

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,

as directed and provided by chapter 303, General Laws of 1899, approved April 20th, 1899, there is hereby annually appropriated the sum of five thousand dollars out of any money in the state treasury not otherwise appropriated, to be expended by the attorney general in accordance with the provisions of said chapter 303, General Laws of 1899, and when all said lands shall have been condemned and converted to park purposes, the provisions of this act shall cease and determine, and all unexpended balances shall thereafter be covered into the state treasury.

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

Approved April 13, 1901.

H. F. No. 610.

### CHAPTER 355.

Amendment.  
Relating to  
chattel  
mortgage  
sales.

*An act to amend chapter two hundred ninety-two (292) of the General Laws for 1897, relating to chattel mortgages.*

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

SECTION 1. That section fifteen (15) of chapter 292, of the General Laws of 1897, be amended by adding thereto the following provision :

*“Provided, that in case the attaching or levying creditor desires to contest or question the validity or amount of said mortgage, such creditor shall deliver to said officer, within said twenty-four (24) hours the affidavit of such creditor his agent, or attorney, stating that affiant believes such mortgage to be invalid or illegal or for an amount in excess of the true sum secured thereby or unpaid thereon, and upon receipt of such affidavit such officer shall retain said property under said levy or attachment as if no such mortgage claim existed, and it shall be the duty of such officer to retain said property for said full twenty-four (24) hours after receipt of said verified statement to allow such creditor to make such affidavit as herein provided for, and nothing herein contained shall in any manner preclude said mortgagee from asserting his legal rights under such mortgage in any separate action of independent proceeding.*

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

Approved April 13, 1901.