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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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10 and acknowledged, as hereinbefore prescribed, specifying  
 11 that such mortgage has been paid, or otherwise satisfied or  
 12 discharged. Every such certificate and the proof and ac-  
 13 knowledgment thereof, shall be recorded at full length, and  
 14 a reference made to the book and page containing such rec-  
 15 ord, in the minute of the discharge of such mortgage made  
 16 upon the record thereof, and said register shall endorse  
 17 upon such certificate the time and place of recording the  
 18 same.

## CHAPTER XLI.

### FRAUDS.

#### TITLE I.

##### CONVEYANCES OF LANDS FRAUDULENT AS AGAINST PURCHASERS.

1 . SECTION 1. Every conveyance of any estate or interest  
 2 in lands, or the rents and profits of lands, and every charge C. S. p. 457, Sect. 1. c49  
 3 upon lands, or upon the rents and profits thereof, made or  
 4 created with the intent to defraud prior or subsequent pur-  
 5 chasers for a valuable consideration of the same lands, rents  
 6 or profits, as against such purchasers, shall be void.

1 SECT. 2. No such conveyance or charge shall be deemed  
 2 fraudulent, in favor of a subsequent purchaser who had ac- C. S. p. 457, Sect. 2.  
 3 tual or legal notice thereof at the time of his purchase, un-  
 4 less it appears that the grantee in such conveyance, or  
 5 person to be benefited by such change, was privy to the  
 6 fraud intended.

1 SECT. 3. Every conveyance or charge of or upon any  
 2 estate or interest in lands, containing any provision for the C. S. p. 457, Sect. 3.  
 3 revocation, determination or alteration of such estate or  
 4 interest, or any part thereof, at the will of the grantor,  
 5 shall be void, as against subsequent purchasers, from such  
 6 grantor; for a valuable consideration, of any estate or in-  
 7 terest, so liable to be revoked or determined, although the  
 8 same is not expressly revoked, determined, or altered by  
 9 such grantor, by virtue of the power reserved or expressed  
 10 in such prior conveyance or charge.

1 SECT. 4. Where a power to revoke a conveyance of any C. S. p. 457, Sect. 4.  
 2 lands or the rents and profits thereof, and to re-convey the  
 3 same, is given to any person other than the grantor in such

4 conveyance, and such person thereafter conveys the same  
 5 land, rents or profits, to a purchaser for a valuable consid-  
 6 ration, such subsequent conveyance shall be valid in the  
 7 same manner and to the same extent as if the power of re-  
 8 vocation was recited therein, and the intent to revoke the  
 9 former conveyance expressly declared.

C. S. p. 457, Sect. 5.

1 SECT. 5. If a conveyance to a purchaser under either  
 2 of the two preceding sections, is made before the person  
 3 making the same is entitled to execute his power of revoca-  
 4 tion, it shall nevertheless be valid from the time the power  
 5 of revocation actually vests in such person, in the same  
 6 manner and to the same extent, as if then made.

## TITLE II.

### STATUTE OF FRAUDS.

1 SECT. 6. No action shall be maintained in either of the  
 2 following cases upon any agreement unless such agreement  
 3 or some note or memorandum thereof expressing the con-  
 4 sideration, is in writing, and subscribed by the party  
 5 charged therewith:

C. S. p. 458, Sect. 2.  
 Amended.

6 *First.*—Every agreement that by its terms is not to be  
 7 performed within one year from the making thereof;

8 *Second.*—Every special promise to answer for the debt,  
 9 default or doings of another;

10 *Third.*—Every agreement, promise or undertaking,  
 11 made upon consideration of marriage, except mutual pro-  
 21 mise to marry.

1 SECT. 7. Every contract for the sale of any goods, chat-  
 2 tels or things in action, for the price of fifty dollars or more,  
 3 shall be void, unless,

C. S. p. 458, Sect. 3.

4 *First.*—A note or memorandum of such contract, is made  
 5 in writing and subscribed by the parties to be charged there-  
 6 with; or,

7 *Second.*—Unless the buyer accepts and receives part of  
 8 such goods, or the evidences, or some of them, of such  
 9 things in action; or,

10 *Third.*—Unless the buyer at the time pays some part of  
 11 the purchase money.

