

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,

when such conveyances or acts were authorized by the will of the deceased and such will has been duly admitted to probate in this state prior to the making of such conveyances or doing of such acts, or has been probated in this state prior to the passage of this act and the estate affected thereby has been distributed in accordance with the conveyances or other acts of such foreign executors, be, and the same are hereby legalized and made valid for all intents and purposes.

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

Approved April 24, 1889.

CHAPTER 42,

[H. F. No. 765.]

AN ACT TO VALIDATE AND LEGALIZE THE BOND, LETTERS TESTAMENTARY, ACCEPTANCE OF TRUST AND ADMINISTRATION OF ANY EXECUTOR OF THE WILL OF ANY DECEASED PERSON, WHERE SUCH EXECUTOR HAS NOT GIVEN THE BOND REQUIRED BY SECTION TWO (2), OF CHAPTER FIFTY (50) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), UNTIL AFTER THE EXPIRATION OF TWENTY (20) DAYS AFTER THE PROBATE OF SUCH WILL.

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

SECTION 1. In all cases where the probate court of any county in this state, in which the will of a deceased person has been proved and allowed, has issued letters testamentary on such will to the person named therein as executor, such executor having after the expiration of twenty (20) days after the probate of such will and previously to the issuing of said letters testamentary given the bond required by section two (2) of chapter fifty (50) of the general statutes of one thousand eight hundred and seventy-eight (1878,) and approved by the judge of said probate court, such bond and letters testamentary and the administration of such executor thereunder are hereby legalized and made valid for all purposes the same as if such bond had been given and letters testamentary issued within twenty (20) days after the probate of such will; and the authority of such executor, having so received letters testamentary, to act as executor of the will upon which such letters were issued, shall not be questioned or deemed in-

Legalizing bonds, etc., of executors in certain cases.