

CHAPTER LXIII.

February 27,
1872.

*An Act to amend Section Five, Chapter Forty-Nine of the
General Statutes, relating to Probate Courts.*

SECTION 1. Amendment to section 5 of chapter 49, of the general statutes, relating to the judge of probate.

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

Probate judges
interested in
estate to call
upon the judge
of an adjoining
county to trans-
act the busi-
ness.

Section 1. That section five of chapter forty, of the general statutes, be and the same hereby is amended so as to read as follows:

Section 5. The probate court of each county shall be held by the judge of probate. But if the judge is an executor, administrator or guardian in respect to an estate or person which would otherwise come within his jurisdiction, or is interested in said estate or in any property claimed thereby or is of kin to said person or any one interested in such estate in which any of said persons are parties or in case the judge of probate is a material or necessary witness either for the probate of any will or other facts necessary or proper to be proven in such probate court, then and in either of the cases herein provided, the said judge of probate shall have the right and it shall be his duty to notify and require the judge of probate of an adjoining county to act for and in the place of the judge of probate so disqualified in all matters herein mentioned and it shall be the duty of such judge of probate of an adjoining county to hear, try and determine such matters in the same manner and like effect as the judge of probate of said court might have done had he not been so disqualified.

Approved February 27, 1872.