

amended so as to read as follows:

"Sec. 4000. Any and all parts of acts, inconsistent herewith, are hereby repealed. *The word bank, as used herein, shall mean any savings bank or bank of discount and deposit or trust company organized under the Laws of this State.*"

Approved April 18, 1925.

CHAPTER 262—H. F. No. 403.

An act relating to the possession, management and disposition of property within the state of persons who abscond or disappear in certain cases.

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

Section 1. **Management and disposition of property of missing persons.**—If a person entitled to or having an interest in property within the jurisdiction of the state has disappeared or absconded from the place within or without the state where he was last known to be, and has no agent in the state, and it is not known where he is, or if such persons, having a wife or minor child, dependent to any extent upon him for support, has thus disappeared or absconded without making sufficient provision for such support, and it is not known where he is, or, if it is known that he is without the state, any one who would under the law of the state be entitled to administer upon the estate of such absentee if he were deceased, or if no one is known to be so entitled, some person deemed suitable by the court, or such wife, or some one in her or such minor's behalf, may file a petition under oath in the district court for the county where any such property is situated or found, stating the name, age, occupation and last known residence or address of such absentee, the date and circumstances of the disappearance or absconding, and the names and residence of other persons, whether members of such absentee's family otherwise, of whom inquiry may be made, whether or not such absentee is a citizen of the United States and if not, of what country he is a citizen or native and containing a schedule of the property, real and personal, so far as known, and its location within the state, and praying that such property may be taken possession of and a receiver thereof appointed under this chapter. Provided that no proceedings shall be commenced under the provisions of this act, until at least 3 months after the date on which it is alleged in such petition that such person so disappeared or absconded.

Sec. 2. **Court to order property held.**—The court may thereupon issue a warrant directed to the sheriff or his deputy, which may run throughout the state, commanding him to take possession of the property named in said schedule and hold it subject to the order of the court and make return of said warrant as soon as may be with his doings thereon with a schedule of the property so taken. The officer shall post a copy of the warrant upon each parcel of land named in the schedule and cause so much of the warrant as

relates to land to be recorded in the office of the register of deeds for the county where the land is located. He shall receive such fees for serving the warrant as the court allows, but not more than those established by law for similar service upon a writ of attachment. If the petition is dismissed, said fees and the cost of publishing and serving the notice hereinafter provided shall be paid by the petitioner if a receiver is appointed, they shall be paid by the receiver and allowed in his account.

Sec. 3. Notice of sale of property.—Upon the return of such warrant, the court may issue a notice reciting the substance of the petition, warrant and officer's return, which shall be addressed to such absentee and to all persons who claim an interest in said property, and to all whom it may concern, citing them to appear at a time and place named and show cause why a receiver of the property named in the officer's schedule should not be appointed and said property held and disposed of under this chapter.

Sec. 4. Publication of notice.—The return day of said notice shall be not less than thirty nor more than sixty days after its date. The court shall order said notice to be published once in each of three successive weeks in one or more newspapers within the state, and to be posted in two or more conspicuous places in the county within the state where the absentee last resided or was known to have been either temporarily or permanently and upon each parcel of land named in the officer's schedule, and a copy to be mailed to the last known address of such absentee. In all cases where such absentee is not a citizen of the United States, then a copy of such notice shall be ordered by the court to be served within said time by mail on the consular representative of the foreign country of which such absentee is a citizen, if there be one in this state, otherwise on the Secretary of State, who shall forward the same to the chief diplomatic representatives of such country at Washington. The court may order other and further notice to be given within or without the state.

Sec. 5. Hearing—bond.—The absentee or any person who claims an interest in any of the property may appear and show cause why the prayer of the petition should not be granted. The court may after hearing dismiss the petition and order the property in possession of the officer to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the officer and named in his schedule. If a receiver is appointed the court shall find and record the date of the disappearance or absconding of the absentee; and such receiver shall give a bond to the state in such sum and with such condition as the court orders, to be approved by the court. In the appointment of such receiver, the court shall give preference to the wife of such absentee, if she is competent and suitable.

