

STATUTES AT LARGE
OF THE
STATE OF MINNESOTA.

PART V.*

OF CURATIVE AND LEGALIZING ACTS, AND ACTS
REPEALED, OTHER THAN THOSE HEREIN-
BEFORE ENUMERATED.

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OF CURATIVE AND LEGALIZING ACTS.

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TITLE I.

OF CONVEYANCES DEFECTIVE THROUGH WANT OF PROPER ATTESTATION, ACKNOWLEDGMENT, RECORD, ETC.

SECTION 1 (ACT OF JULY 26, 1858). *Conveyances with one witness legalized.*—All conveyances of real estate heretofore made within the limits of this state, properly sealed and acknowledged with one subscribing witness thereto, shall be legal and valid to all intents and purposes.

S. L. 1858, 102.

SEC. 2 (ACT OF MARCH 8, 1867). *Same.*—No deed or conveyance of land within this state heretofore executed, either under the laws of the territory of Minnesota, or under the laws of the state of Minnesota, shall be deemed invalid by reason of not having the signature of any subscribing witness thereto, but the same is hereby legalized and made valid as though executed in all respects in accordance with the laws of said territory or of the said state; and the record thereof shall be as effectual for all purposes as though said deed or conveyance had been duly and properly executed.

S. L. 1867, 122.

SEC. 3 (ACT OF MARCH 1, 1872). *Same.*—All conveyances of real property in this state, whether conditional or otherwise, that have been heretofore executed with but one subscribing witness and recorded, are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as well as if such conveyances had been executed with two subscribing witnesses.

S. L. 1872, 99.

SEC. 4 (ACT OF MARCH 5, 1863). *Conveyances may be recorded when attested by one subscribing witness.*—All instruments heretofore made, relating to the conveyance of real estate, or any interest therein, within the limits of this state, having only one subscribing witness thereto, shall, if in other respects conformable to law, be entitled to record with the same effect, from the time of the passage of this act, as if attested by two subscribing witnesses.

S. L. 1863, 83.

SEC. 5 (*ib.*) *All instruments to have the same effect.*—The record of all such instruments heretofore recorded shall, from the time of the passage of this act, have the same force and effect as if the same were recorded anew under the provisions of section one of this act.

SEC. 6 (ACT OF FEBRUARY 11, 1870). *Deeds, etc., executed out of the state declared lawful.*—All deeds, mortgages, and other instruments affecting the title of real estate, heretofore executed out of this state, according to the laws of the country,

state, territory, or district, where executed and acknowledged, before any officer authorized by the laws of such country, state, territory, or district, to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this state for that purpose, and if such acknowledgment was taken before such commissioner of this state or before any notary public or other officer having a seal of office, and such acknowledgment was by such officer certified upon the deed, and his seal of office was attached to such certificate; or, if such acknowledgment was taken and so certified by an officer who had no seal of office attached to his certificate, and such instrument had attached thereto a certificate of the clerk or other proper certifying officer of the county or district within which such acknowledgment was taken certifying under his official seal, in substance that the person subscribing the certificate of acknowledgment was, at the date thereof, such officer as he was therein represented to be, that he believes the signature of the person subscribing thereto to be genuine, and that the instrument was executed and acknowledged according to the laws of such country, state, territory, or district, shall be and are hereby legalized and declared lawful and valid in all respects as though they had been originally executed and acknowledged in accordance with all the requirements of the statute on that subject.

S. L. 1870, 114.

SEC. 7 (*ib.*) *To be recorded—deeds already recorded to be valid.*—All instruments of the description mentioned in the preceding section shall be entitled to be recorded in the office of the register of deeds of the proper county in the same manner and upon the same conditions as other deeds; and the records of all such instruments already recorded in the office of the register of deeds of the proper county shall be taken and deemed in all respects as valid and legal; and such instruments and the records of the same shall have the same force and effect in all respects for the purposes of notice, evidence, and otherwise, as are or may be provided by law in regard to deeds in other cases.

