. 20. B. The summons shall be served at the expense of the applicant, and proof of the service thereof shall be made as proof of service is made in civil actions.

SEC. 20. C. The summons provided for in section twenty shall be in the form following, to wit:

Summons on application for registration of land.
State of Minnesota,

District Court.

County ofss.

(Name of applicant), applicant to have registered the land (described as follows: description of land) plaintiff.

Versus

(Names of all defendants), and all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate, described in the application herein, defendants:

The State of Minnesota to the above named defendants:

You are hereby summoned and required to answer the application of the applicant plaintiff in the above entitled application for registration and to file a copy of your answer to the said application in the office of the clerk of said court, in said county, within ten days after the service of this summons upon you, exclusive of the day of such service; and if you fail to answer the said application within the time aforesaid, the applicant plaintiff in this action will apply to the court for the relief demanded in the application herein.

Witness, clerk of said court, and the seal thereof, at in said county, this day of A. D. 19.....

(Seal.) Clerk.

SEC. 21. The court shall appoint a disinterested person to act as guardian ad litem for minors and other persons under disability, and for all persons not in being who may appear to have an interest in the land. The compensation of the guardian shall be determined by the court, and paid as part of the expenses of the court.

SEC. 22. Any person claiming an interest, whether named in the summons or not, may appear and file an answer within the time named in the summons, or within such further time as may be allowed by the court. The answer shall state all objections to the application, and shall set forth the interest claimed by the party filing the

Form for
summons.

Guardian
for minors,
etc.

Any person
claiming
interest may
appear.

same, and shall be signed and sworn to by him or by some person in his behalf.

SEC. 23. If no person appears and answers within the time named in the summons, or allowed by the court, the court may at once, upon the motion of the applicant, no reason to the contrary appearing, upon satisfactory proof of the applicant's right thereto, make its order and decree confirming the title of the applicant and ordering registration of the same. By the description in the summons, "all other persons unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein," all the world are made parties defendant, and shall be included by the default and order.

If no appearance court may decree.

The court shall not be bound by the report of the examiner of title, but may require other or further proof

SEC. 24. If in any case an appearance is entered and answer filed, the cause shall be set down for hearing on motion of either party, but a default and order shall first be entered against all persons who do not appear and answer in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as referee, to hear the parties and their evidence, and make report thereon to the court. His report shall have the same weight as that of a referee appointed by the district court under the laws of this state now in force and relating to the appointment, duties and powers of referees.

Hearing and default against persons not appearing.

SEC. 25. The court may order such other or further hearing of the cause before the court or before the examiner of titles after the filing of the report of the examiner, referred to in the last preceding section, and require such other or further proof by either of the parties to the cause as to the court shall seem meet and proper.

SEC. 26. If in any case, after hearing, the court finds that the applicant has not title proper for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice.

Decree of court after hearing.

The applicant may dismiss his application at any time before the final decree, upon such terms as shall be fixed by the court, upon motion to dismiss duly made to the court.

SEC. 27. If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet

Decree shall
quiet title.

the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein," such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees, except as herein especially provided. An appeal may be taken to the supreme court within the same time, upon like notice, terms and conditions as are now provided for the taking of appeals in the district court to the supreme court in civil actions.

Person in
interest with
out knowl-
edge of hear-
ing, may
appear with-
in 60 days.

SEC. 28. Any person having an interest or lien upon the land who has not been actually served with process or notified of the filing of the application or the pendency thereof, may at any time within sixty days after the entry of such decree, and not afterwards, appear and file his sworn answer to such application in like manner as hereinbefore prescribed for making answer: *provided, however,* that such person had no notice or information of the filing of such application or the pendency of the proceeding during the pendency thereof or until within three months of the time of the filing of such answer, which facts shall be made to appear before answering by the affidavit of the person answering or the affidavit of some one in his behalf having knowledge of the facts, and *provided, also,* that no innocent purchaser for value has acquired an interest. If there is any such purchaser the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided, but any person aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or any other person for fraud in procuring the decree. Upon the filing of such answer, and not less than ten days' notice having been given to the applicant, and to such other interested parties as the court may order in such manner as shall be directed by the court, the court shall proceed to review the case, and if the court is satisfied that the order or decree ought to be opened an order shall be entered to that effect, and the court shall proceed to review the proceedings, and make such order in the case as shall be according to equity in the premises. An appeal may be allowed in this case, as well as from all other decrees affecting any registered title within a like

Innocent
purchaser.

Review, and
reopening
of case.

time and in a like manner as in the case of an original decree under this act, and not otherwise.

SEC. 29. No person shall commence any proceeding for the recovery of lands or any interest, right, lien or claim upon the same adverse to the title or interest as found, ordered or decreed in the decree of registration, unless within sixty days after the entry of the order or decree; this section shall be constructed as giving such right of action to such person only as shall not, because of some irregularity, insufficiency or for some other cause, be bound and concluded by such order or decree.

Limit of time for action to recover.

SEC. 30. Every person receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all incumbrances except only such estates, mortgages, lien, charges and interest as may be noted in the last certificate of title in the registrar office, and except any of the following rights or incumbrances subsisting, namely:

Certificate of title free of incumbrance, except.

1. Liens, claims or rights arising or existing under the laws of the constitution of the United States, which the statutes of this state cannot require to appear of record in the registry.

2. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease.

4. All public highways embraced in the description of the lands included in the certificates shall be deemed to be excluded from the certificates.

5. Such right of appeal or right to appeal and contest the application as is allowed by this act.

SEC. 31. Every decree of registration shall bear the date of the year, day, hour and minute of its entry, and shall be signed by one of the judges of the district court; it shall state whether the owner is married or unmarried, and if married, the name of the husband or wife; if the owner is under disability it shall state the nature of the disability, and if a minor shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also in such manner as to show their relative priority, all particular estates, mortgages, easements

Decree of registration shall contain.

liens, attachments and other incumbrances, including rights of husband and wife, if any, to which the land or the owner's estate is subject, and shall contain any other matter properly to be determined by the court in pursuance of this act. The decree shall be stated in a convenient form for transcription upon the certificate of title, to be made as hereinafter mentioned by the registrar of titles. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof in the office of the registrar of titles.

SEC. 32. Any person who shall take by conveyance, attachment, judgment, lien or otherwise any right, title or interest in the land subsequent to the filing of a copy of the application for registration in the office of the register of deeds, shall at once appear and answer as a party defendant in the proceedings for registration, and the right, title or interest of such person shall be subject to the order or decree of the court.

SEC. 33. The obtaining of a decree of registration and receiving of a certificate of title shall be deemed as an agreement running with the land and binding upon the applicant and the successors in title that the land shall be and forever remain registered land, and subject to the provisions of this act and of all acts in the amendment thereof. All dealings with the land or any estate or interest therein after the same has been brought under this act, and all liens, incumbrances and charges upon the same shall be made only subject to the terms of this act.

SEC. 34. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

SEC. 35. Immediately upon the filing of the decree of registration in the office of the register of titles, the registrar shall proceed to register the title or interest pursuant to the terms of the decree in the manner herein provided. The registrar shall keep a book known as the "Register of Titles," wherein he shall enter all first and subsequent original certificates of title by binding or recording them therein in the order of their numbers, consecutively, beginning with number one, with appropriate blanks for entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register shall be entered upon the folium whereon the last certificate of title of the land to which they relate

party de-
ndant.

decree bind-
g upon
applicant
and
successors
in title.

registration
title.

is entered. The term certificate of title used in this act shall be deemed to include all memorials and notations thereon.

SEC. 36. The certificate of registration shall contain the name of the owner, a description of the land and of the estate of the owner, and shall by memorial or notation contain a description of all incumbrances, liens and interests to which the estate of the owner is subject; it shall state the residence of the owner, and if a minor, give his age; if under disability, it shall state the nature of the disability; it shall state whether married or not, and if married, the name of the husband or wife; in case of a trust, condition or limitation, it shall state the trust, condition or limitation, as the case may be; and shall contain and conform in respect to all statements to the certified copy of the decree of registration filed with the registrar of titles, as hereinbefore provided; and shall be in form substantially as follows:

Certificate to contain.

First Certificate of Title Pursuant to the Order of the District Court, Judicial District, in the County of, State of Minnesota.
Registration.

Form of certificate.

County of

This is to certify that A. B., of....., is now the owner of an estate (describe the estate) of, and in (describe the land), subject to the incumbrances, liens and interests noted by the memorial under-written or indorsed hereon, subject to the exceptions and qualifications mentioned in the thirty-first section of "The act concerning land titles," in the General Laws of the State of Minnesota for the year 1901. (Here note all statements provided herein to appear upon the certificates.)

In witness thereof I have hereunto subscribed by hand and affixed the seal of my office this day of, A. D. 1900.

(Seal.)
Registrar of Titles.

SEC. 37. The registrar shall at the time that he enters his original certificate of title make an exact duplicate thereof, but putting on it the words, "Owner's duplicate certificate of ownership," and deliver the same to the owner or to his attorney duly authorized. For the purpose of preserving evidence of the signature and handwriting of the owner in his office, it shall be the duty of the registrar to take from the owner, in every case where it is practicable so to do, his receipt for the cer-

Duplicate certificate to owner.

tificate of title, which shall be signed by the owner in person. Such receipt, when signed and delivered in the registrar's office, shall be witnessed by the registrar or deputy registrar. If such receipt is signed elsewhere, it shall be witnessed and acknowledged in the same manner as is now provided for witnessing and acknowledgment of deeds. When so signed, such receipt shall be prima facie evidence of the genuineness of such signature.

SEC. 38. Where two or three more persons are registered owners, as tenants in common or otherwise, one owner's duplicate certificate can be issued for the entirety, or a separate duplicate owner's certificate may be issued to each owner for his undivided share.

SEC. 39. All certificates subsequent to the first shall be in like form, except that they shall be entitled, "Transfer from No." (the number of the next previous certificate relating to the same land), and shall also contain the words, "Originally registered" (date, folium and page of registry.)

SEC. 40. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it and take out several certificates for portions thereof. A registered owner holding several duplicate certificates for several distinct parcels of land may surrender them and take out a single duplicate certificate for all said parcels, or several certificates for different portions thereof. Such exchange of certificates, however, shall only be made by the order of the court upon petition therefor duly made by the owner. An owner of registered land who shall subdivide such land into lots shall file with the registrar of titles a plat of said land so subdivided, in the same manner and subject to the same rules of law and restriction as if provided for platting land that is not registered.

