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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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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.

c 48

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.

8 nominate and appoint his guardian, in the same manner as  
9 if he was under the age of fourteen years.

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C. S. p. 467, Sect. 4.  
Amended.

1 SECT. 4. A minor above the age of fourteen years may  
2 nominate his guardian before a justice of the peace, or the  
3 city or town clerk who shall certify the fact to the probate  
4 court.

C. S. p. 467, Sects. 5,  
6 & 7, combined.

1 SECT. 5. The guardian of a minor shall have the custo-  
2 dy and tuition of his ward and the care and management of  
3 all his estate; and unless sooner discharged according to  
4 law, shall continue in office until the minor arrives at full  
5 age. But the father of the minor, if living, and in case of  
6 his death, the mother, while she remains unmarried, they  
7 being respectively competent to transact their own business,  
8 and not otherwise unsuitable, shall be entitled to the cus-  
9 tody of the person of the minor and the care of his educa-  
10 tion.

C. S. p. 468, Sect. 10.  
Amended.

1 SECT. 6. A father may, by his last will in writing, ap-  
2 point guardians for his children, whether born at the time  
3 of making the will or afterwards, to continue during the  
4 minority of the child or a less time. Such testamentary  
5 guardian shall have the same powers and perform the same  
6 duties with regard to the person and estate of the ward, as  
7 a guardian appointed by the probate court.

C. S. p. 468, Sect. 10,  
in part. Amended.

1 SECT. 7. The guardian so appointed shall give the bond  
2 prescribed in section seventeen, except that when the testa-  
3 tor has ordered or requested in his will that a bond be not  
4 given, it shall not be required, unless from a change in the  
5 situation or circumstances of the guardian, or for other suf-  
6 ficient cause, the probate court deems it proper to require it.

#### OF INSANE PERSONS AND SPENDTHRIFTS.

C. S. p. 468, Sect. 12.  
Amended.

1 SECT. 8. The probate court may appoint guardians of  
2 insane persons, on the application of a relative or friend of  
3 any person, or of the county commissioners of the county  
4 in which such person resides, representing to the probate  
5 court that such person is insane and incapable of taking  
6 care of himself, and praying that a guardian may be ap-  
7 pointed.

Now.

1 SECT. 9. When a person by excessive drinking, gaming,  
2 idleness or debauchery of any kind so spends, wastes or  
3 lessens his estate, as to expose himself or his family to  
4 want or suffering, or any place to charge or expense for the  
5 support of himself or his family, the county commissioners  
6 of the county of which such spendthrift is an inhabitant or

7. resident, or upon which he is or may become chargeable,  
 8 may present a complaint to the probate court, setting forth  
 9 the facts and circumstances of the case, and praying to have  
 10 a guardian appointed.

1 SECT. 10. The court shall cause notice of not less than  
 2 fourteen days to be given to the supposed spendthrift, of <sup>New.</sup>  
 3 the time and place appointed for the hearing; and if after  
 4 a full hearing, it appears that he comes within the above  
 5 description the court shall appoint a guardian of his person  
 6 and estate.

1 SECT. 11. The complainants under the preceding section  
 2 may cause a copy of the complaint with the order of notice <sup>New.</sup>  
 3 to be filed in the registry of deeds of their county; and if  
 4 a guardian is appointed upon such complaint, all contracts,  
 5 except for necessities, and all gifts, sales or transfers of  
 6 real or personal estate made by the spendthrift after such  
 7 filing of the complaint and order and before the termination  
 8 of the guardianship, shall be void.

1 SECT. 12. The guardian of an insane person or spend-  
 2 thrift shall have the care and custody of the person of his <sup>C. S. p. 463, Sect. 13.</sup>  
 3 ward and the management of all his estate; and shall give <sup>Amended.</sup>  
 4 the bond prescribed in section seventeen, except that the  
 5 provisions relating to the education of the ward shall be  
 6 omitted. c 54

#### OF PERSONS OUT OF THE STATE.

1 SECT. 13. When a person liable to be put under guar- <sup>C. S. p. 470, Sect. 26.</sup>  
 2 dianship, according to the provisions of this chapter, re-  
 3 sides without this state, and has any estate therein, any  
 4 friend of such person, or any one interested in his estate in  
 5 expectancy, or otherwise, may apply to the judge of pro-  
 6 bate of any county in which there is any estate of such ab-  
 7 sent person, and after such notice to all persons interested  
 8 as the judge shall order, and a full hearing and examina-  
 9 tion, a guardian may be appointed for such absent person.

1 SECT. 14. Such guardian shall have the same powers <sup>C. S. p. 470, Sect. 27.</sup>  
 2 and duties with respect to any estate of the ward found  
 3 within this state, and also with respect to the person of the  
 4 ward, if he comes to reside therein, as are prescribed with  
 5 respect to other guardians appointed under this chapter.

