

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

SEC. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes. No exemption from taxes.

*An Act to amend an act entitled, "An Act for a Homestead Exemption," passed August twelfth, one thousand eight hundred and fifty-eight.**

SECTION 1. The owner of a homestead under the laws of this state, may remove therefrom, or sell and convey the same, and such removal or sale and conveyance shall not render such homestead liable or subject to forced sale on execution or other process hereafter issued on any judgment or decree of any court of this state, or of the district court of the United States for the state of Minnesota against such owner; nor shall any judgment or decree of any such court be a lien on such homestead for any purpose whatever: *provided*, that this act shall not be so construed as in any manner to relate to judgments or decrees rendered on the foreclosure of mortgages either equitable or legal. Removal of owner or sale does not subject homestead to levy—judgment not a lien on homestead for any purpose.

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

Approved March 10, 1860.

CHAPTER LXIX.

MARRIED WOMEN.

1869-69

SECTION

1. Married women may hold property, when and how—right of disposal—schedule to be recorded.
2. Conveyances to married women, how made—void, as against creditors of husband, unless recorded.
3. Married woman entitled to rents and profits of separate estate—may convey her estate, how.
4. Rights of husband in personal estate of deceased wife—rights in her real estate as tenant by the curtesy.

SECTION

5. Married woman may transact business in her own name, when—shall first obtain license from judge of probate—contracts made by married woman valid—husband not liable for default or tort of wife.
6. Married woman entitled to her wages, when—payment to her, valid.
7. Property now held by married women not affected by this chapter.
8. Married women entitled to use of capital now invested in business—such capital not liable for husband's debts.
9. Schedule to be recorded in separate book.

SECTION 1. All property owned by any woman at the time of her marriage, and all property which comes to her by descent after marriage, and the rents, profits and increase thereof, shall be held by her free from the debts of her husband, to her sole and separate use, the same as though she were feme sole, but shall not be disposed of by her without the consent of her husband unless the right to do so is reserved to her, in and by a contract between herself and husband, executed prior to the marriage. Married woman may hold property, when and how.

A schedule of the property owned by a married woman at the time of her marriage, shall be recorded in the office of the register of deeds of the Right of disposal.
5. Min. 155.
9. Min. 79.
10. Min. 50.
Schedule to be recorded.

* As this act remains in force, not having been included in the general repealing chapter of these statutes, it is inserted here for convenience.

county where she resides within six months after said marriage, and shall constitute notice of such separate property to the creditors of the husband; such record shall be necessary in order to preserve such separate rights of property as against creditors of the husband.

In case of marriages outside of the state and the parties coming into the state to reside, a schedule of the property of the wife, shall be filed in the office of the register of deeds of the county where the parties reside, within six months after such removal to this state; and the wife shall hold said property as provided in this section.

Time within which schedule shall be filed in certain cases.

Conveyances to married women. 10 Min. 50.

SEC. 2. Any person capable in law of making a deed or will, including the husband, may convey, devise or bequeath to any married woman, any property or estate to be held by her, without the intervention of a trustee, to her sole and separate use, free from the control or interference of her husband, such conveyance containing a power of disposition by deed, will or otherwise. Every such conveyance shall be void as against the creditors of the husband unless recorded in the office of the register of deeds of the county where the husband resides, within twenty days after the execution and delivery of the same.

Conveyance to be void, when.

Married woman entitled to rents issues and profits of her separate estate.

SEC. 3. Whenever any property is secured to the sole and separate use of a married woman, or conveyed, devised or bequeathed to her, pursuant to any of the foregoing provisions, she shall, in respect to all such property and the rents, issues and profits thereof, have the same rights and powers, and be entitled to the same remedies in her own name, and be subject to the same obligations as a feme sole; she may convey or devise the same, except as provided in section one, without the consent of her husband, and without joining with him in any deed of conveyance of such property and may be sued upon any contract by her made, or wrong by her done, before such marriage with the same effect as if she was unmarried.

May convey her estate, how.

Rights of husband in personal property of deceased wife—rights in her real estate as tenant by the curtesy.