SEC. 41. The certificate of title shall relate back to and take effect as of the date of the decree of registration.

SEC. 42. The original certificate in the registration book, any copy thereof duly certified under the signature of the registrar of titles or his deputy, and authenticated by his seal, and also the owner's duplicate certificate, shall be received as evidence in all the courts of this state, and shall be conclusive as to all matter contained therein, except so far as is otherwise provided in this act. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail.

If more than one owner.

Exchange of certificates for more than one parcel of land.

Certificates, evidence in courts.

SEC. 43. The registrar of titles, under the direction of the court, shall make and keep indexes of all applications and of all certified copies and decrees of registration and certificates of titles, and shall also index and file in classified order all papers and instruments filed in his office relating to applications and to registered titles. The registrar shall also, under the direction of the court, prepare and keep forms of indexes and registration and entry books.

Indexes of
certificates.

The court shall prepare and adopt convenient forms of certificates of titles, and also general forms of memorials or notations to be used by the registrars of titles in registering the common forms of conveyance and other instruments to express briefly their effect.

SEC. 44. The registrar of titles shall keep tract indices, in which shall be entered the lands registered in the numerical order of the townships, ranges, sections, and in cases of subdivisions, the blocks and lots therein, and the name of the owners, with a reference to the volume and folium of the register of titles in which the lands are registered.

Tract
Indices.

He shall also keep alphabetical indices, in which shall be entered in alphabetical order the names of all registered owners, and all other persons interested in or holding charges upon the registered land, with a reference to the volume and folium of the register of titles in which the land is registered.

SEC. 45. The owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages and leases or voluntary instruments like those now in use and sufficient in law for the purpose intended. But no voluntary instrument of conveyance, except a will and a lease for a term not exceeding three years, purporting to convey or effect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of the authority to the registrar of titles to make registration. The act of registration shall be the operative act to convey or effect the land.

Conveyance
of regis-
tered land.

SEC. 46. Every conveyance, lien, attachment, order, decree, judgment of the court of record, or instrument or entry which would under existing laws, if recorded, filed or entered in the office of the registrar of deeds, in which the real estate is situate, affect the said real estate to which it relates, if the title thereto were not registered, shall, if recorded, filed or entered in the office of the

Conveyance
or other
instrument
effective
same as
of previous
record.

registrar of titles in the county where the real estate, to which such instrument relates, affect in like manner the title thereto, if registered, and shall be notice to all persons from the time of such recording, filing or entering.

Records of registrar.

SEC. 47. The registrar of titles shall number and note, in proper book to be kept for that purpose, the year, month, day, hour and minute of reception and number of all conveyances, orders or decrees, writs or other process, judgments, liens and all other instruments or papers or orders affecting the title of land, the title to which is registered. Every instrument so filed shall be retained in the office of the registrar of titles, and shall be regarded as registered from the time so noted, and the memorial of each instrument when made on the certificate of title to which it refers shall bear the same date. Every instrument so filed, whether voluntary or involuntary, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the registrar of titles shall be open to the public inspection in the same manner as now are the papers and records in the office of the register of deeds.

Duplicate records and certified copies.

SEC. 48. Duplicates of all instruments, voluntary or involuntary, filed and registered in the office of the registrar of titles, may be presented with the originals, and shall be attested and sealed by the registrar of titles, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same. Certified copies of all instruments filed and registered may be obtained from the register of titles on the payment of a fee of the same amount that the register of deeds is now entitled for a like certified copy.

How certificates, how sued.

SEC. 49. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple to said land or some part thereof from the owner or some one of the registered owners. All interests in the registered land less than an estate in fee simple shall be registered by filing with the register of titles the instrument creating or transferring or claiming such interest, and by a brief memorandum or memorial thereof made by a registrar of titles upon the certificate of title, and signed by him. A similar memorandum or memorial shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the

same manner. When any party in interest does not agree as to the proper memorial to be made upon the filing of any instrument (voluntary or involuntary) presented for registration, or where the registrar of titles is in doubt as to the form of such memorial, the question shall be referred to the court for decision, either on the certificate of the registrar of titles or upon the demand in writing of any party in interest.

The registrar of titles shall bring before the court all the papers and evidence as shall be necessary for the determination of the question by the court. The court, after notice to all parties in interest and a hearing, shall enter an order prescribing the form of the memorial, and the registrar of titles shall make registration in accordance therewith.

SEC. 50. No new certificates of titles shall be entered and no memorial shall be made upon any certificate of title in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases provided for in this act, or upon the order of the court, for cause shown; and whenever such order is made a memorial thereof shall be entered, or a new certificate issue as directed by said order. The production of the owner's duplicate certificate whenever any voluntary instrument is presented for registration shall be conclusive authority from the registered owner to the registrar of titles to enter a new certificate or to make a memorial of registration in accordance with such instrument, and a new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith.

Owner's duplicate certificate must be presented, when.

SEC. 51. In the event that an owner's duplicate certificate of title shall be lost, mislaid or destroyed, the owner may make affidavit of the fact before any officer authorized to administer oaths, stating, with particularity, the facts relating to such loss, mislaid or destruction, and shall file the same in the office of the register of titles.

Loss of duplicate certificate.

