

of any bonds, orders, scrip, or other evidence of indebtedness, issued for the purposes hereinbefore mentioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof, shall be legal and binding on such county, city or town, the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city or town taxes are now collected.

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

Approved February 11, 1865.

CHAPTER LIV.

March 2, 1868.

An Act to provide for the sale and conveyance of any interest in real estate belonging to lunatics.

- SECTION 1. Guardians for lunatics may sell real estate by applying to the District Court.
2. Guardian to give bond for faithful performance of such trust.
 3. Proceedings in case bond forfeited.
 4. May be brought before a referee.
 5. When Court may order the letting of real estate for a term of years.
 6. Real estate not to be disposed of against the provisions of any last will.
 7. When conveyance may be executed under the direction of the Court.
 8. All such sales shall be valid.
 9. Disposition of proceeds of sale of such property.
 10. Court shall make order for the preservation of said proceeds.
 11. If real estate shall be subject to other life estate, how Court to proceed.
 12. Previous to paying such sum the Court shall be satisfied that an effectual release has been executed.
 13. When act to take effect.

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

SECTION 1. 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

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

Guardians for lunatics may sell real estate by applying to the District Court.

SEC. 2. On such application said guardian or said husband shall give bond 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 such sureties, and in such form as the said district 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.

To give bond for faithful performance of trust.

SEC. 3. If such bond be forfeited, the court shall direct it to be prosecuted for the benefit of the party injured.

Proceedings in case bond forfeited.

SEC. 4. Upon the filing of such bond the court may proceed in a summary manner by reference to a referee, to inquire into the merits of such application.

May be brought before a referee.

SEC. 5. Whenever it shall appear satisfactorily that a disposition of any part of the real estate of such lunatic, or of any interest in any term for years, or of a tenancy by the courtesy, or tenancy by the courtesy initiate in any real estate, or a disposition of any real estate, or of her interest in a term of years of a married woman who is a lunatic, held by her as her separate estate, or of any dower admeasured, or right of dower, or inchoate right of dower of a married woman who is a lunatic, is necessary and proper either for the support and maintenance of such lunatic, or for his education; or that the interest of such lunatic re-

When Court may order the letting of real estate for a term of years.

quires or will be substantially promoted by such disposition on account of any part of such property being exposed to waste and dilapidation, or on account of its being wholly unproductive, or when the same has been contracted to be sold and a conveyance thereof cannot be made by reason of such lunacy, or for any other peculiar reasons or circumstances, the court may order the letting for a term of years, or the sale or other disposition of such real estate or interest to be made by such guardian or husband of such married woman who is a lunatic, in such manner and with such restrictions as shall be deemed expedient, or may order the fulfillment of said contract by conveyance by such guardian or husband according to the terms of the contract.

Not to be disposed of against provisions of last will.

SEC. 6. But no real estate or term of years or any interest in real estate hereinbefore named, shall be sold, leased or disposed of in any manner against the provisions of any last will, or of any conveyance by which such estate, or term, or interest was devised or granted to such lunatic.

When conveyance may be executed under direction of the Court.

SEC. 7. Upon an agreement for the sale, leasing or other disposition of such property being made, or upon any conveyance in fulfillment of a contract being executed in pursuance of such order, the same shall be reported to the court on the oath of the guardian or husband making or executing the same, and, (except in the case of a conveyance to fulfill a contract,) if the report be confirmed, a conveyance shall be executed under the directions of the court.

All such sales shall be valid.

SEC. 8. All sales, leases, dispositions, and conveyances, made in good faith by such guardian or husband in pursuance of such orders, shall be valid and effectual as if made by such lunatic when of sound mind.

Disposition of proceeds of sale of such property.

SEC. 9. The court shall make order for the application and disposition of the proceeds of such property, and for the investment of the surplus belonging to such lunatic so as to secure the same for the benefit of such lunatic, and shall direct the ascertainment of the value of any such tenancy by the courtesy, or tenancy initiate, or dower, or right of dower, or inchoate right of dower, and shall direct a return of such investment and disposition to be made on oath, as

soon as may be, and shall require accounts to be rendered periodically by any committee or other person who may be entrusted with the disposition of the income of such proceeds.

SEC. 10. No sale made as aforesaid, of the real estate or interest therein of any lunatic, shall give to such lunatic any other or greater interest or estate in the proceeds of such sale than such lunatic had in the estate so sold; but the said proceeds shall be deemed real estate of the same nature as the property sold, or the interest therein of the said lunatic, and the court shall make order for the preservation of the same.

How proceeds to be preserved.

SEC. 11. If the real estate of any lunatic, or any part of it, shall be subject to dower or other life estate, and the person entitled thereto shall consent in writing to accept a gross sum in lieu of such dower or other life estate, or the permanent investment of a reasonable sum, in such manner as that the interest thereof be made payable to the person entitled to such dower or life estate during life, the court may direct the payment of such sum in gross, or the investment of such sum as shall be deemed reasonable and shall be acceptable to the person entitled to said dower or other life estate, or right therein actual or contingent in manner aforesaid.

If subject to other life estate how to proceed.

SEC. 12. Before any such sum shall be paid or such investment made, the court shall be satisfied that an effectual release of such right of dower or other life estate actual or contingent, has been executed.

Court to be satisfied that an effectual release has been executed.

SEC. 13. This act shall take effect immediately.

Approved March 2, 1865.