

## CHAPTER 39.

[H. F. No. 111.]

AN ACT AUTHORIZING AND DECLARING THE EFFECT OF THE RECORD OF CERTIFIED COPIES OF DEEDS AND CONVEYANCES IN CERTAIN CASES.

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

SECTION 1. That in every case where a deed or conveyance of real estate appears of record in the office of the register of deeds of any county in the territory or the state of Minnesota, other than the county in which lands described in or affected by said instrument were situated at the time such instrument was recorded, a copy of such record, certified by the register of deeds in whose office the same appears, may be recorded in the office of the register of deeds for the county in which any such land is situated, and the record of such certified copy so made, from the time the same is so filed for record, shall have the same force and effect as evidence and notice as the record of an original deed or conveyance; and a certified copy of such record so made may be received in evidence with the same force and effect as a certified copy of the record of an original deed or conveyance. *Provided*, that the provisions of this act shall not apply to or affect any action now pending, nor to any action hereafter brought involving the same issues and property, or any part thereof, which are involved in any action now pending.

Deeds and conveyances, effect of certified copies of.

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

When act to take effect.

Approved March 15, 1889.

## CHAPTER 40.

[H. F. No. 172.]

AN ACT TO PROVIDE FOR THE MORTGAGING OF LANDS BY EXECUTORS AND ADMINISTRATORS.

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

SECTION 1. When the personal estate of a deceased person is insufficient to pay his debts, with the charges of administration, and to pay any taxes, assessments or other charges which are an existing lien upon his estate; or when-

Mortgaging lands by executors, etc.

ever the personal estate of such deceased person is insufficient to pay for any improvements which are necessary for the preservation of his real estate or any part thereof, his executor or administrator may mortgage his real estate for the purpose of obtaining funds for the payment of such debts, charges, taxes, assessments or liens, or for the making of such necessary improvements, upon obtaining a license therefor and proceeding as herein provided.

Procedure.

SEC. 2. To obtain such license the executor or administrator shall proceed in the manner now provided by law for the obtaining of a license to sell real estate, and in his petition the executor or administrator shall particularly describe the tract or tracts which it is proposed to mortgage.

Court to decide when necessary

SEC. 3. Whenever it appears to the satisfaction of the probate court that it is necessary for an executor or administrator to mortgage real estate for any of the purposes aforesaid, and that it will be for the benefit of all persons interested, such license shall be granted, and the decree of the court in granting such license shall fix the amount for which the mortgage may be given, and the rate of interest which may be paid thereon, and for what purposes the money shall be used.

Extensions of mortgage.

SEC. 4. The probate court may in like manner authorize an executor or administrator to make an agreement for the extension or the renewal of an existing mortgage on the estate of a deceased person.

Executor to give bond.

SEC. 5. No license to mortgage real estate shall be granted to an executor or administrator until he shall have executed and filed with the probate court, before whom the matter is pending, a bond with sufficient sureties to be approved by the probate judge, conditional that he will apply the funds realized by such mortgage to the purposes specified in the decree of the court.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 23, 1889.

## CHAPTER 41.

[H. F. No. 876]

### AN ACT TO LEGALIZE CONVEYANCES OR OTHER ACTS OF FOREIGN EXECUTORS OR THEIR ATTORNEYS IN FACT.

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

Legalizing conveyances of foreign executors.

SECTION 1. That all conveyances or other acts heretofore made or done by any foreign executor or executors, either by themselves or through their attorneys in fact,