

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

PART II

PROPERTY RIGHTS AND DOMESTIC RELATIONS.

CHAPTER 59.

ESTATES IN REAL PROPERTY.

3238. Exceptions.—The prohibitions of sections 3235–3237 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 person or corporation engaged in the business of selling lands to actual settlers; provided, that all lands hereafter acquired by such person or corporation be disposed of within ten years after acquiring title thereto, and that all lands now owned by such persons or corporations be disposed of within ten years after the approval of this act. (R. L. § 3238, as amended by Laws 1907, c. 439.)

CHAPTER 60.

USES AND TRUSTS.

3245. Grant to one for money paid by another.

See note under section 3487, as to *Henderson v. Murray*, 121 N. W. 214.

Grant to member of firm.—When real estate is acquired in a partnership business by a partnership formed by parol to deal in real estate, notwithstanding the statute of uses, it is partnership assets, although the legal title be taken in the name of one of the partners. *Stitt v. Rat Portage Lumber Co.*, 98 Minn. 52, 107 N. W. 824.

Cited in *Irish v. Daniels*, 100 Minn. 189, 110 N. W. 968.

G. S. 1894, § 4280, cited in *Laythe v. Minnesota Loan & Investment Co.*, 101 Minn. 152, 112 N. W. 65.

3246. Such conveyance fraudulent—Trust for creditors.

Cited in *Irish v. Daniels*, 100 Minn. 189, 110 N. W. 968.

3259. Sales by trustees, when void.

See section [3259—] 1, and note thereunder.

[3259—] 1. **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,