

# CHANGES

IN THE

## General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA  
SESSION OF 1881, AND THE REGULAR  
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

\*§ 97. **How money to be paid.** The money hereby appropriated shall be paid upon the order of the secretary of the board hereby authorized to expend the same, countersigned by the warden of the state prison as president of said board. (*Id.* § 3.)

\*§ 98. **Compensation of architect.** The compensation of said supervising architect shall be fixed by said building committee. (*Id.* § 4.)

See page 978.

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## CHAPTER CXXIII.

### CURATIVE ACTS.

\*§ 17a. **Conveyances with one witness, etc., executed in other states.** That all deeds or conveyances of real estate in this state, heretofore executed in any other state or territory of the United States, and which is recorded in the office of the register of deeds of the county wherein such land is situated, properly sealed and acknowledged, but with only one subscribing witness, or, when executed by more than one person, properly signed and sealed, and witnessed and acknowledged by only one of the parties thereto, the other party or parties, however, having signed and executed a receipt at the end of such deed, (as practiced in some states,) acknowledging the receipt of the consideration expressed in such conveyance, are hereby legalized and made valid and effectual to all intents and purposes; and such instruments, and the record thereof, shall have the same force and effect in all respects as though they had been originally executed and acknowledged in accordance with all the requirements of the statutes of this state in force at the time of the making or recording of such conveyances: *provided, however*, that nothing herein contained shall in any manner affect any pending suit or proceeding, or the right or title of any *bona fide* purchaser without notice, for a valuable consideration, of any such lands so conveyed prior to the passage of this act. (1883, c. 85, § 1.)

See page 1001.

\*§ 17b. **Conveyance with certain defective acknowledgments legalized.** That all deeds or other conveyances of real estate situate within this state, whether such conveyances were made within this state or in any other state or territory of the United States, heretofore made and recorded in the office of the register of deeds wherein the real estate thereby affected was at the time of the making of such records or is situate, whether such deeds and conveyances were duly and properly admitted to record or otherwise, in which the following defects of acknowledgment exist, either in such conveyances or the records thereof, viz.:

Where the name of the county or state is omitted in the certificate of acknowledgment.

Where the certificate of acknowledgment is not dated, or contains a date prior to the date of the conveyance or subsequent to the date of the record thereof.

Where the grantor's name is omitted in the certificate of acknowledgment, and the name of the officer taking the same is inserted instead.

Or where the grantor's name appears in the certificate in the place in which the name and official character of the acknowledging officer should be stated.

Where a conveyance is executed in any other state or territory by husband and wife, and the wife's name alone appears in the certificate of acknowledgment, but the husband has signed at the end of the conveyance, in the presence of one or more witnesses, an acknowledgment of the receipt of the consideration expressed in such conveyance.

Where the name of one of the grantors in any such conveyance is incorrectly spelled or given in the certificate of acknowledgment.

All such conveyances, and the records thereof, are hereby legalized and made valid, and the records thereof effectual, to all intents and purposes, and of the same force and effect in all respects, for the purpose of notice, evidence, and otherwise, as

if such deeds were legally and properly acknowledged in accordance with the laws of this state in force at the time of the making thereof.

*Provided*, that nothing herein contained shall in any manner affect the right or title of any *bona fide* purchaser, without notice of such instrument or record thereof, for a valuable consideration, of any such real estate prior to the passage of this act; and

*Provided further*, that a purchaser of any execution or foreclosure sale of any lands affected by this bill shall be considered a *bona fide* purchaser.

*Provided*, that this act shall not extend nor apply to any action or proceeding now pending in any court of this state. (1883, c. 87, § 1.)

See page 1001.

**\*§ 28a. Acknowledgments before officers whose term had expired.** That all acknowledgments to any conveyances or other instruments heretofore taken by any person previously appointed or elected and then acting as a notary public or other officer authorized to take such acknowledgments, be, and the same are hereby, legalized and made "of the same validity as though the term of office of such officer had not expired at the time of taking such acknowledgments;" and the record of such conveyances or other instruments is hereby declared to be legal and valid, and effectual for all purposes: *provided*, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state. (1883, c. 91, § 1.)

See page 1003.

**\*§ 30b. Acts of notaries public valid without seal.** That no official act of any notary public heretofore done, shall be held, deemed, or taken to be invalid because, or on the ground that, such notary failed or neglected to affix to such act, or to any certificate, or to any verification or attestation of such acts, his official seal. But all the official acts of such notary public shall, notwithstanding the absence of such official seal, be held as valid to all intents and purposes as if such were or had been properly affixed thereto: *provided*, that the provisions of this act shall not apply to actions now pending: *and provided further*, that this act shall not apply to powers of attorney executed more than five years prior to the passage of this act. (1881, *Ex. Sess.* c. 55, § 1.)

