

CHAPTER LXXVI.

An Act to Confer Jurisdiction in certain cases, upon Probate Courts of Counties other than the County in which the Testator or Intestate died.

- SECTION 1. When Judge deemed incapacitated to act—Judge of adjoining county to act in place of.
2. Penalty for violation of provisions of this Act.
 3. Repeal of conflicting Statutes.
 4. Act to take effect on passage.

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

SECTION 1. That when any Judge of Probate, his wife or child, shall be an heir or legatee, or when any such Judge shall be an executor or administrator of the estate of a deceased person, or a creditor of such estate, he shall be deemed to be incapacitated for executing the duties of his office in relation to that estate; and in case of such incapacity, the Judge of the Probate Court of an adjoining county to that in which the testator or intestate died to be designated by the next of kin, the largest legatee, or creditor, shall be vested with all the powers and authority given by Statute to the Judge of Probate of the county where a testator or intestate died and shall act in the place and stead and perform the duties of such Judge of Probate in relation to such estate.

Probate Judge of adjoining county may act in certain cases

SEC. 2. Any Judge of Probate incapacitated to act under the provisions of this act who shall knowingly violate any of the provisions of this Act, shall forfeit and pay to any party complaining the sum of one hundred dollars.

Penalty for violation of this Act

SEC. 3. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Statutes repealed

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEO. W. GREEN,
Speaker *pro tem.* of the House of Representatives.
IGNATIUS DONNELLY,

President of the Senate.

Approved February fourteenth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }
February 14th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.