Any party in interest may thereupon apply to the court and the court shall, upon proofs of the facts set forth in the affidavit, enter an order directing the registrar of titles to make and issue a new owner's duplicate certificate, such new owner's duplicate certificate shall be printed or marked "Certified copy of owner's duplicate certificate, issued in the place of lost certificate," and such certified copy shall stand in the place of and have like effect as the owner's duplicate certificate.

Deed of conveyance and cancellation of certificate.

SEC. 52. An owner of register land conveying the same, or any portion thereof, in fee, shall execute a deed of conveyance which the grantor shall file with the registrar of titles in the county where the land lies. The owner's duplicate certificate shall be surrendered, at the same time, and shall be by the registrar marked "cancelled." The original certificate of title shall also be marked "cancelled." The registrar of titles shall thereupon enter in the register of titles a new certificate of title to the grantee, and shall prepare and deliver to such grantee an owner's duplicate certificate. All incumbrances, claims or interests adverse to the title of the registered owner shall be stated upon the new certificate or certificates, except so far as they may be simultaneously released or discharged. When a deed in fee is for a part only of the land described in a certificate of title the registrar of titles shall enter a new certificate and issue an owner's duplicate certificate to the grantor for that part of the land not conveyed by the deed.

Payment of taxes.

SEC. 53. The presentment to the county auditor for transfer and the certificate as to payment of taxes on unregistered land required by laws as to deeds, plats and other instruments shall be made before any deed, plat or other instrument affecting registered land shall be filed or registered in the office of the registrar of titles.

Registered land subject to requirements by law for unregistered land.

SEC. 54. Registered land and ownership therein shall in all respects be subject to the same burden and incidents which attach by law to unregistered land. Nothing contained in this act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent or the rights of partition between co-tenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency or trustee in bankruptcy under the provisions of law relating thereto, or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this act or any amendments hereof.

Power of attorney to be acknowledged.

SEC. 55. Any person may by attorney convey or otherwise deal with registered land, but the letters or power

of attorney shall be acknowledged and filed with the registrar of titles and registered. Any instrument revoking such letters or power of attorney shall be acknowledged and registered in like manner.

SEC. 56. The owner of registered land may mortgage the same by executing a deed or instrument sufficient in law for that purpose, and such deed or instrument may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of instrument sufficient in law for the purpose.

May mort-
gage land.

But such mortgage deed or instrument, and all instruments assigning, extending, discharging, releasing or otherwise dealing with the mortgage, shall be registered, and shall take effect upon the title only from the time of registration.

SEC. 57. The registration of a mortgage shall be made in the following manner, to wit: The owner's duplicate certificate shall be presented to the registrar of titles with the mortgage deed or instrument to be registered, and the registrar shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorial of the purport of the instrument registered, the time of filing and the file number of the registered instrument. He shall also note upon the instrument registered the time of filing and a reference to the volume and page of the register of titles where it is registered. The registrar of titles shall also at the request of the mortgagee, make out and deliver to him a duplicate certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be written or printed upon such certificate in large letters, diagonally across the face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the certificate of title.

Registrat-
of mort-
gage.

SEC. 58. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorial of the instrument shall be made upon the mortgagee's duplicate and upon the original certificate of title. When the mortgage is discharged or otherwise extinguished, the mortgagee's duplicate shall be surrendered and stamped "Cancelled." In case only a part of the charge or of the land is intended to be released, discharged or surrendered, the entry shall be made by memorial in

Assignme
and cancella-
tion of
mortgage.

like manner as before provided for a release or discharge.

The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented. A mortgage on registered land may be discharged in whole or in part by the mortgagee in person on the register of titles in the same manner as a mortgage on unregistered land may be discharged by an entry on the margin of the record thereof in the register of deeds' office, and such discharge shall be attested by the registrar of titles.

SEC. 59. All charges upon registered land, or any estate or interest in the same, and any right thereunder, may be enforced as is now allowed by law, and all laws relating to the foreclosure of mortgages shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that a notice of the pendency of any suit or of any proceeding to enforce or foreclose the mortgage or any charge shall be filed in the office of the registrar of titles, and a memorial thereof entered on the register at the time of or prior to the commencement of such suit or the beginning of any such proceeding. A notice so filed and registered shall be notice to the registrar of titles and all persons dealing with the land or any part thereof.

When a mortgagee's duplicate has been issued such duplicate shall, at the time of the registering of the notice, be presented, and a memorial of such notice shall be entered upon the mortgagee's duplicate.

SEC. 60. In any action affecting registered land a judgment or final decree shall be entitled to registration on the presentation of a certified copy of the entry thereof from the clerk of the court where the action is pending, to the registrar of titles. The registrar of titles shall enter a memorial thereof upon the original certificates of title, and upon the owner's duplicate, and also upon the mortgagee's lessee's duplicate, if any there be outstanding. When the registered owner of such land is by such judgment or decree divested of his estate in fee to the land or any part thereof, the plaintiff or defendant shall be entitled to a new certificate of title for the land or that part thereof designated in the judgment or decree, and the registrar of titles shall enter such new certificate of title, and issue a new owner's duplicate in such manner as is provided in the case of voluntary conveyance; *provided, however*, no such new certificate shall be entered except upon the application to

arges
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the court and upon the filing in the office of the registrar of titles an order of the court directing the entering of such new certificate.

