

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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COMMISSIONERS.

PUBLISHED BY STATE AUTHORITY.

SAINT PAUL:
THE PIONEER PRINTING COMPANY.

1859.

be advance-
ments.

scendant, by virtue of a beneficial power, or of a power in trust, with a right of selection, shall be deemed an advancement to such descendant, to the same extent and under the same circumstances, that a gift of real or personal estate would be deemed an advancement.

Computation of
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powers.

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Married women,
their authority,
&c.

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Defective execu-
tions may be de-
creed in equity.

(58.) SEC. LVIII. When the execution of a power in trust shall be defective in whole or in part, under the provisions of this chapter, its proper execution may be decreed in equity, in favor of the person designated as the objects of the trust.

Defective execu-
tions may be de-
creed in equity.

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"grantee of a
power," defined.

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CHAPTER 35.

DEEDS, MORTGAGES, AND OTHER CONVEYANCES.

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An Act concerning Alienation by Deed, of the proof and recording of Conveyances, and the cancelling of Mortgages, *see also* [Chapter 46, Revised Statutes.]

(1.) SEC. I. Conveyances of lands, or of any estate or interest therein, may be made by deed, signed and sealed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney, and acknowledged or proved, and recorded as directed in this chapter, without any other act or ceremony whatever. Conveyance of land may be made by deed.

(2.) SEC. II. A husband and wife may, by their joint deed, convey the real estate of the wife in like manner as she might do by her separate deed if she were unmarried; but the wife shall not be bound by any covenant contained in such joint deed. Conveyance by husband and wife.

(3.) SEC. III. A deed of quit claim and release of the form in common use, shall be sufficient to pass all the estate which the grantor could lawfully convey by deed of bargain and sale. Deed of quit claim, &c., effect of conveyance by.

(4.) SEC. IV. A conveyance made by a tenant for life or years, purporting to grant a greater estate than he possessed, or could lawfully convey, shall not work a forfeiture of his estate, but shall pass to the grantee all the estate which such tenant could lawfully convey. Conveyance by tenant for life or years, &c.

(5.) SEC. V. No covenant shall be implied in any conveyance of real estate, whether such conveyance contain special covenants or not. No covenant to be implied in conveyances.

Same of mort-
gages, &c.

(6.) SEC. VI. No mortgage shall be construed as implying a covenant for the payment of the sum thereby intended to be secured; and where there shall be no express covenant for such payment contained in the mortgage, and no bond or other separate instrument to secure such payment shall be given, the remedies of the mortgagee shall be confined to the lands mentioned in the mortgage.

Conveyance of
land adversely
possessed.

(7.) SEC. VII. No grant or conveyance of lands, or interest therein, shall be void, for the reason that at the time of the execution thereof, such land shall be in the actual possession of another claiming adversely.

Execution and
acknowledgment
of deed.

(8.) SEC. VIII. Deeds executed within this territory of lands or any interest in lands therein, shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such; and the person executing such deeds may acknowledge the execution thereof before any judge or commissioner of a court of record, or before any notary public or justice of the peace within the territory; and the officer taking such acknowledgment, shall indorse thereon a certificate of the acknowledgment thereof, and the true date of making the same, under his hand.

Deeds, how
executed and
acknowledged in
other states.

(9.) SEC. IX. If any such deed shall be executed in any other state, territory, or district of the United States, such deed may be executed according to the laws of such state, territory or district, and the execution thereof may be acknowledged before any judge of a court of record, notary public, justice of the peace, master in chancery, or other officer authorized by the laws of such state, territory or district, to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this territory, for such purpose.

How acknowl-
edgment authen-
ticated.

(10.) SEC. X. In the cases provided for in the last preceding section, unless the acknowledgment be taken before a commissioner appointed by the governor of this territory for that purpose, such deed shall have attached thereto a certificate of the clerk, or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment, was, at the date thereof such officer as he is therein represented to be, that he believes the signature of such person subscribed thereto, to be genuine; and that the deed is executed and acknowledged according to the laws of such state, territory, or district.

Deeds executed
to foreign coun-
try.

