

*James C. Child*  
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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COMPILED BY  
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PUBLISHED BY STATE AUTHORITY.

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SAINT PAUL:  
THE PIONEER PRINTING COMPANY.

1859.

administrator of the deceased party to convey the estate in like manner as the deceased party might and ought to have done if living, and if the heirs or devisees of such deceased person, or any of them, shall be within this territory, and competent to act, the court may require them, or either of them, instead of the executor or administrator, to convey the estate in the manner before mentioned; or may require them, or either of them, to join in such conveyance with the executor or administrator.

Effect of conveyance.

(10.) SEC. X. Every conveyance made in pursuance of a decree of the probate court, or the court of chancery, as provided in this chapter, shall be effectual to pass the estate contracted for, as fully as if the contracting party himself was still living, and then executed the conveyance.

Certified copy of decree may be recorded; effect of record.

(11.) SEC. XI. A copy of the decree for conveyance made by the probate court, and duly certified and recorded in the registry of deeds, in the county where the lands lie, or a copy of the decree of the court of chancery for that purpose, duly certified by the register or clerk of said court, and recorded as aforesaid, shall give the person entitled to such conveyance, a right to the possession of the lands contracted for, and to hold the same according to the terms of the intended conveyance, in like manner as if they had been conveyed in pursuance of the decree.

Decree may be enforced by process.

(12.) SEC. XII. The recording of any decree, as provided in the preceding section, shall not prevent the court making such decree, from enforcing the same, by any proper process, according to the course of proceedings therein.

In case of death of person entitled, his heirs, &c., may commence or prosecute proceedings, &c.

(13.) SEC. XIII. If the person to whom the conveyance was to be made, shall die before the commencement of proceedings, according to the provisions of this chapter, or before the conveyance is completed, any person who would have been entitled to the estate, under him as heir, devisee or otherwise, in case the conveyance had been made, according to the terms of the contract, or the executor or administrator of such deceased person, for the benefit of the person so entitled, may commence such proceedings, or may prosecute the same, if already commenced, and the conveyance shall thereupon be so made as to vest the estate in the same persons who would have been so entitled to it, or in the executor or administrator for their benefit.

CHAPTER 49.

FRAUDULENT CONVEYANCES AND CONTRACTS  
RELATIVE TO LANDS.

SECTION

1. Fraudulent conveyances void.
2. What not deemed a fraudulent conveyance.
3. Conveyance, &c., containing power of revocation, void.
4. Conveyance executed by person to whom revocation given, valid.
5. Conveyance executed by person to whom revocation given, valid.

SECTION

6. Conveyance, &c., of land, to be in writing
7. Limitation of preceding section.
8. Contracts for sale, and leases for more than one year, void, unless in writing.
9. Agent may sign instrument.
10. Powers of courts of equity not abridged.

*Chapter 62, Minnesota Statutes*

(1.) SEC. I. Every conveyance of any estate or interest in lands, or the rents and profits of lands, and every charge upon lands, or upon the rents and profits thereof, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents or profits, as against such purchasers, shall be void. Fraudulent conveyances void.

(2.) SEC. II. No such conveyance or charge shall be deemed fraudulent, in favor of a subsequent person who shall have actual or legal notice thereof at the time of his purchase, unless it shall appear that the grantee in such conveyance, or person to be benefited by such change, was privy to the fraud intended. What not deemed a fraudulent conveyance.

(3.) SEC. III. Every conveyance or charge of or upon any estate or interest in lands, containing any provision for the revocation, determination or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void, as against subsequent purchasers, from such grantor, for a valuable consideration, of any estate or interest, so liable to be revoked or determined, although the same be not expressly revoked, determined, or altered by such grantor, by virtue of the power reserved or expressed in such prior conveyance or charge. Conveyance, &c., containing power of revocation, void.

(4.) SEC. IV. Where a power to revoke a conveyance of any lands or the rents and profits thereof, and to reconvey the same, shall be given to any person other than the grantor in such conveyance, and such person shall thereafter convey the same land, rents or profits, to a purchaser for a valuable consideration, such subsequent conveyance shall be valid in the same manner and to the same extent as if the power of revocation were recited therein, and the intent to revoke the former conveyance expressly declared. Conveyance executed by person to whom revocation given, valid.

(5.) SEC. V. If a conveyance to a purchaser under either of the last two preceding sections, shall be made before the person making the same shall be entitled to execute his power of revocation, it shall nevertheless be valid from the time the power of revocation shall actually vest in such person, in the same manner and to the same extent, as if then made. Conveyance executed by person to whom revocation given, valid.

(6.) SEC. VI. No estate or interest in lands other than leases for a term, not exceeding one year, nor any trust or power over or concerning lands, or in any manner relating thereto, shall hereafter be created, granted, assigned, surrendered or declared, unless by act or operation of law, or by deed or conveyance in writing, subscribed by the parties creating, granting, assigning, surrendering or declaring the same, or by their lawful agent thereunto authorized by writing. Conveyance, &c., of land to be in writing.

(7.) SEC. VII. The preceding section shall not be construed to effect in any manner the power of a testator in the disposition of his real estate by a last will and testament; nor to prevent any trust from arising or being extinguished by implication or operation of law. Limitation of preceding section.

(8.) SEC. VIII. Every contract for leasing for a longer period than one year, or for the sale of any lands, or any interest in lands, shall be void, unless the contract, or some note or memorandum thereof, expressing the consideration, be in writing, and be subscribed by the party by whom the lease or sale is to be made. Contracts for sale, and leases for more than one year void, unless in writing.

(9.) SEC. IX. Every instrument required to be subscribed by any party under the last preceding section, may be subscribed by the agent of such party lawfully authorized. Agent may sign instrument.

(10.) SEC. X. Nothing in this chapter contained shall be construed to abridge the power of courts of equity to compel the specific performance of agreements in cases of part performance of such agreements. Powers of courts of equity not abridged.