

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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CHAPTER LXVIII.

HOMESTEAD EXEMPTION.

SECTION

1. Quantity of land exempt as a homestead—to be occupied by owner, his widow, or minor child.
2. Exemption not to extend to mortgage of homestead, when.
3. Owner to select homestead in case of levy.
4. Survey may be made, when.
5. After survey, property not included in the set-off may be sold.

SECTION

6. Dwelling house exempt, when.
7. No exemption from sale for taxes.

CHAPTER 95, LAWS OF 1860.

1. Removal of owner or sale does not subject homestead to levy—no judgment a lien on homestead for any purpose.

Quantity of land exempt as a homestead.
 3 Min. 53.
 5 Min. 333.
 7 Min. 513.
 8 Min. 309.
 10 Min. 154.

To be occupied by owner, or by his widow or minor child.

Exemption not to extend to mortgage, when.

Homestead to be selected in case of levy.
 10 Min. 154.

Survey may be made.
 10 Min. 154.

After survey, property not included in the set-off, may be sold.
 10 Min. 154.

Dwelling house exempt, when.

SECTION 1. That a homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon, and its appurtenances, to be selected by the owner thereof, and not included in any incorporated town, city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within an incorporated town, city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this state, shall not be subject to attachment, levy or sale upon execution or any other process, issuing out of any court within this state. This section shall be deemed and construed to exempt such homestead in the manner aforesaid, during the time it shall be occupied by the widow or minor child or children of any deceased person who was, when living, entitled to the benefits of this act.

SEC. 2. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same, unless such mortgage shall be given to secure the payment of the purchase money, or some portion thereof.

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof, within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expense of such survey shall be chargeable on the execution and collected thereupon.

SEC. 5. After the survey shall have been made the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificate of the survey, the quantity set off as aforesaid.

SEC. 6. Any person owning and occupying any house on land not his own, and claiming said house as a homestead shall be entitled to the exemption aforesaid.

1869 - 35

SEC. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes. No exemption from taxes.

*An Act to amend an act entitled, "An Act for a Homestead Exemption," passed August twelfth, one thousand eight hundred and fifty-eight.**

SECTION 1. The owner of a homestead under the laws of this state, may remove therefrom, or sell and convey the same, and such removal or sale and conveyance shall not render such homestead liable or subject to forced sale on execution or other process hereafter issued on any judgment or decree of any court of this state, or of the district court of the United States for the state of Minnesota against such owner; nor shall any judgment or decree of any such court be a lien on such homestead for any purpose whatever: *provided*, that this act shall not be so construed as in any manner to relate to judgments or decrees rendered on the foreclosure of mortgages either equitable or legal.

Removal of owner or sale does not subject homestead to levy—judgment not a lien on homestead for any purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1860.

CHAPTER LXIX.

MARRIED WOMEN.

1869-69

SECTION

1. Married women may *old* property, when and how—right of disposal—schedule to be recorded.
2. Conveyances to married women, how made—void, as against creditors of husband, unless recorded.
3. Married woman entitled to rents and profits of separate estate—may convey her estate, how.
4. Rights of husband in personal estate of deceased wife—rights in her real estate as tenant by the curtesy.

SECTION

5. Married woman may transact business in her own name, when—shall first obtain license from judge of probate—contracts made by married woman valid—husband not liable for default or tort of wife.
6. Married woman entitled to her wages, when—payment to her, valid.
7. Property now held by married women not affected by this chapter.
8. Married women entitled to use of capital now invested in business—such capital not liable for husband's debts.
9. Schedule to be recorded in separate book.

SECTION 1. All property owned by any woman at the time of her marriage, and all property which comes to her by descent after marriage, and the rents, profits and increase thereof, shall be held by her free from the debts of her husband, to her sole and separate use, the same as though she were feme sole, but shall not be disposed of by her without the consent of her husband unless the right to do so is reserved to her, in and by a contract between herself and husband, executed prior to the marriage.

Married woman may hold property, when and how.

Right of disposal.
5. Min. 155.
9. Min. 79.
10. Min. 50.
Schedule to be recorded.

A schedule of the property owned by a married woman at the time of her marriage, shall be recorded in the office of the register of deeds of the

* As this act remains in force, not having been included in the general repealing chapter of these statutes, it is inserted here for convenience.