(11.) SEC. XI. If such deed be executed in any foreign country, it may be executed according to the laws of such country, and the execution thereof may be acknowledged before any notary public therein, or before any minister plenipotentiary, minister extraordinary, minister resident, charge des affaires, commissioner, or consul of the United States appointed to reside therein; which acknowledgment shall be certified thereon by the officer taking the same under his hand; and if taken before a notary public, his seal of office shall be affixed to such certificate.

Acknowledgment
by married
women residing
in this territory.

(12.) SEC. XII. When any married woman residing in this territory, shall join with her husband in a deed of conveyance of real estate, situate within this territory, the acknowledgment of the wife shall be taken separately apart from her husband, and she shall acknowledge that she executed such deed freely and without any fear or compulsion from any one.

Conveyance by
married women
residing out of
this territory.

(13.) SEC. XIII. When any married woman not residing in this territory, shall join with her husband in any conveyance of real estate, situated within this territory, the conveyance shall have the same effect as if she were sole, and the acknowledgment or proof of the execution of such conveyance by her, may be the same as if she were sole.

(14.) SEC. XIV. When any grantor shall die, or depart from, or reside out of this territory, not having acknowledged his deed, the due execution thereof, may be proved by any competent subscribing witness thereto, before any court of record in this territory.

Proof of execution by subscribing witness, when and how to be made.

(15.) SEC. XV. If all the subscribing witnesses to such deed shall also be dead or out of this territory, the same may be proved before any court of record in this territory, by proving the hand writing of the grantor, and of any subscribing witness thereto.

In case of death of subscribing witnesses.

(16.) SEC. XVI. If any grantor residing in this territory, shall refuse to acknowledge his deed, the grantee or any person claiming under him, may apply to any justice of the peace in the county where the land lies, or where the grantor or any subscribing witness to the deed resides, who shall thereupon issue a summons to the grantor to appear at a certain time and place before the said justice, to hear the testimony of the subscribing witnesses to the deed; and the said summons, with a copy of the deed annexed, shall be served at least seven days before the time therein assigned for proving the deed.

Proceedings on refusal of grantor residing in this territory to acknowledge deed.

(17.) SEC. XVII. At the time mentioned in such summons, or at any time to which the hearing may be adjourned, the due execution of the deed may be proved by the testimony of one or more of the subscribing witnesses and if proved to the satisfaction of the justice, he shall certify the same thereon; and in such certificate he shall note presence or absence of the grantor, as the fact may be.

Proceedings on refusal of grantor residing in this territory to acknowledge deed.

(18.) SEC. XVIII. If any grantor residing in this territory, shall refuse to acknowledge his deed, and the subscribing witnesses thereto shall all be dead or out of the territory, it may be proved before any court of record in this territory, by proving the handwriting of the grantor or of any subscribing witness, the said court first summoning the grantor for the purpose in the manner before provided in this chapter.

When execution may be proved before court of record, in case of death of witnesses, &c.

(19.) SEC. XIX. The court or justice before whom any deed may be presented to be proved, as provided in the preceding sections, may issue subpoenas to the subscribing witnesses, or others, as the case may require, to appear and testify touching the execution of such deed, which subpoenas may be served in any part of this territory.

Subpoenas for witnesses.

(20.) SEC. XX. Every person who, being served with such subpoena, shall, without reasonable cause, refuse or neglect to appear, or appearing, shall refuse to answer on oath touching the matters aforesaid, shall be liable to the injured party in the sum of one hundred dollars damage, and for such further damages as such party may sustain thereby; and may also be committed to prison, as for a contempt, by the court or justice who issued such subpoena, there to remain until he shall submit to answer upon oath as aforesaid.

Punishment for refusing to appear or to answer, &c.

(21.) SEC. XXI. Any person interested in a deed that is not acknowledged, may, at any time before or during such application to a court of record, or such proceedings before a justice, file in the office of the register of deeds of the county where the lands are situated, a copy of the deed compared with the original by the register, which shall, for the space of thirty days thereafter, in case of proceedings before a justice, and in case of proceedings before a court of record, for the space of ten days after the first day of the next term of such court, have the same effect as the recording of the deed, if such deed shall, within that time, be duly proved and recorded.

