

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
GEORGE B. YOUNG.

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

SEC. 2. County seats not changed. Nothing in this act contained shall be construed as affecting or changing the location of any county seats; but such county seats shall remain and continue as established by existing laws.

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TITLE I.

CONVEYANCES DEFECTIVELY EXECUTED, ACKNOWLEDGED, OR RECORDED.

*§ 1. Acknowledgments before territorial clerks of supreme or district courts or judges of probate. The acknowledgment of the execution of any grant or conveyance of lands, or of any estate or interest therein, by deed, mortgage or otherwise, heretofore made and taken before any clerk of either the supreme or district courts and judges of probate of this territory, and the certificate of every such acknowledgment made by any such clerk shall have the same force and effect as evidence and entitle such grant or conveyance to be recorded in the same manner and with the like effect in all respects as though the same had been duly acknowledged in pursuance of the laws of this territory. In all cases where any such grant or conveyance, acknowledged as aforesaid, shall have been recorded, the record

thereof, or transcript of such record certified by the register of deeds in whose office the same may have been recorded, may be read in evidence in any court within this territory with the like force and effect in all respects as conveyances duly acknowledged and recorded. (1856, c. 12, § 1.)

*§ 2. **Conveyances with one subscribing witness.** That 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. (1858, c. 42, § 1.)

*§ 3. **Same—entitled to record.** That 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. (1863, c. 41, § 1.)

*§ 4. **Same—record of those heretofore made.** 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. (*Id.* § 2.)

*§ 5. **Acknowledgments before banker or broker as notary.** That 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, be and the same are hereby legalized. (1863, c. 45, § 1.)

*§ 6. **Acknowledgments before W. McTavish, governor of Assinneboine.** That all conveyances of land in this state, or letters of attorney to convey the same, heretofore made in the district of Assinneboine, in the territory of the Hudson's Bay Company, in British America, and acknowledged before W. McTavish, governor of said district, shall be, and are hereby declared to be, legal and valid instruments, and entitled to record in the county where said land is situated, and such conveyance shall be sufficient in law to convey the title to the same. (1864, c. 49, § 3.)

*§ 7. **All recorded conveyances to be received as evidence.** That 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. (1866, c. 23, § 1.)

*§ 8. **Same—certified copies may be read in evidence.** That 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. (*Id.* § 2.)

*§ 9. **Acknowledgments before territorial judges of probate—record.** That 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 here-

after made shall be notice of the contents of the instrument so recorded. (1866, c. 38, § 1.)

*§ 10. Record of instruments without certificate of character of acknowledging officer. That 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. (1867, c. 75, § 1.)

*§ 11. Same—effect of record heretofore made. 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. (*Id.* § 2.)

*§ 12. Conveyances with no subscribing witnesses. That 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 the 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. (1867, c. 76, § 1.)

*§ 13. Conveyances executed out of state according to law of other state, with certificate of that fact. That 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 hereby are 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. (1870, c. 54, § 1.)

*§ 14. Same—record thereof. 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. (*Id.* § 2.)

*§ 15. **Conveyances executed within the state without seal to acknowledgment.** That all deeds, conveyances and other instruments in writing executed within this state and required by law to be acknowledged, which have heretofore been acknowledged before any officer required to have and keep an official seal, and to affix the same to all documents requiring such officer's official signature, and to which such official seal has not been affixed, shall be legal and valid to all intents and purposes, and shall have the same effect, and be entitled to record with the same effect, as if such official seal had been affixed. (1870, c. 55, § 1.)

*§ 16. **Same—record thereof.** The records of all such instruments heretofore recorded shall be legal and valid, and have the same force and effect, as if such official seal had been affixed at the time the same were so recorded. (*Id.* § 2.)

*§ 17. **Conveyances executed out of state, without notary's seal to acknowledgment.** 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. (1871, c. 60, § 1.)

*§ 18. **Conveyances with one subscribing witness.** That 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. (1872, c. 39, § 1.)