1 SECT. 15. He shall give the bond prescribed in sec- <sup>C. S. p. 470, Sect. 23.</sup>  
 2 tion seventeen, except that the provisions respecting the in- <sup>Amended.</sup>  
 3 ventory, the disposal of the estate, and effects, and the ac-  
 4 count to be rendered by the guardian, shall be confined to

5 such estate and effects as shall come to his hands in this  
6 state, and that the provisions respecting the custody of the  
7 ward shall not be applicable unless he comes to reside  
8 within the state.

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C. S. p. 470, Sect. 29.

1 SECT. 16. The guardianship first lawfully granted, of  
2 any person residing out of this state, shall extend to all the  
3 estate of the ward within the same, and exclude the juris-  
4 diction of the probate court in every other county.

## GENERAL PROVISIONS.

C. S. p. 468, Sect. 8.  
Amended.

1 SECT. 17. Before appointing any person guardian of a  
2 minor, the judge of probate shall require of such person a  
3 bond with sureties to be approved by him, and in such sum  
4 as he shall order, conditioned as follows :

5 *First.*—To make a true inventory of all the estate, real  
6 personal, of his ward, that shall come to his possession or  
7 knowledge, and to return the same into the probate court  
8 at such time as the judge shall order.

9 *Second.*—To dispose of and manage all such estate ac-  
10 cording to law, and for the best interests of the ward : and  
11 faithfully to discharge his trust in relation thereto, and also  
12 in relation to the custody, education and maintenance of the  
13 ward.

14 *Third.*—To render an account on oath, of the property,  
15 estate, and moneys of the ward in his hands, and all pro-  
16 ceeds or interest derived therefrom, and of the management  
17 and disposition of the same, within one year after his ap-  
18 pointment, and at such other times as the probate court  
19 shall direct ; and,

20 *Fourth.*—At the expiration of his trust to settle his ac-  
21 counts with the judge of probate, or with the ward, if he is  
22 of full age, or his legal representatives, and to pay over  
23 and deliver all the estate, moneys, and effects remaining in  
24 his hands, or due from him on such settlement, to the per-  
25 sons lawfully entitled thereto.

C. S. p. 469, Sect. 18.

1 SECT. 18. Upon the taking of an inventory, the estate  
2 and effects comprised therein shall be appraised by three  
3 suitable persons to be appointed and sworn, as is required  
4 with respect to the inventory of the estate of a deceased  
5 person ; and every guardian shall account for and dispose  
6 of the personal estate of the ward, in like manner as is di-  
7 rected with respect to executors and administrators.

C. S. p. 469, Sects. 14  
& 15, combined &  
amended.

1 SECT. 19. Every guardian shall pay all just debts due  
2 from his ward out of the personal estate, if sufficient, and if  
3 not, out of the real estate, upon obtaining license for the  
4 sale thereof, and disposing of the same in the manner pro-

5 vided by law. He shall also settle all accounts of the ward,  
6 and demand, sue for, and receive all debts due to him, or  
7 with the approbation of the judge of probate, compound for  
8 the same, and give a discharge to the debtor, on receiving  
9 a fair and just dividend of his estate and effects; and he  
10 shall appear for and represent his ward in all legal proceed-  
11 ings, unless another person is appointed for that purpose,  
12 as guardian or next friend.

1 SECT. 20. He shall manage the estate of his ward, fru-  
2 gally and without waste, and apply the income and profits  
3 thereof, as far as may be necessary for the comfortable and C. S. p. 463, Sect. 16. c 54  
4 suitable maintenance and support of the ward and his fam-  
5 ily, if there is any; and if such income and profits are in-  
6 sufficient for that purpose, the guardian may sell the real  
7 estate upon obtaining a license therefor, as provided by law,  
8 and shall apply the proceeds of such sale, so far as may be  
9 necessary, for the maintenance and support of the ward and  
10 his family.

1 SECT. 21. He may, except when he has an interest ad-  
2 verse to that of the ward in the estate to be divided, make C. S. p. 463, Sect. 17.  
3 partition of the real estate of his ward when lying in com- Amended.  
4 mon and undivided, either upon petition for partition or  
5 otherwise, as fully and in like manner as the ward could do  
6 if he was under no disability; and may assign and set out  
7 dower in his ward's estate to any widow entitled thereto.

1 SECT. 22. If a minor who has a father living, has pro-  
2 perty sufficient for his maintenance and education in a man- C. S. p. 463, Sect. 9.  
3 ner more expensive than his father can reasonably afford, Amended.  
4 regard being had to the situation of the father's family and  
5 to all the circumstances of the case, the expenses of the  
6 maintenance and education of such child may be defrayed  
7 out of his own property, in whole or in part, as shall be  
8 deemed reasonable by the probate court; and when neces-  
9 sary, his real estate may be sold for that purpose by the  
10 guardian upon obtaining license therefore as provided in  
11 other cases of sales by guardians. The charges for such  
12 expenses may be allowed in the settlement of the accounts  
13 of the guardian.