Filing copy of deed with register; effect of, &c.

(22.) SEC. XXII. If, at the expiration of the time mentioned in the preceding section for that purpose, such proceedings for proving the execution of the deed shall be pending before a justice of the peace, the effect of filing such copy shall continue until the expiration of seven days after

When effect of filing to continue.

the termination of the proceedings, if such deed shall within that time be duly proved and recorded.

Certificate to entitle deed to be recorded.

(23.) SEC. XXIII. A certificate of the acknowledgment of any deed, or of the proof of the execution thereof before a court of record, or justice of the peace, signed by the clerk of such court, or by the justice before whom the same was taken, as provided in this chapter, and in the cases where the same is necessary, the certificate required by the tenth section of this chapter shall entitle such deed, with the certificate or certificates aforesaid, to be recorded in the office of the register of deeds of the county where the lands lie.

Conveyance not recorded, void as against subsequent purchasers in good faith, &c.

(24.) SEC. XXIV. Every conveyance of real estate within this territory hereafter made, which shall not be recorded as provided by law, shall be void, as against any subsequent purchaser in good faith, and for a valuable consideration, of the same real estate or any portion thereof, whose conveyance shall be first duly recorded.

Recording deeds of pews and slips in churches.

(25.) SEC. XXV. Deeds of pews and slips in any church may be recorded by the register of deeds of the county in which such church is situated, or by the clerk of the society or proprietors, if incorporated or legally organized; and such clerks shall receive the same fees as the register of deeds is entitled to for similar services.

Effect of conveyances and other instruments and transcripts thereof as evidence.

(26.) SEC. XXVI. All conveyances and other instruments authorized by law to be recorded, and which shall be acknowledged or proved as provided in this chapter, and if the same shall have been recorded, the record, or a transcript of the record, certified by the register in whose office the same may have been recorded, may be read in evidence in any court within this territory without further proof thereof; but the effect of such evidence may be rebutted by other competent testimony.

When deed not defeated by defeasance.

(27.) SEC. XXVII. When a deed purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of a deed of defeasance or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected, as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the registry of deeds of the county where the lands lie.

Recording assignment of mortgage not deemed notice to mortgagor.

(28.) SEC. XXVIII. The recording of an assignment of a mortgage shall not, in itself, be deemed notice of such assignment to the mortgagor, his heirs or personal representatives, so as to invalidate any payment made by them, or either of them, to the mortgagee.

Definition of term "purchaser," as used in this chapter.

(29.) SEC. XXIX. The term "purchaser," as used in this chapter, shall be construed to embrace every person to whom any estate or interest in real estate, shall be conveyed for a valuable consideration; and also every assignee of a mortgage, or lease, or other conditional estate.

Definition of term "conveyance," as used in this chapter.

(30.) SEC. XXX. The term "conveyance," as used in this chapter, shall be construed to embrace every instrument in writing, by which any estate or interest in real estate is created, aliened, mortgaged, or assigned, or by which the title to any real estate may be affected in law or equity, except wills, leases for a term not exceeding three years, and executory contracts for the sale or purchase of lands.

Construction of preceding section; letters of attorney, &c.

(31.) SEC. XXXI. The preceding section shall not be construed to extend to a letter of attorney, or other instrument containing a power to convey lands as agent or attorney for the owner of such lands; but every such letter or instrument, and every executory contract for the sale or purchase of lands, when acknowledged or proved in the manner prescribed in this chapter, may be recorded in the registry of deeds of any county in which the lands to which such powers or contract relates, may be situated;

and when so acknowledged or proved, and the record thereof, when recorded, or a transcript of such record duly certified, may be read in evidence, in the same manner, and with the like effect, as a conveyance recorded in such county.

(32.) SEC. XXXII. No letter of attorney or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed, unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

How letters of attorney revoked.

(33.) SEC. XXXIII. When a new county shall be organized, in whole or in part, from an organized county, or from territory attached to such organized county, for judicial purposes, all the records of deeds or other instruments relating to real estate in such new county, may be transcribed into the proper books by the register of deeds of such new county; which records so transcribed, shall have the same effect in all respects as original records, and the register shall be paid for transcribing the same, such sum as the board of commissioners of his county may deem just and reasonable.

