

H. F. No. 7.

CHAPTER 12.

Government
homesteads.
Heirship.

An act to amend chapter two hundred seventy-five (275) of the General Laws of the State of Minnesota for the year 1901, entitled "An act to determine the heirship to the government homestead of a deceased homestead settler, in cases where the heirs make the final proof, and to assign the homestead land and make a record thereof," approved April 13, 1901.

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

Death of en-
tryman prior
to final proof.

SECTION 1. Whenever a person holding a homestead or tree-claim entry under the laws of the United States shall have died before making final proof, and such final proof is made by any of the heirs of said deceased holder of such homestead or tree-claim and patent is issued by the United States government to the heirs of the said deceased holder of such homestead or tree-claim, any heir of such deceased holder of homestead or tree-claim entry may petition the probate court in the county in which such homestead or tree-claim entry land, or some part thereof, is situated, to determine who are the heirs of such deceased homestead or tree-claim holder, what are their respective rights and interests in the homestead or tree-claim of such deceased, and to assign said land to the parties legally entitled to the same.

To determine
who are
heirs.

SEC. 2. Such petition shall be verified and contain the name of the deceased homesteader or tree-claim holder, his last place of residence, the names, ages and last places of residence of all his heirs, their relationship to the deceased, and a full description of the homestead or tree-claim.

Petition.
Duty of pro-
bate judge.

SEC. 3. Upon the presentation of such petition it shall be the duty of the probate judge to make an order fixing the time and place for hearing said petition at a term of said court, and cause notice thereof to be given by a publication of said order for five (5) successive weeks in a newspaper published in the county where such homestead or tree-claim or some part thereof is situated, and it may cause such other or further notice to be given to any person interested as it may deem proper.

Hearing.

SEC. 4. At the time fixed for hearing, or at any time in which such hearing has been adjourned, the judge of such probate court shall proceed to hear the evidence in

support of the matters stated in the petition, and if it appears to the satisfaction of the court who are all the heirs of such deceased, and what are their respective rights, the court shall, by its decree, find and determine the same, and shall, by said decree, assign said homestead or tree-claim land to the parties entitled to the same by law.

A certified copy of any such decree shall be recorded in the office of the register of deeds in the county where such homestead or tree-claim or part thereof is situated, and such decree, or a certified copy thereof, shall be taken and held in all legal proceedings in this state as prima facie evidence of all the facts found in said decree.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1902.

CHAPTER 13.

An act defining the force and effect of final decrees issued by the probate courts of this state, and recorded in the office of the register of deeds, and to legalize certain of the same, and to limit the time within which their validity may be questioned.

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

SECTION 1. That any final decree of distribution, made by any probate court of this state, in the matter of the estate of an intestate, when the order for hearing of the application for such decree has been actually published in a proper newspaper, but has not been published the requisite length of time [(or when no such order was published),] and which decree, or a certified copy therefor, has been of record in the office of the register of deeds of the county where the real estate thereby affected was at the time of the making of such record, or is situate, for a period not less than ten years prior to the passage of this act, may be read in evidence in any court within this state and shall have the same force and effect as if publication of the order for hearing had been had the proper length of time, and no right, title or estate in lands situate within this state, derived under such decree, shall be held invalid or set aside by reason of any defect in such notice, unless the action in which the validity of such title shall be called in question be commenced, or the defense alleg-

Copy of decree.

S. F. No. 44.

Probate courts.

Final decree of distribution. Publication and limitation.