

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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[CHAPTER 123.]

[CURATIVE ACTS.]

1. Conveyances Defectively Executed, Acknowledged or Recorded, §§ 7523-7524.
2. Estates of Decedents--Judicial and Foreclosure Sales; Certificates and Affidavits, §§ 7525-7529.
3. Miscellaneous, §§ 7630-7638.

See, as to curative legislation, *Spaulding v. Nourse*, (Mass.) 10 N. E. Rep. 179; *Johnson v. Board of Commissioners*, (Ind.) 8 N. E. Rep. 1; *Independent School-Dist. v. City of Burlington*, (Iowa,) 15 N. W. Rep. 295; *Stange v. City of Dubuque*, (Iowa,) 17 N. W. Rep. 513.

The legislature cannot legalize acts void for jurisdictional defects. *Houseman v. Kent Circuit Judge*, (Mich.) 25 N. W. Rep. 369. Nor can it, by curative legislation, interfere with vested rights. *Daniells v. Watertown Tp.*, (Mich.) 28 N. W. Rep. 673. The legislature cannot give validity to a decree of divorce void for want of jurisdiction in the court rendering it. *Israel v. Arthur*, (Colo.) 1 Pac. Rep. 438.

The legislature cannot legalize the taking of property for public use, where the proceedings therefor were had without notice to the owner. *Burns v. Railroad Co.*, 15 Fed. Rep. 177.

[TITLE 1.]

[CONVEYANCES DEFECTIVELY EXECUTED, ACKNOWLEDGED OR RECORDED.]

Under this title the acts are arranged in the order of the sessions at which they were passed, and not according to the subject-matter.

§ 7523. Acknowledgments before territorial clerks of supreme or district courts or judges of probate.

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.

(1856, c. 12, § 1; G. S. 1878, c. 123, § 1.)

§ 7524. Conveyances with one subscribing witness.

That all conveyances of real estate heretofore made within the limits of this state properly sealed and acknowledged, with one subscribing witness thereto, shall be legal and valid to all intents and purposes.

(1858, c. 42, § 1; G. S. 1878, c. 123, § 2.)

This section, legalizing conveyances executed with but one witness, is constitutional and retrospective, and makes valid a prior mortgage executed with but one witness. *Ross v. Worthington*, 11 Minn. 438, (Gil. 323.)

§ 7525. Same—Entitled to record.

That all instruments heretofore made relating to the conveyance of real estate, or any interest therein, within the limits of this state, having only one subscribing witness thereto, shall, if in other respects conformable to

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law, be entitled to record with the same effect, from the time of the passage of this act, as if attested by two subscribing witnesses.

(1863, c. 41, § 1; G. S. 1878, c. 123, § 3.)

§ 7526. Same—Record of those heretofore made.

The record of all such instruments heretofore recorded shall, from the time of the passage of this act, have the same force and effect as if the same were recorded anew under the provisions of section one of this act.

(1863, c. 41, § 2; G. S. 1878, c. 123, § 4.)

§ 7527. Acknowledgments before banker or broker as notary.

That all acknowledgments of deeds, bonds, mortgages, contracts, affidavits and agreements, heretofore taken by any banker or broker in this state, who has been appointed and commissioned by the governor as a notary public, be and the same are hereby legalized.

(1863, c. 45, § 1; G. S. 1878, c. 123, § 5.)

§ 7528. Acknowledgments before W. McTavish, governor of Assinneboine.

That all conveyances of land in this state, or letters of attorney to convey the same, heretofore made in the district of Assinneboine, in the territory of the Hudson's Bay Company, in British America, and acknowledged before W. McTavish, governor of said district, shall be, and are hereby declared to be, legal and valid instruments, and entitled to record in the county where said land is situated, and such conveyance shall be sufficient in law to convey the title to the same.

(1864, c. 49, § 3; G. S. 1878, c. 123, § 6.)

§ 7529. All recorded conveyances to be received as evidence.

That in all cases where deeds or other conveyances of real estate within this state, or letters of attorney authorizing the same, have heretofore been actually recorded in the office of the register of deeds for the county where the real estate thereby affected was at the time of the making of such records or is now situate, whether such deeds, conveyances and letters of attorney were duly and properly admitted to record or otherwise, all such records may nevertheless be read in evidence in any court within this state, and shall be received as prima facie evidence of the contents of the original instruments of which they purport to be the records.

(1866, c. 23, § 1; G. S. 1878, c. 123, § 7.)

See *Cogan v. Cook*, 22 Minn. 137; *Bigelow v. Livingston*, 28 Minn. 57, 59, 9 N. W. Rep. 31.

§ 7530. Same—Certified copies may be read in evidence.

That duly authenticated copies of the aforesaid records may be read in evidence in any court within this state with the same effect as the records themselves as aforesaid.

(1866, c. 23, § 2; G. S. 1878, c. 123, § 8.)

§ 7531. Acknowledgments before territorial judges of probate—Record.

That the acknowledgment of the execution of any grant or conveyance of lands, or of any interest therein, by deed, mortgage or otherwise, heretofore made and taken before any of the judges of probate of the territory of Minnesota, and the certificate of any such acknowledgment made by any such probate judge, shall have the same force, effect and legal validity as though such judges of probate were at the time of the making of such certificate expressly empowered by law to take and certify such acknowledgment; and all such deeds and instruments shall be admitted in evidence and entitled to record; and the record of all deeds so acknowledged shall have like force and validity as though the same had been duly acknowledged and recorded; and all such

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records now or hereafter made shall be notice of the contents of the instrument so recorded.

(1866, c. 38, § 1; G. S. 1878, c. 123, § 9.)

§ 7532. Record of instruments without certificate of character of acknowledging officer.

That powers of attorney, and all other instruments authorizing or relating to the conveyance of real estate, or any interest therein, within the limits of this state, heretofore made and executed out of this state, and acknowledged before an officer having an official seal, but not having a certificate of the official character of such officer, and of the due execution and acknowledgment thereof, according to the law of the place where executed, attached thereto by the proper certifying officer, as required by law, shall be entitled to record with the same effect from the time of the passage of this act as if such certificate in due form was attached.

(1867, c. 75, § 1; G. S. 1878, c. 123, § 10.)

See *Bigelow v. Livingston*, 28 Minn. 57, 59, 9 N. W. Rep. 31.

§ 7533. Same—Effect of record heretofore made.

The records of all such powers of attorney, and other instruments heretofore recorded, shall, from the time of the passage of this act, have the same force and effect as if the same were recorded anew under the provisions of section one of this act.

(1867, c. 75, § 2; G. S. 1878, c. 123, § 11.)

§ 7534. Conveyances with no subscribing witnesses.

That no deed or conveyance of land within this state heretofore executed, either under the laws of the territory of Minnesota or under the laws of the state of Minnesota, shall be deemed invalid by reason of not having the signature of any subscribing witness thereto, but the same is hereby legalized and made valid as though executed in all respects in accordance with the laws of the said territory or of the said state; and the record thereof shall be as effectual for all purposes as though said deed or conveyance had been duly and properly executed.

(1867, c. 76, § 1; G. S. 1878, c. 123, § 12.)

§ 7535. Conveyances executed out of state according to law of other state, with certificate of that fact.

That all deeds, mortgages and other instruments affecting the title of real estate, heretofore executed out of this state according to the laws of the country, state, territory or district where executed and acknowledged, before any officer authorized by the laws of such country, state, territory or district to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this state for that purpose, and if such acknowledgment was taken before such commissioner of this state or before any notary public or other officer having a seal of office, and such acknowledgment was by such officer certified upon the deed and his seal of office was attached to such certificate, or, if such acknowledgment was taken and so certified by an officer who had no seal of office attached to his certificate, and such instrument had attached thereto a certificate of the clerk, or other proper certifying officer, of the county or district within which such acknowledgment was taken, certifying under his official seal, in substance, that the person subscribing the certificate of acknowledgment was, at the date thereof, such officer as he was therein represented to be, that he believes the signature of the person subscribing thereto to be genuine, and that the instrument was executed and acknowledged according to the laws of such country, state, territory or district, shall be and hereby are legalized and declared lawful and valid in all respects as though they had been originally executed and acknowledged in accordance with all the requirements of the statute on that subject.