1 SECT. 23. The judges of probate, in their respective  
2 counties, on the application of a guardian, or any person C. S. p. 463, Sect. 10.  
3 interested in the estate of any ward, after such notice to all  
4 persons interested therein, as the judges of probate shall  
5 direct, may authorize or require the guardian to sell and  
6 transfer any stock in the public funds, or in any bank or  
7 other corporation, or any other personal estate or effects  
8 held by him, as guardian, and to invest the proceeds of

9 such sale, and also any other moneys in his hands, in real  
10 estate, or in any other manner that shall be most for the in-  
11 terest of all concerned therein; and the said judges may  
12 make such further order and give such directions, as the  
13 case may require for managing, investing and disposing of  
14 the estate and effects in the hands of the guardian.

New.

1 SECT. 24. When a person under guardianship removes  
2 out of this state, his guardian may pay over and transfer  
3 the whole or any part of his property to any guardian or  
4 trustee appointed by competent authority in the state to  
5 which the residence of the ward is removed, upon such  
6 terms and in such manner as the probate court upon peti-  
7 tion therefor shall decree.

C. S. p. 469, Sect. 20.  
Amended.

1 SECT. 25. When a guardian appointed either by the  
2 testator or by the judge of probate, becomes insane, or oth-  
3 erwise incapable of discharging his trust, or evidently un-  
4 suitable therefor, the judge of probate, after notice to him  
5 and all others interested, may remove him. Upon the re-  
6 quest of a guardian the probate court, in its discretion, may  
7 allow him to resign his trust. Upon such removal or re-  
8 signation, and upon the death of a guardian another may  
9 be appointed in his stead.

New.

1 SECT. 26. When a female guardian marries, her hus-  
2 band shall not be guardian in her right, but the marriage  
3 shall extinguish her authority, and the other guardian, if  
4 there is any, may proceed in discharging the trust. If there  
5 is no other guardian the probate court may appoint one, or  
6 make such other order in the premises as the case requires.

C. S. p. 469, Sect. 21.  
Amended.

1 SECT. 27. The marriage of a female under guardianship  
2 as a minor, shall terminate such guardianship; and the  
3 guardian of an insane person or spendthrift may be dis-  
4 charged by the judge of probate, when it appears on the  
5 application of the ward, or otherwise, that such guardian-  
6 ship is no longer necessary.

C. S. p. 470, Sect. 22.

1 SECT. 28. The judge of probate may require a new bond  
2 to be given by a guardian, whenever he deems it necessary,  
3 and may discharge the existing sureties from future respon-  
4 sibility, after due notice given, as such court may direct,  
5 when it satisfactorily appears that no injury can result there-  
6 from, to those interested in the estate.

C. S. p. 470, Sect. 25.

1 SECT. 29. Upon complaint to the judge of probate, by  
2 a guardian, ward, creditor or other person interested in the  
3 estate of a ward, or by person having any prospective in-  
4 terest therein, as heir or otherwise, against any one sus-

5 pected of having fraudulently concealed, embezzled, or con-  
 6 veyed away any of the money, goods, or effects, or any in-  
 7 strument in writing, belonging to the ward, the judge may  
 8 cite and examine such suspected person, although he is the  
 9 guardian, and proceed with him as to such charge, in the  
 10 same manner as is provided with respect to persons sus-  
 11 pected of concealing or embezzling the effects of a deceased  
 12 person.

1 SECT. 30. Every guardian shall be allowed his reasona-  
 2 ble expenses, incurred in the execution of his trust, and C. S. p. 470, Sect. 30. c 54  
 3 such compensation for his services, as the court in which  
 4 his accounts are settled, deems just and reasonable.

## CHAPTER LX.

### OF MASTERS, APPRENTICES AND SERVANTS.

1 SECTION 1. All children under the age of fourteen years,  
 2 may be bound as apprentices or servants until that age, and C. S. p. 471, Sect. 1. c 55  
 3 all minors above the age of fourteen years, may be bound  
 4 as apprentices or servants, males to the age of twenty-one  
 5 years, and females to the age of eighteen years, or to the  
 6 time of their marriage within that age, in the manner pre-  
 7 scribed in this chapter. Amended.

1 SECT. 2. Children under the age of fourteen years, may  
 2 be bound by their father, or, in case of his death or incom-  
 3 petency, by their mother, or by their legal guardian; and,  
 4 if illegitimate, they may be bound by their mother; and, if C. S. p. 471, Sect. 2.  
 5 they have no parent competent to act, and no guardian, Amended.  
 6 they may bind themselves, with the approbation of the  
 7 county commissioners of the county where they reside;  
 8 but the power of a mother to bind her children, whether le-  
 9 gitimate or illegitimate, shall cease upon her subsequent  
 10 marriage, and shall not be exercised by herself or her hus-  
 11 band, at any time during such marriage.

1 SECT. 3. Minors, above the age of fourteen years, may New.  
 2 be bound in the same manner, provided, that when they are  
 3 bound by their parent or guardian, the consent of the minor  
 4 shall be expressed in the indenture, and testified by his  
 5 signing the same.

1 SECT. 4. No minor shall be bound, as aforesaid, unless  
 2 by an indenture of two parts, sealed and delivered by both C. S. p. 472, Sect. 4.  
 3 Amended.