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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

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3 sale on execution or other process, for two years from the
4 time of such payment, and shall be paid out under the di-
5 rection of the court upon the joint application of the debtor
6 and his wife, if the debtor is living, otherwise to such par-
7 ties as are by law entitled to the benefit of such homestead.

1 SECT. 8. The appraisers, or a majority of them, shall
2 make a certificate of their doings under the provisions of
3 this chapter, which the officer shall attach to his return of
4 the execution, and the same shall have the same force and
5 effect as evidence as the return of the officer.

CHAPTER LXIX.

MARRIED WOMEN.

1 SECTION 1. At any time before a marriage is solemn-
2 ized, the parties thereto may enter into a contract in writing
3 declaring their consent that, after the marriage is solemn-
4 ized the wife shall continue to hold either the whole or any
5 designated part of the real or personal estate, or any right New chapter.
6 of action of which she may be seized or possessed at the
7 time of the marriage, to her sole and separate use, free from
8 the interference or control of her husband. Such contract
9 may limit to the wife an estate for life, in the whole or any
10 part of the property, and designate any other limitation not
11 repugnant to the laws of this state, and all such limitations
12 shall take effect at the time of the marriage in like manner
13 as if they had been contained in a deed conveying to the
14 wife the property limited. There shall be annexed to said
15 contract, a schedule of the property to be affected thereby,
16 and said contract and schedule shall be void against any
17 creditor of the husband, unless recorded in the registry of
18 deeds of the county where the husband resides, within twen-
19 ty days after the solemnization of such marriage.

1 SECT. 2. Any person capable in law of making a deed
2 or will, including the husband, may convey, devise or be-
3 queath to any married woman, any property or estate to be
4 held by her, without the intervention of a trustee, to her
5 sole and separate use, free from the control or interference
6 of her husband. Every such conveyance shall be void as
7 against the creditors of the husband unless recorded in the reg-
8 istry of deeds of the county where the husband resides, within
9 twenty days after the execution and delivery of the same.

1 SECT. 3. Whenever any property is seized to the sole
2 and separate use of a married woman, or conveyed, devised
3 or bequeathed to her, pursuant to any of the foregoing provis-
4 ions, she shall, in respect to all such property and the
5 rents, issues and profits thereof, have the same rights and
6 powers, and be entitled to the same remedies in her own
7 name, and be subject to the same obligations as a femme sole :
8 She may convey or devise the same without the consent of
9 her husband, and without joining with him in any deed of
10 conveyance of such property, and may be sued upon any
11 contract by her made, or any wrong by her done in respect
12 to such property, and upon any contract by her made, or
13 wrong by her done before such marriage, with the same ef-
14 fect as if she was unmarried.

1 SECT. 4. If any married woman, holding property to
2 her separate use by virtue of this chapter, dies intestate, all
3 her right and interest in any personal property thus held,
4 shall vest in her husband, unless other provision is made in
5 relation thereto by the terms of the contracts or conveyan-
6 ces hereinbefore mentioned, and he shall be entitled to his
7 estate by the curtesy in all lands and tenements held by his
8 wife : *Provided, however,* that in every such case it shall be
9 necessary for the husband to take administration upon the
10 estate of the deceased wife, and he shall hold such personal
11 property and all the interest of his wife in any real estate,
12 saving his estate by the curtesy, subject to the payment of
13 all debts incurred by her, either before or after marriage.

1 SECT. 5. When any married man abandons his wife, or
2 neglects to make adequate provision for her maintenance,
3 or that of his family, his wife may in her own name and for
4 her sole benefit and that of her family, engage in and trans-
5 act any business or trade in her own name, and sue and be
6 sued in the same manner as if she was unmarried ; and all
7 contracts made by her in the usual course of such business
8 or trade shall be as valid and binding as if she was sole,
9 and the stock in trade by her acquired in the transacting of
10 such business or trade, and the issues, profits and proceeds
11 thereof shall be held by her to her sole and separate use,
12 free from the control or interference of her husband or his
13 creditors, and may be disposed of by her without his con-
14 sent : *Provided,* that the husband shall not be liable for any
15 contract, default or tort of the wife, made, done or incurred
16 in the course of transacting such business or trade.

1 SECT. 6. The wages of any married woman, earned after
2 or before marriage by her personal labor performed for any
3 other person than her husband, shall be paid and held to
4 her sole and separate use, and may be loaned or deposited

5 by her in her own name, and payment to her by the per-
 6 son for whom such labor was performed, or to or with whom
 7 the amount of such wages was loaned or deposited shall be
 8 a valid payment, and her sole receipt for the same shall have
 9 the same effect as that of her husband or his legal representa-
 10 tives.

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CHAPTER LXX.

FEES.

1 SECTION 1. For the services mentioned in this chapter, C. S. p. 582, Sect. 1.
 2 the fees hereinafter prescribed are allowed: Amended.

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FEES OF CLERKS OF DISTRICT COURTS.

- 1 SECT. 2. For issuing and sealing every writ, summons,
- 2 subpoena or process, seventy-five cents.
- 3 Certified copy of such writ when required, ten cents per
- 4 folio and twenty-five cents for certificate.
- 5 Entering the return of every writ and filing such writ,
- 6 fifteen cents per folio.
- 7 Entering an appearance, retraxit, discontinuance, nonsuit
- 8 or default, twenty cents.
- 9 Entering every rule, order or motion in term, fifteen cents
- 10 for each folio.
- 11 Certified copies of rules or orders, ten cents for each folio,
- 12 and twenty-five cents for the certificate.
- 13 Every report upon an assesment of damages or other
- 14 matter referred to him, seventy-five cents, and fifteen
- 15 cents per folio for such report when it exceeds five folios.
- 16 Every certificate, twenty-five cents.
- 17 Calling and swearing grand jury, one dollar.
- 18 Calling and swearing petit jury in civil causes, seventy-
- 19 five cents.
- 20 Swearing jurors in criminal causes, ten cents for each
- 21 oath administered.
- 22 Swearing triers, ten cents for each oath administered.
- 23 Swearing each witness on trial, fifteen cents.
- 24 Swearing officer to take charge of jury, twenty cents.
- 25 Entering or taking a recognizance, seventy-five cents.
- 26 Entering a cause in a calendar for the court and making
- 27 a copy thereof for the bar, twenty cents.
- 28 Receiving and entering a verdict, thirty cents.
- 29 Entering an action without process, sixty-five cents.
- 30 Certified copy of the minutes of a trial when required,
- 31 seventy-five cents.

1863-p. 127, Sect. 1.

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