(1870, c. 54, § 1; G. S. 1878, c. 123, § 13.)

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§ 7536. Same—Record thereof.

All instruments of the description mentioned in the preceding section shall be entitled to be recorded in the office of the register of deeds of the proper county in the same manner and upon the same conditions as other deeds; and the records of all such instruments already recorded in the office of the register of deeds of the proper county shall be taken and deemed in all respects as valid and legal; and such instruments, and the records of the same, shall have the same force and effect in all respects, for the purposes of notice, evidence and otherwise, as are or may be provided by law in regard to deeds in other cases.

(1870, c. 54, § 2; G. S. 1878, c. 123, § 14.)

§ 7537. Conveyances executed within the state without seal to acknowledgment.

That all deeds, conveyances and other instruments in writing executed within this state and required by law to be acknowledged, which have heretofore been acknowledged before any officer required to have and keep an official seal, and to affix the same to all documents requiring such officer's official signature, and to which such official seal has not been affixed, shall be legal and valid to all intents and purposes, and shall have the same effect, and be entitled to record with the same effect, as if such official seal had been affixed.

(1870, c. 55, § 1; G. S. 1878, c. 123, § 15.)

The want of a seal to a notary's certificate of acknowledgment of a deed taken in 1868 is cured by §§ 7537, 7538. *Tidd v. Rines*, 26 Minn. 202, 2 N. W. Rep. 497.

§ 7538. Same—Record thereof.

The records of all such instruments heretofore recorded shall be legal and valid, and have the same force and effect, as if such official seal had been affixed at the time the same were so recorded.

(1870, c. 55, § 2; G. S. 1878, c. 123, § 16.)

See note to § 7537.

§ 7539. Conveyances executed out of state, without notary's seal to acknowledgment.

The record of all deeds of land, or of any interest therein, heretofore made and purporting to have been executed and acknowledged before a notary public outside of this state, wherein it appears by said record that the notary before whom said acknowledgment was taken has failed to attach his seal of office as required by section nine, chapter forty, of the statutes of Minnesota, is hereby legalized and made valid, and said record shall have the same force and effect as if it appeared by said record that the notary before whom the acknowledgment was taken had attached his seal of office to the certificate of acknowledgment.

(1871, c. 60, § 1; G. S. 1878, c. 123, § 17.)

§ 7540. Conveyances with one subscribing witness.

That all conveyances of real property in this state, whether conditional or otherwise, that have been heretofore executed with but one subscribing witness and recorded, are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as well as if such conveyances had been executed with two subscribing witnesses.

(1872, c. 39, § 1; G. S. 1878, c. 123, § 18.)

§ 7541. Separate acknowledgment of wife "without the compulsion of her husband."

That all deeds and conveyances executed by husband and wife prior to the time when the general statutes went into effect, and which were properly signed, sealed and witnessed, and were acknowledged before any officer authorized by law to take the acknowledgment of deeds, when it appears by the certificate of acknowledgment attached to or endorsed upon such deed or conveyance that the execution of the instrument was acknowledged both by the husband and wife, and that the wife, on a separate examination by the

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officer, acknowledged that she executed the instrument freely and without the compulsion of her husband, shall be legal, valid and effectual to all intents and purposes, and be entitled to record; and all previous instruments heretofore made shall be legal and valid for all purposes.

(1873, c. 64, § 1; G. S. 1878, c. 123, § 19.)

§ 7542. Same—Effect thereof as evidence.

Such certificate of acknowledgment attached to or endorsed upon such deed or conveyance, or record thereof, or a certified copy of such record, shall be prima facie evidence that such deed or conveyance was properly acknowledged by husband and wife in the manner and form required by law at the date of such acknowledgment, so as fully to pass and release to the grantee in such deed or conveyance all the estate of such husband and wife, including the wife's right or claim of dower.

(1873, c. 64, § 2; G. S. 1878, c. 123, § 20.)

§ 7543. Where acknowledgment does not state separate examination of wife.

That all conveyances of real property within this state that have been heretofore executed by husband and wife, in which the certificate of the acknowledgment thereof does not state that the wife was examined separate and apart from the [her] husband, shall be, and the same are declared to be, as legal and valid as though such certificate of acknowledgment had recited the fact of such separate examination.

(1875, c. 45, § 1; G. S. 1878, c. 123, § 21.)

§ 7544. Acknowledgment before deputy clerks of courts—Record.

All acknowledgments of deeds or other instruments or contracts, heretofore taken in this state, or in the territory of Minnesota, by any deputy clerk of any court of record in this state, or territory of Minnesota, are hereby legalized and made valid, and all such deeds, instruments and contracts are hereby legalized and made valid, and may be recorded, to the same extent and for the same purposes as though the same had been acknowledged before a notary public, or other officer duly authorized to take acknowledgments; and the record of such deeds and instruments where the same have been recorded or may be recorded, and copies thereof, are hereby legalized and made valid for all purposes as though such deeds and instruments had been acknowledged before a notary public, or other officer duly authorized to take acknowledgments.

(1875, c. 47, § 1; G. S. 1878, c. 123, § 22.)

§ 7545. Conveyances without seal—Record.

All deeds and mortgages heretofore executed in this state, or territory of Minnesota, without a seal, scroll or device opposite the name of the grantor, are hereby legalized and made valid as though such deed or mortgage had been duly sealed with the seal of the grantor at the time of the execution of such deed or mortgage; and the record of such deed or mortgage are hereby legalized and made valid, and the same may be used to the same extent for all purposes as though such deed or mortgage had been properly executed; provided, such deed or mortgage was in other respects properly executed and acknowledged.

(1875, c. 47, § 2; G. S. 1878, c. 123, § 23.)

§ 7546. Conveyances executed out of state according to law of other states, with certificate thereof, not to affect bona fide purchasers.

That all conveyances of real estate in this state, or of any interest in such real estate, heretofore executed in any other state or territory of the United States, if executed and acknowledged according to the laws of such other state or territory, are hereby legalized and made valid, and may be recorded to the same extent and for the same purposes, as though the same had been executed in accordance with the laws of this state; provided that before such conveyance shall be entitled to record, the party presenting such con-

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veyance for record shall also present for record the 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, and that he believes the signature of such person, subscribed thereto, to be

state, territory or district. And all such conveyances are hereby declared to be legal and valid, and effectual to all intents and purposes, and the record thereof shall have the same effect as in other cases authorized by law: provided however, that nothing herein contained shall in any manner affect the rights or title of any bona fide purchaser without notice, for a valuable consideration, of any such real estate, prior to the passage of this act.

(1877, c. 114, § 1; G. S. 1878, c. 123, § 24.)

§ 7547. Powers of attorney with but one witness, and conveyances thereunder.

That all powers of attorney authorizing the conveyance of real estate situated within this state, or any interest therein, which have been heretofore executed with only one witness, are hereby declared as valid and effectual to all intents and for all purposes as if such powers of attorney had been attested by two witnesses, and all conveyances of said real estate situated within this state, or of any interest therein, which have been heretofore executed under such defective powers, and the records of such powers and conveyances, are hereby declared to be as valid and effectual to all intents and for all purposes as if such powers of attorney had been attested by two witnesses.

(1877, c. 115, § 1; G. S. 1878, c. 123, § 25.)

§ 7548. Conveyances with one subscribing witness.

That all conveyances of real property in this state, heretofore executed with but one subscribing witness and recorded, are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as well as if such conveyances had been executed with two subscribing witnesses; but this act shall not be construed to divest or impair any rights already acquired in good faith by third parties.

(1877, c. 116, § 1; G. S. 1878, c. 123, § 26.)

§ 7549. Conveyances with no subscribing witnesses.

That all conveyances of real property in this state heretofore executed with no subscribing witness and recorded, are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as well as if such conveyances had been executed with two subscribing witnesses.

(1877, c. 117, § 1; G. S. 1878, c. 123, § 27.)

