

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
GEORGE B. YOUNG.

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

CHAPTER XLVIII

ESTATES IN DOWER AND BY THE CURTESY.

(Repealed by 1875, c. 40, § 5, saving all vested rights. See *ante*, c. 46, § 3.)

CHAPTER 48 (with a note at end of c. 123, title 1).

§ 1. (SEC. 13.) **Dower, how barred by deed.** A married woman may bar her right of dower in any estate conveyed by her husband, or by his guardians, if he is a minor or an insane person, by joining in the deed of conveyance, and acknowledging the same, or by a subsequent deed, which may be executed either by joining with her husband therein, or by herself alone, to be acknowledged as in other cases; and in cases when conveyance of real estate have been made by the husband of lands to which he had title, and the separate deed of the wife has heretofore been made to the grantee of the husband for a valuable consideration paid to her, such separate conveyance of the wife shall be as effectual to bar the dower in such premises as though she had joined in the deed executed by the husband. (*G. S.*, c. 48, § 13, as amended by 1874, c. 64, § 1, and 1878, c. 33, § 1.)

CHAPTER XLIX.

PROBATE COURTS.

SECTION.

- 1-4. In what counties—jurisdiction—when exclusive.
 5. When judge of adjoining county shall act.
 6. Duties of judge—to keep office, hold court, etc.
PROCEEDINGS IN PROBATE COURT.
 7-9. No pleadings—powers of judge—how exercised—depositions—books to be kept—their contents—indexes.
 10. Judge not to act as attorney, when.
 11-12. Costs, how allowed and paid—orders, how

SECTION.

- enforced.
APPEALS FROM PROBATE COURTS.
 13-17. In what cases allowed—in whose favor—how and when to be taken—stay of proceedings—return to district court—when to contain the evidence.
 18-21. Proceedings in district court—jurisdiction—trial—notice—jury—costs—jury, how selected, etc.
 22. Effect of act—pending cases.

§ 1. **Probate court in each county.** There is established, in each organized county in this state, a probate court, which shall have and use a seal.

§ 2. **Jurisdiction of probate court.** The several probate courts have exclusive jurisdiction, in the first instance, in their respective counties, to take proof of wills, and to direct the administration of the estates of deceased persons—

First.—When the deceased, at or immediately before his death, was an inhabitant of the county, in whatever place he dies;

Second.—When the deceased, not being an inhabitant of this state, dies in the county, leaving assets therein;

Third.—When the deceased, not being an inhabitant of this state, dies out of this state, leaving assets in the county;

Fourth.—When the deceased, not being a resident of this state, dies out of this state, not having assets herein, but when assets thereafter come into the county;

Fifth.—When real property of the deceased is situated in the county, and no other probate court has gained jurisdiction under either of the preceding subdivisions of this section. (*As amended 1868, c. 94, § 1.*)

^{23 M. 84.}

§ 3. **Further jurisdiction of probate court.** The probate court has jurisdiction also—

First. To take proof of a will relating to real property situated in the county, when the testator dies out of this state, not being an inhabitant thereof, and not leaving assets therein;

Second. To grant and revoke letters testamentary and of administration;

Third. To direct and control the conduct, and settle the accounts of executors and administrators;