

## CHAPTER 135.

H. F. No. 102.

*An act to amend section four thousand six hundred and seventy-six (4676), of the General Statutes of Minnesota, of the year one thousand eight hundred ninety-four (1894), being section 263 of chapter 46 of the General Laws of Minnesota 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 four thousand six hundred and seventy-six (4676) of the General Statutes of Minnesota of the year one thousand eight hundred and ninety-four (1894), being section 263 of chapter 46 of the General Laws for Minnesota of 1889, entitled An act to establish a probate code, be and the same is hereby amended so as to read as follows:

"Section 4676. In case the order, judgment or decree of the probate court appealed from or brought up on a writ of certiorari is reversed or modified in whole or in part by the final judgment of the district court or of the supreme court, the appellate court shall make such order or decree as the probate court could have done, if it can do so, or if it cannot, then it shall remand the case to the probate court, with direction that the probate court make such order or decree or proceed further in compliance with such final decision of the appellate court. Such final decision and judgment shall be certified by the appellate court to the probate court, and upon filing the same in the probate court, such court shall proceed to make any order or proceeding directed by such appellate court. In case the decision and judgment of the appellate court requires no action of the probate court, then such order or decision shall be substituted in place of the original order, judgment or decree, and like proceedings shall be had as if it had been so ordered by the probate court. In case the appellate court remands the case to the probate court with directions the probate court shall in a summary manner comply with such direction without notice."

Appeals from  
Probate  
court.

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

Approved April 4, 1901.