

annum, payable in monthly installments out of the county treasuries of such counties, upon warrants of the county auditors thereof, which amount shall be in full for all services of such commissioners, including service upon committees and as members of the board of equalization and of any other work or duty devolved upon them or either of them, by reason of their holding such office of county commissioner, as well as all traveling expenses incurred within said counties, while performing such services as county commissioners.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 13, 1901.

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#### CHAPTER 352.

H. F. No. 585.

Amendment.  
Garnish-  
ments of  
non-resi-  
dents.

*An act amending section three of chapter 353 of General Laws of 1895, relating to garnishments of non-residents.*

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

SECTION 1. That section three (3) of chapter three hundred fifty-three of General Laws of 1895 be amended by adding thereto the following:

*"Provided, however, that in no case shall such non-resident be allowed a greater or more advantageous exemption than is allowed a resident of the State of Minnesota, if the plaintiff in such proceeding is a resident thereof.*

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

Approved April 13, 1901.

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#### CHAPTER 353.

H. F. No. 589.

Counties.  
Probate  
fees.

*An act authorizing appropriations by board of county commissioners to reimburse certain persons for money illegally collected from them as probate fees under and by virtue of chapter 103 of the General Laws of 1885.*

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

SECTION 1. That, whereas, the supreme court of this state, in the case of the State of Minnesota, ex rel Edward E. Davidson vs. E. S. Gorman, judge of probate, decided,

that the law of 1885, chapter 103 of the General Laws of Minnesota, requiring payment of an arbitrary fee as a condition precedent to probating an estate was and is unconstitutional and void; and,

Whereas, pursuant to said chapter 103 certain executors, administrators and trustees were compelled to pay into the county treasury of certain counties various sums of money for probating estates; and,

Whereas, it appears by reason of said decision of the supreme court that said chapter 103 was and is invalid and that said sums of money were unlawfully collected and that the said counties have no right to retain the various sums so paid in, now, therefore,

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

SEC. 2. That upon proof being duly made of the amount paid into the county treasury by any administrator, executor, trustee, heir, or heirs, legatee or their successors or estates as an arbitrary fee as a condition precedent to probating the estate under said chapter 103, that the board of county commissioners of such county are hereby authorized and empowered to appropriate from the general fund of the county a sum sufficient to reimburse said administrators, executors, trustees, heir or heirs, legatees or estates for such payments made by them under said chapter 103; and in case such administrators, executors, trustees, or legal representatives have completed their said trusts and been legally discharged, that such money shall be paid to the legal heirs or legatees of said estates.

Return of  
fees illegally  
collected.

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

Approved April 13, 1901.

## CHAPTER 354.

H. F. No. 597.

*An act to appropriate money to facilitate the condemnation and conversion of lands and parcels of real property at Itasca State Park for permanent park purposes, as directed by chapter 303, General Laws of 1899.*

Itasca  
Park.  
Appropriation to  
secure conversion of  
lands.

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

SECTION 1. To facilitate and completely accomplish the condemnation and conversion of lands and parcels of real property situated at Itasca State Park, for permanent park purposes, by the attorney general of this state,