SEC. 61. Any person who has by an action or proceeding to enforce or foreclose any mortgage, lien or charge upon registered land, become the owner in fee of the land or any part thereof, shall be entitled to have his title registered, and the registrar of titles shall, upon application therefor, enter a new certificate of title for the land or that part thereof to which the applicant is the owner, and issue an owner's duplicate in such manner as in the case of a voluntary conveyance of registered land; *provided, however*, no such new certificate of title shall be entered, except after the time to redeem from such foreclosure has expired and upon the filing in the office of the registrar of titles an order of the court directing the entering of such new certificates.

Any person becoming owner by action, entitled to registration.

SEC. 62. In all cases wherein by this act it is provided that a new certificate of title to registered land shall be entered by order of the court a person applying for such new certificate shall apply to the court by petition, setting forth the facts, and the court shall, after notice given to all parties in interest, as the court may direct, and upon hearing, make an order or decree for the entry of a new certificate to such person as shall appear to be entitled thereto.

New certificates must be issued by order of court.

SEC. 63. Leases for registered land for a term of three years or more shall be registered in like manner as a mortgage, and the provisions herein relating to the registration of mortgages shall apply to the registration of leases. The registrar shall, at the request of the lessee, make out and deliver to him a duplicate of the certificate of title like the owner's duplicate, except the words "Lessee's duplicate" shall be written or printed upon it in large letters diagonally across its face.

Leases to be registered.

SEC. 64. Whenever a deed or other instrument is filed in the office of the registrar of titles for the purpose of effecting a transfer of or charge upon the registered land or any estate or interest in the same, and it shall appear that the transfer or charge is to be in trust, or upon condition or limitation expressed in such deed or instrument, such deed or instrument shall be registered in the usual manner, except that the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate of title by memorial, but a memorandum or memorial shall be entered by the words "in trust," or "upon condition,"

Deeds in trust or upon conditions.

or other apt words, and by reference by number to the instrument authorizing or creating the same. A similar memorial shall be made upon the owner's duplicate certificate.

No transfer of or charge upon or dealing with the land, estate or interest shall thereafter be registered, except upon an order of the court first filed in the office of the registrar of titles directing such transfer, charge or dealing in accordance with the true intent and meaning of the trust, condition or limitation. Such registration shall be conclusive evidence in favor of the person taking such transfer, charge or right, and those claiming under him, in good faith and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

Registration
for trustee.

SEC. 65. When the title to registered land passes from a trustee to a new trustee a new certificate shall be entered to him and shall be registered in like manner as upon an original conveyance in trust.

SEC. 66. Any trustee shall have authority to file an application for the registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

Registration
of instru-
ments affect-
ing liens,
attach-
ments, etc.

SEC. 67. In every case where a writing of any description, or a copy of any writ, order or decree is required by law to be filed or recorded in order to create or preserve any lien, right or attachment, upon unregistered land, such writing or copy when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the registrar of titles in the county in which the land lies, and, in addition to any particulars required in such papers for the filing or recording, shall also contain a reference to the number of the certificate of title of the land to be affected, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification of the land intended to be affected.

Attach-
ments, liens,
etc., of same
effect as
upon unreg-
istered
land.

SEC. 68. All attachments, liens and rights of every description shall be enforced, continued, reduced, discharged and dissolved by any proceeding or method sufficient and proper in law to enforce, continue, reduce, discharge or dissolve like liens on unregistered land. All certificates, writings or other instruments permitted or required by law to be filled or recorded to give effect to the enforcement, continuance, reduction, discharge or dissolution of attachment, liens or other rights upon registered land,

or to give notice of such enforcement, continuance, reduction, discharge or dissolution, shall in the case of like attachments, liens or other rights upon registered land, be filed with the registrar of titles and registered in the register of titles, in lieu of filing or recording.

SEC. 69. The name and address of the attorney for the plaintiff in every action affecting the title to register shall in all cases be indorsed upon the writ or other writing filed in the office of the registrar of titles, and he shall be deemed the attorney of the plaintiff until written notice that he has ceased to be such plaintiff's attorney shall be filed for registration by the plaintiff.

Plaintiff's
attorney.

SEC. 70. A judgment, decree or order of any court shall be a lien upon or affecting registered land or any estate or interest therein only when a certificate under the hand and official seal of the clerk of the court in which the same is of record, stating the date and purport of the judgment, decree or order, or a certified copy of such judgment, decree or order is filed in the office of the registrar and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Action of
court a
lien when.

SEC. 71. Any person who has acquired any right, title, interest or estate in registered land, by virtue of any execution, judgment, order or decree of the court, shall register his title so acquired by filing in the office of the registrar of titles all writings or instruments permitted or required to be recorded in the case of unregistered land.

Acquiring
right or
title by
action,
must
register.

If the interest or estate so acquired is the fee in registered land, or any part thereof, the person acquiring such interest shall be entitled to have a new certificate of title registered in him in the same manner as is provided in the case of persons acquiring title by action or proceeding in foreclosure of mortgages.

SEC. 72. The certificate of the clerk (of the clerk) of the court in which any action or proceeding shall have been pending, or any judgment or decree is of record, that such action has been dismissed or otherwise disposed of or the judgment decree or order has been satisfied, released reversed or overruled, or if any sheriff or other officer that the levy of any execution, attachment or other process, certified by him, has been released, discharged or otherwise disposed of, being filed in the office of the registrar of titles and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such action, proceeding, judgment, decree, order or levy, according to the purport of such certificate.