*§ 19. **Separate acknowledgment of wife "without the compulsion of her husband."** That 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 endorsed 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. (1873, c. 64, § 1.)

*§ 20. **Same—effect thereof as evidence.** Such certificate of acknowledgment attached to or endorsed 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. (*Id.* § 2.)

*§ 21. **Where acknowledgment does not state separate examination of wife.** That all conveyances of real property within this state that have been heretofore executed by husband and wife, in which the certificate of the acknowledgment thereof does not state that the wife was examined separate and apart from the [her] husband, shall be, and the same are declared to be, as legal and valid as though such certificate of acknowledgment had recited the fact of such separate examination. (1875, c. 45, § 1.)

*§ 22. **Acknowledgment before deputy clerks of courts—record.** All acknowledgments of deeds or other instruments or contracts, heretofore taken in this state, or in

the territory of Minnesota, by any deputy clerk of any court of record in this state, or territory of Minnesota, are hereby legalized and made valid, and all such deeds, instruments and contracts are hereby legalized and made valid, and may be recorded, to the same extent and for the same purposes as though the same had been acknowledged before a notary public, or other officer duly authorized to take acknowledgments; and the record of such deeds and instruments where the same have been recorded or may be recorded, and copies thereof, are hereby legalized and made valid for all purposes as though such deeds and instruments had been acknowledged before a notary public, or other officer duly authorized to take acknowledgments. (1875, c. 47, § 1.)

* § 23. **Conveyances without seal—record.** All deeds and mortgages heretofore executed in this state, or territory of Minnesota, without a seal, scroll or device opposite the name of the grantor, are hereby legalized and made valid as though such deed or mortgage had been duly sealed with the seal of the grantor at the time of the execution of such deed or mortgage; and the record of such deed or mortgage are hereby legalized and made valid, and the same may be used to the same extent for all purposes as though such deed or mortgage had been properly executed; *provided*, such deed or mortgage was in other respects properly executed and acknowledged. (*Id.* § 2.)

* § 24. **Conveyances executed out of state according to law of other states, with certificate thereof—not to affect bona fide purchasers.** That all conveyances of real estate in this state, or of any interest in such real estate, heretofore executed in any other state or territory of the United States, if executed and acknowledged according to the laws of such other state or territory, are hereby legalized and made valid, and may be recorded to the same extent and for the same purposes, as though the same had been executed in accordance with the laws of this state: *provided* that before such conveyance shall be entitled to record, the party presenting such conveyance for record shall also present for record the certificate of the clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be, and that he believes the signature of such person, subscribed thereto, to be genuine, and that the conveyance is executed according to the laws of such state, territory or district. And all such conveyances are hereby declared to be legal and valid, and effectual to all intents and purposes, and the record thereof shall have the same effect as in other cases authorized by law: *provided however*, that nothing herein contained shall in any manner affect the rights or title of any *bona fide* purchaser without notice, for a valuable consideration, of any such real estate, prior to the passage of this act. (1877, c. 114, § 1.)

* § 25. **Powers of attorney with but one witness, and conveyances thereunder.** That all powers of attorney authorizing the conveyance of real estate situate within this state, or any interest therein, which have been heretofore executed with only one witness, are hereby declared as valid and effectual to all intents and for all purposes as if such powers of attorney had been attested by two witnesses, and all conveyances of said real estate situated within this state, or of any interest therein, which have been heretofore executed under such defective powers, and the records of such powers and conveyances, are hereby declared to be as valid and effectual to all intents and for all purposes as if such powers of attorney had been attested by two witnesses. (1877, c. 115, § 1.)

* § 26. **Conveyances with one subscribing witness.** That all conveyances of real property in this state, 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; but this act shall not be construed

to divest or impair any rights already acquired in good faith by third parties (1877, c. 116, § 1.)

*§ 27. **Conveyances with no subscribing witnesses.** That all conveyances of real property in this state heretofore executed with no 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. (1877, c. 117, § 1.)