Transcribing records on division, &c., of county.

(34.) SEC. XXXIV. A scroll or device used as a seal upon any deed of conveyance or other instrument whatever, whether intended to be recorded or not, shall have the same force and effect as a seal attached thereto, or impressed thereon, but this section shall not be construed to apply to such official seals, as are or may be provided for by law.

Scroll or device used as a seal.

(35.) SEC. XXXV. All conveyances of real estate, heretofore made and acknowledged, or proved in accordance with the laws of this territory, in force at the time of such making and acknowledgment or proof, shall have the same force as evidence, and be recorded in the same manner, and with the like effect, as conveyances executed and acknowledged in pursuance of the provisions of this chapter.

Effect of deeds, &c., acknowledged according to law, in force.

(36.) SEC. XXXVI. Any mortgage that has been, or hereafter may be recorded, may be discharged by an entry in the margin of the record thereof, signed by the mortgagee, or his personal representative, or assignee, acknowledging the satisfaction of the mortgage in the presence of the register of deeds or his deputy, who shall subscribe the same as a witness; and such entry shall have the same effect as a deed of release, duly acknowledged and recorded.

How mortgage may be discharged.

(37.) SEC. XXXVII. Any mortgage shall be discharged upon the record thereof, by the register of deeds in whose custody it shall be, whenever there shall be presented to him a certificate executed by the mortgagee, his personal representatives or assigns, acknowledged or proved, and certified as hereinbefore prescribed to entitle conveyances to be recorded, specifying that such mortgage has been paid, or otherwise satisfied or discharged.

How mortgage may be discharged.

(38.) SEC. XXXVIII. Every such certificate, and the proof or acknowledgment thereof, shall be recorded at full length, and a reference shall be made to the book and page containing such record, in the minute of the discharge of such mortgage made by the register upon the record thereof.

Certificate and acknowledgment to be recorded.

(39.) SEC. XXXIX. If any mortgagee, or his personal representative or assignee, as the case may be, after a full performance of the condition of the mortgage, whether before or after a breach thereof, shall for the space of seven days after being thereto requested, and after tender of his reasonable charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, he shall be liable to the mortgagor, his heirs or assigns, in the sum of one hundred dollars damages, and also for all actual dam-

Liability of mortgagee, &c., for neglect to discharge mortgage.

ages occasioned by such neglect or refusal, to be recovered in a civil action.

An Act relative to the Records.

✓ [Passed March 4, 1854.] c. 22

SECTION

1. Conveyances legalized; record to have same effect.

SECTION

2. One witness does not invalidate.
3. Register to record affidavits.

Conveyances legalized; record to have same effect.

(40.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* All conveyances of land within this territory, any estate or interest therein, and all letters of attorney, authorizing the conveyance of land, or any interest therein within this territory where the same shall have been heretofore executed or acknowledged out of this territory, according to the laws of the place where executed shall be valid, and sufficient in law to convey said land and estate or interest therein, and the records of the same in the office of the register of deeds of the county where the lands are situated, shall have the same effect as though the said conveyances or letters of attorney were executed or acknowledged according to the laws of this territory.

One witness does not invalidate.

(41.) SEC. II. No deed or other conveyance of land within this territory, or letters of attorney authorizing the same heretofore made in or out of this territory shall be considered invalid by reason of not having more than one witness to the same, and to the records thereof to the same, and the records thereof shall be as effectual as though the same were executed in the presence of two witnesses.

Register to record upon affidavits.

(42.) SEC. III. Every conveyance of land and letters of attorney for that purpose heretofore made and executed or to be made and executed for lands within this territory, shall be admitted to record in the register's office, upon the affidavit of one or more of the subscribing witnesses, that the said conveyances or letters of attorney was signed or acknowledged in the presence of such witness or witnesses and the same shall be considered *prima facie* evidence of the execution of the same.

An Act authorizing Married Women to convey Real Estate by Power of Attorney.

✓ [Passed February 24, 1857.] c. 18

Convey by agent.