Certificate
of clerk of
court, au-
thority for
registrar.

SEC. 73. Whenever registered land is sold and the same is by law subject to redemption by the owner or any other person, the purchaser shall not be entitled to have a new certificate of title entered until the time within which the land may be redeemed shall have expired. At any time after the time to redeem shall have expired the purchaser may petition the court for an order directing the entering of a new certificate of title to him, and the court shall, after such notice as it may order, and hearing, grant and make an order directing the entry of such new certificate of title.

SEC. 74. The heirs at law and devisees upon the death of an owner of lands, and any estate or interest therein, registered pursuant to this act, on the expiration of thirty days after the entry of a decree of the probate court granting letters testamentary or of administration, or in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree of the probate court and of the will, if any, with the clerk of the district court in the county in which the land is, and make application to the court for an order for the entry of a new certificate of title. The court shall issue notice to the executor or administrator and all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern, and after hearing may direct the entry of a new certificate or certificates to the person or persons as appear entitled thereto as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the probate court or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorial upon their certificates, stating that the estate is in course of settlement, and the court, after such notice as it may order and hearing, may grant the petition; *provided, however*, that the liability of heirs, devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

SEC. 75. Nothing contained in this act shall include, affect or impair the jurisdiction of the probate court, to order an executor or administrator or guardian to sell or

Sale subject to redemption.

Upon death of owner of lands.

Heirs may apply for new certificate. Action of court.

Upon final settlement by probate court.

Jurisdiction of probate court not impaired.

mortgage registered land for any purpose for which such order may be granted in the case of unregistered land. The purchaser or mortgagee taking a deed or mortgage executed in pursuance of such order of the probate court shall be entitled to register his title and to the entry of a new certificate of title or memorial of registration in the same manner as upon any similar voluntary transfer of registered land.

SEC. 76. An assignee for the benefit of creditors, receiver, trustee in bankruptcy, master in chancery, special commissioner or other person appointed by court shall file in the office of the registrar of titles the instrument or instruments by which he is vested with the title, estate or interest in any registered land, or a certified copy of an order of the court showing that such assignee, receiver, trustee in bankruptcy, master in chancery, special commissioner or other person is authorized to deal with such land, estate or interest, and if it is in the power of such person, he shall at the same time present to the registrar of titles the owner's duplicate certificate of title; thereupon the registrar shall enter upon the register of titles and the duplicate certificate, if presented, a memorial thereof, with a reference to such order or deed by its file number.

Duties of assignees or other persons appointed by court.

Such memorial having been entered, the assignee, receiver, trustee in bankruptcy, master in chancery, special commissioner or other person may, subject to the direction of the court, deal with or transfer such land as if he were the registered owner.

SEC. 77. Whenever registered land or any right or interest therein is taken by eminent domain the state or body politic or corporate, or other authority exercising such right, shall pay all fees on account of any memorial of registration or entry of new certificate or duplicate thereof, and fees for the filing of instruments required by this act to be filed.

Land taken by eminent domain.

When for any reason by operation of law land which has been taken for public use reverses to the owner from whom it was taken, or his heirs or assigns, the court, upon petition of the person entitled to the benefit of the reversion, after such notice as it may order, and hearing, may order the entry of a new certificate of title to him.

Reversion to owner.

SEC. 78. In every case where the registrar of titles enters a memorial upon a certificate of titles, or enters a new certificate of title in pursuance of any instrument executed by the registered owner, or by reason of any instrument or proceeding which effect or devise the title of the registered owner against his consent, if the outstand-

Court may order presentation of duplicate certificate of owner, when.

ing owner's duplicate certificate is not presented the registrar of titles shall not enter a new certificate or make a memorial, but the person claiming to be entitled thereto may apply by petition to the court. The court may order the registered owner or any person withholding the duplicate certificate to present or surrender the same, and direct the entry of a memorial or new certificate upon such presentation or surrender. If in any case the person withholding the duplicate certificate is not amenable to the process of the court or cannot be found, or if for any reason the outstanding owner's duplicate certificate cannot be presented or surrendered without delay the court may by decree annul the same and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorial of the annulment of the outstanding duplicate.

If in any case an outstanding mortgagee's and lessee's duplicate certificate is not procured or surrendered when the mortgage or lease is discharged, assigned or otherwise dealt with, like proceedings may be had to obtain registration as in case of the owner's production of the owner's duplicate certificate.

SEC. 79. In all cases where, under the provisions of this act, application is made to the court for any order or decree, the court may refer the matter to one of the examiners of title for hearing and report, in like manner as is herein provided for the reference of the application for registration.

SEC. 80. Examiners of titles shall, upon the request of registrar of titles, advise him upon any act or duty pertaining to the conduct of his office, and shall, upon request, prepare the form of any memorial to be made or entered by the registrar of titles.

SEC. 81. Every writing and instrument required or permitted by this act to be filed for registration shall contain or have indorsed upon it the full name, place of residence and postoffice address of the grantee or other person acquiring or claiming any right, title or interest under such instrument. Any change in residence or postoffice address of such person shall be indorsed by the registrar of titles in the original instrument on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates.

