

CHAPTER 22.

AN ACT TO AMEND SECTION FOURTEEN (14) OF CHAPTER FORTY-NINE (49) OF THE GENERAL STATUTES OF MINNESOTA, REVISION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866), RELATING TO PROBATE COURT.

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

SECTION 1. That section fourteen (14) of chapter forty-nine (49) of the general statutes of Minnesota, revision of one thousand eight hundred and sixty-six (1866), be and the same is hereby amended by adding thereto, after the fifth (5th) subdivision of said section fourteen (14), the following subdivision:

Amendment to chapter 49, General Statutes.

Sixth.—An order vacating or refusing to vacate a previous order or judgment made or rendered alleged to have been procured by fraud, misrepresentation, or through surprise, or excusable inadvertence or neglect.

Extending the right of appeal from orders of probate judge.

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

When act to take effect.

Approved Febraary 26, 1877.

CHAPTER 23.

AN ACT TO AMEND CHAPTER FIFTY-NINE (59) OF THE GENERAL STATUTES, RELATING TO GUARDIANS AND WARDS.

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

SECTION 1. That section eight (8) of chapter fifty-nine (59) of the general statutes of the State of Minnesota, be and the same is hereby amended so as to read as follows:

Amendment to chapter 59, General Statutes.

Sec. 8. The probate court may appoint a guardian or guardians of any insane person, who by reason of old age, or loss or imperfection of mental faculties, is incompetent to have the charge or management of his property, or person who by excessive drinking, gaming, idleness, or debauchery,

Guardians for insane, drunkards, gamblers, &c., may be appointed on petition of relative or friend.

so spends, wastes, or lessens his estate as to be likely to expose himself or family to want or suffering, either upon the application of the county commissioners of the county where such person resides, or upon the petition of any relative or friend of such person, which petition shall set forth the facts, and be verified by the affidavit of the petitioner to the effect that he believes the facts so stated are true.

SEC. 2. That section nine (9) of the same chapter be and the same is hereby amended so as to read as follows :

When petition to be heard.

SEC. 9. Upon the presentation of such application or petition, the probate court shall fix the time and place for the hearing of the same, and shall cause notice of such hearing, and of the time and place thereof, to be given to the person proposed to be put under guardianship, at least fourteen days prior to the time fixed for such hearing.

SEC. 3. That section ten (10) of the same chapter be and same is hereby amended so as to read as follows :

Hearing and evidence before the court.

SEC. 10. At the hearing, the court shall consider all competent evidence that may be produced in support of and against the application or petition, and if after a full hearing it appears that the person so proposed to be put under guardianship comes within the description of persons mentioned in section eight (8) of this chapter, the court shall appoint a guardian or guardians, not exceeding in number, of his person and estate.

Filing of petition to be made in register's office.

SEC. 4. The county commissioners or petitioners may, as soon as the notice mentioned in section nine (9) of this chapter shall have been given to the person proposed to be put under guardianship, cause a copy of the application or petition, and of the notice and proof, or the service of such notice on the person to be served therewith, to be filed in the office of the register of deeds of the county, and recorded therein ; and if a guardian or guardians shall be appointed on such application or petition, all contracts, except for necessities, and all gifts, sales or transfers of real or personal estate, made by the person put under guardianship after the filing of such papers in the office of the register of deeds, and before the termination of the guardianship, shall be void.

Bonds required of guardian.

SEC. 5. The guardian or guardians of such insane or other person so put under guardianship shall have the care and custody of the person of his ward, and management of all his estate, and shall give the bond prescribed in section seventeen (17) of this chapter, except that the provisions relating to the education of the ward shall be omitted.

When act to take effect.

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

Approved March 1, 1877.