

GENERAL STATUTES

OF

MINNESOTA

1913

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form the same shall in no case operate as a forfeiture of the lands conveyed subject thereto. (3234)

49-301, 51+905, 15 L. R. A. 751, 32 Am. St. Rep. 554; 68-442, 71+682.

6696. Aliens, etc., not to acquire land—Except as hereinafter provided, no person, unless he be a citizen of the United States or has declared his intention to become a citizen, and no corporation, unless created by or under the laws of the United States or of some state thereof, shall hereafter acquire lands, or any interest therein, exceeding ninety thousand square feet, except such as may be acquired by devise or inheritance, and such as may be held as security for indebtedness. But the provisions of this section shall not apply to actual settlers upon farms of not more than one hundred and sixty acres, or to citizens or subjects of a foreign country whose rights to hold lands are secured by treaty. (3235)

6697. Corporations having alien stockholders, etc.—Except as hereinafter provided, no corporation or association, more than twenty per cent. of whose stock is owned by persons not citizens of the United States, or by corporations or associations not created under the laws of the United States or some state thereof, shall acquire lands in this state. (3236)

76-334, 79+315.

6698. Other corporations—Except as hereinafter provided, no corporation, unless organized for the construction or operation of a railway, canal, or turnpike, shall acquire more than five thousand acres of land; and no railway, canal, or turnpike corporation shall acquire lands, except so much as may be necessary for the proper operation of its railroad, canal, or turnpike, and lands granted to it by the United States or by the state. (3237)

6699. Exceptions—The prohibitions of §§ 6696-6698 shall not apply to lands acquired by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise, nor to any corporation actually engaged in manufacturing in the state of Minnesota, but such corporation may hold such lands as may be reasonably necessary in the carrying on of its business, nor to any person or corporation engaged in the business of selling lands to actual settlers; provided that all lands hereafter acquired by such person or corporation not engaged in the business of selling land to actual settlers, or not actually engaged in manufacturing in the state of Minnesota, be disposed of within ten (10) years after acquiring title thereto and that all lands now owned by such person or corporation not engaged in the business of selling land to actual settlers, or not actually engaged in manufacturing in the state of Minnesota, be disposed of within ten (10) years after the approval of this act, and that all lands so held by a corporation actually engaged in manufacturing in the state of Minnesota shall be disposed of within ten (10) years after it shall cease to use the same for the purposes of its business. (R. L. § 3238, amended '07 c. 439; '11 c. 130 § 1)

6700. Forfeiture—All lands acquired or held in violation of §§ 6696-6699 shall be forfeited to the state, and the attorney general shall enforce such forfeiture; but no such forfeiture shall be adjudged unless the action to enforce the same be brought within three years after such property has been so acquired or so held by such alien or corporation; and no title to land shall be invalid or liable to forfeiture by reason of the alienage of any former owner or person interested therein. (3239)

CHAPTER 60

USES AND TRUSTS

6701. Uses and trusts abolished—Exception—Uses and trusts, except as authorized and modified in this chapter, are abolished; and every estate and interest in lands shall be deemed a legal right, cognizable as such in the courts of law, except when otherwise provided by statute. (3240)

All express trusts in both real and personal property, including charitable trusts, are abolished, except as authorized by this chapter (69-141, 71+1031, 38 L. R. A. 669, 65 Am. St.

Rep. 559; 81-7, 83+460; 88-202, 92+948; 88-318, 92+1122; 93-210, 100+1104; 95-220, 103+882, 5 Ann. Cas. 253). Chapter cited generally (37-447, 452, 35+260; 52-208, 53+1145; 68-260, 71+22; 88-202, 212, 92+948; 88-318, 323, 92+1122; 93-210, 221, 100+1104).

6702. Executed trusts confirmed—Every estate which is now held as a use executed under laws as they formerly existed is confirmed as a legal estate. (3241)

6703. Who deemed to have legal estate in lands—Limitations—Every person who, by virtue of any grant, assignment, or devise, is entitled to the actual possession of lands, and the receipt of the rents and profits thereof, in law or equity, shall be deemed to have a legal estate therein of the same quality and duration, and subject to the same conditions, as his beneficial interests. But this shall not divest the estate of any trustee in any existing trust where the title of such trustee is not merely nominal, but is connected with some power of actual disposition or management, in relation to the lands which are the subject of the trust. (3242)

37-447, 452, 35+260; 42-548, 44+1030; 52-208, 53+1145; 60-313, 62+110; 95-343, 104+137.

