

S. F. No. 43.

CHAPTER 33.

Amendment.
Descent of
property.

An act to amend section 64 of an act entitled "An act to establish a probate code," approved April 24, 1889, being chapter 46, General Laws of 1889, relating to the descent of property.

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

SECTION 1. Section 64 of chapter 46 of General Laws of 1889 is hereby amended so that such section shall hereafter read as follows:

Husband or
wife.

Such surviving husband or wife shall also be entitled to and shall hold in fee simple, or by such inferior tenure as the deceased was at any time during coverture seized or possessed thereof, one equal undivided one-third of all other lands of which the deceased was at any time during coverture seized or possessed (except such lands as have been divested by execution sale, or sale under a decree of court of competent jurisdiction, or by deed of assignment for benefit of creditors, or by insolvency or bankruptcy proceedings, and subject to all judgment liens) free from any testamentary or other disposition thereof to which such survivor shall not have assented in writing but subject, in its just proportion, with the other real estate to the payment of such debts of the deceased as are not paid from the personal estate. The residue of said other lands, or, if there be no surviving husband or wife, of such intestate, then the whole of said other lands shall descend, subject to the debts of the intestate, in the manner following:

Heirs in
succession.

1. In equal shares to his children, and to the lawful issue of any deceased child, by right of representation.

2. If there be no child and no lawful issue of any deceased child of the intestate living at his death, and the intestate leaves a surviving husband or wife, then the whole of his or her estate shall descend to such survivor.

3. If the intestate leaves no issue nor husband nor wife, his estate shall descend to his father.

4. If the intestate leaves no issue, nor husband nor wife nor father, his estate shall descend to his mother.

5. If the intestate leave no issue, nor wife nor husband nor father nor mother, his estate shall descend in equal shares to his brothers and sisters, and to the lawful issue of any deceased brother or sister by right of representation.

If no issue.

6. If the intestate leave no issue, and no husband or wife, and no father, mother, brother or sister, his estate

shall descend to his next of kin, in equal degree; excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote.

7. If any person dies leaving several children, or leaving one child and the issue of one or more other children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent shall descend in equal share to the other children of the same parent, and to the issue of any such other children, who have died, by right of representation.

Children.

8. If at the death of such child, who dies under age, and not having been married, all the other children of his said parent are also dead, and any of them has left issue, the estate that came to said child by inheritance from his said parent shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to said child, they shall have the same estate equally; otherwise, they shall take according to the right of representation.

9. If the intestate leaves no issue, nor husband or wife, or kindred, his estate shall escheat to the state.

To the state.

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

Approved March 11, 1901.

CHAPTER 34.

S. F. No. 46.

An act to transfer to the state treasury a special fund heretofore held by the public examiner for the redemption of the issues of state bank notes.

State bank redemption fund transferred from Public Examiner to State Treasurer.

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

SECTION 1. That the special fund of one thousand four hundred and seventy-three dollars and twenty-five cents (\$1,473.25) for the redemption of the issue of state bank notes: formerly in custody of the state auditor under the provisions of section twenty-four (24) of chapter twenty-five (25) of the General Laws of eighteen hundred and sixty-nine (1869), being section twenty-five hundred and four (2504) of the General Statutes of eighteen hundred and ninety-four (1894); and now in custody of the public examiner, under the provisions of chapter one hundred and eighty-three (183) of the General Laws of