

other sureties. *Provided*, that nothing herein contained shall apply to bonds given in criminal cases.

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

When act to  
take effect.

Approved March 8, 1887.

## CHAPTER 202.

[S. F. No. 359]

AN ACT DEFINING THE FORCE AND EFFECT OF WILLS HERETOFORE ADMITTED TO RECORD AND TO LIMIT THE TIME WITHIN WHICH THE SAME MAY BE QUESTIONED.

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

SECTION 1. That any will duly executed and which has heretofore been actually admitted to probate by any probate court within this state, whether proper notice thereof had previously been given or not; and which will or a certified copy thereof has been of record in the office of the register of deeds of the county where the real estate thereby affected was at the time of the making of such record, or is situate, for a period of not less than ten (10) years from the passage of this act may be read in evidence in any court within this state and shall have the same force and effect as if the proper notice of probate of such will had been given, and no right, title or estate in lands situate within this state derived under such will shall be held invalid or set aside by reason of any defect in such notice, unless the action in which the validity of such title shall be called in question, be commenced or the defense alleging its invalidity be interposed within ten (10) years after the actual recording of such will as aforesaid; *provided*, that persons under disability by reason of being minors, insane persons, idiots, persons in captivity, or in any country with which the United States were at war when such record was made, may commence action or interpose such defense at any time within ten (10) years after the removal of such disability; *provided*, further, that such action shall be commenced with reasonable diligence in all cases.

Wills—time in  
which same  
may be ques-  
tioned.

SEC. 2. That nothing herein contained shall be construed to apply to any action or proceedings now pending in which the validity of such probate is involved.

SEC. 3. This act shall take effect and be in force from and after the first day of January, A. D. 1888.

When act to  
take effect.

Approved March 3, 1887.