

no more, that would be the case if the names of all the jurors in all the venirees were contained in a single venire. If there be a deficiency of petit jurors, the clerk shall, in open court, under the direction of the judge, draw from the box containing the names on the petit jury list the names of additional persons to supply such deficiency; and writs of venire facias shall issue summoning such persons, and returnable at such time as the judge of the court may direct.

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

Approved March 13, 1907.

CHAPTER 36—S. F. No. 98.

• *An Act to amend section 3648, Revised Laws of 1905, relating to descent of property.*

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

Order of descent.—Section 1. That section 3648 of the Revised Laws of 1905, be amended so as to read as follows:

Section 3648. The surviving spouse shall also inherit an undivided one-third of all other lands of which decedent at any time during coverture was seized or possessed, to the disposition whereof, by will or otherwise, such survivor shall not have consented in writing, except such as have been transferred or sold by judicial partition proceeding or appropriated to the payment of decedent's debts by either execution or judicial sale, by general assignment for the benefit of creditors, or by insolvency or bankruptcy proceedings, and subject to all judgment liens. But the lands so inherited shall be subject in their just proportion to such debts of the decedent as are not paid out of his personal estate. The residue of such other lands, or, if there be no surviving spouse, then the whole thereof, shall descend, subject to the debts of the intestate, in the manner following:

First—In equal shares to his surviving children, and to the lawful issue of his deceased children, by right of representation.

Second—If there is no surviving child and no lawful issue of any deceased child, and the intestate leaves a sur-

viving spouse, then the whole estate shall descend to such spouse.

Third—If the intestate leaves no issue nor spouse, his estate shall descend to his father and mother in equal shares, or, if but one survives, then to such survivor.

Fourth—If there be no surviving issue nor spouse, nor father nor mother, his estate shall descend in equal shares to his brothers and sisters, and to the lawful issue of any deceased brother or sister, by right or representation.

Fifth—If the intestate leaves neither issue, spouse, father, mother, brother nor sister, nor living issue of any deceased brother or sister, his estate shall descend to his next kin in equal degree, except that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote.

Sixth—If any person dies leaving several children, or leaving one child and the issue of one or more other children, any such surviving child dies under age and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent shall descend in equal share to the other children of the same parent, and to the issue of any such other children who have died, by right of representation.

Seventh—If, at the death of such child, who dies under age and not having been married, all the other children of his said parent being also dead, and any of them having left issue, the estate that came to such child by inheritance from his said parent shall descend to all the issue of the other children of the same parent, according to the right of representation.

Eighth—If the intestate leaves no spouse nor kindred, his estate shall escheat to the state.

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

Approved March 13, 1907.