

Hold good. Morrison vs. McA
35 Minn - 436

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of chapter thirty-two of the statutes at large, and all acts or parts of acts inconsistent with this act, are hereby repealed, except that such acts are to be continued in force so far only as may be necessary to perfect estates and save all rights in cases where persons have died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

Order of argu-
ment in crim-
inal cases.

of any indictment in the district courts or courts of common pleas in this state, unless the cause is submitted on either or both sides without argument, the plaintiff shall commence and the defendant shall conclude the argument to the jury.

Repeal of in-
consistent acts.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

When act to
take effect.

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

Approved March 4, 1875.

CHAPTER XLII.

AN ACT TO PROVIDE FOR TRIAL AND PUNISHMENT OF FELONIOUS HOMICIDES IN CERTAIN CASES.

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

Trial and pun-
ishment of felo-
nious homi-
cide in certain
cases.

SECTION 1. That in all cases of felonious homicide, where the assault shall have been committed in this state, and the person assaulted shall die without the limits thereof, the offender shall and may be indicted, tried and punished for the crime so committed, in the county where the assault was made, in the same manner, to all intents and purposes, as if the person assaulted had died within the limits of this state.

When act to
take effect.

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

Approved February 19, 1875.

CHAPTER XLIII.

AN ACT TO PROVIDE FOR MAKING SERVICE UPON CORPORATIONS CREATED BY THE LAWS OF THIS STATE OR TER- RITORY OF MINNESOTA, WHERE SUCH CORPORATION HAS NO OFFICER IN THIS STATE UPON WHOM SERVICE OF PROCESS CAN BE MADE.

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

SECTION 1. Whenever any corporation created by the laws