

money in his hands which he may desire to invest as aforesaid, with the facts and circumstances on which the petition is founded, tending to show the necessity and expediency of such investment, which petition shall be verified by the oath of the petitioner.

If deemed advisable to make investment, court to issue order to next of kin to show cause why petition should not be granted.

SEC. 3. If it appears to the court from such petition that it would be for the best interest of the ward to make such investment, the court shall thereupon make an order directing the next kin of the ward, and all persons interested in the estate, to appear before said court at a time and place therein to be specified, not less than two nor more than three weeks from the time of making such order, to show cause why such order for such investment should not be granted, and said order shall be served upon said parties in interest, either by publication thereof, or by personal service, as said court shall direct.

Judge of probate to hear proofs and allegations.

SEC. 4. The judge of probate, at the time and place appointed in such order, or at such other time as the hearing shall be adjourned to, upon proof of the due service of said order, shall hear and examine the proofs and allegations of the petitioner and of the next of kin, and of all other persons interested in the estate who may oppose the application.

When court to make order authorizing investment.

SEC. 5. If, after a full examination, it appears to the court that it is necessary, and would be for the best interests of the ward to invest the money thereof as prayed for in said petition, said court shall make an order authorizing and directing such investment to be made by said guardian, as prayed for in said petition, and as hereinbefore provided.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1875.

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CHAPTER XL.

AN ACT TO ABOLISH ESTATES IN DOWER AND BY THE CURTESY AND PROVIDE FOR ESTATES OF INHERITANCE, OR OTHERWISE, IN LIEU THEREOF.

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

Estates in dower and in curtesy abolished.

SECTION 1. That estates in dower and estates by the curtesy, excepting those as to which the rights of persons have become fixed by the death of the husband or wife prior to the passage of this act, are hereby abolished.

SEC. 2. Upon the death of a husband or wife who is seized or possessed of any estate in lands within this state, the surviving husband or widow shall be entitled to hold for the term of his or her natural life the homestead of the deceased as such homestead is defined in the statutes relating to homestead exemption, free and exempt from all claims on account of debts of the deceased.

Right of dower upon the decease of husband or wife.

SEC. 3. Such surviving husband or widow shall also be entitled to and shall hold in fee simple or by such inferior tenure as the deceased was seized or possessed thereof, one undivided one-third of all other lands of which the deceased died seized or possessed, free from any testamentary disposition thereof to which such survivor shall not have assented in writing, but subject in its just proportion with the other real estate for such debts of the deceased as are not paid from the personal estate.

Survivor to hold in fee simple undivided one-third of other lands.

SEC. 4. If at the time of the death of a married man or married woman the surviving husband or widow shall have willfully and without just cause deserted and lived separate and apart from said deceased person for the space of one year immediately prior to such decease, such survivor shall not be entitled to any estate whatever in any of the lands of such deceased.

When survivor not entitled to any estate.

SEC. 5. Chapter forty-eight of the general statutes, being title four of chapter thirty-two of the statutes at large, and all acts or parts of acts inconsistent with this act, are hereby repealed, except that such acts are to be continued in force so far only as may be necessary to perfect estates and save all rights in cases where persons have died prior to the passage of this act; *Provided*, That nothing herein contained shall be construed to give the husband any interest in the estate of the wife during her lifetime, or any control thereof, or to make the same or any part thereof liable for his debts.

Repeal of inconsistent acts.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1875.

CHAPTER XLI.

AN ACT PROVIDING FOR THE ORDER OF ARGUMENT UPON THE TRIAL OF INDICTMENTS IN THE DISTRICT COURTS AND COURTS OF COMMON PLEAS IN THIS STATE.

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

SECTION 1. When the evidence is concluded upon the trial

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