SEC. 8 (ACT OF MARCH 7, 1873). *Deeds and conveyances executed by husband and wife and separately acknowledged before competent officer, declared valid, though made before adoption of general statutes.*—All deeds and conveyances executed by husband and wife prior to the time when the general statutes went into effect, and which were properly signed, sealed and witnessed, and were acknowledged before any officer authorized by law to take the acknowledgment of deeds, when it appears by the certificate of acknowledgment attached to or indorsed upon such deed or conveyance, that the execution of the instrument was acknowledged both by the husband and wife, and that the wife, on a separate examination by the officer, acknowledged that she executed the instrument freely and without the compulsion of her husband, shall be legal, valid, and effectual to all intents and purposes, and be entitled to record, and all records of such instruments heretofore made shall be legal and valid for all purposes.

S. L. 1873, 184.

SEC. 9 (*ib.*) *Effect of certificate of acknowledgment as evidence.*—Such certificate of acknowledgment attached to or indorsed upon such deed or conveyance or record thereof, or a certified copy of such record, shall be *prima facie* evidence that such deed or conveyance was properly acknowledged by husband and wife in the manner and form required by law at the date of such acknowledgment, so as fully to pass

and release to the grantee in such deed or conveyance all the estate of such husband and wife, including the wife's right or claim of dower.

SEC. 10 (ACT OF FEBRUARY 24, 1866). *Certain grants, etc., made before probate judges, legalized.*—The acknowledgment of the execution of any grant or conveyance of lands, or of any interest therein by deed, mortgage, or otherwise, heretofore made and taken before any of the judges of probate of the territory of Minnesota, and the certificate of any such acknowledgment made by any such probate judge, shall have the same force, effect, and legal validity as though such judges of probate were at the time of the making of such certificate, expressly empowered by law to take and certify such acknowledgment; and all such deeds and instruments shall be admitted in evidence and entitled to record; and the record of all deeds so acknowledged shall have like force and validity as though the same had been duly acknowledged and recorded; and all such records now or hereafter made shall be notice of the contents of the instrument so recorded.

S. L. 1866, 82.

SEC. 11 (ACT OF MARCH 1, 1871). *Failure to attach notarial seal not to invalidate certificate of acknowledgment to any conveyance.*—The record of all deeds of land or of any interest therein heretofore made and purporting to have been executed and acknowledged before a notary public outside of this state, wherein it appears by said record that the notary before whom said acknowledgment was taken has failed to attach his seal of office as required by section nine, chapter forty, of the statutes of Minnesota, is hereby legalized and made valid, and said record shall have the same force and effect as if it appeared by said record that the notary before whom the acknowledgment was taken had attached his seal of office to the certificate of acknowledgment.

S. L. 1871, 117.

SEC. 12 (ACT OF FEBRUARY 21, 1867). *Legalizes certain powers of attorney, etc., not having proper certificate of official character of person, acknowledging.*—Powers of attorney, and all other instruments authorizing or relating to the conveyance of real estate, or any interest therein, within the limits of this state, heretofore made and executed out of this state, and acknowledged before an officer having an official seal, but not having a certificate of the official character of such officer, and of the due execution and acknowledgment thereof, according to the law of the place where executed, attached thereto by the proper certifying officer, as required by law, shall be entitled to record with the same effect from the time of the passage of this act as if such certificate in due form was attached.

S. L. 1867, 121.

SEC. 13 (*ib.*) *Record to have same effect, etc.*—The records of all such powers of attorney, and other instruments heretofore recorded, shall, from the time of the passage of this act, have the same force and effect as if the same were recorded anew under the provisions of section one of this act.