§ 7550. Acknowledgments before officers previously appointed or elected.

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the same force and effect as they would have if such original instruments at the time they were so recorded had been legally entitled to record.

(1878, c. 57, § 1; G. S. 1878, c. 123, § 29.)

Where the certificate of the clerk of a court, in reference to the acknowledgment of a letter of attorney, required to be attached to said letter to entitle it to record, is defective for want of a seal, and for failing to state that the power was executed and acknowledged according to the laws of the state where executed, such certificate, as respects the record, is made good by §§ 7529, 7532, 7533, 7551. *Bigelow v. Livingston*, 23 Minn. 57, 9 N. W. Rep. 31.

§ 7552. Certified copies may be used.

That duly authenticated copies of aforesaid record may be read in evidence in any court within this state, with the same effect as the records themselves aforesaid.

(1878, c. 57, § 2; G. S. 1878, c. 123, § 30.)

See, as to acknowledgments in other states, § 4168.

See, as to deeds without words of inheritance, § 4163.

See, as to deeds of land in unorganized counties, § 4180.

See, as to register's certificate of record of deeds without official seal, § 778.

See, as to acknowledgments in general, § 5644.

See, as to blank powers of attorney and deeds thereunder, § 4203.

See, as to conveyances by Judge Crosby in First judicial district, § 4272.

See, as to record of railway mortgages in secretary of state's office, § 2726.

§ 7553. Conveyances defectively witnessed.

That all conveyances of or affecting real estate heretofore recorded in the several counties of the state of Minnesota being without or having but one witness, and in all other respects executed according to the laws of this state, be, and the same are hereby, legalized and made good and valid: *provided, however*, that nothing herein contained shall in any manner affect the rights or title of any *bona fide* purchaser without notice for a valuable consideration.

(1879, c. 93, § 1; G. S. 1878, v. 2, c. 123, § 30a.)

§ 7554. Mortgages to partnership in firm name—Legalization of foreclosure.

That all mortgages heretofore made of any real property in this state, or of any interest therein, to any partnership or firm in their partnership or firm name, and which said mortgages have been foreclosed by advertisement pursuant to the statute relating to foreclosure by advertisement in the name of said partnership or firm, be, and the same are, together with all proceedings had in such foreclosure, hereby legalized and confirmed, so far as relates to any question of defect by reason of the mortgagees' names being stated in said mortgages by their partnership or firm name, instead of the individual names of the members of said partnership or firm.

(1881, c. 140, § 1; G. S. 1878, v. 2, c. 123, § 30b.)

§ 7555. 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. S. c. 55, § 1; G. S. 1878, v. 2, c. 123, § 30c.)

§ 7556. Conveyances by order of probate court 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

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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. S. c. 56, § 1; G. S. 1878, v. 2, c. 123, § 30d.)

§ 7557. Conveyances with but one 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. S. c. 77, § 1; G. S. 1878, v. 2, c. 123, § 30e.)

§ 7558. Powers of attorney by married women.

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. S. c. 79, § 1; G. S. 1878, v. 2, c. 123, § 30f.)

§ 7559. Conveyances defectively 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; G. S. 1878, v. 2, c. 123, § 30g.)

§ 7560. Conveyances bearing defective certificate of acknowledgment.

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 convey-

ances 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; G. S. 1878, v. 2, c. 123, § 30h.)

Such statutes are valid where they do not impair vested rights. *Ferguson v. Williams*, (Iowa,) 18 N. W. Rep. 49. And see *Id.* as to curing defective acknowledgments.

As to the execution of a second conveyance before the passage of the curative act, see *Fogg v. Holcomb*, (Iowa,) 21 N. W. Rep. 111.

§ 7561. Acknowledgments after expiration of officer's term.

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; G. S. 1878, v. 2, c. 123, § 30E.)

§ 7562. Same.

That all acknowledgments to any conveyances or other instruments 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, 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

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the provisions of this act shall not apply to any action or proceeding now pending in any court of this state.

(1885, c. 239; G. S. 1878, v. 2, c. 123, § 30.)

§ 7563. Acknowledgments before deputy register of deeds.

That all acknowledgments to any conveyance or other instruments heretofore taken by any deputy register of deeds of any county in this state be, and the same are hereby, so legalized and the records of such conveyances and other instruments so legalized and made valid, for all purposes of notice, evidence, or otherwise, that the same shall be of the same force and effect as though such acknowledgments had been taken by the register of deeds of such county instead of by his deputy: *provided*, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state.

(1885, c. 232; G. S. 1878, v. 2, c. 123, § 30k.)

§ 7564. Recorded instruments defectively executed, etc.

That all deeds, contracts, and powers of attorney conveying or relating to the conveyance of real estate in this state, heretofore executed in this state or in any other state or territory of the United States and recorded in the office of the register of deeds of the proper county, whether duly or properly admitted to record or otherwise, in which any of the following defects of execution or acknowledgment exist, either in such instrument or in the records thereof, viz.: Where there is no seal affixed to the signature of any person or persons executing the same; where there is but one subscribing witness; where the instrument has been acknowledged before a notary public or other officer required to keep an official seal, to whose signature his official seal is not affixed,—all such conveyances and the records thereof are hereby legalized and made as valid and 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 defects of execution, acknowledgment, or record had not existed: *provided*, that nothing herein contained shall in any manner affect the right of [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 a purchaser without notice, at any execution on [or] mortgage foreclosure sale, shall be considered such *bona fide* purchaser: *and provided, further*, that this act shall not extend nor apply to any action or proceeding now pending in any court of this state.

(1885, c. 266; G. S. 1878, v. 2, c. 123, § 30l.)

Omission to record notarial seal affixed to certificate of acknowledgment. *German-American Bank v. White*, 38 Minn. 471, 38 N. W. Rep. 361.

§ 7565. Records as evidence.

That in all cases where deeds or other conveyances of real estate within this state, or letters of attorney authorizing the same, have heretofore been actually recorded in the office of the register of deeds, for the county where the real estate thereby affected was at the time of the making of such records, or is situate, whether such deeds, conveyances, and letters of attorney were duly and properly admitted to record or otherwise, all such records may nevertheless be read in evidence in any court within this state, and shall be received as *prima facie* evidence of the contents of the original instruments of which they purport to be the records, and all such records shall in all respects have the same force and effect as they would have if such original instruments, at the time they were so recorded, had been legally entitled to record.

(1885, c. 179, § 1; G. S. 1878, v. 2, c. 123, § 30m.)

Laws 1885, c. 179, has no effect on previous foreclosures, or to deprive landowners of their rights to redeem mortgaged premises. *Lowry v. Mayo*, 41 Minn. 388, 43 N. W. Rep. 78.

(1987)

§ 7566. Same—Copies.

That duly-authenticated copies of aforesaid record may be read in evidence in any court within this state, with the same effect as the records themselves aforesaid: *provided*, that nothing in this act shall be held to affect any vested rights nor apply to any action commenced or now pending in any of the courts of this state,

(1885, c. 179, § 2; G. S. 1878, v. 2, c. 123, § 30n.)

See *Lowry v. Mayo*, cited in note to § 7565.

§ 7567. Instruments not sealed.

All deeds, mortgages, powers of attorney, and other instruments heretofore executed without a seal, scroll, or device, opposite the name of the grantor, are hereby legalized and made valid as though such deed, mortgage, power of attorney, or other instrument had been sealed with the seal of the grantor at the time of the execution thereof, and the record of such deeds, mortgages, powers of attorney, and other instruments are hereby legalized and made valid and effectual to the same extent and for all purposes as though such deeds, mortgages, powers of attorney, and other instruments had been properly executed.

(1885, c. 235; G. S. 1878, v. 2, c. 123, § 30o.)

§ 7568. Power of attorney by married woman.

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 and 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.

(1887, c. 178; G. S. 1878, v. 2, c. 123, § 30p.)

§ 7569. Powers of attorney executed in Canada.

