

CHAPTER LXXVI.

AN ACT TO AMEND SECTION 30, OF CHAPTER 10, OF THE GENERAL STATUTES OF 1866, RELATING TO TOWN CANVASS.

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

SECTION 1. That section 30, of chapter 10, of the general statutes of 1866, is hereby amended so as to read as follows:

Manner of making canvass.

Sec. 30. The canvass shall be conducted by taking a ballot at a time from the ballot-box and counting until the number of ballots is equal to the number of names on the poll list, and if there are any left in the box they shall be immediately destroyed, and the person having the greatest number of votes for any office shall be declared duly elected. *Provided*, that if two or more persons have an equal and the highest number of votes for any office, the judges of election shall at once publicly, by lot, determine who of such persons shall be declared elected. If on opening the ballots two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy such votes immediately.

When act to take effect.

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

Approved February 19, 1876.

CHAPTER LXXVII.

AN ACT TO PROVIDE FOR THE PAYMENT OF DEBTS OF INSANE PERSONS.

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

Guardian to file inventory.

SECTION 1. That when a person has been or hereafter is appointed guardian of an insane person, said guardian shall within three months after the passage of this act, if already appointed, and within three months after his appointment, if hereafter appointed, make and file in the probate court by which the appointment is made, a schedule of all the property, real and personal, belonging to the estate of such insane person.

SEC. 2. Upon the filing of such inventory the probate judge shall make an order appointing a time and place when and where he will hear, examine and allow claims against the estate of such insane person, which have vested at and prior to the appointment of such guardian, which time shall be not less than six nor more than twelve months in the first instance, and shall cause a copy of said order to be served upon the next of kin of said insane person, by posting it in four public places in said county and a publication thereof for a period of four weeks in some newspaper printed and published in the county where said insane person resides, or by personal service of the said order upon them at least ten days before the day appointed for such examination, as the said judge shall determine.

Hearing of claims.

SEC. 3. The performance of several of the acts hereinbefore required shall vest in the probate court aforesaid full power and jurisdiction to hear, determine and allow all claims as aforesaid, and at the time and place so as aforesaid appointed for the examination of such claims, or any time to which the hearing shall have been adjourned, the said probate court shall hear and determine upon all claims presented, and upon the termination of such hearing shall make an order allowing or disallowing the several claims in whole or in part, and direct what claims and the amount of each which the guardian shall pay, after crediting the estate with any offset or counterclaim thereto. Such order shall be conclusive in the absence of fraud in the guardian or claimants, upon all parties interested in the allowance or disallowance of the several claims, unless appealed from as hereinafter stated.

Power vested in probate court.

SEC. 4. Upon the hearing of the several claims presented, the court shall be governed by the same rules of evidence as provided in the allowance of claims against the estate of a deceased person under the laws of the state.

Rules of evidence.

SEC. 5. Every person having a claim against an insane person proper to be allowed, as hereinbefore provided, who shall not, after the publication of notice as hereinbefore required, present his claim to the court within the time limited by the court for that purpose, shall be forever barred from recovering such demand, or from settling of the same in any action whatever.

Presentation of claims.

SEC. 6. No action shall be instituted against the guardian of such insane person except for the recovery of real estate or the possession of personal property, nor any attachment or execution be issued against the estate of such insane person until after the expiration of the time allowed for the payment, by the guardian, of claims allowed by the court as aforesaid.

Actions.

SEC. 7. The right of appeal, the time for the payment of claims allowed by the court, and contingent claims, and the distribution of assets among the creditors of the insane person, shall be governed by the same rules applicable in proceedings for the payment of debts of a deceased person, substituting the probate court for the commissioners, and the guardian for the executor or administrator.

Government.

When act to take effect.

SEC. 8. This act shall be in force from and after its passage.

Approved March 3, 1876.

CHAPTER LXXVIII.

AN ACT FOR THE APPOINTMENT OF GUARDIANS OF INSANE PERSONS IN CERTAIN CASES.

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

SECTION 1. That whenever any person now is, or hereafter may be, a patient in the hospital for the insane in this state, and it shall appear to the satisfaction of the superintendent of such hospital that such patient is incurable, that he has property within this state, that he has no wife or children who would be dependent upon him for support if sane, and that he has no guardian, it shall be the duty of such superintendent to apply to the probate court of the county in which such hospital is situated, for the appointment of a guardian of the person and estate of such insane person, and the court upon such application shall proceed to the appointment of a guardian of such insane person in the same manner as is or may be provided for the appointment of guardians of the person and estate of minors. Such guardian, when appointed, shall have and exercise the same powers and duties as are or may be by law conferred upon guardians of minors, and may sell any real or personal estate, the property of such insane person, in the same manner and for the same purposes as is or may be provided for the sale, by guardians of minors, of the real or personal estate of their wards, except that such sale shall be made in the county where such estate is situated, and the proceeds of such sale shall be paid into the treasury of the state, for the use and benefit of such insane persons, and shall be applied to his use and support in such hospital, and upon his discharge therefrom, the residue, if any, of such proceeds, shall be paid to him or his guardian, and if such insane person dies in such hospital, then such residue shall be paid to his legal representatives.

Guardians—
their powers and
duties.

Property of in-
sane person.

When act to take effect.

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

Approved March 2, 1876.