SEC. 14 (ACT OF MARCH 2, 1866). *Records of conveyances improperly admitted may be read in evidence.*—In all cases where deeds or other conveyances of real estate within this State, or letters of attorney, authorizing the same, have heretofore been actually recorded in the office of the register of deeds for the county where the real estate thereby affected was at the time of the making of such records or is now situate, whether such deeds, conveyances, and letters of attorney were duly and properly admitted to record or otherwise, all such records may nevertheless be read

in evidence in any court within this state, and shall be received as *prima facie* evidence of the contents of the original instruments of which they purport to be the records.

S. L. 1866, 60.

SEC. 15 (*ib.*) *Copies to have same effect as record.*—Duly authenticated copies of the aforesaid records may be read in evidence in any court within this state with the same effect as the records themselves as aforesaid.

TITLE II.

OF THE FILING AND EFFECTS OF AFFIDAVITS AUTHORIZED UNDER CERTAIN SECTIONS OF CHAPTER LXXXIV. OF THE COMPILED, AND CHAPTER LXXXI. OF THE REVISED STATUTES.

SEC. 16 (ACT OF MARCH 6, 1863). *When such affidavits may be received as evidence.*—In all cases where the affidavits authorized by the provisions of sections sixty and sixty-one, of chapter eighty-four of the compiled statutes, have been heretofore filed, or shall be filed as therein provided, within six months after this act shall become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner, and with the same effect, as if the same had been filed within the time in said section specified.

S. L. 1863, 76.

SEC. 17 (*ib.*) *Shall not be deemed invalid by reason of failure to file the same.*—No proceedings in which such affidavits have been heretofore received, shall be deemed invalid by reason of the failure to file the same affidavits within the time prescribed by said sections: *provided*, that nothing herein contained shall be held to take away or affect any vested rights of persons not parties to such proceedings.

SEC. 18 (ACT OF MARCH 2, 1865). *Same continued.*—In all cases where the affidavits authorized by the provisions of sections sixty and sixty-one, of chapter eighty-four of the compiled statutes, have been heretofore filed, or shall be hereafter filed as therein provided, within six months after this act shall become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed within the time in said sections specified.

S. L. 1865, 56.

SEC. 19. *Continued.*—No proceedings in which such affidavits have been heretofore received shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: *provided*, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

SEC. 20 (ACT OF FEBRUARY 26, 1866). In all cases where the affidavits authorized by the provisions of sections sixty and sixty-one of chapter eighty-four of the compiled statutes have been heretofore filed, or shall be hereafter filed as therein provided, within one year after this act shall become a law, such affidavits, or duly

certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed within the time in said sections specified.

S. L. 1866, 55.

SEC. 21 (*ib.*) No proceedings in which such affidavits have been heretofore received shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: *provided*, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

SEC. 22 (ACT OF MARCH 6, 1868). In all cases when the affidavits authorized by the provisions of section one of chapter eighteen of the session laws of eighteen hundred and sixty-six have been heretofore filed, or shall be hereafter filed as therein provided, within one year after this act shall become a law, such affidavit, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed within the time in said section specified.

S. L. 1868, 116.

SEC. 23 (*ib.*) No proceeding in which such affidavits have been heretofore served shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: *provided*, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

SEC. 24 (*ib.*) All acts and parts of acts inconsistent, or in any way conflicting with this act, are hereby repealed.

SEC. 25 (ACT OF MARCH 5, 1870). In all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three, and sections nineteen and twenty, of chapter eighty-one, of the general statutes, have been heretofore filed and recorded, or shall be hereafter filed and recorded within one year after this act shall become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed and recorded within the time in said sections specified.

S. L. 1870, 139.

SEC. 26 (*ib.*) No proceeding in which such affidavits might have been heretofore filed and recorded shall be deemed invalid in consequence of the failure to file and record the same within the time provided by said sections: *provided*, that nothing herein shall be held to affect any vested rights of any person or persons not parties to such proceedings.