*§ 28. **Acknowledgments before officers previously appointed or elected.** That all acknowledgments to any conveyances or other instruments, heretofore taken by any person previously appointed or elected, and then acting as, a notary public or other officer authorized to take such acknowledgments, be and the same are hereby legalized and made valid for all intents and purposes. (1877, c. 118, § 1.)

*§ 29. **Effect of records as evidence.** That 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 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, and all such records shall, in all respects have the same force and effect as they would have if such original instruments at the time they were so recorded had been legally entitled to record. (1878, c. 57, § 1.)

*§ 30. **Certified copies may be used.** That duly authenticated copies of aforesaid record may be read in evidence in any court within this state, with the same effect as the records themselves aforesaid. (*Id.* § 2.)

See *ante* c. 40, § 9, as to acknowledgments in other states.

See *ante* c. 40, § 4, as to deeds without words of inheritance.

See *ante* c. 40, § 21, as to deeds of land in unorganized counties.

See *ante* c. 8, § 188, as to register's certificate of record of deeds without official seal.

See *ante* c. 72, § 11, as to acknowledgments in general.

See *ante* c. 40, § 43, as to blank powers of attorney and deeds thereunder.

See *ante* c. 42, § 18, as to conveyances by Judge Crosby in 1st Judicial district.

See *ante* c. 34, § 74, as to record of railway mortgages in secretary of state's office.

* 304. See 1331 Sup't, p. 113.

And * 1 25a. 306 to 316, incl. See 1880 Sup't, pp. 92

TITLE 2.

AFFIDAVITS AND CERTIFICATES ON FORECLOSURE AND EXECUTION SALES.

*§ 31. **Affidavits under §§ 60, 61, c. 84, Compiled Statutes.** That in all cases where the affidavits authorized by the provisions of sections 60 and 61, of chapter 84, 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 sections specified. (1863, c. 32, § 1.)

*§ 32. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 33. **Affidavits under §§ 60, 61, c. 84, Compiled Statutes.** That 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. (1865, c. 19, § 1.)

*§ 34. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 35. **Affidavits under §§ 60, 61, c. 84, compiled statutes.** That 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. (1866, c. 18, § 1.)

*§ 36. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 37. **Affidavits under § 1, c. 18, session laws of 1866.** That 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. (1868, c. 77, § 1.)

*§ 38. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 39. **Record of affidavits under § 19, c. 81, General Statutes.** 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. (1869, c. 67, § 2.)

*§ 40. **Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, General Statutes.** That 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. (1870, c. 72, § 1.)

*§ 41. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 42. **Certificates under § 11, c. 81, General Statutes.** That 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. (1871, c. 51, § 1.)

*§ 43. **Certificates under § 11 c. 81, General Statutes.** That 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. (1873, c. 52, § 1.)

*§ 44. **Deeds by sheriffs on sales made by 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. (1873, c. 53, § 1.)

*§ 45. **Same—prior deeds legalized.** 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. (*Id.* § 2.)

*§ 46. **Affidavits under §§ 54, 55, c. 73. and §§ 19, 20, c. 81, General Statutes.** That 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. (1873, c. 62, § 1.)

*§ 47. **Same—proceedings valid—not to affect vested rights.** 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. (*Id.* § 2.)

*§ 48. **Affidavits of publication of notice of sale on execution, foreclosure, etc.** That 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. (1873, c. 63, § 1.)

*§ 49. **Certificates under § 11, c. 81, General Statutes.** That 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 made, executed, proved or acknowledged and recorded within the twenty days mentioned in said section; and the record of all such certificates heretofore executed, proved or 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 involve the legality or validity of any such certificates of sale. (1874, c. 85, §1.)

*§ 50. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, General Statutes. That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three of, and sections nineteen and twenty of chapter eighty-one of the general statutes, have been heretofore filed and recorded, or shall hereafter be filed and 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 and recorded within the time in said sections specified. (1874, c. 86, §1.)

*§ 51. Same—proceedings valid—not to affect vested rights. No proceedings 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 required 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. (*Id.* §2.)

*§ 52. Certificates under § 11, c. 81, General Statutes. That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, General Statutes of Minnesota, shall be deemed invalid by reason of the same not having been made, executed, proved, acknowledged or recorded within twenty days mentioned in said section; and the record of all such certificates heretofore executed, proved, or 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 involve the legality or validity of such certificates of sale. (1875, c. 46, §1.)

*§ 53. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, General Statutes. That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three, (of) and sections nineteen and twenty, of chapter eighty-one, of the General Statutes, have been heretofore filed and recorded, or shall hereafter be filed and recorded, 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. (1876, c. 69, §1.)

*§ 54. Same—proceedings valid. No proceedings 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 required by said sections. (*Id.* §2.)

See *ante* c. 81, § 26, as to certificates under § 11, c. 81, General Statutes.

TITLE 3.

MISCELLANEOUS.

*§ 55. Contracts between telegraph and railroad companies, etc. All contracts made by and between any telegraph and railroad or other company in this State, for the mutual use of lines constructed, or to be constructed, are ratified and approved so far as the same may not be inconsistent with the constitution, or any existing law, of the state. (1867, c. 22, §3.)

*§ 56. Oaths on sales of land by foreign executors, etc. That 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. (1873, c. 56, § 2.)

*§ 57. Acts of clerks in unorganized counties. That the acts of persons, whether in the matter of acknowledgments of deeds or otherwise, who have been elected clerks of courts in any county or counties not organized for judicial purposes, or who have been appointed as clerks of courts by any board of county commissioners in such counties, and whose official bonds have been approved by their respective board of county commissioners, be and the same are hereby legalized. (1874, c. 84, § 1.)

§ 58. Issuing, etc., of soldiers' bounty bonds by counties, cities, etc. That 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. (1865, c. 53, § 1.)

12 M. 124; 13 M. 127.

See next section.

*§ 59. Same—during years of 1863, 1864 and 1865. That 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

*See also *Ex. Sess.* 1862, c. 8, § 1, and 1864, c. 11, § 1.

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. (1867, c. 50, § 1.)

*§ 60. Same—tax where town has been divided. That 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 act 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. (1869, c. 20, §1.)

* § 61. See 1853 Sup't, pp. 63, 92.

See ante c. 36, §29, as to bonds and taxes in school districts.

See ante c. 32, §23, as to previous transfers of log-marks.

See post c. 124, §5, as to legal publications in newspapers printed in foreign language.

CHAPTER CXXIV.

MISCELLANEOUS LAWS.

SECTION.

- 1. February 22nd made a legal holiday.
- BONDS, RECOGNIZANCES, AND UNDERTAKINGS.
- 2-3. Bonds in lieu of recognizances—undertakings in lieu of bonds.

LEGAL ADVERTISEMENTS.

- 4-6. In what language to be published—patent inside newspapers.

STORAGE AND TRANSPORTATION OF GRAIN.

- 7-9. Uniform rates established—discriminations forbidden—penalties.
- 10-12. Carriers to give receipts—to deliver quantity receipted for—penalty for neglect—prosecutions.
- 13-20. Delivery of grain for storage to be deemed a bailment—receipt to be given—penalty for giving false receipt—full amount and grade stored to be redelivered—actions for failure to make such redelivery—warehouse receipts, when negotiable—when not—warehouseman not to sell grain stored with him—nor to mix grades—penalties.

SECTION.

INN AND HOTEL-KEEPERS.

- 21-25. Shall post notices, when safe is provided for valuables—shall furnish locks, etc., for room doors—exemption from liability for valuables of guest—frauds on inn-keepers by guests—embezzlement by inn-keeper—sale of goods held for non-payment of board.

ADOPTION OF CHILDREN.

- 26-32. Proceedings in district court—petition—consent of parents, etc—of child—notice of hearing on petition—order of adoption—effect of adoption—rights of natural parents.

CHANGE OF NAMES OF PERSONS.

- 33-35. Jurisdiction of district court—application for change of name, etc—witnesses and consents necessary—order for change of name.

SUBJECTS FOR DISSECTION.

- 36-39. Unclaimed bodies may be delivered over