That all powers of attorney authorizing the conveyance of real estate situate in this state, or any interest therein, which have been heretofore executed in Canada, according to the laws of that country, but without a seal opposite the names of the persons executing the same, are hereby legalized and made valid for all purposes, and when a copy of such power of attorney certified by the officer in whose custody the original remains of record, as a true copy, and bearing the certificate of a consular officer of the United States in said country, under the seal of the consulate, that the same, is executed according to the laws of said country, has been heretofore actually recorded in the office of the register of deeds for the county where the real estate affected is situated, such records may be read in evidence in any court, and shall be *prima facie* evidence of the contents of the instrument of which they purport to be records, and shall have the same force and effect as though the original thereof was legally recorded, and as though such record had been legally made at the time the instrument was actually written in the record-book; and all conveyances heretofore executed under such powers of attorney, and the record thereof, are hereby legalized and made valid for all purposes: *provided*, that nothing contained herein shall affect the rights of any *bona fide* purchaser, without notice, of any real estate, prior to the passage of this act.

(1887, c. 152; G. S. 1878, v. 2, c. 123, § 30q.)

§ 7570. Conveyances defectively witnessed, etc.

That no deed or conveyance of land within this state heretofore executed, either under the laws of the territory of Minnesota or under the laws of the state of Minnesota, or under the laws of any state or territory, shall be

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deemed invalid by reason of not having the signature of any subscribing witness thereto, and the power of attorney of the person or persons executing the same is not attached thereto and the same has been executed for more than twenty years, but they are hereby legalized and made valid, as though executed in all respects in accordance with the laws of said territories or states, and if otherwise properly acknowledged and executed, shall be entitled to be recorded in the office of the register of deeds of the county where said land is situated the same as though it had the signatures of two subscribing witnesses, and the record thereof shall be as effectual for all purposes as though said deed or conveyance had been executed with two subscribing witnesses and the power of attorney of the person executing the same or any part thereof was attached thereto. Provided, that nothing herein contained shall in any manner effect the rights or title of any bona fide purchaser without notice for a valuable consideration of any such real estate prior to the passage of this act, and shall not apply to or effect any action or proceedings now pending in any court of this state.

(1889, c. 24, § 1.)

§ 2 of this act directs the register of deeds of Mower county "to record said indenture or deed in the records of said county as fully and with the same effect as though duly witnessed and in all other respects duly executed."

§ 7571. Conveyances without witness.

That no deed or conveyance of land within the state heretofore executed, either under the laws of the territory of Minnesota or under the laws of the state of Minnesota or under the laws of any state or territory, shall be deemed invalid by reason of not having the signature of any subscribing witness thereto, but the same is hereby legalized and made valid as though executed in all respects in accordance with the laws of said territories or states, and if otherwise properly acknowledged and executed, shall be entitled to be recorded in the office of the register of deeds of the county where said land is situated, the same as though it had the signatures of the subscribing witnesses, and the record thereof shall be as effectual for all purposes as though said deed or conveyance had been executed with two subscribing witnesses. Provided, that nothing herein contained shall in any manner affect the rights or title of any bona-fide purchaser without notice for a valuable consideration of any such real estate prior to the passage of this act, and shall not apply to or affect any action or proceeding now pending in any court of this state.

(1889, c. 26, § 1.)

§ 7572. Acknowledgments after expiration of officer's term.

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 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 or affect any action or proceeding now pending in any court of this state.

(1889, c. 28, § 1.)

§ 7573. Acknowledgments—Married woman not described as the wife of other grantor.

That all conveyances of real property within this state made since March third, eighteen hundred and eighty-three, in which a married woman unites with her husband as a grantor, where she has in fact acknowledged such conveyance, of which the certificate of the officer taking the acknowledgment shall be prima facie evidence, but who is not described in the certificate of the acknowledgment as the wife of the other grantor, shall be and the same are hereby declared to be as legal and valid as though the wife had been so described in such certificate of acknowledgment.

(1889, c. 29, § 1.)

(1989)

§ 7574. Same—May be recorded, when.

All conveyances of the description mentioned in the preceding section shall be entitled to be recorded in the office of the register of deeds of the proper county in the same manner and upon the same conditions as other conveyances, and the records of all such conveyances heretofore actually recorded in the office of the proper county shall be in all respects valid and legal, and such conveyances and records thereof shall have the same force and effect in all respects, for the purpose of notice, evidence or otherwise, as are or may be provided by law in regard to conveyances in other cases, Provided, That the provisions of this act shall not apply to any action or proceeding now pending in any of the courts of this state.

(Id. § 2.)

§ 7575. Conveyances by foreign executor.

That all conveyances or other acts heretofore made or done by any foreign executor or executors, either by themselves or through their attorneys in fact, when such conveyances or acts were authorized by the will of the deceased and such will has been duly admitted to probate in this state prior to the making of such conveyances or doing of such acts, or has been probated in this state prior to the passage of this act and the estate affected thereby has been distributed in accordance with the conveyances or other acts of such foreign executors, be, and the same are hereby legalized and made valid for all intents and purposes.

(1889, c. 41, § 1.)

§ 7576. Deeds, etc., executed out of the state.

That all deeds, mortgages and other instruments affecting the title of real estate, heretofore executed out of this state, according to the laws of the country, state, territory or district where executed and acknowledged, before any officer authorized by the laws of such country, state, territory or district, to take the acknowledgment of deeds therein, or before any commissioner appointed by the governor of this state for that purpose, and if such acknowledgment was taken before such commissioner of this state, or before any notary public or other officer having a seal of office, and such acknowledgment was by such officer certified upon the deed, and his seal of office was attached to such certificate; or if such acknowledgment was taken and so certified by an officer who had no seal of office attached to his certificate, and such instrument had attached thereto the certificate of the clerk or other proper certifying officer of the county or district within which such acknowledgment was taken, certifying under his official seal, in substance, that the person subscribing the certificate of acknowledgment was, at the date thereof, such officer as he was therein represented to be; that he believes the signature of the person subscribing thereto to be genuine, and that the instrument was executed and acknowledged according to the laws of such country, state, territory or district, shall be and hereby are legalized and declared lawful and valid in all respects as though they had been originally executed and acknowledged in accordance with all the requirements of the statute on that subject.

(1889, c. 43, § 1.)

§ 7577. Same—May be recorded, when.

All instruments of the description mentioned in the preceding section, shall be entitled to be recorded in the office of the register of deeds of the proper county, in the same manner and upon the same conditions as other deeds; and the records of all such instruments already recorded in the office of the register of deeds of the proper county, shall be taken and deemed in all respects as valid and legal; and such instruments and the records of the same, shall have the same force and effect in all respects, for the purposes of notice, evidence and otherwise, as are or may be provided by laws in regard to deeds in other cases.

(Id. § 2.)

§ 7578. Instruments unattested by witnesses.

All powers of attorney and conveyances affecting the title to real estate in this state, heretofore recorded in the office of any register of deeds in this

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state, which may have been unattested by witnesses or executed in blank, or with the name of the grantee of the power or description of the land to be conveyed omitted at the time of execution, which were delivered with intention to have the same take effect, if afterwards filled out, are together with the record thereof hereby legalized and made as valid and as admissible in evidence and as effectual for the purposes of notice, as against the persons executing the same and those claiming under them, after the passage of this act, as though the same had been duly attested by two witnesses and filled out at the time of execution as required by law; but the provisions hereof shall not affect pending actions.

(1889, c. 189, § 1.)

§ 7579. Effect of records as evidence.

That in all cases where deeds, mortgages or other instruments affecting real estate within this state, or letters of attorney authorizing the same, have heretofore been actually recorded in the office of the register of deeds, for the county where the real estate thereby affected was at the time of the making of such records or is situate, whether such deeds, mortgages or other instruments and letters of attorney were duly and properly admitted to record or otherwise, all such records may nevertheless be read in evidence in any court within this state, and shall be received as prima facie evidence of the contents of the original instruments of which they purport to be the records, and all such records shall in all respects have the same force and effect as they would have if such original instruments at the time they were so recorded had been legally entitled to record. That duly authenticated copies of aforesaid record may be read in evidence in any court within this state with the same effect as the records themselves aforesaid; Provided, That nothing in this act shall be held to apply to any action commenced or now pending in any of the courts of this state.

