

hereby amended by striking out of the fifth (5th), sixth (6th) and seventh (7th) lines of said section the following words, viz.: "And such probate court has made an order in terms discharging the executor or administrator of such estate."

When act to  
take effect.

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

Approved March 9, 1885.

## CHAPTER 50.

### AN ACT TO DETERMINE THE HEIRSHIP TO REAL ESTATE IN CERTAIN CASES.

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

Heirs to make  
affidavit—what  
to contain.

SECTION 1. In case of the death heretofore or hereafter of any person intestate seized in fee of real estate within this state, it shall be lawful for the heirs at law of such person, or any one of them, or for any person interested in such estate, or in any piece of real estate embraced therein, to make an affidavit setting forth the fact of such death, the last place of residence of said intestate, the number of the heirs of said intestate, with their names, ages, places of residence and relationship to the deceased, respectively, and, as nearly as possible, describing such real estate, and the respective interests of such heirs therein.

Affidavit to be  
presented to  
Judge of Pro-  
bate—duty of  
judge.

SEC. 2. Such affidavit, when so made, shall be presented to the probate judge of any county in which any part of such real estate is situated, and said probate judge may in his discretion examine any witness or witnesses under oath as to the truth of the matters in such affidavit stated, and, upon being satisfied of the truth of all such matters, shall make a decree reciting the facts stated in said affidavit and found true, and thereupon such decree shall be entered in the records of said court, and a certified copy thereof may be recorded in the office of the register of deeds in each county where such lands are situated, and from the date of such record said decree shall be taken and held in all legal proceedings in this state, in respect to the succession of such real estate, as *prima facie* evidence of all the facts found in said decree.

When act to  
take effect.

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

Approved March 5, 1885.