

EXECUTORS AND ADMINISTRATORS.

CHAPTER 78.

[S. B. 207.]

REQUISITE QUALIFICATIONS OF EXECUTORS, ADMINISTRATORS AND GUARDIANS.

AN ACT to Amend Section 6346 of the Revised Codes of 1899, Being Section 21 of Chapter 111 of the Laws of 1897, Providing the Requisites for Qualification of Executors, Administrators and Guardians.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 6346 of the Revised Codes of 1899, being section 21 of chapter 111, of the laws of 1897, be, and the same is hereby amended so as to read as follows:

§ 6346. EXECUTOR, ADMINISTRATOR, GUARDIAN. WHO COMPETENT FOR.] No person under twenty-one years of age or other person who is incapable by law of making a contract, or has been convicted of a felony, is competent to serve as executor, administrator or guardian; and no person shall be appointed as such, who was a partner of the decedent at the time of his death, or is by the court found unfit to discharge the duties of the trust by reason of drunkenness, improvidence, mental or physical infirmity, or lack of integrity. A married woman must not be appointed administratrix or guardian, nor shall the husband of the widow of a deceased man be appointed guardian of such deceased man's children; provided, however, that the court may in its discretion, upon the probate of a foreign will, issue letters testamentary to the executor named in the will.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act, be, and the same are hereby repealed.

§ 3. EMERGENCY. WHEN TO TAKE EFFECT.] Whereas, an emergency exists in that there is now no provision of law applicable to cases such as are provided for in the preceding section 1, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1901.

CHAPTER 79.

[S. B. 58.]

SALE OF REAL ESTATE BY EXECUTORS.

AN ACT to Amend Section 6435 of the Revised Codes of 1899, the Same Being Section 27 of Chapter 111 of the Laws of 1897, Relating to Sales of Real Estate by Executors and Administrators.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the session laws of 1897, be amended to read as follows:

§ 6435. REAL ESTATE SOLD, WHEN AND HOW.] When a sale of property of the estate is necessary to pay the allowance of the family or the debts outstanding against a decedent, or the debts, expenses or charges of administration or legacies, or when such sale is for the best interests of the estate and the persons interested in the property to be sold, whether it is or is not necessary to pay the debts or family allowance, the executor or administrator may also sell any real estate as well as personal property of the estate in his hands and chargeable for that purpose upon the order of the county court; and an application for the sale of real property may also embrace the sale of personal property. To obtain an order for the sale of real property the executor or administrator must present a verified petition to the county court, setting forth the amount of personal property that has come into his hands as assets, and how much thereof, if any, remains undisposed of; the debts outstanding against the decedent, as far as can be ascertained or determined; the amount due upon the family allowance, or that will be due after the same has been in force for one year; the debts, expenses and charges of administration already approved, and an estimate of what will or may accrue during the administration; the facts showing the sale to be for the best interests of the estate, if the application is made upon that ground; a general description of all the real property, except the homestead, of which the decedent died seized, or in which he had any interests, or in which the estate has acquired any interests, and the condition and value thereof; the names of the legatees and devisees, and the heirs of the decedent, so far as known to the petitioner. If any of the matters herein enumerated cannot be ascertained, it must be so stated in the petition; but a failure to set forth the facts showing the sale to be necessary will not invalidate the subsequent proceedings, if the defect be supplied by the proofs at the hearing, and the general facts showing such necessity is stated in the decree. If it appears to the court from such petition, that it is necessary to sell the whole or some part of such real estate, for the purpose and reasons mentioned in this section, or any of them, or that such sale is for the best interests of the estate, such petition must be filed and an

order thereupon made directing all persons intersted in the estate to appear before the court at a time and place specified, not less than four, and not more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell so much of the real estate of the decedent as is necessary, or for the best interests of the estate.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no provision of law for the sale of real estate by executors or administrators on the grounds that it is for the best interests of the estate, and the persons interested in the property to be sold, this act shall take effect upon its passage and approval.

Approved Feb. 15, 1901.

ELECTRIC LINE.

CHAPTER 80.

[H. B. 202.]

ELECTRIC LINE.

AN ACT for the Construction of an Electric Line From the Penitentiary to the Capitol Building in the City of Bismarck.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ELECTRIC LINE. CONSTRUCTION OF.] The board of trustees of public property are hereby authorized and empowered, in the name of the state, to purchase or otherwise acquire, according to law, a right-of-way from the penitentiary at Bismarck to the state capitol at Bismarck, North Dakota, upon the shortest and most feasible route on which to construct, or cause to be constructed, a line of electric wires, said wires to connect the electric plant at the penitentiary to the state capitol building at Bismarck, North Dakota, in a manner which said board may direct, for the purpose of lighting said capitol building.

§ 2. LIGHTS TO BE PLACED IN CAPITOL.] Said board of trustees of public property shall place, or caused to be placed, in said state capitol building, such lights as are necessary to suitably light said building.

§ 3. MATERIAL TO BE PURCHASED.] The state board of trustees of public property are hereby authorized and empowered in the name of the state, to purchase or otherwise acquire, according to law, such materials as are necessary and suitable for the proper construction and equipment of said electric line, and shall proceed at once upon the passage and approval of this act to construct, or cause to be constructed, said electric line, as specified herein.