(43.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* A husband and wife may convey, by their lawful agent or attorney, any estate or interest in any lands situate within this territory, and all deeds of conveyance of any such lands, whether heretofore, or hereafter made under a joint power of attorney from the husband and wife, shall be as binding, and have the same effect as if made and executed by the original parties.

Power of attorney.

(44.) SEC. II. When any married woman residing within this territory shall hereafter join with her husband in a letter or power of attorney to convey real estate, the acknowledgment of the wife shall be taken separately and apart from her husband, and she shall acknowledge that she executed the same freely, and without any fear or compulsion from any one, but nothing herein contained shall be construed so as to impair the validity of any joint power of attorney heretofore executed, or any conveyance of real estate made under such joint power; where the acknowledgment of the wife, shall not have been taken separate and apart from her husband.

Take effect.

(45.) SEC. III. This act shall take effect from and after its passage.

An Act providing for the appointment of Commissioners to take the Acknowledgment of Deeds, and other instruments, in other States.

[Chapter 48, Revised Statutes.]

(46.) SEC. I. The governor shall have power to appoint one or more commissioners in any state of the United States, or of the territories belonging to the United States, who shall continue in office during the pleasure of the governor, and shall have authority to take the acknowledgment and proof of the execution of any deed, or other conveyance or lease of any lands lying in this territory, and of any contract, letter of attorney, or any other writing under seal or not, to be used or recorded in this territory.

Governor may appoint commissioners to take acknowledgment of deeds, &c.

An Act relating to the powers and duties of Commissioners appointed to take the Acknowledgment of Deeds and other instruments in writing to be used in this State.

[Passed July 22, 1858.] C. 30

(47.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That such commissioners as the governor shall appoint in any of the United States or territories of the United States, to take the acknowledgment of deeds or other instruments in writing to be used in this state, shall hold their office during the pleasure of the governor, and they shall have power to take the acknowledgment and proofs of the execution of any deed or other conveyance or lease of any lands lying in this state, and of any contract, letter of attorney, or any other writing under seal, or not, to be used or recorded in this state.

Commissioners in other states to be appointed by governor.

(48.) SEC. II. Such acknowledgment or proof so taken according to the laws of this state, and certified to by any such commissioner under his seal of office and annexed to or endorsed on such instrument, shall have the same power and effect as if the same had been made before any officer authorized to perform such acts in this state.

Their acts under seal legalized.

(49.) SEC. III. Every commissioner appointed as before mentioned, shall have power to administer an oath which may be lawfully required in this state to any person willing to take the same, and to take and duly certify all depositions to be used in any of the courts of this state in conformity to the laws thereof, either on interrogatories proposed under a commission from any court of this state, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law by a proper officer in this state.

Powers of commissioners.

(50.) SEC. IV. Every such commissioner before performing any duty or exercising any power by virtue of his appointment, shall take and subscribe an oath or affirmation before a judge or a clerk of one of the courts of record of the state in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the state of Minnesota, which oath, with a description or impression of his seal of office, shall be filed in the office of the secretary of this state.

Oath of office and filing of official seal.

(51.) SEC. V. This act shall take effect and be in force from and after its passage.

Takes effect on passage.

An Act to Legalize certain Conveyances heretofore made.

[Passed July 26, 1858.] C. 42

(52.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That all conveyances of real estate heretofore made within the limits of this

One witness to conveyances legal.

state, properly sealed and acknowledged with one subscribing witness thereto, shall be legal and valid to all intents and purposes.

Takes effect on passage.

(53.) SEC. II. This act shall take effect from and after its passage.

An Act regulating the Recording of Conveyances affecting Real Estate.

[Passed August 3, 1858.] c. 52

Conveyance to be recorded; if not recorded void as against subsequent purchasers.

(54.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* Every conveyance by deed, mortgage or otherwise, of real estate within this state, hereafter made, shall be recorded in the office of the register of deeds of the county where such real estate is situated; and every such conveyance not so recorded shall be void, as against any subsequent purchaser in good faith and for a valuable consideration of the same real estate, or any portion thereof, whose conveyance shall be first duly recorded, or as against any attachment levied thereon, or any judgment lawfully obtained at the suit of any party against the person in whose name the title to such land appears of record, prior to the recording of such conveyance.

