

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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1918

PART II

PROPERTY RIGHTS AND DOMESTIC RELATIONS

CHAPTER 59

ESTATES IN REAL PROPERTY

6658. Division as to time—

130-320, 153+604.

6661. Remainders defined—

Life estates and estates in remainder may be created in personalty as well as in realty (126-247, 148+112). Life Estates, Ⓒ21.

6663. Future estates vested or contingent—

A daughter held to take a vested estate in remainder upon the death of testator (126-247, 148+112). Wills, Ⓒ634(8).

6664. Suspension of power of alienation—

161+392; note under § 6665, post.

A 50-year option for a 30-year mining lease, given for a valuable consideration, the optionee not expressly undertaking to explore within a particular time, and no such undertaking being properly implied, did not suspend the absolute power of alienation, and is not contrary to public policy, as an unreasonable restriction upon the use and enjoyment and alienation of property (134-412, 159+966). Perpetuities, Ⓒ6(5).

6665. Limit of suspension—

A devise of a remainder in fee to the son of testatrix, "provided that he shall not sell the said described premises for five years after his father's death," does not violate this section or § 6665, as the restriction is imposed on the son only and would terminate at his death; but the restriction is void, as repugnant to the grant of a remainder in fee (161+392). Perpetuities, Ⓒ6(5); Wills, Ⓒ601(4).

6687. Accumulation of rents and profits—

A trust created under § 6710 subd. 6, in so far as the trust fund is to be derived from accumulations from realty rents and profits, offends against this section and § 6688 (135-413, 161+158). Perpetuities, Ⓒ9(4).

Where a trust cannot be carried out during the minority of grandchildren named, because they are not the real beneficiaries of accumulations from the rents and profits or royalties from realty, the trust is not one to be sustained for a limited time under this section and § 6688 (135-413, 161+158). Perpetuities, Ⓒ9(3).

6688. Directions for accumulation, when void—

135-413, 161+158; notes under § 6687, ante.

CHAPTER 60

USES AND TRUSTS

6701. Uses and trusts abolished—Exception—

128-99, 150+233.

6703. Who deemed to have legal estate in lands—Limitations—

When beneficial interest in property under an express trust, including estate in reversion, had become vested in cestui que trust, and purpose of trust, as expressed in the instrument creating it, did not preclude right of termination, it might be terminated in a proper proceeding in court (162+450). Trusts, Ⓒ61(1).

6705. Limitation of preceding sections—

Resulting trust between joint adventurers (121-192, 141+108, Ann. Cas. 1914C, 689). Joint Adventurers, [§4\(1\)](#).

6710. Purposes of express trusts—Duration— * * *

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.

Provided, however, that each city in the State of Minnesota which now has or hereafter may have 20,000 and not more than 50,000 inhabitants, in addition to the foregoing, may receive by grant, gift, devise, or bequest, and take charge of, convert, invest and administer, free from taxation, in accordance with the terms of the trust, real or personal property, or both, of any kind or nature whatsoever, and wherever located, for any public or charitable purpose, or to provide, enlarge, improve, lease and maintain for the use and benefit of the inhabitants of such city, animal, bird, fish, game and hunting preserves, public parks, public grounds, public waterways, public bath houses and grounds used in connection therewith and public play grounds within or without the limits of such city, whether within or without this state, or for the support, medical treatment and nursing of the worthy poor residing in such city. (Subd. 7, amended '15 c. 98 § 1)

1915 c. 98 § 1, amends subdivision 7 of section 6710 by adding at the end thereof the sentence above last set forth, beginning "Provided," etc.

Subds. 3-5 cited—135-413, 161+158; notes under §§ 6687, 6688, 6710, subd. 6.

Subd. 6—A trust created under subd. 6 of this section, in so far as the trust fund is derived from accumulations from realty rents and profits, offends against §§ 6687 and 6688 (135-413, 161+158). Perpetuities, [§9\(4\)](#).

[6710—]1. **Last census to govern**—For the purposes of this act the population of each city of this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the State of Minnesota. ('15 c. 98 § 2)

See note under § 6710.

6719. Effect of omitting trust in conveyance—

As against an innocent purchaser for value, a deed absolute on its face cannot be shown by parol evidence to be a mortgage (123-367, 143+917). Vendor and Purchaser, [§239\(6\)](#).

6720. Same—Powers of district court—Sale, mortgage and lease—Payment to trustee—

128-99, 150+233.

6722. Termination of trust estate—

An express trust may be terminated by a decree in a proceeding brought therefor, when purpose has been fully accomplished, even before expiration of the term for which it was created (162+450). Trusts, [§61\(1\)](#).

CHAPTER 61

POWERS

6758. What power will pass by general assignment—

Nature of interest of creditor in assigned estate; garnishment thereof (see 130-392, 153+740). Assignments for Benefit of Creditors, [§184](#); Garnishment, [§31](#).