SEC. 27 (ACT OF FEBRUARY 7, 1873). In all cases when affidavits authorized by sections fifty-four and fifty-five of chapter seventy-three, and sections nineteen and twenty, of chapter eighty-one, have been heretofore filed and recorded, or shall be hereafter filed and recorded, within one year after this act shall become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed and recorded within the time in said sections specified.

S. L. 1873, 183.

SEC. 28 (*ib.*) No proceeding in which such affidavits might have been heretofore filed and recorded shall be deemed invalid in consequence of the failure to

file and record the same within the time provided by said sections: *provided*, that nothing herein contained shall be held to affect any vested rights of any person or persons not parties to such proceedings.

SEC. 29 (ACT OF MARCH 6, 1871). *Failure to record certificates under section 11 of chapter lxxxi., etc., does not invalidate.*—No certificate executed under and by virtue of section eleven, chapter eighty-one, title one, statutes of Minnesota, shall be deemed invalid by reason of the same not having been executed, proved, acknowledged, and recorded within the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved, acknowledged, and recorded after the expiration of said twenty days, is hereby legalized and made valid, and said record shall have the same force and effect as if said certificate had been executed, proved, acknowledged, and recorded within the said twenty days.

S. L. 1871, 106.

SEC. 30 (ACT OF MARCH 7, 1873). *Same.*—No certificate executed under and by virtue of section eleven, chapter eighty-one, title one, statutes of Minnesota, shall be deemed invalid by reason of the same not having been executed, proved, acknowledged, and recorded within the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved, and acknowledged and recorded after the expiration of the said twenty days, is hereby legalized and made valid, and said record shall have the same force and effect as if said certificate had been executed, proved, and acknowledged and recorded within the said twenty days; *provided*, that nothing herein contained shall be construed to apply to cases now pending which involves the legality or validity of any such certificate of sales.

S. L. 1873, 171.

SEC. 31 (ACT OF MARCH 10, 1873). *Affidavits of publication, or of sale under foreclosure, made valid for record, though not made in time.*—In all cases of sales of real property heretofore made in pursuance of the decree of any court having jurisdiction in the premises, or under execution, or upon foreclosure of mortgage, when affidavits of publication of the notices in such cases required by law, or affidavits of sale pursuant to any such notice of foreclosure, shall have been heretofore recorded in the office of the register of deeds of the county wherein such real property is situated, or shall hereafter be so recorded within one year after this act shall have become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed or recorded in such office within the time by law prescribed as the time of making of such sales.

S. L. 1873, 171.

SEC. 32 (ACT OF MARCH 3, 1869). *Affidavits under section 20, chapter lxxxi., G. S., previously recorded, made legal.*—Section twenty of chapter eighty-one of the general statutes, on page five hundred and sixty-five, is amended so as to read as follows: * * * All such affidavits heretofore recorded in books of deeds instead of mortgages in the several counties of this state, and the records thereof, are hereby legalized to all intents and for all purposes to the same extent as though the same had been recorded in books of mortgages.

S. L. 1869, 81.

TITLE III.

MISCELLANEOUS PROVISIONS.

SEC. 33 (ACT OF MARCH 2, 1863). *All acknowledgments, etc., taken by bankers as notaries public, legalized.*—All acknowledgments of deeds, bonds, mortgages, contracts, affidavits, and agreements heretofore taken by any banker or broker in this state, who has been appointed and commissioned by the governor as a notary public, [shall] be and the same are hereby legalized.

S. L. 1863, 87.

SEC. 34 (SEC. 2 OF ACT OF FEBRUARY 21, 1873). *Oath taken out of this state, filed in probate court, declared valid.*—In all sales of real estate heretofore made in this state by any executor, administrator, or guardian residing in any other state, where the oath required by law previous to sale has been taken and subscribed by such executor, administrator, or guardian before any notary public or clerk of a court of record of the state where such executor, administrator, or guardian resides, such oath with the seal of the officer before whom the same was taken attached, and having been filed with the judge of probate, is hereby declared to be in compliance with the laws of this state, and is hereby legalized and made valid and of the same force and effect in all respects as if taken and subscribed before any officer within this state authorized to administer oaths.