(1891, c. 43, § 1.)

§ 7580. Conveyances by husband as attorney for wife— Dakota and Ramsey counties excepted.

That any conveyance of land situated in this state, heretofore made, executed and delivered in this state by the husband for and on behalf of himself, and also by such husband for and on behalf of his wife, under and by virtue of a power of attorney made, executed and delivered by such wife to her husband in some other state where such husband could, under a power of attorney from his wife, lawfully convey the land of such husband or wife in such other state, is hereby legalized and declared a legal conveyance of all the right, title and interest of such husband and wife in and to such land to the purchaser thereof; Provided, Such purchaser paid such husband or wife the full agreed purchase price therefor, and the power of attorney and conveyance are duly recorded in the office of the register of deeds of the county where the land is situated. Provided further, That the provisions of this act shall not apply to or in any manner affect the title to any land the title to which is now in litigation; Provided further, That this act shall not apply to the counties of Dakota or Ramsey.

(1891, c. 44, § 1.)

§ 7581. Acts of notary 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 this act shall not apply to any official act or certificate of a notary public in actions now pending.

(1891, c. 49, § 1.)

§ 7582. Deeds of married woman recorded prior to 1869.

That no deed of lands within this state, heretofore executed by a married woman, and recorded prior to the year 1869, which she shall also have executed

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cuted as the attorney in fact of her husband, shall be deemed invalid as to either the husband or wife because the instrument under which she assumed to execute the same on behalf of the husband authorized such sale to be made for the benefit of the wife, or because of any limitation on the power of the husband to contract with or through the wife, or because of the failure of the husband to join in the conveyance of the wife; provided, that it satisfactorily appears that in executing the instrument under which the wife acted as aforesaid it was the intention of the husband to empower the wife to pass the title to said land without further personal act or concurrence on his part.

(1893, c. 69, § 1.)

§ 7583. Separate deeds of husband and wife valid, when.

That in all cases where a married man has heretofore conveyed real estate belonging to him, by deed legally witnessed, sealed and acknowledged, but not signed by his wife, and his wife has afterward conveyed the same real estate by deed legally witnessed, sealed and acknowledged, but not signed by her husband to the grantee named in the husband's deed or to his grantees, the conveyance shall be as valid and effectual to pass the title to such grantee as if the conveyance had been made by a single instrument executed by husband and wife.

(1893, c. 70, § 1.)

§ 7584. Effect of records as evidence.

That in all cases where deeds, mortgages, or other instruments affecting real estate within this state, or letters of attorney authorizing the same, have heretofore been actually recorded in the office of the register of deeds of the county where the real estate thereby affected was, at the time of the making of such records, or is, situate, whether such deeds were duly and properly admitted to record or otherwise, all such instruments and the record thereof are hereby legalized and confirmed; and all such records may nevertheless be read in evidence in any court within this state, and shall be received as prima facie evidence of the contents of the original instruments of which they purport to be records; and all such records shall in all respects have the same force and effect as they would have if such original instruments at the time they were so recorded, had been legally entitled to record and were legally recorded. That duly authenticated copies of such record may be read in evidence in any court within this state, with the same effect as the records themselves aforesaid; provided that nothing in this act shall be held to apply to any action heretofore commenced or now pending in any of the courts of this state.

(1893, c. 71, § 1.)

[TITLE 2.]

[ESTATES OF DECEDENTS*—JUDICIAL AND FORECLOSURE SALES; CERTIFICATES† AND AFFIDAVITS.]

* See §§ 7439-7449, for acts legalizing probate proceedings.

† As to what a sheriff's certificate of sale under a power of sale in a mortgage shall be evidence of, see § 6054.

§ 7585. Executor's bond, letters and administration.

In all cases where the probate court of any county in this state, in which the will of a deceased person has been proved and allowed, has issued letters testamentary on such will to the person named therein as executor, such executor having after the expiration of twenty days after the probate of such will and previously to the issuing of said letters testamentary given the bond required by section two of chapter fifty of the general statutes of one thousand eight hundred and seventy-eight and approved by the judge of said probate court, such bond and letters testamentary and the administration of such executor thereunder are hereby legalized and made valid for all purposes the same as if such bond had been given and letters testamentary issued within twenty days after the probate of such will; and the authority of such executor, having so received letters testamentary, to act as executor of the will upon which such letters were issued, shall not be questioned or deemed invalid, nor shall any act of his administration as such executor

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be deemed invalid, because of his failure to accept the trust or to give such bond within twenty days after the probate of such will. Provided that the provisions of this act shall in no way affect the rights of parties to any action now pending in any of the courts of this state.

(1889, c. 42, § 1.)

§ 7586. Oaths on sales of land by foreign executors, etc.

That in all sales of real estate heretofore made in this state by any executor, administrator or guardian residing in any other state, where the oath required by law previous to sale has been taken and subscribed by such executor, administrator or guardian before any notary public or clerk of a court of record of the state where such executor, administrator or guardian resides, such oath with the seal of the officer before whom the same was taken attached, and having been filed with the judge of probate, is hereby declared to be in compliance with the laws of this state, and is hereby legalized and made valid and of the same force and effect in all respects as if taken and subscribed before any officer within this state authorized to administer oaths.

(1873, c. 56, § 2; G. S. 1878, c. 123, § 56.)

See *Smith v. Callaghan*, (Iowa,) 24 N. W. Rep. 50.

§ 7587. Sales by executors, etc., since April 24, 1889.

That all sales of real estate in this state belonging to the estates of decedents made by executors or administrators under an order of license of a probate court of this state since the 24th day of April, 1889, where such sales have been made after the expiration of three years from the date of the original order limiting the time for the settlement of the estate of such decedent, shall be and they are hereby made as legal and valid in all respects as if the said sale had been consummated within three years from the date of said original order. Provided that the provisions of this act shall not apply to or in any way affect any legal proceedings now pending affecting the title to any such real estate nor to interfere with any vested rights.

(1893, c. 73, § 1.)

§ 7588. Foreclosure of mortgages by foreign executors, etc.

That all foreclosures heretofore made under section twenty-five of chapter eighty-one of the General Statutes of A. D. one thousand eight hundred and seventy-eight, and the executor and administrator was at the commencement of such foreclosure authorized so to do by said section twenty-five, except that he had filed the authenticated copy of his appointment required by said section twenty-five with the probate court of the proper county, instead of filing such authenticated copy for record in the office of the register of deeds of the proper county, be, and the same are hereby, legalized and made valid from and after the filing and recording thereof in the office of the register of deeds: *provided*, that the time to redeem from such foreclosure is hereby extended one year from and after the filing and recording of said authenticated copy: *provided further*, that this act shall not be construed as to impair or in any way effect any vested right, nor actions now pending.

(1885, c. 192; G. S. 1878, v. 2, c. 123, § 62.)

§ 7589. Same.

In all cases where mortgages have been foreclosed by foreign executors or administrators, without having filed for record in the office of the register of deeds in the county where such foreclosure was had, an authenticated copy of his appointment as such executor or administrator before the commencement of such foreclosure, such foreclosure shall not for that reason be invalid: *provided*, that since such foreclosure was commenced such authenticated copy has been so filed, showing that he had been duly appointed such executor or administrator in some other state or county before the commencement of such foreclosure.

(1885, c. 238; G. S. 1878, v. 2, c. 123, § 61.)

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§ 7590. Foreclosure of mortgages to partnerships.

That all mortgages heretofore made of any real property in this state or of any interest therein to any partnership or firm, in their partnership or firm name, and which said mortgages have been foreclosed by advertisement pursuant to the statute relating to foreclosure by advertisement, in the name of the said partnership or firm, be, and the same are, together with all proceedings had in such foreclosure, are hereby legalized and confirmed so far as relates to any question of defect by reason of the mortgagees' names being stated in the said mortgage by their partnership or firm name instead of the individual names of the members of said partnership or firm.

