

SECTION 1. In any county of this state having a population of over one hundred and seventy-five thousand (175,000) inhabitants, any board of commissioners under whose direction any court house or other public building has been erected for such county for court house and county purposes, pursuant to special authority by law vested in such board, by whatever name, is hereby authorized and empowered to audit and allow the claims of mechanics and laborers for work and labor heretofore done and performed upon any such court house or building, for any balance due them therefor from any contractor who, through insolvency, has failed and is unable to pay the same, and there is no other security or fund from which the same may be realized.

SEC. 2. Such board of commissioners may allow to such mechanics or laborers severally the amount found justly and equitably due them for such work and labor, and thereupon the same shall be deemed valid, legal claims against the said board, to be paid in due course out of the proper fund, as in other cases.

SEC. 3. The aggregate amount hereby authorized to be paid in any such case in satisfaction of such claims shall not exceed sixteen hundred dollars (\$1,600).

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

Approved April 23, 1897.

S. F. No. 323.

CHAPTER 231.

Amending
probate code.

An act to amend section two hundred and ninety-eight (298) and section two hundred and fifty-one (251) of chapter forty-six (46) of the general laws of one thousand eight hundred and eighty-nine (1889), being section four thousand seven hundred and eleven (4711) and section four thousand six hundred and sixty-four (4664) of the general statutes of one thousand eight hundred and ninety-four (1894), and being a part of the Probate Code.

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

Amendment.

SECTION 1. That section two hundred and ninety-eight (298) of chapter forty-six of the general laws of one thousand eight hundred and eighty-nine (1889), being section four thousand seven hundred and eleven (4711) of the general statutes of one thousand eight

hundred and ninety-four (1894) be and the same is amended so as to read as follows:

Sec. 298. When any executor, administrator or guardian's resignation is accepted by the probate court, or he is removed, dies or his authority is extinguished, the remaining executor, administrator or guardian, if there be one, shall execute the trust; if there is no other, the probate court shall appoint such other person or persons as are next entitled thereto, to administer such estate not already administered. Such person may be appointed without notice. When any executor, administrator or guardian dies and there is no remaining executor, administrator or guardian, the executor or administrator of such deceased executor, administrator or guardian shall, immediately upon his appointment, file in the probate court an accounting of the administration or guardianship of the deceased, together with a petition for the allowance of such account and discharge of the bondsmen of such deceased executor, administrator or guardian.

Executors,
administrators
and guardians.

Provided, that if such estate has not been fully administered by the deceased executor, administrator or guardian, such bondsmen shall not be discharged nor relieved from liability until an administrator *de bonis non* shall have been duly appointed and his bond duly executed, approved and filed in the probate court.

Liability of
bondsmen.

Such petition shall be heard and such account shall be examined in the same manner and on the same notice as is provided by law for the final examination of accounts of administrators and the distribution of estates.

SEC. 2. That section 251 of said chapter 46, general laws, 1889, the same being section 4664, general statutes 1894, be and the same is hereby amended so as to read as follows:

A partial or general decree of distribution may also be made on the application of the executor or administrator, or of any person interested; but no heir, devisee or legatee is entitled to a decree for his share, until a bond is given to the judge of probate with such sureties as the court directs to secure the payment of the debts of the deceased, legacies and expenses of administration, or such part thereof as still remains unprovided for, by reason of such distribution.

Decree of
distribution.

Provided, that where any foreign heir, devisee or legatee has appeared by attorney, and said attorney shall, before such decree is made, have served upon the executor or administrator a notice of his intent to claim a lien upon any distributive share or legacy of such heir, devisee or legatee for the amount of his compensation

Foreign heir,
devisee or legatee.

agreed upon, if there be a special agreement, or the reasonable value of his services, in representing such devisee, legatee or heir, and shall have filed in probate court a duplicate of such notice, with proof of such service, said attorney or attorneys shall have a lien upon such distributive share or legacy for such amount, which shall be taxed and allowed by the probate court at the time of hearing any petition for partial or general distribution of the estate in which such lien claimed was filed, and any money or property decreed therein to such heir or legatee shall be decreed subject to said lien. The executor or administrator shall, out of any money or specific personal property so decreed, satisfy said lien claim, and for that purpose may, under the order and direction of the probate court, sell so much of such specific personal property as may be necessary to satisfy said lien claim and the costs and expenses of the sale.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

S. F. No. 54.

CHAPTER 232.

Regulating
elections.

An act to amend sections sixty-three (63) and ninety-eight (98) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893), entitled "An act to regulate elections."

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

SECTION 1. That section ninety-eight of chapter four of the general laws of eighteen hundred and ninety-three be and the same is hereby amended by striking out the oath therein and inserting in lieu thereof the following: "You do swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age and have been a resident of this state for six months immediately preceding this election, and an actual resident of this election district for thirty days immediately preceding this election; that you have not voted at this election, and are a qualified voter in this election district.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.