

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

§ 4602 ASSIGNMENTS FOR BENEFIT OF CREDITORS. (Ch. 89)

4602. Hearing on appeal.

Cited in State ex rel. Ott v. Ott, 98 Minn. 533, 107 N. W. 1134; State ex rel. Johnson v. Bryant, 99 Minn. 49, 108 N. W. 880.

CERTIORARI.

[4602—]1. **Within what time writ issued.**—No writ of certiorari shall be issued, to correct any proceeding, unless such writ shall be issued within sixty days after the party applying for such writ shall have received due notice of the proceeding sought to be reviewed thereby. ('09 c. 410 § 1)

Historical.—"An act limiting the time within which writs of certiorari may be issued and served, and providing for surety for costs and for taxation of costs in such cases." Approved April 22, 1909.

[4602—]2. **When served.**—Such writ must also be served upon the adverse party within said period of sixty days. ('09 c. 410 § 2)

[4602—]3. **Surety for costs in civil case.**—Each writ of certiorari in a civil case shall be indorsed by some responsible person as surety for costs. ('09 c. 410 § 3)

[4602—]4. **Costs.**—The party prevailing on a writ of certiorari in any proceeding of a civil nature shall be entitled to his costs against the adverse party; and in case such writ shall appear to have been brought for the purpose of delay or vexation, the court may award double costs to the prevailing party. ('09 c. 410 § 4)

[4602—]5. **When dismissed—Costs.**—If any writ of certiorari shall hereafter be issued contrary to any provision of this act, or shall not be served upon the adverse party within said period of sixty days, the party against which the same is so issued may have the same dismissed on motion and affidavit showing the facts and shall be entitled to his costs and disbursements the same as in other civil actions. ('09 c. 410 § 5)

CHAPTER 89.**ASSIGNMENTS FOR BENEFIT OF CREDITORS.****4611. Requisites.**

Title of assignee.—The legal title of the assignor's unexempt real estate vests in the assignee, and when the trust has been executed, or the proceedings terminated, if any real estate remains not disposed of, it reverts to the assignor by operation of law. Northwestern Mut. Life Ins. Co. v. Murphy, 103 Minn. 104, 114 N. W. 360.

See note under section 4272.

4612. Assignment of real estate—Record.

Record—Notice.—G. S. 1894, § 4228, is a registry law. When a duly certified copy of an order appointing a receiver of an insolvent is filed, it is notice of the receivership to all who thereafter deal with lands of the insolvent in the county. Noyes v. American Freehold Land Mortg. Co., 97 Minn. 38, 105 N. W. 1120.

4618. Proof of claim—Order of payment.

Subd. 1.—Money due the state for binding twine manufactured by it in its penitentiary and sold is a debt owing to the state, within sections 4618, 4633. In re Western Implement Co. (D. C.) 166 Fed. 576.