(1887, c. 154; G. S. 1878, v. 2, c. 123, § 30r.)

§ 7591. Foreclosure of mortgages not entitled to record, or defectively recorded.

Mortgages, or assignments of mortgages, heretofore made in good faith of real property within the limits of this state, and actually recorded in the office of the proper register of deeds, but having, or having been recorded as having only one subscribing witness to such mortgage or assignment thereof, or not duly sealed, or having been recorded as if not duly sealed, or the certificate of acknowledgment to which has not been duly sealed, or has been recorded as if not duly sealed, are, together with said records thereof, hereby legalized and made valid to all intents and purposes as of, from and after such actual recording thereof; and foreclosure sales, under such mortgages, are hereby legalized and validated, provided all the proceedings in that behalf were in other respects according to the statute then in force. Provided, further, that this act shall not affect or prejudice the rights of any bona fide purchaser nor apply to any action now pending.

(1889, c. 36, § 1.)

§ 7592. Same.

Every foreclosure sale heretofore made under a power of sale in the usual form, contained in a mortgage, heretofore made in good faith, of real property within the limits of this state, and previously actually recorded in the office of the proper register of deeds, is, together with such record thereof, hereby legalized and made valid and effectual to all intents and purposes, as against the following objections, namely: First—That the mortgage or any assignment thereof had but one witness. Second—That the mortgage, or any assignment thereof, was duly witnessed, but was recorded as if it had but one witness. Third—That the mortgage, or any assignment thereof, was not duly sealed. Fourth—That the mortgage, or any assignment thereof, was duly sealed, but was recorded as if not duly sealed. Fifth—That the original certificate of the acknowledgment of the mortgage was not sealed with the official seal of the officer taking such acknowledgment. Sixth—That the original certificate of the acknowledgment of the mortgage was duly sealed, but it was recorded as if not duly sealed; Provided, however, that such mortgage was in other respects properly executed, witnessed, acknowledged, delivered and recorded, and such foreclosure was in other respects regular and according to the statute then in force; Provided, further, that this act shall not affect or prejudice the rights of any bona fide purchaser, and shall not apply to any action now pending.

(1889, c. 37, § 1.)

§ 7593. Deeds by sheriffs on sales made by predecessor.

When any judicial sale of real property has heretofore been made by any sheriff whose term of office has expired, without a deed to complete such sale having been executed as required by law, such deed may be executed by the sheriff of the county in which such real property is situated with the same force and effect as though executed by the sheriff making such sale.

(1873, c. 53, § 1; G. S. 1878, c. 123, § 44.)

§ 7594. Same—Prior deeds legalized.

All such deeds heretofore executed by such sheriff of the county in which such real property is situated, are hereby legalized and made valid and shall

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have the same force and effect as though executed by the sheriff making such sale.

(1873, c. 53, § 2; G. S. 1878, c. 123, § 45.)

§ 7595. Certificates under § 11, c. 81, G. S. 1866.

That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, Statutes of Minnesota, shall be deemed invalid by reason of the same not having been executed, proved, acknowledged and recorded within the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved, acknowledged and recorded after the expiration of said twenty days, is hereby legalized and made valid, and said record shall have the same force and effect as if said certificate had been executed, proved, acknowledged and recorded within the said twenty days.

(1871, c. 51, § 1; G. S. 1878, c. 123, § 42.)

§ 7596. Same.

That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, Statutes of Minnesota, shall be deemed invalid by reason of the same not having been executed, proved, acknowledged and recorded within the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved and acknowledged and recorded after the expiration of the said twenty days, is hereby legalized and made valid, and 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 involves the legality or validity of any such certificate of sales.

(1873, c. 52, § 1; G. S. 1878, c. 123, § 43.)

§ 7597. Same.

That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, statutes of Minnesota, shall be deemed invalid by reason of the same not having been made, executed, proved or acknowledged and recorded within the 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 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 any such certificates of sale.

(1874, c. 85, § 1; G. S. 1878, c. 123, § 49.)

§ 7598. Same.

That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, General Statutes of Minnesota, 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 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 certificates of sale.

(1875, c. 46, § 1; G. S. 1878, c. 123, § 52.)

§ 7599. Same.

That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, Statutes of Minnesota, shall be deemed invalid by reason of the same not having been made, executed, proved or acknowledged, and recorded, within twenty days mentioned in said section; and the record of any such certificate heretofore, or that shall hereafter be executed, proved or acknowledged, and recorded, after the expiration of

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the said twenty days, is hereby legalized and made valid; and said record shall have the same force and effect as if said certificates 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 involves the legality or validity of any such certificate of sale.

(1877, c. 112, § 1; G. S. 1878, c. 123, § 26.)

§ 7600. Same.

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; G. S. 1878, v. 2, c. 123, § 54a.)

§ 7601. Same.

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 certificates 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 involves the legality or validity of such certificates of sale.

(1885, c. 237; G. S. 1878, v. 2, c. 123, § 54f.)

§ 7602. Same.

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 the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved or acknowledged, and recorded after the expiration of said twenty days is hereby legalized and made valid, and the said record shall have the same force and effect, as if the said certificates had been executed, proved, acknowledged and recorded within the said twenty days.

(1889, c. 35, § 1.)

§ 7603. Order confirming foreclosure sale.

That no order confirming sheriff's report of sale upon a decree on trial in foreclosure shall be set aside or deemed invalid upon the ground that notice of application to the court to confirm report of sale was not served upon the adverse party or his counsel before the giving of the order by the court. And the order and the record of all such orders so entered without notice is hereby legalized and made valid, and said order and the record thereof shall have the same force and effect as if notice of the application had been duly served upon the adverse party or his attorney. Provided that nothing herein contained shall be construed to apply to cases now pending, which involve the legality or validity of such sale.

(Id. § 2.)

§ 7604. Certificates of sale with but one witness.

That sheriffs' certificates issued on mortgage foreclosure sale or sales on execution authorizing or relating to the conveyance of real estate, or any in-

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terest 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.

(1889, c. 38, § 1.)

§ 7605. Certificates under § 11, c. 81, G. S. 1878.

That no certificates heretofore 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 certificates of sale.

(Id. § 2.)

§ 7606. Certificates of sale—Effect of record.

That in all cases where real property has been duly sold under a power of sale in the usual form, contained in a duly executed and recorded mortgage, or under a duly rendered judgment, order or decree of a court of competent jurisdiction, or upon a valid execution, and an official certificate of such sale in due form of law has been duly made, acknowledged and delivered by the proper officer to the purchaser, and such certificate has been duly filed for record and actually recorded, after expiration of twenty days from the date of such sale or certificate, in the office of the register of deeds for the county within which said real property was then situated; then and in every such case such official certificate, as well as such record thereof, is hereby legalized and made valid, and shall be effectual to all intents and purposes as of and from the date when such certificate was so filed for record, except as against any person who has purchased said real property or some part thereof from the former owner thereof, in good faith and for a valuable consideration, more than twenty days after such official sale, and without notice thereof, and before such certificate was so filed for record; and every such certificate and such record thereof shall be prima facie evidence that all requirements of law in that behalf were duly complied with and of the validity of such sale.

(1891, c. 46, § 1.)

§ 7607. Same.

That in all cases where real property has been duly sold under a power of sale in the usual form contained in a duly executed and recorded mortgage, or under a duly rendered judgment, order or decree of a court of competent jurisdiction, or upon a valid execution, and an official certificate of such sale in due form of law has been duly made, acknowledged and delivered by the proper officer to the purchaser, and such certificate has been duly filed for record and actually recorded, after expiration of twenty days from the date of such sale or certificate in the office of the register of deeds for the county within which said real property was then situated, then, and in every such case, such official certificate, as well as such record thereof, is hereby legalized and made valid, and shall be effectual to all intents and purposes as of and from the date when such certificate was so filed for record, except as against any person who has purchased said real property or some part thereof from the former owner thereof, in good faith and for a valuable consideration, more than twenty days after such official sale, and without notice thereof, and before such certificate was so filed for record; and every such certificate and such record thereof shall be prima facie evidence that all requirements of law in that behalf were duly complied with and of the validity of such sale; provided that nothing in this act shall be held

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to apply to any action commenced or now pending in any of the courts of this state.

