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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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5 and shall direct the ascertainment of the value of any such  
 6 tenancy by the curtesy, or tenancy initiate, or dower, or  
 7 right of dower, or inchoate right of dower, and shall direct  
 8 a return of such investment and disposition to be made on  
 9 oath, as soon as may be, and shall require accounts to be  
 10 rendered periodically by any committee or other person who  
 11 may be entrusted with the disposition of the income of such  
 12 proceeds.

1 SECT. 60. No sale made as aforesaid, of the real estate <sup>1867—p. 115, Sect.</sup>  
 2 or interest therein of any lunatic, shall give to such lunatic <sup>10.</sup>  
 3 any other or greater interest or estate in the proceeds of  
 4 such sale than such lunatic had in the estate so sold; but  
 5 the said proceeds shall be deemed real estate of the same  
 6 nature as the property sold, or the interest therein of the  
 7 said lunatic, and the court shall make order for the preser-  
 8 vation of the same. c 54

1 SECT. 61. If the real estate of any lunatic, or any part <sup>1865—p. 115, Sect.</sup>  
 2 of it is subject to dower or other life estate, and the person <sup>11.</sup>  
 3 entitled thereto consents, in writing, to accept a gross sum  
 4 in lieu of such dower or other life estate, or the permanent  
 5 investment of a reasonable sum, in such manner as that the  
 6 interest thereof be made payable to the person entitled to  
 7 such dower or life estate during life, the court may direct  
 8 the payment of such sum in gross, or the investment of such  
 9 sum as shall be deemed reasonable and shall be acceptable  
 10 to the person entitled to said dower or other life es-  
 11 tate, or right therein, actual or contingent, in manner afore-  
 12 said.

1 SECT. 62. Before any such sum is paid or investment <sup>1865—p. 115, Sect.</sup>  
 2 made, the court shall be satisfied that an actual release of <sup>12.</sup>  
 3 such right of dower or other life estate, actual or contin-  
 4 gent, has been executed.

## CHAPTER LVIII.

CONVEYANCE OF REAL ESTATE BY EXECUTORS  
AND ADMINISTRATORS IN CERTAIN CASES.

1 SECTION 1. When any person, who is bound by a con-  
 2 tract in writing to convey any real estate, dies before mak- <sup>C. S. p. 455, Sect. 1.</sup>  
 3 ing the conveyance, the probate court may make a decree,  
 4 authorizing and directing the executor or administrator to  
 5 convey such real estate to the person entitled thereto, in all c 48

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6 cases where such deceased person, if living, might be com-  
7 compelled to execute such conveyance.

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C. S. p. 455, Sect. 2.  
Amended.

1 SECT. 2. On the presentation of a petition, by any per-  
2 son claiming to be entitled to such conveyance from any ex-  
3 ecutor or administrator, setting forth the names, ages and  
4 residences, if known, of all persons interested in the estate  
5 to be conveyed, and the facts upon which such claim is pre-  
6 dicated, the judge of probate shall appoint a time and place  
7 for hearing such petition, and notice thereof shall be given  
8 to those interested in the same manner as in civil actions.

C. S. p. 455, Sect. 3.  
Amended.

1 SECT. 3. At such hearing, or any adjournment thereof,  
2 upon proof by affidavit, of the due publication of the notice,  
3 all persons interested in the estate, may appear before the  
4 probate court and defend against such petition; and the  
5 court may examine on oath, the petitioner, and all others  
6 produced before it for that purpose.

C. S. p. 455, Sect. 4.  
Amended.

1 SECT. 4. After a full hearing upon such petition, and ex-  
2 amination of the facts and circumstances of such claim, if  
3 the judge of probate is satisfied that the petitioner is enti-  
4 tled to a conveyance of the real estate described in his pe-  
5 tition, according to the provisions of this chapter, he shall  
6 thereupon make a decree authorizing and directing the ex-  
7 ecutor or administrator to make and execute a conveyance  
8 thereof to such petitioner, otherwise he shall dismiss such  
9 petition.

C. S. p. 455, Sect. 5.

1 SECT. 5. Any person interested may appeal from such  
2 decree or dismissal to the district court for the same county,  
3 as in other cases, but if no appeal is taken from such de-  
4 cree within the time limited therefor by law, or if such de-  
5 cree is affirmed on appeal, the executor or administrator  
6 shall execute the conveyance according to the direction con-  
7 tained in such decree; and a certified copy of the decree  
8 shall be recorded with the deed, in the office of the register  
9 of deeds in the county where the lands lie, and shall be evi-  
10 dence of the correctness of the proceedings, and of the au-  
11 thority of the executor or administrator to make the con-  
12 veyance.

C. S. p. 456, Sect. 10.

1 SECT. 6. Every conveyance made in pursuance of a de-  
2 cree of the probate court, as provided in this chapter, shall  
3 be effectual to pass the estate contracted for, as fully as if  
4 the contracting party himself was still living, and executed  
5 the conveyance.

1 SECT. 7. A copy of the decree for conveyance made by  
2 the probate court, and duly certified and recorded in the

3 registry of deeds, in the county where the lands lie, shall  
 4 give the person entitled to such conveyance, a right to the  
 5 possession of the lands contracted for; and to hold the same  
 6 according to the terms of the intended conveyance, in like  
 7 manner as if they had been conveyed in pursuance of the  
 8 decree, and such right may be enforced, if necessary by said  
 9 court, according to the course of practice therein.

C. S. p. 456, Sect. 11.  
 Amended.

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1 SECT. 8. If the person to whom the conveyance was to  
 2 be made, dies before the commencement of proceedings ac-  
 3 cording to the provisions of this chapter, or before the con-  
 4 veyance is completed, any person who would have been en-  
 5 titled to the estate, under him as heir, devisee or otherwise,  
 6 in case the conveyance had been made, according to the  
 7 terms of the contract, or the executor or administrator of  
 8 such deceased person, for the benefit of the person so en-  
 9 titled, may commence such proceedings, or prosecute the  
 10 same, if already commenced, and the conveyance shall there-  
 11 upon be so made as to vest the estate in the same persons  
 12 who would have been so entitled to it, or in the executor or  
 13 administrator for their benefit.

C. S. p. 456, Sect. 13.

## CHAPTER LIX.

### GUARDIANS AND WARDS.

1 SECTION 1. The judge of probate in each county, when  
 2 it appears to him necessary, or convenient, may appoint  
 3 guardians to minors and others, being inhabitants or resi-  
 4 dents in the same county, and also to such as reside out of  
 5 the state, and have any estate within the same.

C. S. p. 467, Sect. 1.

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#### OF MINORS.

1 SECT. 2. Males of the age of twenty-one years and fe-  
 2 males of the age of eighteen years shall be considered of  
 3 full age for all purposes; before those ages they shall be  
 4 considered minors.

1 SECT. 3. If the minor is under the age of fourteen years,  
 2 the judge of probate may nominate and appoint his guardian;  
 3 if he is above that age, he may nominate his own guardian,  
 4 who, if approved by the judge shall be appointed accord-  
 5 ingly. If not so approved, or if the minor resides out of  
 6 this state, or if after being cited by the judge, he neglects  
 7 for ten days to nominate a suitable person, the judge may

C. S. p. 467, Sects. 2  
 & 3, combined.