All notices required by or given in pursuance of the provisions of this act by the registrar of titles or by the court, after original registration, shall be served on the person to be notified; if a resident of the State of Min-

Court may direct hearing before examiner.

Examiners to advise registrars.

Instruments to contain name and address of persons in interest.

Notices by registrar or court, how served.

nesota, as summons in civil actions are served, and proof of such service shall be made as on the return of a summons. All such notices shall be sent by mail to the person to be notified, if not a resident of the State of Minnesota, at his residence and postoffice address, as stated in the certificate of title or in any registered instrument under which he claims an interest. The certificate of the registrar of letters or clerk of court that any notice has been served by mailing the same as aforesaid, shall be conclusive proof of such notice: *provided, however*, that the court may in any case order different or further service by publication or otherwise.

SEC. 82. Any person claiming any right or interest in registered land, adverse to the registered owner arising subsequent to the date of the original registration may, if no other provision is made in this act for registering the same, make a statement in writing, setting forth fully **his alleged right or interest, and how or under whom acquired**, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the *validity of such adverse claim, and shall enter such decree thereon as justice and equity may require.*

Adverse claim, subsequent to original registration, how registered.

If the claim is adjudged to be invalid the registration shall be cancelled.

The court may, in any case, award such costs and damages, including reasonable attorney's fees, as it may deem just in the premises.

SEC. 83. Upon the original registration of land under this act, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the registrar of titles one-tenth of one per cent of the assessed value of the real estate on the basis of the last assessment for general taxation, as an assurance fund.

Assurance fund, and its investment.

SEC. 84. All sums of money received by the registrar, as provided for in the last section, shall be paid by the registrar to the county treasurer of the county in which the land lies, for the purpose of an assurance fund, under the terms of this act; it shall be the duty of the county treasurer whenever the amount on hand in said assurance fund is sufficient, to invest the same, principal and income,

and report annually to the district court the condition and income thereof, all investment of the fund or any part thereof, shall be made with the approval of said court by order entered of record. The said fund shall be invested only in bonds or security of the United States, or of one of the states of the United States or counties or other municipalities of any state.

Damage through registration errors, or wrongful deprivation of land,—action against treasurer, and assurance fund.

SEC. 85. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar of titles or of any examiner of titles or of any deputy, or by the mistake or misfeasance of the clerk of court or any deputy in the performance of their respective duties under the provisions of this act, and any person wrongfully deprived of any land or any interest therein through the bringing of the same under the provisions of this act, or by the registration of any other person as the owner of such land, or by any mistake, omission or misdescription in any certificate or any entry or memorial in the registrar of titles, or by any cancellation, and who by the provisions of this act is barred or precluded from bringing an action for the recovery of such land, or interest thereon or claim upon the same may bring an action against the treasurer of the county in which such land is situated, for the recovery of damages to be paid out of the assurance fund.

If errors of record, treasurer sole defendant.

SEC. 86. If such action be for recovery for loss or damage arising only through any omission, mistake or misfeasance of the registrar of titles, or his deputies, or of any examiner of titles, or any clerk of court or his deputy, in the performance of their respective duties under the provisions of this act, then the county treasurer shall be the sole defendant to such action, but if such action be brought for loss or damage arising only through the fraud or wrongful act of some person or persons other than the registrar or his deputies, the examiners of titles, the clerk of court or his deputies, or arising jointly through the fraud or wrongful act of such other person or persons, and the omissions, mistakes or misfeasance of the registrar of titles or his deputies, the examiners of titles, the clerk of court or his deputies, then such action shall be brought against both the county treasurer and such person or persons aforesaid.

If other persons than treasurer are defendants.

In all such actions where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer until execution against the other defendants shall be returned unsatisfied, in whole or in part, and the officer returning the execution shall certify that

the amount still due upon the execution cannot be collected except by application to the indemnity fund. Thereupon, the court, being satisfied as to the truth of such return, shall order final judgment against the treasurer for the amount of the execution and costs, or so much thereof as remains unpaid. The county treasurer shall, upon such order of the court and final judgment, pay the amount of such judgment out of the assurance fund. It shall be the duty of the county attorney to appear and defend all such actions. If the funds in the assurance fund at any time are insufficient to pay any judgment in full, the balance unpaid shall draw interest at the legal rate of interest, and be paid with such interest out of the first funds coming into the fund.

SEC. 87. The assurance fund shall not be liable in any action to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage.

Liability of
assurance
fund.

Final judgment shall not be entered against the county treasurer in any action under this act to recover from the assurance fund more than the fair market value of the real estate at the time of the last payment to the assurance fund on account of the same real estate.

SEC. 88. No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained as provided in this act shall be made, brought or taken, except within the period of six years from the time when the right to bring or take such action or proceeding first accrued; except that if at the time when such right of action first accrues the persons entitled to bring such action or take such proceeding is within the age of twenty-one years, or insane, imprisoned or absent from the United States in the service of the United States or of this state, such person or anyone claiming from, by or under him, may bring the action or take the proceeding at any time within two years after such a disability is removed, notwithstanding the time before limited in that behalf has expired.

Limit of
time for
bringing
action.