C. S. p. 458, Sect. 4.

1 SECT. 8. Whenever goods are sold at public auction,  
 2 and the auctioneer at the time of sale, enters in a sale-book  
 3 a memorandum specifying the nature and price of the pro-  
 4 perty sold, the terms of the sale, name of the purchaser,  
 5 and the name of the person on whose account the sale is

6 made; such memorandum shall be deemed a note of the  
7 contract of sale within the meaning of the last section.

1 SECT. 9. Every grant or assignment of any existing C. S. p. 459, Sect. 2. c 51  
2 trust in goods, or things in action, unless the same is in  
3 writing, subscribed by the party making the same, or by  
4 his agent, lawfully authorized, shall be void.

1 SECT. 10. No estate or interest in lands other than  
2 leases for a term, not exceeding one year, nor any trust or  
3 power over or concerning lands, or in any manner relating C. S. p. 457, Sect. 6. c 49  
4 thereto, shall hereafter be created, granted, assigned, sur-  
5 rendered or declared, unless by act or operation of law, or  
6 by deed or conveyance in writing, subscribed by the par-  
7 ties creating, granting, assigning, surrendering or declaring  
8 the same, or by their lawful agent thereunto authorized by  
9 writing.

1 SECT. 11. The preceding section shall not be construed  
2 to effect in any manner the power of a testator in the dis- C. S. p. 457, Sect. 7.  
3 position of his real estate by a last will and testament; nor  
4 to prevent any trust from arising or being extinguished by  
5 implication or operation of law.

1 SECT. 12. Every contract for the leasing for a longer C. S. p. 457, Sects. 8  
2 period than one year, or for the sale of any lands, or any & 9, combined.  
3 interest in lands, shall be void, unless the contract, or some  
4 note or memorandum thereof, expressing the consideration,  
5 is in writing, and subscribed by the party by whom the  
6 lease or sale is to be made, or by his authorized agent.

1 SECT. 13. Nothing in this chapter contained shall be C. S. p. 457, Sect. 10.  
2 construed to abridge the power of courts of equity to com-  
3 pel the specific performance of agreements in cases of part  
4 performance of such agreements.

### TITLE III.

#### CONVEYANCES RELATIVE TO LANDS, GOODS AND CHATTELS FRAUD- ULENT AS AGAINST CREDITORS.

1 SECT. 14. All deeds of gift, all conveyances and all C. S. p. 458, Sect. 1. c 50  
2 transfers or assignments, verbal or written, of goods, chat-  
3 tels or things in action, made in trust for the use of the per-  
4 son making the same, shall be void, as against the credit-  
5 ors existing or subsequent of such person.

1 SECT. 15. Every sale made by a vendor of goods and

New. 2 chattels in his possession or under his control, and every  
3 assignment of goods and chattels, unless the same is accom-  
4 panied by an immediate delivery, and followed by an actu-  
5 al and continued change of possession of the things sold or  
6 assigned, shall be presumed to be fraudulent and void, as  
7 against the creditors of the vendor or assignor, or subse-  
8 quent purchasers in good faith, unless those claiming under  
9 such sale or assignment make it appear that the same was  
10 made in good faith, and without any intent to hinder, delay  
11 or defraud such creditors or purchasers.

New. 1 SECT. 16. The term "creditors" as used in the preced-  
2 ing section, includes all persons who are creditors of the  
3 vendor or assignor, at any time while such goods and chat-  
4 tels remain in his possession, or under his control.

New. 1 SECT. 17. Nothing contained in the two preceding sec-  
2 tions shall apply to contracts of bottomry or respondentia,  
3 nor assignments or hypothecations of vessels or goods at  
4 sea or in foreign ports, or without this state; *provided*, the  
5 assignee or mortgagee takes possession of such vessel or  
6 goods as soon as possible, after the arrival thereof, within  
7 this state.

