

tendent of such hospital may, in his discretion, require a bond to be executed to the State of Minnesota, in such sum and with such sureties as he may deem proper, conditioned for the safe keeping of such patient, and on receipt and approval by him of said bond he may discharge the patient; or in lieu of such bond he may require a written agreement to be executed to the State of Minnesota by such relatives or friends for the proper care and safe keeping of such patient, or the return of such patient to the hospital, without expense to the state; and on the receipt and approval of such agreement, he may deliver such patient to such relatives or friends.

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

Approved Feb. 15, 1901.

CHAPTER 10.

H. F. No. 18.

An act to amend chapter 46 of the General Laws of 1889 entitled: An act to establish a probate code.

Amendment,
Probate Code

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

SECTION 1. That section 251 of chapter 46 of the General Laws of the State of Minnesota for the year 1889, entitled: "An act to establish a probate code," being section 4664 of the General Statutes 1894, be, and the same hereby is, amended so as to read as follows, to-wit:

Sec. 251. At any time pending the administration of the estate of a deceased person and after the granting of letters thereon, the executor or administrator or any person interested in the estate may file a petition for the assignment of any part or portion or the whole of the estate to the persons thereto entitled; and thereupon the executor or administrator shall at once file his account to that date and the court shall by order fix a time for the hearing of said petition and account, which order shall be published according to law.

Assignment
of part or
whole of
estate.

Upon such hearing the court shall settle and allow such account, if upon examination it is found just and correct, and shall upon satisfactory evidence determine the rights of all persons to said estate, and unless partition is asked for, as hereinbefore provided, shall make a decree in accordance with such determination, which decree shall assign and distribute such part or portion of said estate as shall have been petitioned for, or as to the court shall seem proper, or, in the discretion of the

Action of
court.

court, the whole thereof to the persons thereto entitled by law, and which decree shall name the persons entitled to the estate and the proportions of the estate to which each is entitled, and if any real estate is so assigned such decree shall describe as near as may be the land to which each is entitled.

Decree final.

Such decree shall be final both as to the persons entitled to said estate and as to the proportions in which they are entitled to the same. When such decree shall have been entered all subsequent assignments or distributions of the estate of said deceased shall be to the same persons and in the same proportions as fixed and determined by such decree, and not otherwise. Provided, however, that no distribution of any part or portion of said estate shall be made until the expiration of the time limited by the order of the court for the filing and allowance of claims against the deceased, nor until all claims against said estate have been paid.

Lien of foreign heir.

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

Approved Feb. 16, 1901.