6704. Trustee takes no interest—Exception—Every disposition of lands, whether by deed or devise, except as otherwise provided in this chapter, shall be made directly to the person in whom the right to the possession and profits is intended to be vested, and not to any other to the use of, or in trust for, such person; and, if made to one or more persons in trust for or to the use of another, no estate or interest, legal or equitable, shall vest in the trustee. (3243)

6-358, 241, 80 Am. Dec. 448; 30-165, 14+805; 52-208, 53+1145; 55-338, 56+1118; 81-7, 83+460.

6705. Limitation of preceding sections—Sections 6701-6704 shall not extend to trusts arising or resulting by implication of law, nor be construed to prevent or affect the creation of such express trusts as are hereinafter authorized and defined. (3244)

6-358, 241, 21-127; 37-469, 35+276; 66-371, 69+39; 95-220, 103+882, 5 Ann. Cas. 253.

6706. Grant to one for money paid by another—When a grant for a valuable consideration is made to one person, and the consideration therefor is paid by another, no use or trust shall result in favor of the person by whom such payment is made; but the title shall vest in the person named as the alienee in such conveyance, subject only to the provisions of § 6707. (3245)

Except as provided in §§ 6707, 6708, this statute abolishes the common law rule of a resulting trust where a conveyance of land is made to one person for a valuable consideration paid by another (8-309, 272; 41-18, 42+595; 53-39, 54+933; 60-313, 62+110; 81-329, 84+112; 96-27, 104+561). It is immaterial whether the conveyance is made for the benefit of the person paying the money or for another (41-18, 42+595); or that there has been a part performance of the trust agreement (81-329, 84+112); or that the grantee was ignorant of the conveyance (60-313, 62+110). A mere verbal declaration of trust in realty is void under this section (41-18, 42+595; 44-159, 46+295; 53-39, 54+933; 54-56, 55+825, 40 Am. St. Rep. 299; 63-5, 65+91; 92-506, 100+380. See cases under § 7002 note 3). Inapplicable to executory contracts for sale of land (25-1117; 60-313, 62+110; 91-45, 97+452), or where title is taken as security for a loan (96-27, 104+561; 96-230, 104+966). See 139+944. Held not to abolish doctrine of resulting trusts as to personalty (75-153, 77+793. See 88-202, 92+948). A certificate of sale of school lands held a "conveyance" (60-313, 62+110). Real estate acquired in partnership business by partnership formed by parol to deal in real estate is partnership assets, though legal title be taken in name of one of partners (98-52, 107+824).

Cited (2-277, 238, 72 Am. Dec. 97; 5-422, 342; 7-286, 216; 8-309, 272; 8-351, 310; 10-401, 320; 13-462, 480; 14-424, 319; 16-512, 462; 20-234, 212; 22-132; 22-384; 26-97, 1+804; 28-86, 9+590, 41 Am. Rep. 271; 35-301, 28+509; 36-15, 35, 29+352; 36-276, 30+880; 46-1, 48+413; 48+372, 51+121, 31 Am. St. Rep. 660; 51-296, 53+637; 60-313, 62+110; 74-122, 76+1126, 73 Am. St. Rep. 337; 77-282, 79+1016, 80+363; 100-189, 110+968; 101-152, 112+65).

See 108-76, 121+214, 133 Am. St. Rep. 412, cited under § 7002.

6707. Such conveyance fraudulent—Trust for creditors—Every such conveyance shall be presumed fraudulent as against the creditors, at that time, of the person paying the consideration; and when a fraudulent intent is not disproved a trust shall result in favor of such creditors to the extent that may be necessary to satisfy their just demands. (3246)

1. Application—Applicable only to realty (8-195, 165. See 88-202, 92+948). Trust arises only on a conveyance or deed (14-424, 319). Does not arise where consideration is paid to discharge a moral obligation (47-95, 49+528). Trust arises, if at all, at the time of