See page 1003.

**\*§ 30c. Conveyances by probate judges legalized.** That all conveyances heretofore made of any real property in this state, or of any interest therein, under order and direction of a probate court having jurisdiction in the premises, pursuant to the statute relating to sales of lands by executors, administrators, and guardians, and all proceedings appearing otherwise substantially good and regular in relation to the same, be, and the same are, hereby legalized and confirmed, so far as they relate to any question of defect by reason of no record having been kept by the probate court of the letters appointing such executor, administrator or guardian, and such order, license, or direction shall be *prima facie* evidence that proper letters have been duly issued. (1881, *Ex. Sess.* c. 56, § 1.)

See page 1003.

**\*§ 30d. Conveyances under power of attorney by married women not joined in by husband.** When any married woman has heretofore executed any power of attorney in which her husband has not joined, and any deed or mortgage has been executed under or in pursuance of such power of attorney, any and every such deed or mortgage shall be taken, held, and considered to be as valid, legal, and binding, to all intents or purposes, as if the husband of such married woman had joined in the execution of such power of attorney: *provided*, that no conveyance or mortgage made under such power of attorney shall be held to be hereby validated or confirmed unless the husband of such married woman joined in such conveyance or mortgage. (1881, *Ex. Sess.* c. 79, § 1.)

NOTE.—As to legalizing corporations and conveyances to or from, *see infra*, pp. 48-49.

NOTE.—As to *plats defectively made, and how legalized and cured*, *see infra*, pp. 43-44.

See page 1003.

\*§ 30e. **Conveyances with but one subscribing witness.** That mortgages and all other instruments authorizing or relating to the conveyance of real estate or any interest therein in this state, that have been heretofore executed, with but one subscribing witness, are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as if such conveyance had been executed with two subscribing witnesses: *provided*, this act shall not apply to or affect any suit or action now pending. (1881, *Ex. Sess.*, c. 77, § 1.)

See page 1003.

#### AFFIDAVITS, ETC., ON FORECLOSURE AND EXECUTION SALES.

\*§ 52a. **Certificates under § 11, c. 81.** That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, General Statutes one thousand eight hundred and seventy-eight, shall be deemed invalid by reason of the same not having been made, executed, proved, acknowledged, or recorded within twenty days mentioned in said section; and the record of all such certificates heretofore executed, proved, or acknowledged and recorded after the expiration of the said twenty days, is hereby legalized and made valid, and the said record shall have the same force and effect as if said certificate had been executed, proved, and acknowledged and recorded within the said twenty days: *provided*, that nothing herein contained shall be construed to apply to cases now pending which involve the legality or validity of such certificate of sale. (1883, c. 90, § 1.)

See page 1006.

#### MISCELLANEOUS.

\*§ 55a. **Affidavits under § 61, (Sec. 54), § 62, (Sec. 55), Ch. 73, and \*§ 19, \*§ 20, and \*§ 23, Ch. 81.** That in all cases where affidavits authorized by sections sixty-one and sixty-two of chapter seventy-three, and sections nineteen, twenty, and twenty-three of chapter eighty-one of the General Statutes of one thousand eight hundred and seventy-eight, have been heretofore filed and recorded, or which shall be hereafter filed and recorded within one year after the passage of this act, such affidavits or duly-certified copies thereof shall be received in evidence in the same manner and with the same effect as if the same had been filed and recorded within the time in said sections limited. (1883, c. 89, § 1.)

\*§ 55b. **Same—proceedings valid.** No proceeding in which such affidavits might have been heretofore filed and recorded shall be deemed invalid in consequence of the failure to file and record the same within the time specified by said sections: *provided*, that nothing herein contained shall be held to affect any vested rights of any person or persons not parties to such proceedings. (*Id.* § 2.)

See page 1006.

\*§ 61. **Bonds of independent school-district.** That all bonds, the issuance of which has, since the first day of October, A. D. one thousand eight hundred and eighty-two, been authorized by the voters of any independent school-district of this state, and which, by the terms of the resolution authorizing their issue, are payable after more than ten years, allowed by law for their maturity, are, as respects the time of their payment or maturity, hereby legalized, and the proceedings authorizing their issue legalized and confirmed; so that all such bonds shall be of the same validity as though authorized and conditioned to be payable within the said period of ten years. (1883, c. 88, § 1.)

See pages 472 and 1008.