

CHAPTER 509

REGISTRATION; MARKS, BRANDS

NAMES, MARKS, DEVICES

509.01 RECORDING NAME, MARK, OR DEVICE

HISTORY. 1895 c 124 s 1; 1905 c 340 s 1; GS 1913 s 6851.

Right to use a personal name on non-competing goods under the Langham Act. 34 MLR 77.

509.04 RECOVERY OF RECEPTACLES; SEARCH WARRANT

HISTORY. 1895 c 124 s 4; 1899 c 306 s 1; 1905 c 340 s 4; GS 1913 s 6954.

509.05 RECEPTACLE AND OTHER TERMS DEFINED

Where parties to interference stipulated that the applicant was the prior user of trade-mark "Windbreaker" as applied to leather garments and thereafter registrant used the trade-mark with reference to cloth garments and applicant used it with regard to leather garments, successors in interest of the parties are bound by the agreement in the interest of eliminating in fair competition and public confusion. *Rissman v Gordon & Ferguson*, 78 F. Supp. 175.

CHAPTER 510

HOMESTEAD EXEMPTIONS

510.01 HOMESTEAD DEFINED; EXEMPT; EXCEPTION

Extent to which the common law concept of the unity of husband and wife and its consequences have been abrogated in Minnesota. 32 MLR 262.

State inheritance tax; homestead exemption; applicability of equitable conversion by contract. 33 MLR 209.

Interest necessary to support an examination claim. 34 MLR 350.

The homestead right is favored in law, and when it is made security for debt by the signature and consent of the wife, it is favored even more than a surety or the security given to a third person. The statutes evidence a policy to protect the homestead, right, and preserve the homestead of the family even at a sacrifice of just demands. *Holden v Farwell*, 223 M 550, 27 NW(2d) 641.

The right to sell and convey the homestead is absolute and the purpose of the transfer is immaterial, as is the amount of consideration paid. A conveyance of the homestead cannot be set aside by a creditor as fraudulent even though debtor conveying the property intends thereby to defraud his creditors. *First National Bank of Mankato v Wilson*, 234 M 160, 47 NW(2d) 764.

Defendants, having leased their homestead property for a year, removed themselves from the property and did not occupy it until just before the expiration of the year. Nine months after moving out they filed with the register of deeds a notice claiming the property as their homestead. Since defendant failed to file the notice