the purchase and conveyance and the statute does not apply to the case of improvements made by one person on the land or another (46-1, 48+413). Inapplicable to subsequent creditors (9-303, 287; 22-132; 28-86, 9+590, 41 Am. Rep. 271; 36-15, 35, 29+352; 48-490, 51+475, 31 Am. St. Rep. 663). Trust arises whether debtor is solvent or insolvent (44-159, 46+295; 47-95, 49+528). Effect on trust of discharge of debtor in bankruptcy (88-253, 92+951). Effect on trust of payment of mortgage assumed as part of purchase price (34-137, 24+915). Grantee with knowledge of the fraud selling to third party may be charged as for conversion (46-80, 48+447). Presumption of fraud is rebuttable (26-97, 1+804; 51-296, 53+637). Where a debtor pays for a conveyance to his wife the fact that they use it as a homestead will not prevent a trust from arising (8-309, 272; 22-384). Cited (5-422, 342; 9-183, 169; 13-462, 430; 22-132; 28-86, 9+590, 41 Am. Rep. 271; 36-15, 35, 29+352; 41-18, 42+595; 43-7, 44+667; 46-1, 48+413; 62-429, 64+920; 86-255, 90+387; 88-253, 92+951; 96-66; 104+763; 100-189, 110+968).

2. Action to enforce trust—The trust can only be enforced by action and not by mere seizure and sale (35-301, 28+509; 36-15, 35, 29+352). Except as against a non-resident debtor (48-372, 51+121, 31 Am. St. Rep. 660), an action will not lie by a creditor until he has recovered judgment on his claim (12-145, 83, 90 Am./Dec. 287), and exhausted his legal remedies (35-301, 28+509). Action by receiver or assignee in insolvency will lie although claims of the creditors are not in judgment and not liens (46-80, 48+447). Limitation of actions (39-330, 40+161). The judgment debtor is a proper but not a necessary party. The husband of a wife sought to be charged is not a necessary party (34-137, 24+915). A complaint held sufficient (88-253, 92+951). Joinder of causes of action (9-183, 169). Effect of complaint alleging that transfer was made to defraud creditors (34-137, 24+915). Competency of husband and wife as witnesses (30-496, 16+399; 77-282, 79+1016, 80+363; 88-253, 92+951). Burden of proof as to payment of consideration (46-1, 48+413). Burden of rebutting presumption (36-15, 29+352; 44-159, 46+295; 46-1, 48+413; 51-296, 53+637). Evidence as to fraudulent intent (44-159, 46+295; 47-95, 49+528). Finding as to fraudulent intent (44-159, 46+295).

6708. Limitation—Section 6706 shall not extend to cases where the alienee named in the conveyance has taken the same as an absolute conveyance in his own name, without the knowledge or consent of the person paying the consideration, or when such alienee, in violation of some trust, has purchased the lands so conveyed with moneys belonging to another person. (3247)

5-422, 342; 20-234, 212; 33-329, 336, 23+530; 37-469, 35+276; 41-18, 42+595; 53-39, 54+933; 74-122, 76+1126, 73 Am. St. Rep. 337; 95-220, 103+882.

6709. Bona fide purchasers protected—No implied or resulting trust shall be alleged or established to defeat or prejudice the title of a purchaser for a valuable consideration, and without notice of such trust. (3248)

4-65, 34; 6-358, 241, 80 Am. Dec. 448; 30-537, 16+449; 71-489, 74+133; 74-122, 76+1126, 73 Am. St. Rep. 337.

6710. Purposes of express trusts—Duration—Express trusts may be created for any of the following purposes:

1. To sell lands for the benefit of creditors.
2. To sell, mortgage, or lease lands for the benefit of legatees, or for the purpose of satisfying any charge thereon.
3. To receive the rents and profits of lands, and apply them to the use of any person, during the life of such person, or for any shorter term, subject to the rules prescribed in chapter 59.
4. To receive the rents and profits of lands, and to accumulate the same, for either of the purposes, and within the limits prescribed in chapter 59.
5. To receive and take charge of any money, stocks, bonds, or valuable chattels of any kind and to invest and loan the same for the benefit of the beneficiaries of such express trust; and the district courts of the state shall, upon petition and hearing have power to appoint a trustee for the purpose herein set forth, requiring such trustee to give such bond for the faithful execution of such express trust as to the court may seem right and proper; and express trusts created under the provisions of this paragraph shall be administered under the direction of the court.
6. For the beneficial interests of any person or persons, whether such trust embraces real or personal property or both, when the trust is fully expressed and clearly defined on the face of the instrument creating it: Provided, that the trust shall not continue for a period longer than the life or lives of specified persons in being at the time of its creation, and for twenty-one years after the death of the survivor of them, and that the free alienation of the legal estate by the trustee is not suspended for a period exceeding the limit prescribed in chapter 59.

