

GENERAL STATUTES

OF

MINNESOTA

1913

PUBLISHED UNDER THE AUTHORITY OF THE
LEGISLATURE BY VIRTUE OF AN ACT
APPROVED APRIL 20, 1911
(LAWS 1911, CH. 299)

COMPILED AND EDITED BY
FRANCIS B. TIFFANY

ST. PAUL
WEST PUBLISHING CO.
1913

further sum of one dollar on each additional one thousand dollars of assessed valuation, or major fraction thereof.

2. For registering each original certificate of title, and issuing a duplicate thereof, two dollars.

3. For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the new certificate of title, three dollars.

4. For the entry of each memorial on the register, or the cancellation thereof, including the filing of all instruments and papers connected therewith and endorsements upon duplicate certificates, one dollar; provided that when the entry of the same memorial, or cancellation thereof, is required to be made on more than two certificates held by the same owner, the fee for such entry, on each certificate in excess of two, shall be twenty-five cents.

5. For issuing each additional mortgagee's or lessee's duplicate, one dollar.

6. For issuing each residue certificate, two dollars.

7. For filing copy of will, with letters testamentary, or copy of letters of administration, and entering memorial thereof, two dollars.

8. For issuing separate certificates and duplicates thereof, in exchange for one certificate for two or more distinct parcels, for each exchange certificate, one dollar.

9. For each certificate showing condition of the register, one dollar.

10. For any certified copy of any instrument or writing on file in his office, the same fees allowed by law to registers of deeds for like services.

11. For any other service under this chapter, such fee as the court shall determine. (R. L. § 3450, amended '11 c. 349 § 1)

1905 c. 305 § 80 was printed as § 3450 in R. L. See note under § 6868.

6950. **Disposition of fees**—In all counties in which the register of deeds receives fees in lieu of a salary, all fees mentioned in section 80 [6949] shall belong to him, except one-half of those provided for in subdivision A, which shall be paid to the county treasurer. In all other counties all of such fees shall be paid to the county treasurer for the use of the county; provided, that in all counties containing a population of less than seventy-five thousand inhabitants, the register of deeds shall in no case retain more than \$3.00 of the moneys received under the provisions of subdivision A, and that the balance collected by him shall in all cases be paid to the county treasurer for the use of the county. ('05 c. 305 § 81, amended '09 c. 183 § 4)

1909 c. 183 § 4 amends 1905 c. 305 § 81, "being" R. L. § 3451, so as to read as above. See note under preceding section.

CHAPTER 65A

REGISTRATION OF CERTAIN TRADE-NAMES

6951. **Record of name, mark, etc.—Duty of secretary of state—Certificate**—Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter in any kind of receptacle having the name of such person or other mark or device printed, stamped, engraved, etched, blown, impressed, riveted or otherwise produced or permanently fixed upon the same, may file in the office of the secretary of state for record a description of the name, mark or device so used and cause such description to be printed once in each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot within the state of Minnesota is located. It shall be the duty of the secretary of state to issue to the person so filing for record a description of such name, mark, or device in his office a duly attested certificate of the record of the same for which he shall receive a fee of one dollar. Such certificate in all prosecutions under this act shall be prima facie evidence of the adoption of such name, mark or device,

and of the right of the person named therein to adopt and use the same. ('05 c. 340 § 1)

By section 7 1895 cc. 143, 144, and 1899 c. 306 are repealed.

6952. Use of receptacles without consent prohibited—Obliterating name, etc.—Penalty—It shall be unlawful for any person other than the one named in the certificate issued by the secretary of state as provided in section one [6951] of this act, without the written consent of the person named in such certificate to fill any receptacle bearing a name, mark or device recorded as provided in section one [6951] of this act with soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device on any such receptacle, or to buy, sell, give, take, dispose of in any way, or traffic in any receptacle bearing any such name, mark or device. Any person offending against any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than ten days nor more than ninety days, or by a fine of not less than ten dollars or more than one hundred dollars, and each such receptacle so unlawfully dealt with as herein set out shall be deemed and held to be a separate offense. ('05 c. 340 § 2)

6953. Receptacles to be delivered on demand—Penalty—Any person having in possession or under control any receptacle bearing any name, mark or device recorded as provided in section one [6951] of this act, and not holding a written transfer or bill of sale therefor from the person named in the certificate issued by the secretary of state as provided in section one [6951] of this act or other authority in writing from such person, upon demand shall deliver such receptacle to the person named in such certificate or to the authorized agent of such person; and any person failing or refusing to so deliver the same when demanded shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail for not less than ten days nor more than ninety days, or by a fine of not less than ten dollars nor more than one hundred dollars. ('05 c. 340 § 3)

6954. Recovery of receptacles—Search warrant—Whenever any person who has filed for record any such name, mark or device or who has acquired from such person in writing the ownership of such name, mark or device or the right to the exclusive use thereof, or any one representing such person, shall make oath before any magistrate that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any person such magistrate shall thereupon issue a search warrant to discover and obtain such receptacle; and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession, and if it shall be found that such person is guilty of violation of any section of this act he shall be punished as herein prescribed and the possession of the property taken upon such warrant shall be awarded to the owner thereof; but the remedy given by this section shall not be held to be exclusive, and offenders against any provision of this act may also be prosecuted as in case of other misdemeanors. ('05 c. 340 § 4)

