

CHAPTER 90.

[H. F. No. 883.]

AN ACT AMENDING SECTION FIVE (5) OF CHAPTER SIXTY-NINE (69) OF THE GENERAL STATUTES OF MINNESOTA OF A. D., ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO PROCEEDINGS TO DEBAR HUSBAND AND WIFE FROM INTEREST IN THE PROPERTY OF THE OTHER.

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

SECTION 1. That section five (5) of chapter sixty-nine (69) of the general statutes of one thousand eight hundred and seventy-eight (1878), be and the same is hereby amended to read as follows:

Husband or wife debarred from interest in property of the other in certain cases.

SEC. 5. Whenever a married man shall be deserted by his wife, or a married woman shall be deserted by her husband, for the space of one (1) year, or whenever he or she would, for any cause, be entitled to a divorce from such husband or wife under the laws of this state, or whenever he or she has a husband or wife that has been insane for ten (10) years immediately prior to the time of bringing the action hereinafter named, and upon the hearing thereof shall be found to be incurably insane, he or she may bring an action in the district court of the proper county, asking for a decree which shall debar him or her so deserting or furnishing grounds for a divorce, or so found to be incurably insane as aforesaid, from any right or estate by the curtesy or in dower, or otherwise, as the case may be, in or to his or her lands, and which will give such husband or wife, full authority to alien, sell and convey, and dispose of his or her lands, without the interference of or signature of the husband or wife so deserting, or being guilty of acts which would entitle the person bringing such action to a divorce, or so found to be incurably insane as aforesaid; and the court may grant such decree whenever it shall appear just or expedient; and thereupon the husband or wife shall have full control of his or her real estate, with power to convey the same without the husband or wife joining in the conveyance, and as fully as if he or she were unmarried; or the court may, by such decree, make such limitations on the power to convey such real estate as may seem meet and proper in the premises. A certified copy of such decree may be recorded in the deed records in the office of the register of deeds in any county wherever such lands or any part thereof may be situated.

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

When set to take effect.