Sec. 6. Receiver to have possession of property.—After the

approval of such bond the court may order the sheriff or his deputy to transfer and deliver to such receiver the possession of the property under the aforesaid warrant, and the receiver shall file in the office of the clerk of court a schedule of the property received by him.

Sec. 7. Receiver may take possession of additional property.—Such receiver upon petition filed by him may be authorized and directed to take possession of any additional property within the state which belongs to such absentee and to demand and collect all debts due such absentee from any person within the state, and behold the same as if it had been transferred and delivered to him by the officer.

Sec. 8. Proceeding if missing person left no property corporeal.—If such absentee has left no corporeal property within the state, but there are debts and obligations due or owing to him from persons within the state, a petition may be filed as provided in section one, stating the nature and amount of such debts and obligations, so far as known, and praying that a receiver thereof may be appointed. The court may thereupon issue a notice as above provided, without issuing a warrant, and may, upon the return of said notice and after a hearing, dismiss the petition or appoint a receiver and authorize and direct him to demand and collect the debts and obligations specified in said petition. The receiver shall give bond as provided in Section 5, and shall hold the proceeds of such debts and obligations and all property received by him, and distribute the same as hereinafter provided. He may be further authorized and directed as provided in the preceding section.

Sec. 9. Court to order care and leasing of property.—The court may make orders for the care, custody, leasing and investing of all property and its proceeds in the possession of the receiver. If any of said property consists of live animals or is perishable or cannot be kept without a great or disproportionate expense, the court may, after the return of the warrant, order such property to be sold at public or private sale. After the appointment of a receiver, upon his petition and after notice, the court may order all or part of said property, including the rights of the absentee in land, to be sold at public or private sale to supply money for payments authorized by this chapter or for reinvestment approved by the court.

Sec. 10. Property to be used to support family and pay debts.—The court may order said property or its proceeds acquired by mortgages, lease or sale to be applied in payment of charges incurred or that may be incurred in the support and maintenance of the absentee's wife and minor children, and to the discharge of such debts and claims for alimony as may be proved against said absentee.

Sec. 11. Receiver to adjust claims.—The court may authorize

the receiver to adjust by arbitration or compromise any demand in favor of or against the estate of such absentee.

Sec. 12. Compensation of receiver.—The receiver shall be allowed such compensation and disbursements as the court orders, to be paid out of said property or proceeds. If within ten years after the date of the disappearance and absconding as found and recorded by the court, such absentee appears, or an administrator, executor, assignee in insolvency or trustee in bankruptcy of said absentee is appointed, such receiver shall account for, deliver and pay over to him the remainder of said property. If said absentee does not appear and claim said property within said ten years, all his right, title and interest in said property, real or personal, or the proceeds thereof shall cease, and no action shall be brought by him on account thereof.

Sec. 13. Balance to be distributed after ten years.—If at the expiration of said ten years said property has not been accounted for, delivered or paid over under the preceding section, the court shall order the distribution of the remainder to the persons to whom, and in the shares and proportions in which, it would have been distributed if said absentee had died intestate within the state on the day ten years after the date of the disappearance or absconding as found and recorded by the court.

If such receiver is not appointed within nine years after the date found by the court under Section five, the time limited for accounting for, or fixed for distributing, said property or its proceeds, or for barring actions relative thereto, shall be one year after the date of the appointment of the receiver instead of the ten years provided in the two preceding sections.

The provisions of this act shall not be construed as exclusive, but as providing additional and cumulative remedies.

Approved April 18, 1925.

CHAPTER 263—H. F. No. 712.

An act authorizing counties, towns, cities and villages to contract debts and pledge their public credit for works and improvements tending to prevent or abate forest fires; including in certain cases the compulsory clearing and development of wild lands and the assessment against such lands of benefits so conferred and the payment of damages so sustained.

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

Section 1. Divisions into parts.—This act is divided into three parts. Part I relates exclusively to counties. Part II relates exclusively to towns, cities and villages. Part III contains provisions relating both to counties and to towns, cities and villages.