

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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TITLE I.

CONVEYANCES OF LANDS FRAUDELENT AS AGAINST PURCHASERS.

SECTION 1. Every conveyance of any estate or interest in lands, or the rents and profits of lands, and every charge upon lands, or upon the rents and profits thereof, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, as against any such purchasers, shall be void.

Conveyance void, when.
2 Min. 264.
2 Min. 291.
3 Min. 391.

SEC. 2. No such conveyance or charge shall be deemed fraudulent, in favor of a subsequent purchaser who had actual or legal notice thereof at the time of his purchase, unless it appears that the grantee in such conveyance, or person to be benefited by such change, was privy to the fraud intended.

Not fraudulent unless grantee was privy to the fraud.

SEC. 3. Every conveyance or charge of or upon any estate or interest in lands, containing any provision for the revocation, determination or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void, as against subsequent purchasers, from such grantor, for a valuable consideration, of any estate or interest, so liable to be revoked or determined, although the same is not expressly revoked, determined, or altered by such grantor, by virtue of the power reserved or expressed in such prior conveyance or charge.

Conveyance, void as against subsequent purchasers, when.

SEC. 4. When a power to revoke a conveyance of any lands or the rents and profits thereof, and to re-convey the same, is given to any person other than the grantor in such conveyance, and such person thereafter conveys the same land, rents or profits, to a purchaser for a valuable consideration, such subsequent conveyance shall be valid in the same manner and to the same extent as if the power of revocation was recited therein, and the intent to revoke the former conveyance expressly declared.

Conveyance by person to whom revocation has been given, valid.

SEC. 5. If a conveyance to a purchaser under either of the two preceding sections, is made before the person making the same is entitled to execute his power of revocation, it shall nevertheless be valid from the time the power of revocation actually vests in such person, in the same manner and to the same extent, as if then made.

Conveyance under either of preceding sections—valid.

TITLE II.

STATUTE OF FRAUDS.

SEC. 6. No action shall be maintained in either of the following cases upon any agreement unless such agreement or some note or memorandum thereof expressing the consideration, is in writing, and subscribed by the party charged therewith:

No action maintainable on agreement, when.
1 Min. 301.
3 Min. 109.
5 Min. 455.

First. Every agreement that by its terms is not to be performed within one year from the making thereof;

Second. Every special promise to answer for the debt, default or doings of another;

Third. Every agreement, promise or undertaking, made upon consideration of marriage, except mutual promise to marry.

SEC. 7. Every contract for the sale of any goods, chattels or things in action, for the price of fifty dollars or more, shall be void, unless,

Contracts for sale of goods for price of \$50 or more, valid—when.

First. A note or memorandum of such contract, is made in writing and subscribed by the parties to be charged therewith; or,

Second. Unless the buyer accepts and receives part of such goods, or the evidences, or some of them, of such things in action; or,

Third. Unless the buyer at the time pays some part of the purchase money.

SEC. 8. Whenever goods are sold at public auction, and the auctioneer at the time of sale, enters into a sale-book a memorandum specifying the nature and price of the property sold, the terms of the sale, name of the purchaser, and the name of the person on whose account the sale is made; such memorandum shall be deemed a note of the contract of sale within the meaning of the last section.

Auctioneer's memorandum to be deemed note of contract.

SEC. 9. Every grant or assignment of any existing trust in goods or things in action, unless the same is in writing, subscribed by the party making the same, or by his agent, lawfully authorized, shall be void.

Grants of trusts, void unless in writing.

SEC. 10. No estate or interest in lands other than leases for a term, not exceeding one year, nor any trust or power over or concerning lands, or in any manner relating thereto, shall hereafter be created, granted, assigned, surrendered or declared, unless by act or operation of law, or by deed or conveyance in writing, subscribed by the parties creating, granting, assigning, surrendering or declaring the same, or by their lawful agent thereunto authorized by writing.

Conveyance of land to be in writing.
2 Min. 277.
4 Min. 141.
6 Min. 250.
6 Min. 358.

SEC. 11. The preceding section shall not be construed to affect in any manner the power of a testator in the disposition of his real estate by a last will and testament; nor to prevent any trust from arising or being extinguished by implication or operation of law.

Limitation of preceding section.

SEC. 12. Every contract for the leasing for a longer period than one year, or for the sale of any lands, or any interest in lands, shall be void, unless the contract, or some note or memorandum thereof, expressing the consideration, is in writing, and subscribed by the party by whom the lease or sale is to be made, or by his authorized agent.

Contracts for lease or sale of land, valid—when.
8 Min. 524.
10 Min. 207.

SEC. 13. Nothing in this chapter contained shall be construed to abridge the power of courts of equity to compel the specific performance of agreements in cases of part performance of such agreements.

Chapter does not abridge powers of courts of equity.

TITLE III.

CONVEYANCES RELATIVE TO LANDS, GOODS AND CHATTELS FRAUDULENT AS AGAINST CREDITORS.

SEC. 14. All deeds of gift, all conveyances and all transfers or assignments, verbal or written, of goods, chattels or things in action, made in trust for the use of the person making the same, shall be void, as against the creditors existing or subsequent of such person.

Conveyances of personal property, void, when. 3 Min. 394. 4 Min. 533.

SEC. 15. Every sale made by a vendor of goods and chattels in his possession or under his control, and every assignment of goods and chattels, unless the same is accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things sold or assigned, shall be presumed to be fraudulent and void, as against the creditors of the vendor or assignor, or subsequent purchasers in good faith, unless those claiming under such sale or assignment make it appear that the same was made in good faith, and without any intent to hinder, delay or defraud such creditors or purchasers.

Sale of chattels presumed void, when.

SEC. 16. The term "creditors" as used in the preceding section, includes all persons who are creditors of the vendor or assignor, at any time while such goods and chattels remain in his possession, or under his control.

Term "creditors" defined.

SEC. 17. Nothing contained in the two preceding sections shall apply to contracts of bottomry or respondentia, nor assignments or hypothecations of vessels or goods at sea or in foreign ports, or without this state: *provided*, the assignee or mortgagee takes possession of such vessel or goods as soon as possible, after the arrival thereof, within this state.

Limitation of two preceding sections.

SEC. 18. Every conveyance or assignment in writing or otherwise, of any estate or interest in lands, or of any rents or profits issuing therefrom, and every charge upon lands or upon the rents or profits thereof, made with the intent to hinder, delay or defraud creditors or other persons of their lawful actions, damages, forfeitures, debts or demands, and every bond or other evidence of debt given, actions commenced, order or judgment suffered, with the like intent as against the persons so hindered, delayed, or defrauded, shall be void.

Conveyances made with intent to hinder, delay or defraud creditors, void. 3 Min. 377. 3 Min. 389.

SEC. 19. Every conveyance, charge, instrument or proceeding, declared to be void by the provisions of this and the two preceding titles, as against creditors or purchasers, shall be equally void against the heirs, successors, personal representatives or assignees of such creditors or purchasers.

Conveyances void as to creditors, void as to heirs.

SEC. 20. The question of fraudulent intent in all cases, arising under the provisions of this title shall be deemed a question of fact, and not of law, and no conveyance or charge shall be adjudged fraudulent as against creditors, solely on the ground that it was not founded on a valuable consideration.

Fraudulent intent, a question of fact. 6 Min. 305.

SEC. 21. The provisions of this title shall not be construed in any manner to affect or impair the title of a purchaser for a valuable consideration unless it appears that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

Purchaser without notice protected. 6 Min. 305.

SEC. 22. The term "conveyance," as used in this chapter, shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

Term "conveyance" defined.