

of which would be prohibited to a corporation which might then be formed under the provisions of sections 301.01 to 301.61, or under the *Minnesota Nonprofit Corporation Act*; provided, that, if the name of such corporation does not end with the word "corporation," or the word "incorporated," or the abbreviation "Inc.," or does not contain the word "company" or the abbreviation "Co." not immediately preceded by the word "and" or the character "&," a certificate of authority may be issued to it if it agrees in its application for a certificate of authority to add at the end of its name the word "incorporated" or the abbreviation "Inc." in transacting business within this state. The name of such corporation may contain the word "cooperative" if it is a cooperative corporation generally similar to the kind which might then be organized under the laws of this state.

[317.69]. Sec. 78. Except as provided in Section 4, Subdivision 1, clause (3), Minnesota Statutes 1949, Section 300.47, 300.48, 300.50, 301.563, 309.01 to 309.09, 309.18 to 309.20, 311.01 to 311.06, 312.01 to 312.33, 313.01 to 313.11, 314.01 to 314.04, are hereby repealed.

Approved April 20, 1951.

CHAPTER 551—S. F. No. 509

[Coded as Sections 518.54 to 518.67]

An act relating to domestic relations and providing for alimony, support money, and division of property in divorce and annulment actions; and repealing Minnesota Statutes 1949, Sections 518.19 to 518.23.

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

[518.54] Section 1. **Definitions.** Subdivision 1. **Terms.** For the purposes of this act, the terms defined in this section shall have the means respectively ascribed to them.

Subd. 2. **Child.** "Child" means an individual under 21 years of age, or an individual who, by reason of his physical or mental condition, is unable to support himself.

Subd. 3. **Alimony.** "Alimony" means an award made in a divorce proceeding of payments from the future income or earnings of the husband for the support and maintenance of the wife only.

Subd. 4. **Support money.** "Support money" means an award in a divorce or annulment proceeding for the care, support and education of any child of the marriage or of the parties to the annulment proceeding.

Subd. 5. **Property acquired during coverture.** "Property acquired during coverture" means any property, real or personal, acquired by the parties, or either of them, to a divorce or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding, whether such property is held in joint tenancy or separate estates. "Property acquired during coverture" includes, but without limitation, any property acquired by either party by gift, bequest, devise or inheritance, and any property, real or personal, in which one spouse has secured a vested interest from the other spouse by means of such direct or indirect conveyances or transfers thereof as are permitted by law, during the marriage or during such time as the parties are living together as husband and wife under a purported marriage relationship subsequently annulled.

[518.55] **Sec. 2. Alimony or support money.** Every award of alimony or support money in a judgment of divorce shall clearly designate whether the same is alimony or support money, or what part of the award is alimony and what part thereof is support money. If there are no children, or if custody of the children is not awarded to the wife, any award of payments from future income or earnings of the husband shall be presumed to be alimony. If there are children of the parties the custody of whom is awarded to the wife, or if the custody is divided, any award of payments from the future income or earnings of the husband shall be presumed to be support money unless otherwise designated by the court. In any judgment of divorce the court may determine, as one of the issues of the case, whether or not the wife is entitled to an award of alimony notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of alimony for determination at a later date.

[518.56] **Sec. 3. Personal estate.** Upon a decree of divorce or annulment the court may make a further order restoring to the wife the whole or such part as it deems just and reasonable of the personal estate belonging to the wife and not acquired during coverture, or awarding to her the value thereof, and also the value of any real estate of the wife not acquired during coverture and disposed of by the husband and wife during coverture, to be paid by her husband in money; and the court may require the husband to disclose on oath what of such personal estate of the wife's has come to him during the marriage, and how and to whom the same was disposed of, and what portion thereof remains in his hands or under his control. For the purpose of this section, the terms "husband" and "wife" shall include the parties to a purported marriage subsequently annulled. The court may also provide in any such decree of divorce or annulment for the restoration to the wife of the possession of her separate real estate not acquired during coverture.

[518.57] **Sec. 4. Minor children, maintenance.** Upon a decree of divorce or annulment, the court may make such further order as it deems just and proper concerning the maintenance of the minor children as is provided by Section 518.17, and for the maintenance of any child of the parties as defined in this act, as support money, and may make the same a lien or charge upon the property of the parties to such action, or either of them, either at the time of the entry of such judgment or by subsequent order upon proper application therefor.

[518.58] **Sec. 5. Disposition of property.** Upon a divorce for any cause, or upon an annulment, the court may make such disposition of the property of the parties acquired during coverture as shall appear just and equitable, having regard to the nature and determination of the issues in the case, the amount of alimony or support money, if any, awarded in the judgment, the manner by which said property was acquired and the persons paying or supplying the consideration therefor, the charges or liens imposed thereon to secure payment of alimony or support money, and all the facts and circumstances of the case.

