

lect sufficient funds to meet such indebtedness in addition to all other levies authorized by law.

SEC. 96. Section fifty-nine (59) of chapter three hundred and nine (309) of the Laws of 1901, and section twelve (12), section forty-eight (48), section sixty-eight and one-half (68½) of the Laws of 1903, are hereby specifically repealed.

Repealing.

SEC. 97. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

CHAPTER 339.

H. F. No. 627.

*An act to amend section twenty-one (21) of chapter forty-three of the General Statutes of one thousand eight hundred and seventy-eight (1878), being section four thousand two hundred and ninety-four (4294) of the General Statutes of 1894, relating to uses and trusts.*

Uses and trusts.

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

SECTION 1. That section twenty-one (21) of chapter forty-three (43) of the General Statutes of Minnesota of one thousand eight hundred and seventy-eight (1878), being section four thousand two hundred and ninety-four (4294) of the General Statutes of 1894, relating to uses and trusts, be and the same is hereby amended so as to read as follows:

Section 21. When the trust is expressed in the instrument creating the estate, every sale, conveyance, or other act of the trustee, in contravention of the trust, shall be absolutely void. But the district court of the district wherein such property held in trust is situate, may by order, on such terms and conditions as seem just and proper, authorize any such trustee, whether he be beneficially interested in such trust property or not, to mortgage or sell such real property or any part thereof whenever it appears to the satisfaction of the court that it is for the best interest of such estate, or that it is necessary or for the benefit of the said estate or of the person or persons beneficially interested therein holding the first and present estate, interest or use, and that it will do no substantial injury to the heirs in tail, or others in expectancy, succession, reversion or remainder.

Trust expressed.

Court may order sale, when satisfied it is to interest of estate, or parties interested.

A trustee appointed to hold real property during the life of a beneficiary, and to pay or apply the rents, income

Trustee to hold real property during life of beneficiary, may lease for a term of 5 years.

and profits thereof to, or for, the use of such beneficiary, may execute and deliver a lease of such real property for a term not exceeding five years, without application to the court. The district court may, by order, on such terms and conditions as seem just and proper, in respect to rental and renewals, authorize such a trustee to lease such real property for a term exceeding five years, if it appears to the satisfaction of the court that it is for the best interest of the trust estate, and may authorize such trustee to covenant in the lease to pay at the end of the term, or renewal term, to the lessee the then fair and reasonable value of any building which may have been erected on the premises during such term.

The district court shall not grant an order to mortgage or sell such real property or lease the same for a term exceeding five (5) years, unless it appears to the satisfaction of such court that a written notice, stating the time and place of the application therefor, and the object thereof, has been served upon the beneficiary of such trust, and every other person in being having an estate vested or contingent in reversion or remainder in said real property at least eight days before the making thereof, if such beneficiary or other person is an adult within the state, or if a minor, lunatic, person of unsound mind, habitual drunkard, or absentee, until proof of the service, on such beneficiary or other person, of such notice as the court or a judge thereof prescribes. The court shall appoint a guardian ad litem for any minor and for any lunatic, person of unsound mind, or habitual drunkard who shall not be represented by a committee or guardian duly appointed. The application must be by petition duly verified, which shall set forth the condition of the trust estate and the particular facts which make it necessary or proper that the application be granted. Such petition shall contain a description of the estate to be sold mortgaged, or leased, a clear statement of the interest of the petitioner therein, and a copy of the will, deed, or other instrument in writing by which the estate is created; all persons in being who are interested in the estate, or who may, by the terms of the will, deed or other instrument creating the estate, thereafter become interested therein as heir, reversioner or otherwise shall be made parties to the petition; and if the names of any persons who ought to be made parties are unknown to the petitioner, or if the residence of any such person is unknown

Court may order a longer period of lease, etc.

Notice to be served on beneficiary and parties interested.

Guardian ad litem.

Petition, contents.

to the petitioner, the fact shall be verified by the affidavit of the petitioner, then such notice shall be served upon such unknown person or persons whose residence is unknown, by publication for six successive weeks, once in each week in some newspaper published in the county in which said property is held in trust. After taking proof of the facts, either before the court or a referee, and hearing the parties and fully examining into the matter, the court must make a final order upon the application. In case the application is granted the final order must authorize the real property affected by the trust or some portion thereof, to be mortgaged, sold or leased, upon such terms and conditions as the court may prescribe. In case a mortgage or sale of any portion of such real property is authorized, the final order must direct the disposition of the proceeds of such mortgage or sale and must require the trustee to give bond in such amount and with such sureties as the court directs, conditioned for counting for all moneys received by him pursuant to said the faithful discharge of his trust and for the due order.

Publication of notice. Service upon unknown persons.

Final order.

Trustee's bond.

If the trustee elects not to give such bond, the final order must require the proceeds of such mortgage or sale to be paid into court to be disposed of or invested as the court shall specially direct. Before a mortgage sale, or lease can be made pursuant to the final order, the trustee must enter into an agreement therefor, subject to the approval of the court and must report the agreement to the court under oath. Upon the confirmation thereof, by order of the court he must execute as directed by the court a mortgage, deed or lease. A mortgage, deed or lease made pursuant to a final order granted as provided in this and the last two preceding sections shall be valid and effectual against all minors, lunatics, persons of unsound mind, habitual drunkards and persons not in being interested in the trust or having estates vested or contingent in reversion or remainder in said real property and against all other persons so interested or having such estates who shall consent to such order, or who having been made parties to such proceeding as herein provided, shall not appear therein and object to the granting of such order.

In case trustee elects not to give bond.

Mortgage, deed or lease made by order of court, valid against whom.

All parties in interest may appear voluntarily and consent in writing to such sale, mortgaging or leasing of such real property; and testamentary guardians and

Consent by parties in interest.

guardians appointed by the probate court, may assent thereto in the place of their wards.

Money paid  
to trustee  
in good faith.

A person who shall actually and in good faith pay a sum of money to a trustee, which the trustee is authorized to receive, shall not be responsible for the proper application of the money, according to the trust; and any right or title derived by him from the trustee in consideration of the payment shall not be impeached or called in question in consequence of a misapplication by the trustee of the money paid.

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

Approved April 19, 1905.

H. F. No. 508.

### CHAPTER 340.

Protection  
to owners  
of various  
receptacles  
used for  
soda water,  
etc.

*An act to protect the owners of receptacles used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts, other beverages, milk, cream, ice cream and butter.*

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

Mark or  
device,  
filing, pub-  
lication.

SECTION 1. Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extract, other beverages, milk, cream, ice cream or butter in any kind of receptacle having the name of such person or other mark or device printed, stamped, engraved, etched, blown, impressed, riveted or otherwise produced or permanently fixed upon the same, may file in the office of the secretary of state for record a description of the name, mark or device so used and cause such description to be printed once in each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot within the State of Minnesota is located. It shall be the duty of the secretary of state to issue to the person so filing for record a description of such name, mark, or device in his office a duly attested certificate of the record of the same for which he shall receive a fee of one

Certificate  
of record,  
fee.