(1893, c. 72, § 1.)

§ 7608. Affidavits under §§ 60, 61, c. 84, Comp. St.

That in all cases where the affidavits authorized by the provisions of sections 60 and 61, of chapter 84, of the Compiled Statutes, have been heretofore filed, or shall be filed, as therein provided, within six months after this act shall become a law, 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 within the time in said sections specified.

(1863, c. 32, § 1; G. S. 1878, c. 123, § 31.)

§ 7609. Same—Proceedings valid—Not to affect vested rights.

No proceedings in which such affidavits have been heretofore received shall be deemed invalid by reason of the failure to file the same affidavits within the time prescribed by said sections: provided, that nothing herein contained shall be held to take away or affect any vested rights of persons not parties to such proceedings.

(1863, c. 32, § 2; G. S. 1878, c. 123, § 32.)

§ 7610. Affidavits under §§ 60, 61, c. 84, Comp. St.

That in all cases where the affidavits authorized by the provisions of sections sixty and sixty-one, of chapter eighty-four, of the Compiled Statutes, have been heretofore filed, or shall be hereafter filed, as therein provided, within six months after this act shall become a law, 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 within the time in said sections specified.

(1865, c. 19, § 1; G. S. 1878, c. 123, § 33.)

§ 7611. Same—Proceedings valid—Not to affect vested rights.

No proceedings in which such affidavits have been heretofore received shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: provided, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

(1865, c. 19, § 2; G. S. 1878, c. 123, § 34.)

§ 7612. Affidavits under §§ 60, 61, c. 84, Comp. St.

That in all cases where the affidavits authorized by the provisions of sections sixty and sixty-one of chapter eighty-four of the Compiled Statutes, have been heretofore filed, or shall be hereafter filed as therein provided, within one year after this act shall become a law, 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 within the time in said sections specified.

(1866, c. 18, § 1; G. S. 1878, c. 123, § 35.)

§ 7613. Same—Proceedings valid—Not to affect vested rights.

No proceedings in which such affidavits have been heretofore received shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: provided, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

(1866, c. 18, § 2; G. S. 1878, c. 123, § 36.)

§ 7614. Affidavits under § 1, c. 18, Laws 1866.

That in all cases when the affidavits authorized by the provisions of section one of chapter eighteen of the session laws of eighteen hundred and sixty-six, have been heretofore filed, or shall be hereafter filed as therein pro-

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vided within one year after this act shall become a law, such affidavit 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 within the time in said section specified.

(1868, c. 77, § 1; G. S. 1878, c. 123, § 37.)

§ 7615. Same — Proceedings valid — Not to affect vested rights.

No proceeding in which such affidavits have been heretofore served, shall be deemed invalid by reason of the failure to file the same within the time prescribed by said section: provided, that nothing herein contained shall be held to take away or affect any vested rights of any person or persons not parties to such proceedings.

(1868, c. 77, § 2; G. S. 1878, c. 123, § 38.)

§ 7616. Record of affidavits under § 19, c. 81, G. S. 1866.

All such affidavits heretofore recorded in books of deeds, instead of mortgages, in the several counties of this state, and the records thereof, are hereby legalized to all intents and for all purposes to the same extent as though the same had been recorded in books of mortgages.

(1869, c. 67, § 2; G. S. 1878, c. 123, § 39.)

§ 7617. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, G. S. 1866.

That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three, and sections nineteen and twenty, of chapter eighty-one, of the General Statutes, have been heretofore filed and recorded, or shall be hereafter filed and recorded within one year after this act shall become a law, 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 specified.

(1870, c. 72, § 1; G. S. 1878, c. 123, § 40.)

§ 7618. Same — Proceedings valid — Not to affect vested rights.

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 provided by said sections: provided, that nothing herein shall be held to affect any vested rights of any person or persons not parties to such proceedings.

(1870, c. 72, § 2; G. S. 1878, c. 123, § 41.)

§ 7619. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, G. S. 1866.

That in all cases when affidavits authorized by sections fifty-four and fifty-five of chapter seventy-three, and sections nineteen and twenty, of chapter eighty-one, have been heretofore filed and recorded, or shall be hereafter filed and recorded within one year after this act shall become a law, 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 specified.

(1873, c. 62, § 1; G. S. 1878, c. 123, § 46.)

§ 7620. Same — Proceedings valid — Not to affect vested rights.

No proceedings 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 provided 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.

(1873, c. 62, § 2; G. S. 1878, c. 123, § 47.)

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§ 7621. Affidavits of publication of notice of sale on execution, foreclosure, etc.

That in all cases of sales of real property heretofore made in pursuance of the decree of any court having jurisdiction in the premises, or under execution, or upon foreclosure of mortgage, when affidavits of publication of the notices in such cases required by law, or affidavits of sale pursuant to any such notice of foreclosure, shall have been heretofore recorded in the office of the register of deeds of the county wherein such real property is situated, or shall hereafter be so recorded within one year after this act shall have become a law, 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 or recorded in such office within the time by law prescribed as the time of making of such sales.

(1873, c. 63, § 1; G. S. 1878, c. 123, § 48.)

§ 7622. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, G. S. 1866.

That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three of, and sections nineteen and twenty of chapter eighty-one of the General Statutes, have been heretofore filed and recorded, or shall hereafter be filed and recorded within one year after this act shall have become a law, 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 specified.

(1874, c. 86, § 1; G. S. 1878, c. 123, § 50.)

§ 7623. Same—Proceedings valid—Not to affect vested rights.

No proceedings 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 required by said sections: provided, that nothing herein shall be held to affect any vested rights of [any] person or persons not parties to such proceedings.

(1874, c. 86, § 2; G. S. 1878, c. 123, § 51.)

§ 7624. Affidavits under §§ 54, 55, c. 73, and §§ 19, 20, c. 81, G. S. 1866.

That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three, (of) and sections nineteen and twenty, of chapter eighty-one, of the General Statutes, have been heretofore filed and recorded, or shall hereafter be filed and recorded, 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 specified.

(1876, c. 69, § 1; G. S. 1878, c. 123, § 53.)

§ 7625. Same—Proceedings valid.

No proceedings 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 required by said sections.

(1876, c. 69, § 2; G. S. 1878, c. 123, § 54.)

§ 7626. Affidavits under §§ 61, 62, c. 73, and §§ 19, 20, 23, c. 81, G. S. 1878.

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

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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; G. S. 1878, v. 2, c. 123, § 54b.)

§ 7627. 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.

(1883, c. 89, § 2; G. S. 1878, v. 2, c. 123, § 54c.)

§ 7628. Affidavits under c. 73, §§ 61, 62, and c. 81, §§ 5, 19, 20, 23, G. S. 1878.

That in all cases where affidavits and proof of service authorized by sections sixty-one and sixty-two of chapter seventy-three, and sections five, 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 and proofs, or duly-certified copies thereof, shall be received in evidence in the same manner and with same effect as if the same had been filed and recorded within the time in said sections limited.

(1885, c. 234, § 1; G. S. 1878, v. 2, c. 123, § 54d.)

§ 7629. Same—Proceedings legalized.

No proceedings 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 right of any person or persons not parties to such proceedings.

(1885, c. 234, § 2; G. S. 1878, v. 2, c. 123, § 54e.)

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§ 7630. Assignment of judgments by auditor of state.

Where any judgment or judgments procured by or belonging to the state of Minnesota, have heretofore been assigned to any person or persons by the auditor of state, such assignment shall be taken, held and considered to be valid, legal and binding to all intents and purposes; and the same as if the auditor of state had, by express legislative enactment, been authorized to make such assignment prior to the execution thereof.

(1889, c. 45, § 1.)

§ 7631. Same—Exceptions.

Nothing in this act shall apply to or affect any action now pending, or the rights of any bona fide purchaser.

(Id. § 2.)

§ 7632. Municipal bonds issued after approval of electors.