[518.59] **Sec. 6. Household goods and furniture.** Upon a divorce for any cause, the court may also award to the wife the household goods and furniture of the parties, whether or not the same was acquired during coverture, and may also

order and decree to the wife such part of the real and personal estate of the husband not acquired during coverture, exclusive of future earnings and income, and not exceeding in present value one-half thereof, as it deems just and reasonable, having regard to the amount of property decreed to the wife under Sections 3 and 5 hereof, the amount of alimony and support money awarded, if any, the character and situation of the parties, the nature and determination of the issues, and all other circumstances of the case.

[518.60] **Sec. 7. Alimony, limitation.** Upon a divorce for any cause, the court may also order and decree to the wife such alimony, not exceeding one-half of the husband's future earnings and income, as it deems just and reasonable, having regard for the circumstances as described in Section 6 hereof, and may make the payment thereof a lien or charge upon any real or personal property of the husband.

[518.61] **Sec. 8. Trustees.** The court may appoint trustees, when it is deemed expedient, to receive any money ordered to be paid to the wife as alimony or support money, or as an award under Section 5 or Section 6 of this act, upon trust to invest the same, and pay over the income for the support of the wife, or of the wife and children of the parties, or any of them, in such manner as the court shall direct, or to pay over to the wife the principal sum in such proportions and at such times as the court shall order, regard being had in all such cases to the situation and circumstances of the wife, and the children, if there are any, provided for in the order; and such trustees shall give such bond, as the court shall require, for the faithful performance of their trust.

[518.62] **Sec. 9. Temporary alimony.** Temporary alimony may be awarded to the wife as provided in Section 518.14, and temporary support money may be awarded to the wife as provided in Section 518.16, for the support of any children of the parties, including children as defined in this act; and the court may also award to either party to the action, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the action and the right to the use of the homestead of the parties, exclusive or otherwise, pending the action; and the court may order and direct either party to remove from the homestead of the parties upon proper application to the court for such order, pending the action.

[518.63] Sec. 10. **Homestead, occupancy.** The court, having due regard to all the circumstances and the custody of any children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of divorce, or proper modification thereof, for such period of time as may be determined by the court, and such award of the right of occupancy of the homestead when made to the wife, whether exclusive or otherwise, may be in addition to the maximum amount which may be awarded to her under Section 6 of this act.

[518.64] Sec. 11. **Alteration of orders or decrees.** After an order or decree for alimony or support money, temporary or permanent, or for the appointment of trustees to receive and hold any property awarded as alimony or support money, the court may from time to time, on petition of either of the parties revise and alter such order or decree respecting the amount of such alimony, or support money, and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any order respecting these matters which it might have made in the original action, except as herein otherwise provided. Except for an award of the right of occupancy of the homestead, all divisions of real and personal property provided by Sections 5 and 6 of this act shall be final, and subject only to the power of the court to impose a lien or charge thereon at any time while such property, or subsequently acquired property, is owned by the parties or either of them, for the payment of alimony or support money, or to sequester the property as is provided by Section 518.24, Minnesota Statutes of 1949.

[518.65] Sec. 12. **Property, sale, partition.** In order to effect a division or award of property as is provided by Sections 5 and 6 of this act, the court may order any such property sold or partitioned. Personal property may be ordered sold in such manner as shall be directed by the court, and real estate may be partitioned in the manner provided by Chapter 558, Minnesota Statutes of 1949 [,] insofar as the same is applicable.

[518.66] Sec. 13. **Power of court not limited.** Nothing contained in the within act shall be construed as limiting the power of the court in appropriate cases to make adequate provision for the support and education of any children of the

parties to any divorce or annulment action where such divorce or annulment is denied.

[518.67] **Sec. 14. Application.** This act shall not apply to any case in which there has heretofore been entered a judgment of divorce or annulment.

Section 15. Minnesota Statutes 1949, Sections 518.19 to 518.23 [,] inclusive [,] are hereby repealed.

Approved April 20, 1951.

CHAPTER 552—S. F. No. 756

[Coded as Sections 21.47 to 21.58]

An act to regulate the sale, offering or exposing for sale agricultural seeds; providing for labeling of same; providing penalties for the violation thereof; appropriating money therefor, and repealing Minnesota Statutes 1949, Section 21.01, Subdivisions 1 to 13 inclusive, and Subdivisions 19 to 24 inclusive, Sections 21.02 to 21.101 inclusive, and 21.21 to 21.24 inclusive.

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

Section 1. Minnesota Statutes 1949, Section 21.01, Subdivisions 1 to 13 inclusive and subdivisions 19 to 24 inclusive, Sections 21.02 to 21.101 inclusive, and 21.21 to 21.24 inclusive, are repealed.

[21.47] **Sec. 2. Definitions.** Subdivision 1. **Terms.** When used in this act the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Person.** "Person" includes an individual, partnership, corporation, company, society, association, and firm.

Subd. 3. **Sell.** "Sell", when applying to agricultural seed and screenings and samples thereof, shall be construed as including: