

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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1910

of divorce, who has not offered to return the sum paid her under the contract, could not secure an allowance for alimony. *McAllen v. McAllen*, 97 Minn. 76, 106 N. W. 100.

**3596. Effect of divorce—Name of wife.**

**Foreign divorce.**—Collateral attack. *Sammons v. Pike*, 120 N. W. 540.

### LIMITED DIVORCES.

**3597. Separation.**

**Pleading.**—Under a complaint for an absolute divorce on the ground of cruel and inhuman treatment, a court may grant a limited divorce. *Heinze v. Heinze*, 119 N. W. 489.

**Who is "actual resident."**—This section applies to a married woman having a legal domicile or established residence in this state, as distinguished from one having only a temporary abode therein. Where plaintiff was compelled by her husband, under threat of withdrawing all allowance for her support, to remove to another state, where she remained several years, she was an "actual resident." *Bechtel v. Bechtel*, 101 Minn. 511, 112 N. W. 883, 12 L. R. A. (N. S.) 1100.

**3598. For what causes.**

**Subd. 2.**—A finding that the conduct of a husband to his wife was "improper" held insufficient. *Heinze v. Heinze*, 119 N. W. 489.

## CHAPTER 72.

### MARRIED WOMEN.

**3605. Separate legal existence.**

**Right to sue.**—Under G. S. 1894, § 5530, a married woman could not, before or after divorce, maintain an action against her husband for a personal tort committed by him against her during coverture. *Strom v. Strom*, 98 Minn. 427, 107 N. W. 1047, 6 L. R. A. (N. S.) 191, 116 Am. St. Rep. 387.

**3607. Contracts—Torts—Property rights and liabilities.**—Every married woman is bound by her contracts and responsible for her torts, and her property shall be liable for her debts and torts to the same extent as if unmarried. She may make any contract which she could make if unmarried, and shall be bound thereby, except that every conveyance and contract for the sale of her real estate or any interest therein, shall be subject to and governed by the provisions of section 3335, Revised Laws, 1905, and acts amendatory thereof. (R. L. § 3607, as supplemented by Laws 1905, c. 255, as amended by Laws 1907, c. 417, § 1.)

Section 2 repeals inconsistent acts.

G. S. 1894, § 5532, cited in *Laythe v. Minnesota Loan & Investment Co.*, 101 Minn. 152, 112 N. W. 65.

**3609. Contracts between husband and wife.**

**Contracts.**—Where a husband, as sheriff, entered into an arrangement with his wife that she was to board prisoners and receive the compensation therefor allowed by law, he acquired no interest in the money, or in the property purchased by her therewith, and it was not impressed with a trust in favor of his creditors. *Bodkin v. Kerr*, 97 Minn. 301, 107 N. W. 137.

An agreement by a husband to enter into a contract at a stated time in the future for the sale of land owned by his wife is void. *Betcher v. Rinehart*, 106 Minn. 380, 118 N. W. 1026.

Where a husband contracts as his wife's agent to sell her land, and she confirms his act, the vendee cannot take advantage of this section. *Stromme v. Rieck*, 119 N. W. 948.

**Notice as to creditors.**—Cited and applied in *Quinn v. Minneapolis Threshing Mach. Co.*, 102 Minn. 256, 113 N. W. 689.

**3610. Barring interest of spouse.**

**Action by deserted wife—Allowance for support.**—A deserted wife may maintain an action against the husband, under this section for a decree debarring him from any interest in her real estate, and in the same action obtain an allowance for the support of herself and minor child. *Stephen v. Stephen*, 102 Minn. 301, 113 N. W. 913.