

CHAPTER 115.

S. F. No. 560.

An act to amend section two hundred and eighty-seven of chapter forty-six of the general laws of one thousand eight hundred and eighty-nine, relating to probate bonds.

Probate bonds.

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

SECTION 1. That section two hundred and eighty-seven of chapter forty-six of the General Laws of one thousand eight hundred and eighty-nine be amended by adding, at the end of said section, the following:

Amending general laws of 1889, chapter 46.

Upon application to the probate court having jurisdiction made by the surety of an executor, administrator or guardian to be discharged from further liability as such surety, said court shall by order require such executor, administrator or guardian to furnish a new bond, to the satisfaction of said court, within ten days after personal service of such order. Compliance with such order shall operate to discharge such surety from liability for any subsequent act or omission of such executor, administrator or guardian, and an order shall be thereupon made to that effect; and in such case the surety so exonerated may enforce an accounting before the court by such executor, administrator or guardian concerning all his prior acts and doings. If an executor, administrator or guardian upon being ordered to furnish a new bond as aforesaid shall fail to comply therewith he shall be removed, and be compelled to render and settle his account as soon as practicable.

Discharge of sureties.

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

Approved April 18, 1893.

CHAPTER 116.

H. F. No. 824.

An act to amend chapter forty-six of the general laws of eighteen hundred and eighty-nine, being "an act to establish a probate code."

Probate code.

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

SECTION 1. The first subdivision of section seven of said Probate Code, relating to a minute book, is hereby repealed.

Amending general laws of 1889, chap. 46.

SEC. 2. That section sixteen of chapter forty-six of the General Laws of eighteen hundred and eighty-nine being "An act to establish a probate code," be and the same is hereby amended by adding thereto the following:

"And any married woman may devise and dispose of any real or personal property held by her or to which she is entitled in her own right, by her last will and testament in writing, and may alter or revoke the same in like

Married women may devise real or personal property.

manner as if she was unmarried except as otherwise provided in this code."

SEC. 3. That section thirty-two of said chapter forty-six of the General Laws of eighteen hundred and eighty-nine be and the same is hereby amended so as to read as follows:

Wills proved in other states.

SEC. 32. All wills duly proved and allowed in any of the United States or territories or the District of Columbia or in any foreign country or state according to the laws of such state or territory, district or country, whether or not such wills are executed according to the laws of this state may be allowed, filed and recorded in the probate court of any county in which the testator has real or personal estate on which such will may operate in the manner mentioned in the following sections."

Repealing as to letters issued to a foreign executor.

SEC. 4. That section thirty-four of chapter forty-six of the General Laws of eighteen hundred and eighty-nine be and the same is hereby amended by striking out therefrom the whole of said section from and after the words "who are residents of any other state or country," in the tenth and eleventh lines of said sections.

Requests to surviving husband or wife.

SEC. 5. That section sixty-five of said act be and the same is hereby amended by adding at the end of said section the following:

"Provided that no devise or bequest in any last will or testament to a surviving husband or wife shall be taken to be in addition to the right or interest secured to such survivor by statute in the estate of such deceased person unless such clearly appears from the contents of the will to have been the intention of the testator or testatrix."

Distribution of personal estate.

SEC. 6. That section seventy of said chapter forty-six be and the same is hereby amended by striking out after the word "therein" in the second line of said section the words "not lawfully disposed of by his last will and testament," and by adding to subdivision six of said section after the word "estate," in the third line thereof, the words "except as otherwise disposed of by the last will of any deceased person."

As to letters of administration.

SEC. 7. That section seventy-one of said chapter be and the same is hereby amended by adding to said section the following subdivision:

"Third. If none of the persons mentioned in the preceding subdivision of this section apply for administration as therein provided within four months after the death of the intestate the same shall be granted to any suitable and competent person upon application being duly made to the probate court of the proper county by any person interested in the estate of the deceased by purchase from any of the heirs of the deceased or otherwise."

Bonds of administrator.

SEC. 8. That section seventy-five be and the same is hereby amended by substituting the words and figures "fifty-one (51)" for the word and figures "fifty (50)" where the same occurs in the eighth line of said section.

SEC. 9. That section one hundred and two be and the same is hereby amended by adding thereto the words: "Provided, that where it appears from the petition for letters to the satisfaction of the judge of probate that the deceased left no more property than the homestead and such personal property as is mentioned in subdivision one of section seventy of this code, then the order fixing a time and place for hearing claims against said deceased need not be made."

As to claims of creditors where only homestead is left.

SEC. 10. That section one hundred and seventeen be and the same is hereby amended by striking out the following words:

"Nor so that the whole time allowed to the original executor or administrator shall exceed three (3) years," and further amend said section one hundred and seventeen by striking out the words "under the provisions of the will" and inserting in lieu thereof the words "in the judgment of the court."

Time of settlement.

SEC. 11. That section one hundred and twenty-six be and the same is hereby amended by striking out all of said section after the word "court" in the seventh line thereof and inserting in lieu thereof the following:

"After hearing application therefor shall so order. Such order may be made with or without notice, as the court may deem best."

Payment of mortgages or other secured debts.

SEC. 12. That section one hundred and forty-two be and the same is hereby amended by adding thereto the following:

The petitioner or any person interested may, as soon as the notice mentioned in section one hundred and forty-three of this code shall have been given to the person proposed to be put under guardianship, cause a copy of the petition and of the notice and proof of service thereof on the person to be served therewith to be filed in the office of the register of deeds of the county in which such petition is pending and recorded therein; and if a guardian or guardians shall be appointed, on such petition, all contracts except for necessities and all gifts, sales or transfers of real or personal property made by the person put under guardianship after the filing of such papers in the office of the register of deeds, and before the termination of the guardianship, shall be void.

Guardian of insane or incompetent person.

SEC. 13. That section one hundred and forty-four be and the same is hereby amended by striking out the word and figure "eight (8)" in the sixth line of said section and substituting therefor the words and figures "one hundred and forty-two (142)" and by inserting after the word "exceeding" in the seventh line of said section the word and figure "two (2)."

Bonds of guardians.

SEC. 14. That section one hundred and forty-five be and the same is hereby amended by striking out the word and figure "eight (8)" in the sixth line thereof and inserting in lieu thereof the word and figure "seven (7)."

Correcting a citation.

Verbal correction

SEC. 15. That section one hundred and forty-six of said chapter be and the same is hereby amended by striking out the word "of" in the second line thereof and substituting therefor the word "or."

SEC. 16. That section one hundred and fifty-six be and the same is hereby amended by inserting after the word "sales" in the first line thereof the words "or mortgaging."

As to selling or mortgaging real estate.

SEC. 17. That section one hundred and sixty-six be and the same is hereby amended by inserting after the word "capacity" where the same occurs in the fifth line of said section the words "or when any person under guardianship dies."

As to accounts of guardians.

And further amending said section by inserting after the words "if not" where they occur in the fifteenth line of said section the words "within the state or if deceased."

Petition to sell real estate.

SEC. 18. That section one hundred and sixty-nine be and the same is hereby amended by inserting after the word "expenses" and before the words "the probate court" in the seventh line of said section the following words: "Or if it shall appear to the satisfaction of the court that it would be for the best interests of the estate of said decedent and of all parties interested therein to sell all or any part of the real estate belonging to said estate and not specifically disposed of by the will of said decedent, and to use the proceeds of such sale or sales or any part thereof in the payment of such debts, legacies or expenses, or to reinvest the said proceeds, or any part thereof, for the benefit of said estate and those interested therein;" that said section is hereby further amended by striking out the word "and" in the last line thereof and inserting in lieu thereof the word "or."

Correcting a reference.

SEC. 19. That section one hundred and eighty-four of said code be and the same hereby is amended by striking out the word and figure "six (6)" and substituting therefor the word and figure "three (3)."

SEC. 20. That said section one hundred and eighty-six be and the same is hereby amended so as to read as follows:

Mortgaging of real estate.

Sec. 186. When the personal estate of a deceased person or persons under guardianship is insufficient to pay his debts with the charges of administration or guardianship, and to pay any taxes, assessments or other charges which are an existing lien upon his estate; or whenever the personal estate of such deceased person or person under guardianship is insufficient to pay for any improvements which may be necessary for the preservation or benefit of his real estate, or any part thereof, his executor, administrator or guardian may mortgage his real estate for the purpose of obtaining funds for the payment of such debts, charges, taxes, assessments or liens, or for making such necessary or beneficial improvements upon obtaining license therefor and proceeding as herein provided for.

