

CHAPTER 89.

H. F. No. 108.

An act to amend sections 4575, 4576, 4578, 4579 and 4580 of the General Statutes 1894, (the same being sections 168, 169, 171, 172 and 173 of chapter 46 of the General Laws of 1889, as amended by section 18 of chapter 116 of the General Laws of 1893,) relating to sales of real estate belonging to estates of deceased persons by executors and administrators.

Amendment.
Sales of real
estate of de-
ceased per-
sons.

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

SECTION 1. That section 4575 of the General Statutes, 1894, (being section 168 of chapter 46 of the General Laws of 1889), be and the same is hereby amended so as to read as follows:

To obtain a license to sell real estate, the executor or administrator shall present a petition to the probate court from which he received his appointment, setting forth the amount of personal estate that has come into his hands, the disposition thereof, and how much, if any, remains undisposed of; the debts outstanding against the deceased so far as the same can be ascertained; the legacies unpaid, if any; a description of all real estate except the homestead of which the testator or intestate died seized; the condition and value of the respective portions or lots, the persons interested in said estate, with their residences, if known, and if unknown that fact shall be stated. And if it is desired that said real estate, or any part thereof, shall be sold for such reason, then such petition shall state the facts showing that it would be for the best interests of the estate of the decedent, and of all persons interested therein, that the same be sold.

License to
sell, how
obtained.

SEC. 2. That section 4576 of the General Statutes, 1894, (being section 169 of chapter 46 of the General Laws of 1889, as amended by section 18 of chapter 116 of the General Laws of 1893), be and the same is hereby amended so as to read as follows:

If it appears by such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the debts outstanding against the deceased, the legacies or expenses of administration, and that it is necessary to sell the whole or some portion of the real estate for the payment of such debts, legacies or expenses, or if it shall appear to the court that it would be for the best interests of the estate of decedent, and of all persons interested therein, that the real estate described in the petition, or any part thereof not specifically disposed of by the

Action of
probate
court.

will of the decedent, be sold, the probate court shall thereupon make an order directing all persons interested in the estate to appear before it, at a time and place to be specified, to show cause why a license should not be granted to the executor or administrator applying therefor, to sell so much of the real estate of the deceased as shall be necessary to pay such debts, legacies and expenses; or so much of the same as may appear to the court to be for the best interests of the estate of the decedent and of all persons interested therein.

SEC. 3. That section 4578 of the General Statutes 1894, (being section 171 of chapter 46 of the General Laws of 1889), be and the same is hereby amended so as to read as follows:

May sell whole or part of real estate.

If it appears to the court that it is necessary to sell a part of the real estate and that by the sale of such part the residue of the estate, or some specific part or piece thereof, would be greatly injured, said court may license a sale of the whole estate, or of such part thereof as may be judged necessary, and most for the interest of all concerned; or if it appears to the court, without regard to the necessity for such sale, that it would be for the best interests of the estate of the decedent, and of all persons interested therein, that the real estate described in the petition, or any part thereof not specifically disposed of by the will of the deceased, be sold, the probate court may license a sale of the same.

SEC. 4. That section 4579 of the General Statutes 1894, (being section 172 of chapter 46 of the General Laws of 1889), be and the same is hereby amended so as to read as follows:

Bonds conditioned on payment of debts.

License shall not be granted, if any of the persons interested in the estate give bonds to the judge of probate in such sum and with such sureties as he directs and approves, with condition to pay all of the debts, legacies and the expenses of administration, so far as the goods and chattels, rights and credits of the deceased are insufficient therefor, within such time as the court may direct; but this section shall not apply to cases wherein it is made to appear to the court that it would be for the best interests of the estate of the decedent, and of all persons interested therein, that the said real estate, or any part thereof, not specifically disposed of by the will of the deceased, be sold.

SEC. 5. That section 4580 of the General Statutes 1894, (being section 173 of chapter 46 of the General Laws of 1889), be and the same is hereby amended so as to read as follows:

If the probate court is satisfied, after a full hearing upon the petition, and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for the payment of debts, legacies or expenses of administration, or if said court is satisfied that it would be for the best interests of the estate, and of all persons interested therein, that the said real estate, or any part thereof, not specifically disposed of by the will of the deceased, be sold, it shall thereupon make an order of sale authorizing the executor or administrator to sell the whole, or such part of the real estate described in the petition as it deems necessary, beneficial or for the best interests of all concerned.

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

Approved March 27, 1901.

CHAPTER 90.

H. F. No. 131.

An act to establish a drainage commission and to provide for the drainage of the swamp and marshy lands of the state, and to appropriate money to carry out the provisions of this act.

Drainage
Commission.

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

Whereas, by acts of Congress of February 28th, 1850, and March 12th, 1860, there was granted to the State of Minnesota by the United States of America upward of five million (5,000,000) acres of swamp lands situated in different counties in the state, of the value of more than three million seven hundred thousand dollars (\$3,700,000), and more than three-quarters thereof in value and acreage has heretofore been appropriated by said state; and,

Whereas, by the acts of Congress granting said lands it was provided that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively as far as necessary to the purpose of reclaiming said lands by means of levees and drains; and,

Recltes
swamp
land grant.

Whereas, the State of Minnesota is the owner of large tracts of low wet lands situate in different parts of the state, and the value of said lands will be greatly increased and the public health improved by draining the same.

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