SEC. 4. If any married woman, holding property to her separate use by virtue of this chapter, dies intestate, all her right and interest in any personal property thus held, shall vest in her husband, unless other provision is made in relation thereto by the terms of the contracts or conveyances hereinbefore mentioned, and he shall be entitled to his estate by the curtesy, in all lands and tenements held by his wife: *provided*, however, that in every such case it shall be necessary for the husband to take administration upon the estate of the deceased wife, and he shall hold such personal property and all the interest of his wife in any real estate, saving his estate by the curtesy, subject to the payment of all debts incurred by her either before or after marriage.

Married woman may transact business in her own name, when—shall obtain license from judge of probate.

SEC. 5. When any married man abandons his wife, or neglects to make adequate provision for her maintenance, or that of his family, his wife may in her own name and for her sole benefit and that of her family, engage in and transact any business or trade in her own name, and sue and be sued in the same manner as though she were unmarried, upon petition on oath to the judge of probate of the county where she resides, setting forth the fact of such abandonment or neglect, and obtaining a license from such judge of probate, to engage in said business, which license shall be granted whenever said judge of probate is satisfied from an examination on oath of the applicant or other person produced before him, of such neglect or abandonment; and all contracts made by her in the usual course of such business or trade, shall be as valid and binding on her as if she were sole, and the stock in trade by her acquired in the transacting of such business or trade, and issues, profits and proceeds thereof shall be held by her to her sole and separate use, free from the control or interference of her husband or his creditors, and may be dis-

Contract made by her to be valid.

posed of by her without his consent: *provided*, that the husband shall not be liable for any contract, default or tort of the wife, made, done or incurred in the course of transacting such business or trade. Husband not liable for default or tort of wife.

SEC. 6. The wages of any married woman, earned after or before marriage by her personal labor performed for any other person than her husband, shall be paid and held to her sole and separate use, and may be loaned or deposited by her in her own name, and payment to her by the person for whom such labor was performed, or to or with whom the amount of such wages was loaned or deposited, shall be a valid payment, and her sole receipt for the same shall have the same effect as that of her husband or his legal representatives. Married woman entitled to her wages, when.
Payment to her, valid.

SEC. 7. Nothing in this chapter shall be construed so as to subject the property now held by any married woman to the debts of her husband; but the same shall continue to be held as heretofore, as her sole and separate property, exempt from any liability for the debts of her husband. Property now held by married women not affected by this chapter.

SEC. 8. Any married woman now having any money or capital invested in any business in this state, may continue to use such money or capital in such business and may have, use and enjoy the income and profits from such business, and may re-invest the same in such business at her option; and no such money or capital or income or profits thereon, shall be liable for the debts of the husband, but the same shall remain the separate property of such married woman, the same in all respects as if she were feme sole. Married woman entitled to use of capital now invested in business—such capital not liable for debts of husband.

SEC. 9. The schedule of property hereinbefore referred to shall be recorded as aforesaid in a separate book to be kept for that purpose. Schedule to be recorded in separate book.

CHAPTER LXX.

FEES.

SECTION

1. Allowance of fees.
2. Fees of clerks of district courts.
3. Fees of clerk of supreme court.
4. Fees of commissioners to take testimony.
5. Fees of judges of probate.
6. Fees of executors and administrators.
7. Fees of witnesses.
8. Witnesses, not obliged to attend unless fees are paid or tendered.
9. Fees of witnesses in criminal cases.
10. Fees of sheriffs.
11. Fees of coroners.
12. Fees of constables
13. Fees of persons performing services of constables.
14. Fees of notaries public.
15. Fees of justices of the peace.
16. Costs in justice's court.
17. Justice may tax costs, without notice given.
18. Fees of witnesses to be proved.
19. Fees allowed for travel, when.
20. Fees of only two witnesses to same fact, allowed.

SECTION

21. Fees for copies not allowed unless copies are used.
 22. Items of disbursements to be specified.
 23. Justice may hear evidence on taxation of costs.
 24. Fees of registers of deeds.
 25. Fees of referees.
 26. Fees of appraisers, commissioners and others.
 27. Fees of jurors.
 28. Fees of printer.
- GENERAL PROVISIONS.
29. Officers to set up table of fees—penalty for neglect.
 30. Justices, et als., not to take illegal fees.
 31. Fees not allowable, unless services actually performed.
 32. Penalty for violation of last two sections.
 33. Fees of officers rendered in progress of cause, taxed, when.
 34. Prospective costs, taxed, when.
 35. Fees for certified copies, used on trial of cause, to be allowed.
 36. Attorney in cause, not entitled to fees as witness.