S. L. 1873, 177.

SEC. 35 (ACT OF FEBRUARY 28, 1873). *Sheriff may execute deed on sale by his predecessor.*—When any judicial sale of real property has heretofore been made by any sheriff whose term of office has expired, without a deed to complete such sale having been executed as required by law, such deed may be executed by the sheriff of the county in which such real property is situated, with the same force and effect as though executed by the sheriff making such sale.

S. L. 1873, 172.

SEC. 36 (*ib.*) *Such deeds made valid.*—All such deeds heretofore executed by such sheriff of the county in which such real property is situated, are hereby legalized and made valid, and shall have the same force and effect as though executed by the sheriff making such sale.

TITLE IV.

ACTION OF COUNTY COMMISSIONERS IN APPROPRIATING MONEY FOR BOUNTIES FOR SOLDIERS, ETC., LEGALIZED.

SEC. 37 (ACT OF SEPTEMBER 23, 1862, AS AMENDED BY ACT OF MARCH 3, 1864). *Actions of boards of county commissioners made valid.*—The action of the county commissioners of any county or of any city council, or of the board of supervisors of any town in this state, in appropriating money, issuing bonds, orders, scrip, or other evidence of indebtedness, to pay bounties to soldiers or to support

the families of soldiers, or which may hereafter be appropriated or issued by the authorities hereinbefore mentioned, pursuant to such action heretofore had, or which have been or may hereafter be appropriated or issued in pursuance of a vote of the electors of any county, city, or town, cast at any election heretofore held for that purpose, and any tax which has been or may be levied by any of the authorities specified in this act, for the payment of the principal and interest, or either, of such bonds, orders, scrip, or other evidence of indebtedness be, and the same is hereby legalized and made valid, and the payment of the principal and interest thereof, and the levy of such tax shall be binding on such county, city, or town the same as if such action had been authorized by law, and such tax shall be collected in the same manner as other county, city, or town taxes are now collected.

S. L. 1862, 48; S. L. 1864, 38.

SEC. 38 (*ib.*) *Duty of the authorities of any city or town.*—The county commissioners of those counties, or the authorities of any city or town of this state, mentioned in section one of this act, and the commissioners of any county or the authorities of any city or town, that may hereafter make appropriations for bounties to soldiers or for support of families of soldiers, are hereby empowered to levy a tax upon the taxable property of their respective counties, cities, or towns, as found upon the assessment rolls of 1862, or any subsequent year, a sum sufficient to cover the appropriations for their several counties, cities, or towns for bounties to soldiers or for support of families of soldiers.

SEC. 39 (*ib.*) *Duty of county auditor.*—The county auditors of the several counties of this state are hereby authorized and directed to levy upon the assessment rolls of any town in his county, for the year 1862, or of any subsequent year, such per cent. as a tax upon the property in said town as may be sufficient to cover the amount of property certified to him to have been voted at a legal meeting of the voters of said township for the purpose of paying bounties to soldiers, or to support the families of soldiers.

SEC. 40 (*ib.*) *Powers of county commissioners.*—The county commissioners of any county who may hereafter vote to pay bounties to soldiers, or who may hereafter assume the amount agreed to be paid as bounties to soldiers by the several towns in their respective counties, are hereby empowered to levy a tax upon the taxable property of their counties, as found upon the assessment rolls of 1862, or of any subsequent year, sufficient to pay the same.

SEC. 41 (*ib.*) *When tax may be paid in cash.*—In any county where such bounties have been paid or agreed to be paid, otherwise than in county orders or bonds, the commissioners of such county may order such tax to be paid in cash; and in case any county may have assumed, or may hereafter assume, any sum paid by any town in said county as bounty to soldiers, the county treasurer shall pay to the town treasurer of such town from the tax levied and collected according to the provisions of this act, a sum sufficient to reimburse such town for the sum so paid.