SEC. 89. No erasure, alternation or amendment shall be made upon the register of titles after the entry of a certificate of title or of a memorial thereon and the attestation of the same by the registrar of titles, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any

Alterations
on title
register on
by order of
court, and
how made.

description, whether vested, contingent, expectant or in-
c[h]oate, have terminated and ceased; or that new inter-
ests have arisen or been created which do not appear upon
the certificate; or that an error, omission or mistake was
made in entering a certificate: or any memorial thereon,
or on any duplicate certificate; or that the name of any
person on the certificate has been changed; or that the
registered owner has been married, or if registered as
married, that the marriage has been terminated; or that
a corporation which owned registered land and has been
dissolved has not conveyed the same within three years
after its dissolution; or upon any other reasonable
ground; and the court shall have jurisdiction to hear and
determine the petition after such notice as it may order
to all parties in interest, and may order the entry of a
new certificate, the entry or cancellation of a memorial
upon a certificate, or grant any other relief upon such
terms and conditions, requiring security if necessary, as
it may deem proper; *provided, however,* that this section
shall not be construed to give the court authority to open
the original decree of registration, and that nothing shall
be done or ordered by the court which shall impair the
title or other interest of a purchaser holding a certificate
for value and in good faith, or his heirs or assigns, with-
out his or their written consent.

Certificates
subjects of
larceny.

SEC. 90. Certificates of title and duplicate certificates
entered or issued under this act shall be subjects of lar-
ceny.

False swear-
ing, perjury.

SEC. 91. Whoever knowingly swears falsely to any
statement required by this act to be made under oath
shall be guilty of perjury, and shall be liable to the stat-
utory penalties for perjury.

Fraudulently
procuring
entry, a
felony.

SEC. 92. Whoever fraud[ul]ently procures or assists
in fraud[ul]ently procuring, or is p[ri]ory to the fraudulent
procurement, of any certificate of title or other instrument,
or of any entry in the register of titles, or other book kept
in the registrar's office, or of any erasure or alternation in
any entry in any said book, or in any instrument author-
ized by this act, or knowingly defrauds or is p[ri]ory to
[de]frauding any person by means of a false or fraudulent
instrument, certificate, statement, or affidavit affecting
registered land, shall be guilty of a felony and fined not
exceeding five thousand dollars and imprisonment not
exceeding five years, or either or both in the discretion
of the court.

Penalty.

Forging of
signatures
a felony.

SEC. 93. Whoever forges or procures to be forged, or
assists in forging, the seal of the registrar, or the name,

signature or handwriting of any officer of the registry office, in case where such officer is expressly or impliedly authorized to affix his signature; or forges or procures to be forged, or assists in forging, the name, signature or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or uses any document upon which any impression or part of the impression of any seal of said registrar has been forged, knowing the same to have been forged, or any document the signature to which has been forged, shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary not exceeding ten years, or fined not exceeding one thousand dollars, or both fined and imprisoned, in the discretion of the court.

Penalty.

SEC. 94. No proceeding or conviction for any act hereby declared to be a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act or against his estate.

SEC. 95. On the filing of any application for registration the applicant shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant on entering his appearance shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant.

Fees of clerk of court.

When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this act shall be paid for by the party on whose application the order of publication is made in addition to the fees above prescribed. The party at whose request any notice is issued shall pay for the service of the same, except when sent by mail by the clerk of the court or registrar of titles.

Other fees.

SEC. 96. The fees to be paid to the registrar of titles shall be as follows:

A. At or before the time of filing the certified copy of the application for registration the applicant shall pay to the registrar on all land having an assessed value of \$1,000 or less ten dollars, and two dollars and 50-100 on each one thousand dollars or major fraction of the assessed value of said land, additional.

Fees of registrar.

B. For granting certificates of title upon each applicant and registering the same, \$2.00.

C. For registering each transfer, including the filing of all instruments connected therewith, and the issue and registration of the new certificate of title, \$3.00.

D. When the land transferred is held upon any trust condition or limitation, an additional fee of \$5.00.

E. For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and indorsements upon duplicate certificates, \$3.00.

F. For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, \$2.00.

G. For filing copy of will with letters testamentary, or filing copy of letters of administration and entering memorial thereof, \$5.00.

H. For the cancellation of each memorial or charge, \$1.00.

I. For each certificate showing condition of the register, \$1.00.

J. For any certified copy of any instrument or writing on file in his office, the same fees now allowed by laws to registers of deeds for like service.

K. For any other service required or necessary to carry out this act and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

SEC. 97. In all counties in which the registrar of deeds receives the fees of the office in lieu of a salary, all fees mentioned in section 96, except one-half of those provided for in subdivision A thereof, shall belong to the register of deeds. In all such cases one-half of the fees provided for in said subdivision A, and in all cases where the register of deeds received a salary in lieu of fees, all of the fees provided for in section 96 shall be paid to the county treasurer of the county in which the fees are paid, to be used for the current expenses of the county.

SEC. 98. This act shall take effect and be in force from and after September 1st, 1901.

Approved April 11, 1901.

Disposition
of fees.

S. F. No. 271.

CHAPTER 238.

Amendment.
Contagious
diseases.

An act to amend section twenty-nine (29) of chapter one hundred and thirty-two (132) of the General Laws of Minnesota for the year eighteen hundred and eighty-three (1883), as amended.

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

SECTION 1. That section twenty-nine (29) of the General Laws of Minnesota for the year eighteen hundred