7. Any city or village may receive, by grant, gift, devise, or bequest, and take charge of, invest, and administer, free from taxation, in accordance with the terms of the trust, real or personal property, or both, for the benefit of any public library or of any public cemetery located in, or within ten miles of, such city or village, or for the purpose of establishing or maintaining a kindergarten or other school or institution of learning therein. (3249)

The provisions of R. L. 1905 c. 59 are included in chapter 59 hereof.

Subd. 1 (2-264, 226; 25-509; 112-83, 127+441). Subd. 2 (50-367, 52+960). Subd. 3 (30-165, 14+805; 49-371, 52+27; 93-210, 228, 100+1104). Subd. 5 (49-57, 86, 51+629, 52+26; 88-202, 92+948). Subd. 6 (88-202, 92+948; 109-191, 123+806, 26 L. R. A. [N. S.] 825; 116-142, 133+561, Ann. Cas. 1913A, 816; 139+805). Subd. 7 (88-202, 92+948; 88-313, 92+112; 93-210, 100+1104). Generally (49-57, 66, 51+629, 52+26; 52-67, 53+1130; 89-232, 94+688).

See § 1970 and note.

6711. **Devise of lands, when it creates only a power**—A devise of lands to executors or other trustees, to be sold or mortgaged, when such trustees are not also empowered to receive the rents and profits, shall vest no estate in the trustees; but the trust shall be valid as a power, and the lands shall descend to their heirs, or pass to the devisees of the testator, subject to the execution of the power. (3250)

6712. **Profits of lands held in trust—Liable to creditors, when**—When a trust is created to receive the rents and profits of lands, and no valid direction for accumulation is given, the surplus of such rents and profits, beyond the sum necessary for the education and support of the person for whose benefit the trust is created, shall be subject in equity to the claims of his creditors, in the same manner as other personal property which cannot be reached by an execution at law. (3251)

6713. **Express trust a power in trust, when**—Whenever an express trust is created for any purpose not heretofore in this chapter enumerated, no estate shall vest in the trustee; but the trust, if directing or authorizing the performance of any act which may be lawfully performed under a power, shall be valid as a power in trust, subject to the provisions in relation to such powers contained in chapter 61. (3252)

The provisions of R. L. 1905, c. 61, are included in chapter 61 hereof.

33-329, 23+530; 52-67, 53+1130; 109-191, 123+471, 26 L. R. A. (N. S.) 825.

6714. **Title to such land shall descend, how**—Whenever the trust is valid as a power, the land to which the trust relates shall remain in or descend to the persons otherwise entitled, subject to the execution of the trust as a power. (3253)

6715. **Trustees of express trust to possess estate**—Every express trust, valid as such in its creation, except as herein otherwise provided, shall vest the whole estate in the trustee, in law and in equity, subject only to the execution of the trust; and the person for whose benefit the trust was created shall take no estate or interest in the lands, but may enforce the performance of the trust in equity. (3254)

25-509.

6716. **Same—Limitation**—Section 6715 shall not prevent any person creating a trust from declaring to whom the lands to which the trust relates shall belong in the event of the failure or termination of the trust; nor shall it prevent him from granting or devising such lands, subject to the execution of the trust; and every such grantee shall have a legal estate in the lands as against all persons, except the trustees and those lawfully claiming under them. (3255)

6717. **Interest not disposed of**—When an express trust is created, every estate and interest not embraced in the trust, and not otherwise disposed of, shall remain in or revert to the person creating the trust, or his heirs, as a legal estate. (3256)

6718. **Trust interest—Assignable, when**—No person beneficially interested in a trust for the receipt of rents and profits of the lands can assign, or in any manner dispose of, such interest; but the rights and interest of every person

for whose benefit a trust for the payment of a sum in gross is created are assignable. (3257)

49-371, 380, 52+27.

6719. **Effect of omitting trust in conveyance**—When an express trust is created, but is not contained or declared in the conveyance to the trustees, such conveyance shall be deemed absolute as against the subsequent creditors of the trustees not having notice of the trust, and as against purchasers from such trustees, without notice, and for a valuable consideration. (3258)