SEC. 42 (ACT OF FEBRUARY 11, 1865). *The action of proper authorities in issuing bonds for the purpose of paying bounties to soldiers, are legalized and made valid.*—The action of the county commissioners of any county, the city council of any city, or the supervisors of any town in this state, in appropriating money, issuing bonds, orders, scrip, or other evidence of indebtedness, to pay bounties to

soldiers, or for the support of the families of soldiers, or which may hereafter be appropriated or issued by the authorities hereinbefore mentioned, and pursuant to such action by them heretofore had, or in pursuance of a vote of the electors of any county, city, or town, cast at any election heretofore held for that purpose, and any tax which has been levied, or may hereafter be levied, by any of the authorities specified in this act, for the payment of the principal and interest, or either, of any bonds, orders, scrip, or other evidence of indebtedness, issued for the purposes hereinbefore mentioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof, shall be legal and binding on such county, city, or town, the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city, or town taxes are now collected.

S. L. 1865, 111.

SEC. 43 (ACT OF MARCH 9, 1867). In each and all cases where during the years 1863, 1864, and 1865, the county commissioners of any county, or the city council of any city, or the board of supervisors of any town in this state have appropriated any money or issued any bonds, orders, scrip, or other evidences of indebtedness to pay or to provide for the payment of bounties to soldiers, either drafted or as volunteers, to support the families of soldiers, or have for and on behalf of their respective counties, cities, or towns assumed and undertaken to liquidate the indebtedness of persons incurred in procuring money by their joint notes or otherwise to pay bounties to such soldiers accredited to their respective counties or towns, or have allowed and audited any accounts or demands against their respective counties, cities, or towns in favor of persons for money advanced to pay bounties to such soldiers accredited thereto, and to provide for raising the money so appropriated or to provide for the payment of the bonds, orders, scrip, or other evidence of indebtedness so issued, or to provide for the liquidation of the indebtedness of persons so assumed, or to provide for the payment of the accounts or demands so allowed and audited, or for any or all of such purposes, a tax or taxes have been levied upon the taxable property in their respective counties, cities, or towns, and of which tax or taxes at least three-fourths prior to the passage of this act have been paid, the proceedings of such commissioners, councils, and supervisors respectively in relation to such appropriation of money, or to the issuing of such bonds, orders, scrip, or other evidence of indebtedness, or to the assuming and undertaking to liquidate such indebtedness of persons so incurred, or to the allowing and auditing of such accounts or demands, or to any or all of the same, and all proceedings in relation to the assessment, levy, and collection of such tax or taxes of which three-fourths have been so paid, be and the same hereby are legalized and valid to all intents and purposes as though the same had been authorized by law.

S. L. 1867, 88.

SEC. 44 (ACT OF MARCH 6, 1869). The action of the county commissioners of any county, the city council of any city, or the supervisors of any town in this state, in appropriating money, issuing bonds, orders, scrip, or other evidence of indebtedness, to pay bounties to soldiers or for the support of the families of soldiers, and pursuant to such action by them heretofore had, or in pursuance of a vote of the electors of any county, city, or town, cast at any election heretofore held for that purpose, and any tax which has been levied by any of the authorities

specified in this act for the payment of the principal and interest on either of any bonds, orders, scrip, or other evidences of indebtedness issued for the purpose hereinbefore mentioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof shall be legal and binding on such county, city, or town the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city, or town taxes are now collected : *provided*, that in all cases where towns affected by this tax have been divided, the taxable property included in the territory forming the town at the time of levying the tax, or the issuing of said bonds, as provided for in this act, shall be subject to taxation for the purposes of paying said bonds or indebtedness the same as though it had remained a part of such town ; and such tax shall be levied and collected the same as other taxes.

S. L. 1869, 29.