

CHAPTER LXV.

February 26,
1872.

An Act to amend Sections Thirty-Five and Thirty-Six, of Chapter Fifty-Seven of the General Statutes relating to Sales of Real Estate by Executors, administrators and guardians.

SECTION 1. Amendment to section 35 of chapter 57 of the general statutes, notice of sales of real estate by execution, &c., to be posted and also published.

2. Amendment to section 36 of the same chapter.

Section 36. Relating to the manner of making sales.

3. When act to take effect.

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

SECTION 1. Section thirty-five (35) of said chapter fifty-seven (57) is hereby amended so as to read as follows:

Notice of sale
to be posted
and published.

Sec. 35. When a public sale is ordered notice of the time and place of holding the same shall be posted up in three (3) of the most public places in the county in which the land is situated, and shall be published in a newspaper, if there is one printed in the same county, and if there is none then in such paper as the court may direct, for three (3) weeks successively next before such sale, in which notice the lands and tenements to be sold, shall be described with common certainty.

SEC. 2. Section thirty-six, (36) chapter fifty-seven, (57) be and the same is hereby amended, so as to read as follows:

Manner of
making sale.

Sec. 36. Every sale made under the provisions of this chapter shall be made in the county where the lands are situated, and between the hours of nine o'clock in the morning and the setting of the sun the same day, and shall be at public auction unless in the opinion of the probate judge it would benefit the estate of the deceased or of the wards to sell the whole or any part thereof at private sale in which case the court, if such sale is asked for in the petition may order and direct such real estate or any part thereof to be sold at private sale by the executor, administrator or guardian. But the same shall not be thus sold until the executor, administrator or guardian shall have had said real estate ap-

praised by two competent persons to be appointed by the probate court; also, before proceeding to make such appraisal shall take and subscribe an oath to faithfully and honestly appraise said land at its fair cash valuation, which [oath] together with their appraisement shall be filed in the probate court, and no such real estate shall be sold at private sale for less than its full appraised value nor until after such notice of the terms of the sale as said court may direct, shall have been given, nor shall any such sale be made until a bond shall have been filed as provided in section thirty-three in this chapter, nor shall the executor, administrator or guardian become the purchaser at such sale.

SEC. 3. This act shall take effect from and after its passage.

When act to
take effect.

Approved Feb. 28, 1872.

CHAPTER LXVI.

An Act to amend Section One Hundred and Six, Chapter Sixty-Five, of the General Statutes relating to appeals in Justices Courts.

March 4, 1872.

SECTION 1. Amendment to section 106, chapter 65, of the general statutes.

Section 106. Relating to appeals in justices' courts.

2. When act to take effect.

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

SECTION 1. That section one hundred and six, chapter sixty-five of the general statutes be amended to read as follows:

Sec. 106. Within twenty days after filing the notice of appeal and before the first day of the next term of the district court, the justice shall file in the office of the clerk of the district court wherein he resides a transcript of all the entries made in his docket, together with all the process and

Appeals when
to be filed.