

H. F. No. 821.

## CHAPTER 132.

Express  
trusts.

*An act to amend the sixth subdivision of section 4284 of the General Statutes of Minnesota for 1894, as amended by chapter 95 of the laws of 1901, relating to express trusts.*

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

SECTION 1. "That the sixth subdivision of section 4284 of the General Statutes of 1894, as amended by chapter 95 of the laws of 1901, be, and the same is hereby amended so as to read as follows:"

"Sixth—to receive, by gift, grant, devise or bequest, to, or in trust for, any person, association, institution or corporation, public or private, municipal or quasi-municipal, or otherwise, or to, or in trust for, any corporation permitted, provided or directed to be organized in or by any deed, contract, last will, or other instrument, or to or for any charitable, benevolent, religious or educational use or uses, purpose or purposes, created or declared, or attempted to be created or declared, in or by means of, any otherwise duly executed and valid deed, contract, or will; and to take charge of any money, stocks, bonds, personal and real estate, or either; choses in action, and property of any and every kind whatever, and invest, reinvest and apply the income, or net income thereof, or the principal and the income, or net income thereof for the benefit of any public library association, in any city or village; or any public cemetery association, located within the limits or within ten miles of the corporate limits of any such city or village; or to, or for, or in favor of any of, the uses and purposes mentioned above, or mentioned in title 4 of chapter 34; nor shall any such instrument, nor any such gift, grant, devise or bequest, be, or be deemed, invalid, by reason of the indefiniteness or uncertainty of the person or persons, class or classes, object or objects, purpose or purposes, designated or attempted to be designated, in such instrument; *provided* the general purpose or intention of the donor, howsoever expressed, be sufficiently indicated so that, either from express declaration therein or from his circumstances, relations and condition, and the nature of the benefaction, such intention—as to amount,

general purpose, and medium or means of accomplishment—is reasonably capable of being deduced, identified and carried into practical effect, and without regard to the position, station or character—official, ministerial, personal or otherwise—of the person or corporation by whom or which, or the nature or character of the act, proceeding or ceremony through which, it appears from such declaration or from such intention or general purpose, so ascertained as aforesaid, such general purpose was expected to be carried out. If, in any such instrument there be a trustee named to execute the same, or to aid in executing the same in whole or in part, then the legal title to the property so given, granted, devised or bequeathed, or attempted so to be, shall vest in such trustee, and the successor or successors of such trustee, charged with the wishes, trust and will declared by the maker of such instrument. If no trustees be named, or if trustees be named, and to succeed the duties or holding of the trustees a corporation be permitted, provided or directed by such instrument to be organized to carry out the trust, wishes and will in whole or in part, of the maker of such instrument, then such title shall vest in, or such donation take effect in favor of such corporation and its successor, or successors, when it is formed; but if no trustees be named or no corporation be permitted, provided or directed to receive such donation, then the legal title to all such property shall vest in the district court, and such court shall have control thereof. In any such case, such trustees, or such corporation when formed, and the successor or successors of each respectively, or the district court, as the case may be, shall have the power, authority and jurisdiction to administer such trust, and the property thereof, charged with the wishes trust and will declared by the maker in such instrument. And in every case the court shall have the same power in respect of every such instrument, gift, grant, devise and bequest, and every trust in relation thereto, as is conferred upon it in respect of any and all other trusts; and, in addition thereto, whenever it shall appear to the court that the circumstances are such, in the case of an instrument containing a gift, grant, bequest or devise to or in favor of an educational, religious, charitable or benevolent use or purpose, as to render impracticable or impossible a literal compliance with the terms of such in-

strument, the court may, upon the application of the trustee, or of any person or corporation having the custody of the property, or claiming to be interested in or under the terms of such instrument, upon such notice as the court shall direct, in accordance with law and its practice in other cases, hear and determine the matter presented by such application; and, if the court shall find that, according to the rule of construction above provided, it is possible, reasonably and approximately, to determine the proper construction of such instrument, so as to practically accomplish the general purpose of the testator or grantor, the court shall make an order directing that such gift, grant, bequest, or devise shall be administered, applied or expended in such manner as, in the judgment of the court, will most effectually accomplish the general purpose of the instrument, without regard to, and free from any specific restriction, limitation or direction contained therein; *provided, however*, that no such order shall be made without the consent of the donor or grantor of the property, if he be living. Whenever so requested in writing by any person interested, it shall be the duty of the attorney general to represent the beneficiaries in all such cases, and to enforce such trusts by appropriate proceedings.

SEC. 2. Nothing in this act contained shall in any manner impair, limit, or abridge the operation and efficacy of the whole or any of the provisions of chapter 158 of the laws of 1895, entitled, "An act to provide for the organization and government of societies organized to administer and furnish relief and charity for the worthy poor who may reside in a designated locality, or of any right or interest already vested, or of any gift, grant, devise, bequest, or will, made by any person now deceased or of the laws applicable to the enforcement and enjoyment thereof, or to apply to or affect any litigation now pending in any of the courts of this state.

SEC. 3. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1903.