C. S. p. 459, Sect. 1.  
Amended. 1 SECT. 18. Every conveyance or assignment in writing  
2 or otherwise, of any estate or interest in lands, or of any  
3 rents or profits issuing therefrom, and every charge upon  
4 lands or upon the rents or profits thereof, made with the  
5 intent to hinder, delay, or defraud creditors or other per-  
6 sons of their lawful actions, damages, forfeitures, debts or  
7 demands, and every bond or other evidence of debt given,  
8 actions commenced or judgment suffered, with the  
9 like intent as against the persons so hindered, delayed, or  
10 defrauded, shall be void.

C. S. p. 459, Sect. 3. 1 SECT. 19. Every conveyance, charge, instrument or pro-  
2 ceeding, declared to be void by the provisions of this and  
3 the two preceding titles, as against creditors or purchasers,  
4 shall be equally void against the heirs, successors, personal  
5 representatives or assignees of such creditors or purchasers.

C. S. p. 459, Sect. 4. 1 SECT. 20. The question of fraudulent intent in all cases,  
2 arising under the provisions of this title shall be deemed a  
3 question of fact, and not of law, and no conveyance or charge  
4 shall be adjudged fraudulent as against creditors, solely on the  
5 ground that it was not founded on a valuable consideration.

C. S. p. 459, Sect. 5. 1 SECT. 21. The provisions of this title shall not be con-  
2 strued in any manner to affect or impair the title of a pur-  
3 chaser for a valuable consideration unless it appears that such

4 purchaser had previous notice of the fraudulent intent of  
5 his immediate grantor, or of the fraud rendering void the title  
6 of such grantor.

1 SECT. 22. The term "conveyance," as used in this  
2 chapter, shall be construed to embrace every instrument in C. S. P. 450, Sect. 7.]  
3 writing, except a last will and testament, whatever may be  
4 its form, and by whatever name it may be known in law,  
5 by which any estate or interest in lands is created, aliened,  
6 assigned, or surrendered. c 5 /

## CHAPTER XLII.

### OFFICIAL TRUSTS.

1 SECTION 1. When the corporate authorities of any town,  
2 or the judge of the county court for any county in which  
3 any town is situated, enter at the proper land office the  
4 land or any part of the land settled and occupied as the site C. S. P. 385, Sect. 1.  
5 of such town, pursuant to and by virtue of the provisions of  
6 the act of congress entitled, "an act for the relief of the  
7 citizens of towns upon the lands of the United States under  
8 certain circumstances," passed May 23d, A. D. 1854, such  
9 corporate authorities, or judge (as the case may be,) shall  
10 dispose of and convey the title to such lands or to the sev-  
11 eral blocks, lots, parcels or shares thereof to the persons  
12 hereinafter described, and in the manner hereinafter speci-  
13 fied. c 33

1 SECT. 2. Any such corporate authorities, or judge hold-  
2 ing the title to any such lands in trust, as declared in the  
3 said act of congress, shall, by a good and sufficient deed of C. S. P. 385, Sect. 2.  
4 conveyance, grant and convey the title to each and every  
5 block, lot, share or parcel of the same, to the person en-  
6 titled thereto, according to his rights or interest in the  
7 same, as they existed in law or equity at the time of the  
8 entry of such lands; and when any parcel or share of such  
9 lands is occupied or possessed by one or more persons claim-  
10 ing the same by grant, lease or sale from one or more other  
11 persons, the respective rights and interest of such persons  
12 in relation to each other in the same, shall not be changed  
13 or impaired by any such conveyance. Every deed of con-  
14 veyance by such corporate authorities, or judge, pursuant  
15 to the provisions of this chapter, shall be so executed and  
16 acknowledged as to admit the same to be recorded; and if  
17 made previous to the issuing of the patent of such lands, it