6720. **Same—Powers of district court—Sale, mortgage and lease—Payment to trustee**—When the trust is expressed in the instrument creating the estate, every sale, conveyance, or other act of the trustee, in contravention of the trust, shall be absolutely void. But the district court of the district wherein such property held in trust is situate, may by order, on such terms and conditions as seem just and proper, authorize any such trustee, whether he be beneficially interested in such trust property or not, to mortgage or sell such real property or any part thereof whenever it appears to the satisfaction of the court that it is for the best interest of such estate, or that it is necessary or for the benefit of the said estate or of the person or persons beneficially interested therein holding the first and present estate, interest or use, and that it will do no substantial injury to the heirs in tail, or others in expectancy, succession, reversion or remainder. A trustee appointed to hold real property during the life of a beneficiary, and to pay or apply the rents, income and profits thereof to, or for, the use of such beneficiary, may execute and deliver a lease of such real property for a term not exceeding five years, without application to the court. The district court may, by order, on such terms and conditions as seem just and proper, in respect to rental and renewals, authorize such a trustee to lease such real property for a term exceeding five years, if it appears to the satisfaction of the court that it is for the best interest of the trust estate, and may authorize such trustee to covenant in the lease to pay at the end of the term, or renewal term, to the lessee the then fair and reasonable value of any building which may have been erected on the premises during such term. The district court shall not grant an order to mortgage or sell such real property or lease the same for a term exceeding five years, unless it appears to the satisfaction of such court that a written notice, stating the time and place of the application therefor, and the object thereof, has been served upon the beneficiary of such trust, and every other person in being having an estate vested or contingent in reversion or remainder in said real property at least eight days before the making thereof, if such beneficiary or other person is an adult within the state, or if a minor, lunatic, person of unsound mind, habitual drunkard, or absentee, until proof of the service, on such beneficiary or other person, of such notice as the court or a judge thereof prescribes. The court shall appoint a guardian ad litem for any minor and for any lunatic, person of unsound mind, or habitual drunkard who shall not be represented by a committee or guardian duly appointed. The application must be by petition duly verified, which shall set forth the condition of the trust estate and the particular facts which make it necessary or proper that the application be granted. Such petition shall contain a description of the estate to be sold, mortgaged, or leased, a clear statement of the interest of the petitioner therein, and a copy of the will, deed, or other instrument in writing by which the estate is created; all persons in being who are interested in the estate, or who may, by the terms of the will, deed or other instrument creating the estate, thereafter become interested therein as heir, reversioner or otherwise shall be made parties to the petition; and if the names of any persons who ought to be made parties are unknown to the petitioner, or if the residence of any such person is unknown to the petitioner, the facts shall be verified by the affidavit of the petitioner then such notice shall be served upon such unknown person or persons whose residence is unknown, by publication for six successive weeks, once in each week in some newspaper published in the county in which said property is held in trust. After taking proof of the facts, either before the court or a referee, and hearing the parties and fully examining into the matter, the court must make a final order upon the application.

In case the application is granted the final order must authorize the real property affected by the trust or some portion thereof, to be mortgaged, sold or leased, upon such terms and conditions as the court may prescribe. In case a mortgage or sale of any portion of such real property is authorized, the final order must direct the disposition of the proceeds of such mortgage or sale and must require the trustee to give bond in such amount and with such sureties as the court directs, conditioned for the faithful discharge of his trust and for the due accounting for all moneys received by him pursuant to said order. If the trustee elects not to give such bond, the final order must require the proceeds of such mortgage or sale to be paid into court to be disposed of or invested as the court shall specially direct. Before a mortgage sale, or lease can be made pursuant to the final order, the trustee must enter into an agreement therefor, subject to the approval of the court and must report the agreement to the court under oath. Upon the confirmation thereof, by order of the court he must execute as directed by the court a mortgage, deed or lease. A mortgage, deed or lease made pursuant to a final order granted as provided in this and the last two preceding sections shall be valid and effectual against all minors, lunatics, persons of unsound mind, habitual drunkards and persons not in being interested in the trust or having estates vested or contingent in reversion or remainder in said real property and against all other persons so interested or having such estates who shall consent to such order, or who having been made parties to such proceeding as herein provided, shall not appear therein and object to the granting of such order. All parties in interest may appear voluntarily and consent in writing to such sale, mortgaging or leasing of such real property; and testamentary guardians and guardians appointed by the probate court, may assent thereto in the place of their wards. A person who shall actually and in good faith pay a sum of money to a trustee, which the trustee is authorized to receive, shall not be responsible for the proper application of the money, according to the trust; and any right or title derived by him from the trustee in consideration of the payment shall not be impeached or called in question in consequence of a misapplication by the trustee of the money paid. (G. S. 1878 c. 43 § 21, amended '05 c. 339 § 1)

Said section 21 was G. S. 1866 c. 43 § 21, which was repealed by § 9428; its provisions being incorporated in R. L. § 3259. So far as the above section differs from that said section, it is to be construed, by virtue of § 9398, as amendatory or supplementary, and its effect is to supersede R. L. § 3259.

