

such judgment, upon payment of all costs and damages recovered thereby, demand another trial by notice in writing to the adverse party, or his attorney in the action, and thereupon the action shall be re-tried, and may be brought to trial by either party.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1867.

CHAPTER LXXIII.

March 7, 1867

An Act to amend sections fifty-one and fifty-two of chapter fifty-seven of the General Statutes, relating to the sale and conveyance of real estate belonging to lunatics.

SECTION 1.—Amendment of chapter 57 of general statutes in regard to possession of land by lunatics.

2.—Guardian of lunatic to give bonds to probate judge.

Be it enacted by the Legislature of the State of Minnesota:

Amendment

SECTION 1. That section fifty-one of chapter fifty-seven of the general statutes, relating to the sale and conveyance of real estate belonging to lunatics be amended so as to read as follows:

Section 51. Any lunatic seized of any real estate, or entitled to any term for years in lands, or having any tenancy by the courtesy, or any tenancy by the curtesy initiate, may by guardian duly appointed, or if such lunatic is a married woman, having any real estate held by her as her separate estate, or having any dower admeasured, or right of dower, or inchoate right

of dower, in any real estate, she may, by her guardian duly appointed, or by her husband, apply to the probate court of the county in which such real estate or some part thereof is situate, or if such lunatic is a married woman, in the county in which her husband resides, for the sale or disposition of the same in the manner hereinafter directed.

SSE. 2. That section fifty-two of said chapter be amended so as to read as follows: Further amends

Section 52. On such application said guardian or said husband shall give bonds to the judge of probate of the county in which such proceedings are had for the benefit of such lunatic (in addition to any bond given on appointment as guardian) to be filed with the judge of said probate court, in such penalty, with sureties, and in such form as the said probate court shall direct, conditioned for the faithful performance of the trust reposed, for the paying over, investing and accounting for all moneys that shall be received by such guardian or husband, according to the order of any court having authority to give directions in the premises and for the observance of the orders and directions of the court in relation to the trust.

Approved March 7, 1867.