That in all cases where any county, township, city, village, or other public corporation of the state of Minnesota shall have heretofore issued any of its negotiable bonds for a public purpose under authority of any general or special law of the state, and by such general or special law, either in express terms or by reference to some existing general or special law, it was, among other things, provided that the electors of such county, township, city, village or other public corporation should first, at a special or general election, decide by their votes whether or not such bonds should be issued, and that such general or special election should be held only after the

performance of certain prescribed preliminary acts by the public officers of such county, township, city, village or other public corporation charged with the duty of such performance in reference to such bonds, or to the objects for which the same were to be issued or to the holding of the said election, and such election was in fact held and the question of such issue submitted to the electors of such county, township, city, village or other public corporation, and the issue of such bonds authorized or approved by the prescribed majority of such electors, but the said prescribed preliminary acts to be performed by the public officers of such county, township, city, village or other public corporation in reference to such bonds or to the objects for which the same were to be issued, or to the holding of the said election, were in part omitted or not fully performed, the negotiable bonds so issued are hereby in all respects legalized and made binding and valid obligations of the county, township, city, village or other public corporation which has issued the same according to the terms in such negotiable bonds detailed.

(1893, c. 156, § 1.)

§ 7633. Same—Issued under special law—Exceptions.

That in all cases where any county, township, city, village or other public corporation of the state of Minnesota shall have heretofore issued any of its negotiable bonds for a public purpose under authority of any special law of the state, and the authority so sought to be conferred upon such county, township, city, village or other public corporation was not in fact conferred because such special law was inimical to the provisions of sections thirty-three and thirty-four of article four of the constitution of the state of Minnesota, and the enactment of such special law was forbidden by said sections of said article of the constitution of the state of Minnesota, and such negotiable bonds are invalid for such reasons only or for such reason, and the defects referred to in section one of this act, the negotiable bonds so issued are hereby in all respects legalized and made binding and valid obligations of the county, township, city, village or other public corporation which has issued the same, according to the terms in such negotiable bonds detailed. Provided, that nothing in this act shall apply to any bonds issued before the passage of this act, the validity of which is in question in any action now pending in any court in this state; provided, that this act shall not apply to any bonds or obligations issued by the supervisors of any township in this state under the provisions of an act entitled "An act for a township drainage act authorizing the supervisors of townships in Kittson, Marshall, Polk, Norman, Cass and Wilkin to issue bonds for certain purposes," approved Feb. 27, 1883, being chapter one hundred and thirty-five of the special laws of 1883, nor shall it apply to any such bonds or obligations issued under the provisions of the act entitled "An act to amend chapter 135 of the special laws of Minnesota of 1883," approved March 7, 1887, being chapter eighty of the special laws of 1887.

(Id. § 2.)

§ 7633a. Bonds in aid of railroad excepted.

The provisions of this act shall not apply to any bonds issued in aid of any railroad corporation.

(Id. § 3.)

§ 7634. Soldiers' bounty bonds issued by counties, cities, etc.

That the action of the county commissioners of any county, the city council of any city, or the supervisors of any town in this state, in appropriating money, issuing bonds, orders, scrip, or other evidence of indebtedness, to pay bounties to soldiers, or for the support of the families of soldiers, or which may hereafter be appropriated or issued by the authorities hereinbefore mentioned and pursuant to such action by them heretofore had, or in pursuance of a vote of the electors of any county, city or town, cast at any election heretofore held for that purpose, and any tax which has been levied, or may hereafter be levied, by any of the authorities specified in this act, for the payment of the principal and interest, or either, of any bonds, orders, scrip, or other evidence of indebtedness, issued for the purposes hereinbefore men-

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tioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof, shall be legal and binding on such county, city or town the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city or town taxes are now collected.

(1865, c. 53, § 1; G. S. 1878, c. 123, § 58.)

* See, also, 1862, Ex. S. c. 8, § 1, and 1864, c. 11, § 1.

It is competent for the legislature to make valid bonds previously issued by a town without authority. *Kunkle v. Town of Franklin*, 13 Minn. 127, (Gil. 119.)

Towns have no power to raise or appropriate money or issue bonds, unless such power is given by some statute. There is none authorizing towns to levy taxes or issue bonds to indemnify persons for money paid by them as bounties to volunteers. *Cover v. Town of Bagtown*, 12 Minn. 124, (Gil. 71.)

§ 7635. Same—During years 1863, 1864 and 1865.

That in each and all cases where during the years 1863, 1864 and 1865, the county commissioners of any county, or the city council of any city, or the board of supervisors of any town in this state, have appropriated any money or issued any bonds, orders, scrip, or other evidences of indebtedness, to pay or to provide for the payment of bounties to soldiers, either drafted or as volunteers, to support the families of soldiers, or have for and on behalf of their respective counties, cities or towns assumed and undertaken to liquidate the indebtedness of persons incurred in procuring money by their joint notes or otherwise to pay bounties to such soldiers accredited to their respective counties or towns, or have allowed and audited any accounts or demands against their respective counties, cities or towns in favor of persons for money advanced to pay bounties to such soldiers accredited thereto, and to provide for raising the money so appropriated, or to provide for the payment of the bonds, orders, scrip, or other evidence of indebtedness, so issued, or to provide for the liquidation of the indebtedness of persons so assumed, or to provide for the payment of the accounts or demands so allowed and audited, or for any or all of such purposes a tax or taxes have been levied upon the taxable property in their respective counties, cities or towns, and of which tax or taxes at least three-fourths prior to the passage of this act have been paid, the proceedings of such commissioners, councils and supervisors respectively in relation to such appropriation of money, or to the issuing of such bonds, orders, scrip, or other evidence of indebtedness, or to the assuming and undertaking to liquidate such indebtedness of persons so incurred, or to the allowing and auditing of such accounts or demands, or to any or all of the same, and all proceedings in relation to the assessment, levy and collection of such tax or taxes of which three-fourths have been so paid, be and the same hereby are legalized and valid to all intents and purposes as though the same had been authorized by law.

(1867, c. 50, § 1; G. S. 1878, c. 123, § 59.)

§ 7636. Same—Tax where town has been divided.

That the action of the county commissioners of any county, the city council of any city, or the supervisors of any town, in this state, in appropriating money, issuing bonds, orders, scrip or other evidence of indebtedness to pay bounties to soldiers or for the support of the families of soldiers, and pursuant to such action by them heretofore had, or in pursuance of a vote of the electors of any county, city or town, cast at any election heretofore held for that purpose, and any tax which has been levied by any of the authorities specified in this act for the payment of the principal and interest on either of any bonds, orders, scrip, or other evidences of indebtedness, issued for the purpose hereinbefore mentioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof shall be legal and binding on such county, city or town the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city or town taxes are now collected: provided, that in all cases where towns affected by this act have been divided, the taxable property included in the territory forming the town at the time of levying the tax, or the issuing of said bonds, as provided

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for in this act, shall be subject to taxation for the purposes of paying said bonds or indebtedness the same as though it had remained a part of such town; and such tax shall be levied and collected the same as other taxes.

(1869, c. 20, § 1; G. S. 1878, c. 123, § 60.)

See, as to bonds and taxes in school districts, § 3652.

See, as to previous transfers of log marks, § 2414.

See, as to legal publications in newspapers printed in foreign language, § 7991.

§ 7637. Contracts between telegraph and railroad companies, etc.

All contracts made by and between any telegraph and railroad or other company in this State, for the mutual use of lines constructed, or to be constructed, are ratified and approved so far as the same may not be inconsistent with the constitution, or any existing law, of the state.

(1867, c. 22, § 3; G. S. 1878, c. 123, § 55.)

§ 7638. Acts of clerks in unorganized counties.

That the acts of persons, whether in the matter of acknowledgments of deeds or otherwise, who have been elected clerks of courts in any county or counties not organized for judicial purposes, or who have been appointed as clerks of courts by any board of county commissioners in such counties, and whose official bonds have been approved by their respective board of county commissioners, be and the same are hereby legalized.

(1874, c. 84, § 1; G. S. 1878, c. 123, § 57.)

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