

CHAPTER LIV.

AN ACT TO AMEND SECTION THIRTEEN, CHAPTER FORTY-EIGHT, GENERAL STATUTES, PAGE THREE HUNDRED AND SIXTY-TWO, RELATING TO ESTATES IN DOWER NOW BARRED BY DEED.

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

SECTION 1. That section thirteen of chapter forty-eight of the general statutes, page three hundred and sixty-two, of one thousand eight hundred and sixty-six, be amended so as to read as follows:

Sec. 13. A married woman may bar her right of dower in any estate conveyed by her husband, or by his guardian, if he is a minor, by joining in the deed of conveyance, and acknowledging the same, or by a subsequent deed which may be executed either by joining with her husband therein or by herself alone, to be acknowledged as in other cases.

How right of dower may be barred.

SEC. 2. This act shall take effect and be in force from and after its passage.

Act takes effect.

Approved March 1, 1873.

CHAPTER LV.

AN ACT TO PROTECT BONA FIDE OCCUPANTS OF REAL ESTATE.

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

SECTION 1. Where any person under color of title in fee, and in good faith, has peacefully taken possession of any land for which he has given a valuable consideration, or when any person has taken possession of any land under the official deed of any person or officer empowered by law, or by any court of competent jurisdiction to sell

Right of certain occupants of land to compensation for improvements

land, and such person has no actual notice of any defects invalidating such deed, and such deed is regular upon its face, neither such person nor his heirs, representatives or assigns shall be ejected from such land, except as hereinafter provided, until compensation is tendered him or them for all improvements which he or they may have made upon said land previous to actual notice of the claim upon which the action is founded; or in case of possession under an official deed, previous to actual notice of defects invalidating the same.

Provisions to secure such occupants, their outlay for improvements, taxes, &c.

SEC. 2. In any action to try the title to land the occupant may in addition to his other defences allege the amount and value of all improvements made by himself or those under whom he claims, and also the amount of all taxes and assessments paid upon such land by himself or those under whom he claims, and if the claim be under an official deed, the purchase money paid therefor, the claimant may reply alleging the value of the premises without the improvements at the time of the commencement of the action, and also the value of the yearly rent of the land without the improvements during the possession of the occupant. In case the title is found to be in the claimant, the jury or court, in case the action is tried without a jury, shall assess the value of all improvements made and all taxes or assessments paid upon the land by the occupant, or those under whom he claims, with interest at seven per cent., and if his claims be under an official deed, regular upon its face, and without actual notice of any defect invalidating the same, shall also find the purchase money paid by him or those under whom he claims, with interest thereon at seven per cent. The jury or court, in case of trial by the court, shall also assess the value of the land at the time of commencing the action, without the improvements, and also the value of yearly rent thereof during the occupant's possession.

When execution for possession may issue.

SEC. 3. Should claimant succeed in the action, execution for possession shall not issue except as herein provided, unless within one year from the rendition of the verdict or the finding of the court, the claimant pay into court for the occupant the amount so found as the value of the improvements, and also the amount of the taxes or assessments, and also the purchase money if occupant claim under an official deed as aforesaid, with interest thereon as aforesaid, less the assessed value of

the yearly rent of the land without the improvements, during occupant's possession.

SEC. 4. Unless the occupant claims under an official deed given either to himself or to those under whom he claims, as provided in section one of this act, the claimant may within thirty days after rendition of the verdict or finding of the court in his favor, serve upon the occupant a written demand that within one year he pay claimant the sum assessed as the value of the land without improvements, less the taxes or assessments paid thereon as aforesaid with interest as aforesaid. Such demand shall be served and the service proved as in case of a summons, and shall then be filed with the clerk of the court where the judgment was rendered. If occupant do not, within the one year after the service of such demand, pay into court for claimant the amount so demanded, he shall forfeit all claim to compensation, and execution may then issue for the possession of the land. If he do so pay into court the amount demanded, the court shall by decree confirm the title in him. But when the occupant claims under an official deed, as provided in section one of this act, which is regular upon its face, and occupant had no notice of any defect making it void, execution shall not issue unless claimant within one year pay into court the value of improvements, taxes, assessments, purchase money and interest, as provided in section three of this act: *Provided*, That when claimant has had notice, either actual or constructive, of occupant's possession, or when the claim of the occupant is derived through or under any entry in the land office of the United States, or the official certificate, duplicate or receipt thereof, the provisions of this section shall not apply and execution shall not issue unless plaintiff comply with the provisions of section three of this act.

Further provisions for settling the title.

SEC. 5. The word "improvements" as used in this act shall be construed to include all kinds of buildings, fences, ditching, draining, grubbing, clearing, breaking, and all other necessary or useful labor of permanent value to the land.

"Improvements" defined.

SEC. 6. The occupant, in case of ejection, shall be entitled to enter the land and gather and remove all crops sown thereon previous to the entry of judgment against him.

Occupant may remove his crops.

SEC. 7. In case an action is brought for damages for trespass upon such land, or for the rents and profits, or

Application of
the statute.

use and occupation thereof, or in any other form, but which action is in effect one testing the validity of the title thereto, all the foregoing provisions of this act shall so far as possible be complied with, and the value of all improvements, taxes and assessments and purchase money, in case the occupant claims under an official deed, with interest as aforesaid, shall be set off against any judgment for money that the claimant may obtain, and if any excess remains in favor of occupant after such set off such excess may be set off against any judgment or judgments that claimant or those claiming under him may subsequently obtain in any such or similar action relating to said land.

When land has
depreciated.

SEC. 8. In case the land has depreciated in value since its purchase at an official sale, the jury or court, in case of trial by the court, may allow such part only of the purchase money as in their discretion they may see fit.

Good faith pre-
sumed, when.

SEC. 9. When occupant holds as heir or devisee, or as grantee, either immediate or remote, of any person who is a non-resident of this state, the good faith of the original taker shall be presumed.

Act applies, when

SEC. 10. All the provisions of this act shall apply to cases where occupant is not, as well as where he is, in actual possession, and also to cases where the action is brought by the occupant himself to determine an adverse claim.

Act takes effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 10, 1873.

CHAPTER LVI.

AN ACT IN RELATION TO SALES BY EXECUTORS, ADMINISTRATORS AND GUARDIANS.

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

SECTION 1. That section forty-one, of chapter fifty-seven of the general statutes, is hereby amended by adding