

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT.
St. Paul, March 16, 1925.

Hon. W. I. Nolan, President of the Senate.

Sir:—I have the honor to return herewith without my approval S. F. No. 129, entitled: "A bill for an act providing for admitting wills to probate and granting letters of administration without giving formal notice."

There are considerations which make me very reluctant to veto this bill. I would not do so if I did not feel that the necessity of properly protecting public interests makes it imperative. I disapprove of this measure for the following reasons:

(1) The bill is too sweeping inasmuch as under it, it would be possible to admit to probate a will devising and bequeathing property, howsoever great its value, without notice to those claiming under a subsequent will. The latter are entitled as least to such notice as publication affords. It is not reasonable to assume that petitioners interested as devisees or legatees under a former will would apprise the court that others are interested in the estate under a second will, the validity of which they might not concede.

(2) The bill puts upon the probate court at the inception of the proceedings, before anybody has had notice of their pendency, the duty of determining, what all of the hearing in the administration of an estate are intended to disclose, namely, who is interested in the estate.

(3) Although creditors have no right to nominate an administrator except in certain cases, they are interested in the fitness of the person nominated by the heirs. Indeed, in insolvent estates their interest is far greater than that of the heirs. If the heirs should petition for the appointment of an incompetent or dishonest person, they might desire to make representations to the court, and it is proper that they should. This bill would give them no notice of the pendency of proceedings, and their opportunity to protest would be foreclosed.

While I object to the present bill, I am in sympathy with the evident purpose of the author, which is to make it possible to administer small estates, particularly those exempt from the claims of creditors, from the necessity of giving notice by publication. To such a bill, properly safeguarded, I should gladly give my approval.

Respectfully yours,

THEODORE CHRISTIANSON,
Governor.

MOTIONS AND RESOLUTIONS.

Mr. Jackson moved that the foregoing message and bill be laid on the table.

Which motion prevailed.

Which message and bill were laid on the table.

INTRODUCTION OF BILLS.

Mr. Sullivan, J. D., introduced—

S. F. No. 926, A bill for an act authorizing the governor of the