SEC. 21. That section one hundred and eighty-seven be and the same is hereby amended by striking out the word "or" wherever it occurs after the word "executor" and by inserting after the word "administrator" wherever it occurs the words "or guardian."

License to mortgage by guardian.

SEC. 22. That section one hundred and eighty-eight be and the same is hereby amended by striking out the word "or" after the word "executor" in the second line of said section and inserting after the word "administrator" in the third line of said section the words "or guardian."

Decree for license by guardian.

SEC. 23. That section one hundred and eighty-nine be and the same is hereby amended by striking out the word "or" wherever it occurs between the words "executor" and administrator" and inserting after the word "administrator" wherever it occurs in said section the words "or guardian."

Renewal of extension of mortgage by guardian.

SEC. 24. That section two hundred and eighty-one of said act be and the same is hereby amended so as to read as follows:

Sec. 281. Any person who is or who may hereafter become an inebriate needing medical treatment for such inebriety may be committed to the special department for the treatment of inebriates in the second hospital for insane at Rochester, Minnesota.

Inebriates may be committed for medical treatment.

SEC. 25. That section two hundred and eighty-two be and the same is hereby amended by striking out the words "whenever the guardian or any relative of such person under guardianship shall present to the probate court of the county appointing such guardianship" and inserting in lieu thereof the words: "Whenever the guardian, relative or friend of any inebriate shall present to the probate court of the county wherein such inebriate resides."

Application to probate court for jury trial.

SEC. 26. That section two hundred and eighty-seven be and the same is hereby amended by adding thereto the following:

"And it is hereby made the express duty of every probate court of this state to look through and examine at least once in each year all such bonds on file and in force pending the settlement of estates in its court with a view of ascertaining the solvency of the parties bound in such bonds, and whenever the court is satisfied that any such bond is insufficient an additional bond shall be required as above stated."

Bonds of executors, etc.

To be examined annually.

SEC. 27. That said chapter forty-six be and the same is further amended by adding thereto the following section:

Sec. 327. Whenever a minor or other person residing out of this state is under guardianship in the state or county in which he resides, and has no guardian appointed in this state, the foreign guardian may file a duly authenticated copy of his appointment as such guardian in the probate court for any county in this state in which there is real estate of the ward, after which he may be

Minors owning real estate and residing out of the state.

licensed to sell or mortgage the real estate of his ward in any county in the same manner and upon the same terms and conditions as are prescribed in this code in the case of a guardian appointed in this state. And such foreign guardian may act by his attorney in fact thereto by him duly appointed under his hand and seal, and executed and acknowledged in the same manner as is required for the conveyance of real estate, which power of attorney shall be recorded in the office of the register of deeds for the county in which the real estate is situated.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved April 17, 1893.

CHAPTER 117.

An act to amend sections sixteen and eighteen of chapter one hundred and forty-six of the general laws for the year eighteen hundred and eighty-five, as amended by chapter one hundred and sixty-seven of the general laws of eighteen hundred and eighty-nine, entitled "an act to provide for establishing and conducting a state public school."

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

SECTION 1. That section sixteen of chapter one hundred and forty-six of the General Laws of Minnesota for the year one thousand eight hundred and eighty-five, as amended by section seven of chapter one hundred and sixty-seven of the General Laws of eighteen hundred and eighty-nine, be and the same is hereby amended by adding thereto at the end thereof the following words:

Any parent, guardian or other person who shall abduct, conceal, entice or carry away, or improperly interfere with a child which has been placed by order of the judge of probate in said school, is hereby declared guilty of a misdemeanor.

SEC. 2. That section eighteen of said chapter one hundred and forty-six, as amended by section nine of said chapter one hundred and sixty-seven, be and the same is hereby amended by adding thereto, after the word "school" where it last appears therein the following words:

The said agent is hereby authorized to enter any dwelling house or other building wherever he has reasonable cause to believe that any ward of the school is detained, concealed or kept in hiding, and recover possession of the person of such ward, and to that end he may forcibly open any door of such house or building. Any person who shall resist, obstruct or willfully interfere with the said agent in his attempt to recover the possession of such ward is hereby declared guilty of a misdemeanor.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1896.

S. F. No. 271.

State public school.

Amending general laws of 1886, chap. 146.

Enticing children from homes.

Securing wards of the school.