6721. Effect of misconduct of trustees—No person who actually and in good faith makes any payment to a trustee, which the trustee, as such, is authorized to receive, shall be responsible for the proper application thereof according to the trust; nor shall any right or title derived by such person from the trustee, in consideration of such payment, be impeached or called in question in consequence of any misapplication of such payment by the trustee. (3260)

6722. Termination of trust estate—When the purposes for which an express trust is created cease, the estate of the trustee shall also cease. (3261)

6723. Death of trustee—Trust, how executed—Upon the death of the surviving trustee of an express trust, the trust estate shall not descend to his heirs, nor pass to his personal representatives; but the trust, if then unexecuted, shall vest in the district court, with all the powers and duties of the original trustees, and shall be executed by some person appointed for that purpose, under the direction of the court. (3262)

71-374, 74+152, 70 Am. St. Rep. 330.

6724. Resignation of trustee—Upon the petition of any trustee of an express trust, the district court may accept his resignation, and discharge him from the trust, under such regulations as it shall establish for that purpose, and upon such terms as the rights and interests of the person interested in the execution of the trust require. (3263)

6725. Removal of trustee—Upon the complaint of any person interested in the execution of an express trust, and under such regulations as shall be established by the court for that purpose, it may remove any trustee who has violated or threatened to violate his trust, or who is insolvent, or whose in-

solvency is apprehended, or who for any other cause is deemed an unsuitable person to execute the trust. (3264)

4-13, 1; 24-232, 244.

6726. Powers of court—The district court has full power to appoint a new trustee in place of one deceased, resigned or removed; and when, in consequence of such death, resignation, removal, or other cause, there is no acting trustee, the court, in its discretion, may appoint a trustee, or cause the trust to be executed by one of its officers under its direction; and when any person other than the trustee originally named, or appointed by a court of this state, has in good faith done any act in execution of the trust, the court may confirm such act. (3265)

24-232, 244; 85-498, 517, 89+872.

CHAPTER 61

POWERS.

6727. Powers abolished, except, etc.—Powers, except as authorized and provided for in this chapter, are abolished; and the creation, construction, and execution of powers shall be governed by the provisions herein contained. (3266)

71-255, 265, 73+967; 78-201, 80+963.

6728. Power defined—A power is an authority to do some act in relation to lands, or the creation of estates therein, or of charges thereon, which the owner granting or reserving such power might himself lawfully perform. (3267)

52-67, 72, 53+1130; 104-198, 116+739.

6729. Who may grant a power—No person is capable, in law, of granting a power who is not at the same time capable of alienating some interest in the land to which the power relates. (3268)

6730. Division of powers—Powers, as authorized in this chapter, are general or special, and beneficial or in trust. (3269)

6731. General power defined—A power is general when it authorizes the alienation in fee, by means of a conveyance, will, or charge, of the lands embraced in the power, to any alienee whatever. (3270)

71-255, 265, 73+967.

6732. Special power defined—A power is special:

1. When the person or class of persons to whom the disposition of the lands under the power is to be made is designated.

2. When the power authorizes the alienation, by means of a conveyance, will, or charge, of a particular estate or interest, less than a fee. (3271)

6733. Power is beneficial, when—A general or special power is beneficial when no person other than the grantee has, by the terms of its creation, any interest in its execution. (3272)

45-424, 48+10; 71-255, 265, 73+967; 104-198, 116+739.

6734. Powers to married women—A general and beneficial power may be given to a married woman, to dispose, during the marriage, and without the concurrence of her husband, of land conveyed or devised to her in fee. (3273)

6735. Particular estate with power of disposition—When an absolute power of disposition, not accompanied by any trust, is given to the owner of a particular estate for life or years, such estate shall be changed into a fee, absolute in respect to the rights of creditors and purchasers, but subject to any future estate limited thereon, in case the power is not executed, or the lands sold for the satisfaction of debts. (3274)

71-255, 265, 73+967; 78-201, 80+963.

6736. Power of disposition creates fee, when—When a like power of disposition is given to any person to whom no particular estate is limited, such person shall also take a fee, subject to any future estate that may be limited thereon, but absolute in respect to creditors and purchasers. (3275)

71-255, 259, 73+967.