

lature has made or hereafter may make an appropriation, and to pay interest on such warrants until the state treasury can redeem the same at a rate not exceeding five per cent per annum; *provided*, that the amount of such warrants outstanding at any time shall not exceed two hundred and fifty thousand dollars.

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

Approved April 14, 1903.

CHAPTER 234.

S. F. No. 473.

An act to amend sections 1, 5, 13, 14, 15, 18, 30, 52 and 58 of chapter 237 of the General Laws of the State of Minnesota for 1901, relating to the registration of the title to land in certain counties.

Registration of land titles in certain counties.

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

SECTION 1. That section one (1) of chapter 237 of the laws of the State of Minnesota for the year 1901 be amended to read as follows: "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 in its own behalf or by its authorized agent, an 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."

Who may apply for registration.

SEC. 2. That section five (5) of said chapter 237 is hereby amended to read as follows: "Any number of adjoining 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 chain of title and belonging to the same person, may be included in one application."

More than one piece of land may be included in one application, when.

SEC. 3. That section thirteen (13) of said chapter 237 be amended to read as follows: "The judges of the district court in and for the judicial districts for which they are 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, and such examiner of titles shall hold office subject to the will and discretion of the judges of the district in which they are so appointed. The compensation of examiner of titles and legal advisers of the registrar in each county shall be fixed by the judges of the district court in and for the district in which the county is situated and shall be paid in the same manner as the compensation of other county employes is paid."

Examiners
of titles
and legal
advisers of
registrar.

If applicant
a non-resi-
dent, he
shall ap-
point a
resident
agent.

SEC. 4. That section fourteen (14) of said chapter 237 be amended to read as follows: "If the applicant is not a resident of the State of Minnesota he shall record in the office of the register of deeds in and for the county wherein the land is situated a written agreement, 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. In subsequent applications made by the same applicant, he may refer to said written authority, so recorded, *provided* the agreement or authority is sufficiently general to cover the case or cases in which any application is filed."

Application
filed with
clerk of
court, who
shall docket
same.

SEC. 5. That section fifteen (15) of said chapter 237 be amended to read as follows: "The application shall be filed in the office of the clerk of the court, to whom the application is made, 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), application 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 file with the said clerk, as soon after the filing of the application as is practicable, an abstract of title such as is now commonly used, satisfactory to the examiner who is to examine the title, which said abstract shall be brought down to a date subsequent to the filing of the copy of the application in the office of the register of deeds."

SEC. 6. That section 18 of said chapter 237 be amended to read as follows: "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. Whenever, in the opinion of the examiner, the State of Minnesota has any interest in or claim upon the land, he shall state the nature and character thereof in his report, and in all cases where the examiner reports that the state has, or may have, some interest in or claim upon the land, it shall be joined as a party in said proceedings and named in the summons as a party thereto, in order that its interest or claim may be defined, protected and preserved. The summons shall be served upon the state by delivering a copy thereof to the attorney general, who shall appear in the proceedings and represent the state therein. The judgment and decree rendered in said proceeding shall adjudicate and determine the interest of the state in said land and its claim upon or against the same."

Summons
issued,
when.

State
joined.

Service
on the
attorney
general.

State's
interest
adjudicated.

SEC. 7. That subdivision one (1) of section thirty (30) of said chapter 237 be amended to read as follows:

Claims which state cannot require to appear of record.

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

Owner to execute deeds to be filed with registrar.

SEC. 8. That section fifty-two (52) of said chapter 237 be amended to read as follows: "An owner of registered 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 title shall enter a new certificate and issue the owner's duplicate certificate to the grantor for that part of the land not conveyed by the deed. The registrar shall require an affidavit by the grantee or some one on his behalf and said affidavit shall set forth the name, age and residence of the grantee, whether the grantee (except in the case of a corporation) is married or not, and if married, the name of the husband or wife.

Certificate cancelled, new certificates.

Adverse interests to be stated in new certificate.

Deed in fee for a part of land.

Affidavit by grantee, contents of.

SEC. 9. That section fifty-eight (58) of said chapter 237 be amended to read as follows: "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 like manner as before provided, for a release or discharge. The production of the mort-

Mortgagee's duplicate to be presented with assignment.

Duplicate surrendered.

In case of part release.

gagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented."

SEC. 10. That sections 1, 5, 13, 14, 15, 18, 30, 52 and 58 of chapter 237 of the General Laws of the State of Minnesota for 1901, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Sections
repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 17, 1903.

CHAPTER 235.

S. F. No. 355.

An act to authorize cities of over fifty thousand inhabitants to issue and sell their bonds for acquisition of lands for park and parkway purposes and relating to expenditures for park and parkway purposes by such cities.

Cities of
over 50,000
authorized
to issue
and sell
bonds for
acquisition
of lands
for parks.

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

SECTION 1. Any city in this state now or hereafter having over fifty thousand inhabitants is hereby authorized to issue and sell its bonds in any amount up to one hundred thousand dollars for the purpose of adding to its funds available for the acquisition of land for park and parkway purposes by purchase or otherwise, any or all of the moneys so acquired, to be subject to expenditure by said city in any one year, or from time to time, as may be deemed advisable; and any balance remaining on hand at the end of any fiscal year to the credit of the park fund of any such city, from whatever source derived, shall be carried forward as an additional appropriation to that fund for the next ensuing year, but moneys derived from the sale of the bonds herein and hereby authorized shall be expended only for the purposes herein expressed.

Not to ex-
ceed \$100,000.

SEC. 2. Any such bonds shall be issued in the following manner, to wit: upon the unanimous request of the board of park commissioners of any such city, its common council may first, by an ordinance passed by a two-thirds vote, authorize the issuance of bonds of such city to run not more than thirty years and to bear interest at not more than four and one-half per cent ($4\frac{1}{2}$) per annum. The principal and interest thereon to be payable at such times and places as may be fixed in and by the

How
issued.