

ing the same, and has incurred expense in such advertising and preparations for the sum equal to the amount claimed from the state. District-Agricultural societies embracing two or more counties, not having county agricultural societies, shall be entitled to share in such pro rata distribution, subject to the same conditions as county agricultural societies. Any county or district agricultural society which may have held its second annual fair shall be entitled to share pro rate, in such distribution. The state auditor shall certify to the secretary of the state Agricultural society on or before January 5th of each year, a list of all county or district agricultural societies that have complied with this act, and which are entitled to share in such appropriation. All payments hereunder shall be made on or before December 20th on the year in which the fair is held; provided, however, that in determining the amount to be paid to any society or association under this section, the state auditor shall exclude all payments made by such society or association as premiums or purses for, or in horse races, ball games and amusement features of any nature.

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

Approved April 23, 1921.

CHAPTER 453—H. F. No. 777.

An act empowering the probate court to authorize or direct the representative of a decedent or ward to make or join in a lease or leases or to extend an option for a lease, in certain cases.

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

Section 1. **Probate court to direct representative to lease lands in certain cases.**—When any person has given or joined in a valid and subsisting option in writing to lease lands for a period which may extend over three years, either for the purpose of mining and removing the iron ore therefrom or otherwise, and dies or becomes insane or incompetent, or has heretofore died or become insane or incompetent, before making or joining in such lease, the Probate Court may direct the representative of his estate, or the representative of any minor who may succeed or has succeeded to his interest in such real estate or any part thereof by devise or descent from him, to make or join in such lease to the person entitled thereto, in all cases where such decedent if living or such ward, if sane or competent, might be compelled to make or join in such lease.

Sec. 2. **Petition—Hearing.**—On presentation of a petition by any person claiming to be entitled to such lease, or by the representative of any such decedent or ward, setting forth a description of the land and the facts upon which the duty or

authority to make or join in such lease is based, the Probate Court shall fix a time and place of hearing and cause three weeks' published notice thereof to be given.

Sec. 3. Hearing—Order.—At the time appointed for hearing after due proof of publication of said notice the court shall hear all proper evidence both for and against granting the petition and if satisfied that the lease should be made, may order or authorize the representative to execute or join in the same, and may and shall include in its order such conditions and provisions as shall properly safeguard the interests of those interested in the estate and be consistent with the terms and provisions of said option; otherwise it shall dismiss the petition.

Sec. 4. Holder of lease must fulfill condition.—The proceedings hereinbefore authorized may be taken either before or after the giving of notice by the holder of such option of his or its election to take a lease thereunder; but nothing herein contained shall be construed to entitle the holder of such option to a lease unless and until he or it has complied with the terms and conditions of the option entitling him thereto; provided further the Probate Court may, upon petition of the representative, authorize such representative to grant or join in granting an extension of such option from time to time, on such conditions as may be just and agreed to, and after such notice and hearing as to the court may seem proper.

Sec. 5. Representative shall make lease.—If no appeal is taken from such order within the time limited therefor by law, or if the same is affirmed on appeal, the said representative shall, upon compliance with the terms and provisions of said order, execute or join in executing the lease as directed; provided, if the representative is the petitioner or shall assent thereto, the court may direct the execution of such lease without awaiting the expiration of the time to appeal, but may in such event require the execution and filing of such bond or compliance with such other condition as shall adequately protect those interested in the estate who do not expressly assent thereto. Such lease shall be as effectual for all the purposes thereof as if executed or joined in by the decedent while living or by the ward while sane or competent; but nothing herein contained shall be construed to make it unnecessary for the husband or wife of any such decedent or ward to join in any such instrument.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 23, 1921.