Absolute deeds and mortgages to be separately recorded.

(55.) SEC. II. Different sets of books shall be provided by the register of deeds of the different counties, for the recording of deeds and mortgages; in one of which sets all conveyances absolute in their terms, and not intended as mortgages, or as securities in the nature of mortgages, shall be recorded; and in the other set, such mortgages and securities shall be recorded.

Conveyances absolute in terms; but conditional in intention; provision.

(56.) SEC. III. Every deed conveying real estate, which by any other instrument in writing, shall appear to have been intended only as a security in the nature of a mortgage, though it be an absolute conveyance in terms, shall be considered as a mortgage; and the person for whose benefit such deed shall be made, shall not derive any advantage from the recording thereof, unless every writing, operating as a defeasance of the same, or explanatory of its being designed to have the effect only of a mortgage or conditioned deed, be also recorded therewith at the same time.

Instruments to be recorded to be duly signed, &c.

(57.) SEC. IV. To entitle any conveyance, mortgage, powers of attorney or other instrument affecting real estate within this state hereafter made, to be recorded by any register of deeds, it shall be executed and acknowledged by the party or parties executing the same as required by law, and shall be recorded at large and in full, word for word, by the register of deeds, in the order, and as of the time when the same shall be delivered to the register of deeds for that purpose, and shall be considered as recorded from the time of said delivery.

Recording; duty of register.

(58.) SEC. V. The register of deeds shall make an entry in the record immediately after the copy of every conveyance recorded, specifying the time of the day, month and year, when the said conveyance, mortgage or other instrument was recorded, and shall endorse upon every conveyance, mortgage or other instrument recorded by him, a certificate stating the time as aforesaid, and the book and page where the same was recorded, and shall record in alphabetical order, in his book of indexes, under the proper letter of the alphabet, the name of each grantor and grantee in any deed, mortgage or other writing left with him for record.

Discharge of mortgage or conditional conveyance.

(59.) SEC. VI. Any mortgage or conditional conveyance of real estate that has been recorded or may hereafter be recorded, shall be discharged upon the record thereof by the register of deeds, whenever there shall be presented to him a certificate signed by the mortgagee or grantee, his personal representatives or assigns, executed and acknowledged, as hereinbefore prescribed, to entitle conveyances, mortgages or other instruments to be recorded, specifying that such mortgage or conditional convey-

Handwritten notes and signatures in the bottom left corner, including "Discharge of mortgage or conditional conveyance" and various initials and numbers.

ance has been paid, or otherwise satisfied or discharged. Every such certificate and the proof and acknowledgment thereof, shall be recorded at full length and a reference shall be made to the book and page containing such record, in the minute of the discharge of such mortgage or conditional conveyance made upon the record thereof, and shall endorse upon such certificate the time and place of recording the same as provided in section five of this act.

(60.) SEC. VII. No register of deeds shall record any conveyance, mortgage or other instrument by which any interest in real estate is or may be in any way affected, unless the same shall have been duly signed and executed and acknowledged, according to law; and any such officer offending herein, shall be adjudged guilty of a misdemeanor, and on conviction, shall be subject to fine and imprisonment, and shall be liable in damages to the party injured, in a civil action.

Instruments for record to be duly signed, &c.

(61.) SEC. VIII. The term "real estate," as used in this act, shall be construed as co-extensive in meaning [with] "lands, tenements, and hereditaments," and as embracing all chattels real, excepting leases, for a term not exceeding three years.

Real estate defined.

(62.) SEC. IX. The term "purchaser," as used in this act, shall be construed to embrace every person to whom any estate or interest in real estate shall be conveyed for a valuable consideration, and also every assignee of a mortgage or lease, or other conditional estate.

Purchaser defined.

(63.) SEC. X. The term "conveyance," as used in this act, shall be construed to embrace every instrument in writing by which any estate or interest in real estate is created, alienated, mortgaged or assigned, or by which the title to any real estate may be affected in law or in equity, except last wills or testaments, and leases for a term not exceeding three years:

Conveyance defined.

(64.) SEC. XI. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

Repeal of acts inconsistent.

