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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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8 maintenance of at least one college where the leading object
9 shall be, without excluding other scientific and classical
10 studies, and including military tactics, to teach such branch-
11 es of learning as are related to agriculture and the mechan-
12 ic arts, in such manner as may hereafter be prescribed, in
13 order to promote the liberal and practical education of the
14 industrial classes in the several pursuits and professions of
15 life.

c 9 1865—p. 83, Sect. 3.

1 SECT. 55. If any portion of the fund invested, as pro-
2 vided by the foregoing section, or any portion of the inter-
3 est thereon, shall, by any action or contingency, be lost, it
4 shall be replaced by the State, so that the capital of the
5 fund shall forever remain undiminished; and the annual in-
6 terest shall be regularly applied, without diminution, to the
7 purposes mentioned in the preceding section, except that a
8 sum not exceeding ten per centum upon the amount re-
9 ceived, may be expended for the purchase of lands for sites
10 or experimental farms, whenever authorized by the legis-
11 lature.

1865 p. 84, Sect. 4.

1 SECT. 56. No portion of said fund, nor the interest
2 thereon, shall be applied directly or indirectly, under any
3 pretence whatever, to the purchase, erection, preservation
4 or repair of any building.

CHAPTER XXXIX.

CHATTEL MORTGAGES.

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1860—p. 189, Sect. 1.
Amended.

1 SECTION 1. Every mortgage on personal property, which
2 is not accompanied by an immediate delivery, and followed
3 by an actual and continued change of possession of the
4 things mortgaged, shall be absolutely void as against the
5 creditors, of the mortgagor, and as against subsequent pur-
6 chasers and mortgagees in good faith, unless it appears that
7 such mortgage was executed in good faith, and not for the
8 purpose of defrauding any creditor, and unless the mort-
9 gage, or a true copy thereof is filed as hereinafter provided.

1860—p. 189, Sects.
2 & 5 combined &
amended.

1 SECT. 2. Every such instrument shall be filed in the
2 town or city where the property mortgaged is at the time
3 of the execution of such mortgage, and a copy thereof filed
4 in the town or city where the mortgagor, if a resident of this
5 state, resides at the time of the execution thereof. In each
6 town, such instrument shall be filed in the office of the

7 town clerk thereof; and in the several cities, in the office of
 8 the recorder, clerk or other officer in whose custody the re-
 9 cords of the city are kept, and each of the officers hereinbe-
 10 fore named, shall file all such instruments, when presented
 11 for that purpose, endorse thereon the time of reception, the
 12 number thereof, and shall enter in a suitable book, to be
 13 provided by him at the expense of the town, or city, with
 14 an alphabetical index thereto, under the head of mortga-
 15 gors and mortgagees respectively, the names of each party
 16 to such instrument, and in separate columns opposite to
 17 such names the number of the instrument, the date, the
 18 amount secured thereby, when due, and the date of filing the
 19 same. Such instrument or copy shall remain on file for the
 20 inspection of all persons interested.

1 SECT. 3. Every mortgage filed in pursuance of this
 2 chapter shall be held and considered to be full and sufficient
 3 notice to all parties interested, of the existence and condi- 1860—p. 188, Sect. 3.
 4 tions thereof; but shall cease to be notice as against the
 5 creditors of the mortgagor and subsequent purchasers and
 6 mortgagees in good faith, after the expiration of one year
 7 from the filing thereof, unless within thirty days next pre-
 8 ceding the expiration of the said term of one year, a true
 9 copy of said mortgage together with a statement exhibiting
 10 the interest of the mortgagee in the property claimed by
 11 him by virtue thereof, is filed in the office of the clerk or
 12 other proper officer of the town or city where the proper-
 13 ty mortgaged is, and the mortgagor, if a resident of this
 14 state, then resides. The filing of such copy and statement
 15 shall extend the effect of the original filing for the further
 16 term of one year, when the same may be again renewed in
 17 like manner for a like period of time. *Provided*, That no
 18 mortgage of goods or chattels shall be notice of any fact as
 19 against the creditors of the mortgagor or subsequent pur-
 20 chasers or mortgagees in good faith, unless the same is ac-
 21 knowledged before some officer authorized to take acknowl-
 22 edgment of deeds.

1 SECT. 4. A copy of any such mortgage or copy, filed
 2 and indorsed as aforesaid, together with any statement 1860—p. 190, Sect. 4.
 3 made in pursuance of this chapter, when certified by the Amended.
 4 clerk or other proper officer to be a true copy of the origi-
 5 nal on file in his office, shall be received in evidence in like
 6 manner and with like effect as the original mortgage, or
 7 copy filed, and indorsement.

1 SECT. 5. When the condition of a mortgage of personal New.
 2 property is broken, the mortgagor or any person lawfully
 3 claiming or holding under him, may redeem the same at
 4 any time before the property is sold, in pursuance of the

5 contract between the parties, or the right of redemption is
6 foreclosed as hereinafter provided.

New. 1 SECT. 6. The person entitled to redeem, shall pay or
2 tender to the mortgagee, or person holding under him, the
3 sum due on the mortgage, or offer performance of the thing
4 to be done, and shall pay all reasonable and lawful charges
5 and expenses incurred in the care and custody of the prop-
6 erty, or otherwise arising from the mortgage; and if, upon
7 such payment or performance or tender thereof, the prop-
8 erty is not forthwith restored, the person entitled to re-
9 deem may recover it in a civil action, with such damages
10 as he may have sustained by the withholding thereof.

New. 1 SECT. 7. The mortgagee or his assigns, after condition
2 broken, may give to the mortgagor, or the person in pos-
3 session of the property claiming the same, written notice of
4 his intention to foreclose the mortgage for breach of the
5 condition thereof, which notice shall be served by leaving
6 a copy with the mortgagor or a person in possession of the
7 property claiming the same, or by publishing it at least
8 once a week for three successive weeks in a newspaper print-
9 ed and published in the county or city where the mortgage is
10 properly recorded, or where the property is situated, or if
11 there is no such paper, in a newspaper printed and pub-
12 lished at the capital of the state.

New. 1 SECT. 8. The notice with an affidavit of service shall be
2 filed wherever the mortgage is filed, and when so filed, the
3 same or a copy thereof shall be admitted as evidence of the
4 giving of such notice.

New. 1 SECT. 9. If the money to be paid, or other thing to be
2 done, is not paid or performed, or tender thereof made
3 within sixty days after such notice is so filed, the right to
4 redeem shall be foreclosed.

CHAPTER XL.

DEEDS, MORTGAGES AND OTHER CONVEYANCES.

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C. S. p. 397, Sect. 1.
Amended.

1 SECTION 1. Conveyances of lands or of any estate or
2 interest therein, may be made by deed, executed by any
3 person having authority to convey the same, or by his at-
4 torney, and acknowledged and recorded in the registry of
5 deeds for the county where the lands lie without any other
6 act or ceremony.