

or association of individuals, operating any elevator, building or place in this state for the purchase, storage or deposit of any grain or other farm commodity, shall return to the local buyer at the place where such grain or other farm commodity is purchased, stored or deposited, the official certificate of inspection, together with the weighmaster's certificate for any such grain or other farm commodity sold, whether said grain is sold in this state or in any foreign state where such grain is weighed and inspected.

§ 2. DUTY OF AGENT OR LOCAL BUYER.] It shall be the duty of the local buyer or agent of the elevator company or other association enumerated in section one of this act, to post in a conspicuous place in such elevator building or place, the official weighmaster's certificate and the official inspector's certificate, and have the same at all times so that the public may inspect the same.

§ 3. WHEN CERTIFICATES ARE TO BE RETURNED.] The elevator company or other association enumerated in section one of this act, shall forthwith upon the sale of each car or part of car of grain or other farm commodity, return the certificates provided for in this act.

§ 4. PENALTY.] Any elevator company, corporation, co-partnership, or other association of individuals, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and all right to transact any business in this state shall be forfeited.

§ 5. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is no valid law regulating the matters set forth in this act, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

ESTATES OF DECEDENTS

CHAPTER 114.

[S. B. No. 169—Rice]

SETTLEMENT OF ESTATES.

AN ACT to Amend Section 8149 of the 1905 Revised Codes of the State of North Dakota.

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

§ 1. AMENDMENT.] Section 8149 of the 1905 revised codes of North Dakota is amended to read as follows:

§ 8149. SALE OF MORTGAGED LAND. MONEY, HOW APPLIED.] When any sale is made by an executor or administrator or guardian pursuant to the provisions of this chapter, of land subject to any mortgage or lien, which is a valid claim against the estate of the decedent, and has been presented and allowed, the purchase money must be applied, after paying the necessary expenses of the sale, first to the payment and satisfaction of the mortgage or lien, and the residue, if any, in due course of administration. The application of the purchase money to the satisfaction of the mortgage or lien must be made without delay, and the land is subject to such mortgage or lien until the purchase money has been actually so applied. No claim against any estate which has been presented and allowed is affected by the statute of limitations, pending the proceedings of the settlement of the estate. The purchase money, or so much thereof as may be sufficient to pay such mortgage or lien, with interest and any lawful costs and charges thereon, may be paid into the county court, to be received by the judge thereof, whereupon the mortgage or lien upon the land must cease, and the purchase money must be paid over by the judge without delay, in payment of the expenses of the sale and in satisfaction of the debt, to secure which the mortgage or other lien was taken, and the surplus, if any, at once returned to the executor, administrator or guardian, unless for good cause shown after notice to the executor or administrator, the judge otherwise directs; provided, nevertheless, that land upon which there is an existing and valid mortgage or other lien may be sold subject to such mortgage or lien without the payment of the amount of such mortgage or lien whenever in the discretion of the county court it shall appear to be to the best interest of the estate to sell such land subject to such existing mortgage or lien.

Approved March 20, 1907.

CHAPTER 115.

[H. B. No. 345—Wedge.]

ADMINISTRATION OF ESTATES.

AN ACT Providing for Summary Administration When Estate Is of Small Value.

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

§ 1. DISPOSITION OF ESTATES OF SMALL VALUE.] If, upon the return of the inventory of the estate of an intestate, it shall appear therefrom that the value of the whole estate does not exceed the sum of one thousand five hundred dollars, and if there be a sur-

living husband or wife or minor children of the deceased, the court or judge thereof shall by order require all persons interested to appear on a day fixed to show cause why the whole of said estate should not be assigned for the use and support of the family of the intestate. Notice thereof shall be given and proceedings had in the same manner as provided in section 8090 of the revised codes of 1905. If, upon the hearing, the court finds that the value of the estate does not exceed the sum of one thousand five hundred dollars, it shall by a decree for that purpose, assign to the surviving husband or wife of the intestate, if there be a surviving husband or wife, if no surviving husband or wife, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens or incumbrances there may be upon said estate at the time of the death of the intestate, after the payment of the expenses of the last illness of the intestate, funeral expenses and expenses of administration, and the title thereof shall vest absolutely in such surviving husband or wife or minor children, subject to whatever mortgages, liens or incumbrances there may be upon said estate at the time of the death of the intestate and there must be no further proceedings in the administration unless further estate be discovered; and when it so appears that the value of the whole estate does not exceed the sum of three thousand dollars, it is in the discretion of the court to dispense with the regular proceedings or any part thereof, prescribed in chapter 6 of the probate code, and there may be had a summary administration of the estate and an order of distribution thereof at the end of six months after issuing the letters. The notice to creditors must be given to present their claims within four months after the first publication of such notice and those not so presented are barred as in other cases.

Approved March 14, 1907.

CHAPTER 116.

[H. B. No. 201—Stevens]

LETTERS OF ADMINISTRATION.

AN ACT to Amend Section 8022 of the Revised Codes of 1905, Relating to Letters of Administration, and Who Entitled to Same.

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

§ 1. AMENDMENT.] Section 8022 of the revised codes of 1905 of the state of North Dakota is amended so as to read as follows:

§ 8022. LETTERS OF ADMINISTRATION, WHO ENTITLED TO.] Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are respectively entitled thereto in the following order:

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.
2. The children.
3. The father or mother.
4. The brothers.
5. The sisters.
6. The grandchildren.
7. The next of kin entitled to share in the distribution of the estate.
8. The creditors.
9. Any person legally competent.
10. The public administrator of the county wherein there is property of the decedent which remains unadministered, as general or special administrator thereof.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate. If any person entitled to administration is a minor letters must be granted to his or her guardian, or any other person entitled to letters of administration, in the discretion of the court. No person is competent to serve as administrator or administratrix, who, when appointed, is:

1. Under the age of majority.
2. Convicted of an infamous crime.
3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

A married woman must not be appointed administratrix. When an unmarried woman, appointed administratrix, marries, her authority is extinguished.

Approved March 14, 1907.