6955. Receptacle and other terms defined—As used in this act, the term receptacle shall include not only bottles, siphons, tins, kegs, one-eighth barrels, quarter barrels, half barrels, barrels, boxes, cans and tubs, but all other receptacles used for holding any of the commodities in this act mentioned; the singular may include the plural and the plural may include the singular; the term person may include corporation; and the requirement for a written transfer, bill of sale, authority or consent means that it shall be signed by the person named in the certificate issued by the secretary of state as provided by section one [6951] of this act, or by a transferee claiming under a written transfer signed by such person or by an agent whose authority is in writing signed by such person or such transferee. ('05 c. 340 § 5)

6956. **Taking deposit**—The requiring or taking of any deposit for any purpose upon such receptacle shall not be deemed nor held to be a sale either optional or otherwise in any proceeding under this act. ('05 c. 340 § 6)

CHAPTER 66

HOMESTEAD EXEMPTION

6957. **Dwelling place exempt—Exceptions**—The house owned and occupied by a debtor as his dwelling place, together with the land upon which it is situated to the amount hereinafter limited and defined, shall constitute the homestead of such debtor and his family, and shall be exempt from seizure or sale under legal process on account of any debt not lawfully charged thereon in writing, except such as are incurred for work or materials furnished in the construction, repair, or improvement of such homestead, or for services performed by laborers or servants. (3452)

1. Nature—A homestead is the place of residence or dwelling of its owner. It includes the house in which the owner lives and the customary appurtenances of a house (10-154, 124; 15-116, 87; 21-101; 27-156, 6+618; 27-406, 7+824; 29-18, 11+119; 51-360, 53+805, 19 L. R. A. 33, 38 Am. St. Rep. 509). It is not the interest or title of the claimant (27-406, 7+824).

2. Object and policy of statute—2-90, 72; 7-513, 419, 82 Am. Dec. 112; 21-101; 27-156, 6+618; 89-247, 94+677, 99 Am. St. Rep. 566.

3. Actual occupancy as home essential—5-333, 264, 80 Am. Dec. 429; 7-513, 419, 82 Am. Dec. 112; 8-309, 272; 10-154, 124; 15-116, 87; 21-299; 23-435; 25-183; 28-13, 8+830; 47-13, 49+390; 71-108, 73+639. See note under § 6958.

4. No limit to value—11-475, 354; 21-299; 39-244, 39+321; 41-227, 43+52; 59-415, 61+456; 69-24, 71+919; 112-512, 128+833.

5. No limitations on use—If the property is actually used as a home it may be used for other purposes also (10-154, 124; 26-286, 3+341; 41-227, 43+52; 58-450, 60+23; 69-24, 71+919; 69-292, 72+119). It may be leased in part (10-154, 124; 26-286, 3+341; 41-227, 43+52). See note under § 6958.

6. Liberal construction—27-156, 6+618; 41-227, 43+52; 41-481, 43+376; 65-491, 67+1031.

7. Liens of mechanics and materialmen—74-366, 77+292, 73 Am. St. Rep. 354; 76-226, 78+1113, 77 Am. St. Rep. 637; 89-150, 94+438.

8. Debts due laborers or servants—93-267, 101+74.

9. Insolvent may acquire—An insolvent may acquire a homestead with non-exempt funds (41-227, 43+52; 41-481, 43+376). But a mere intent to occupy property as a homestead will not defeat a creditor's lien attaching prior to actual occupancy (23-435; 26-417, 4+813; 41-481, 43+376; 47-13, 49+390).

6958. **Area, how limited**—Such homestead may include any quantity of land not exceeding eighty acres, and not included in the laid out or platted portion of any incorporated city, village or borough. If it be within the laid out or platted portion of such incorporated place having five thousand inhabitants or over, its area shall not exceed one-third of an acre, and if it be within the laid out or platted portion of such incorporated place containing fewer than five thousand inhabitants, the area so exempted shall not exceed one-half of an acre. (R. L. § 3453, amended '07 c. 335 § 1)

Exemption is measured by area, and quantity of land prescribed may be selected as such, notwithstanding part may be devoted to purposes other than that of dwelling place of owner (112-512, 128+833).

Two separate 10-acre parcels, touching only at corners, between which is roadway, if owned, occupied, and cultivated as one farm, may constitute homestead, though residence and appurtenances are all on one tract (101-347, 112+273, 118 Am. St. Rep. 629).

Effect of enlargement of area by R. L. upon debts created prior thereto (115-508, 133+75, 37 L. R. A. [N. S.] 156; 182 Fed. 439).

6959. **Existing exemption not affected by changes**—As against debts which are not a lien upon such property the area of the homestead shall not be reduced or enlarged by reason of any change in the population of the place in which it is situated, by extending the limits of an incorporated place so as to include the same, or by the platting of surrounding or adjoining lands or the vacation of existing plats. And as against debts contracted prior to the taking effect of the Revised Laws, the homestead exemptions then established