(65.) SEC. XII. This act shall take effect from and after its passage.

Takes effect on passage.

An Act relating to the title of pre-empted Land.

✓ [Passed July 23, 1858.] c. 94

(66.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That all conveyances of, and all mortgages and contracts of every kind whatsoever relating to any pre-empted lands which have been heretofore made of land situated within the limits of this state, after the issuing of the duplicate at the local land office, shall be binding upon the parties thereto after the issuing of the patent for such land, and all covenants contained in such instruments shall be revived and be of the same force and effect as if made after the patent had been issued, and the title which may be perfected by the issuing of the same and vested in the patentee, shall immediately enure to and be vested in the party to whom such patentee may have conveyed the same or his assigns to the same extent, and under the same legal and equitable rules and regulations applicable to other lands and conveyances.

Conveyances of land before patents received held to be binding.

(67.) SEC. II. This act shall take effect and be in force from and after its passage.

Takes effect on passage.

An Act providing for the record of Contracts relating to Land.

✓ [Chapter 47, Revised Statutes.]

(68.) SEC. I. All bonds, contracts, or agreements concerning any interest in lands in this territory, made in writing under seal, attested by one or more witnesses, and acknowledged before some person authorized

When bonds and contracts concerning lands may be recorded.

by law to take acknowledgments of deeds, may be recorded in the office of register of deeds of the county where the lands lie.

Duty of register of deeds.

(69.) SEC. II. It shall be the duty of the register of deeds in each county within this territory, to receive and record at length, all such bonds, contracts, or agreements, as shall be left with him for that purpose.

Effect of recorded bonds and contracts.

(70.) SEC. III. Each and every bond, contract, or agreement, made and recorded according to the provisions of the first section of this chapter, shall be notice to, and take precedence of any subsequent purchaser or purchasers, and shall operate as a lien upon the lands therein described, according to its import and meaning.

Registers' fees for recording same.

(71.) SEC. IV. The said register shall receive the same compensation for recording all papers contemplated by this chapter, as is now allowed by law, for recording deeds and mortgages.

An Act prescribing the manner in which Corporations may convey Real Estate.

[Passed March 1, 1856.] C, 6

Convey by an agent.

(72.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* Every public or private corporation authorized to hold real estate, may convey the same by an agent appointed by vote for that purpose.

Record of appointment.

(73.) SEC. II. Whenever the corporators, members, stockholders, trustees or directors of any corporation, shall, by a vote or resolution, appoint an agent to convey the real estate of such corporation, a copy of such vote or resolution certified by the clerk or secretary of such corporation, may be recorded in the office of the register of deeds of the county in which the real estate to which such vote or resolution relates, may be situated. And such vote or resolution, when so certified, and the record thereof when so recorded in the office of the register of deeds, or a transcript of such record duly certified, may be used in evidence in the same manner and with like effect as a conveyance recorded in such county.

A Bill to legalize Acknowledgments of Conveyances heretofore taken before either the Supreme or District Court Clerks of this Territory.

[Passed February 6, 1856.]

Acknowledgments legalized.

(74.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* The acknowledgment of the execution of any grant or conveyance of lands, or of any estate or interest therein, by deed, mortgage or otherwise, heretofore made and taken before any clerk of either the supreme or district courts and judges of probate of this territory, and the certificate of every such acknowledgment made by any such clerk, shall have the same force and effect as evidence and entitle such grant or conveyance to be recorded, in the same manner and with the like effect, in all respects, as though the same had been duly acknowledged in pursuance of the laws of this territory. In all cases where any such grant or conveyance, acknowledged as aforesaid, shall have been recorded, the record thereof, or transcript of such record certified by the register of deeds in whose office the same may have been recorded, may be read in evidence in any court within this territory, with the like force and effect in all respects as conveyances duly acknowledged and recorded.

Clerks of courts and judges of probate.

(75.) SEC. II. The several clerks of the district courts and judges of probate of this territory, are hereby authorized to take acknowledgments of all deeds, conveyances or other instruments requiring to be acknowledged before an officer.

To be in force.

(76.) SEC. III. This act shall take effect immediately.