

Section 3795. If it shall appear that any part of the money on hand has not been paid over because the person entitled there-to cannot be found in the state, or his place of residence is unknown, or has not appeared and claimed and received his share of the estate according to the decree of distribution within one year after the date of the decree, or for any good and sufficient reason the same has not been paid over, the court may direct the petitioner to deposit the same with the county treasurer, taking duplicate receipts therefor, one of which he shall file with the county auditor, and one in the probate court. Upon filing such receipts the petitioner shall be entitled to the discharge provided for in section 3794.

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

Approved March 12, 1909.

CHAPTER 58—S. F. No. 246.

An Act providing for the establishment of heirship to a person or persons who have heretofore, and within the past ten years, died in the State of Minnesota, without having any known heir or heirs, and the money left from his estate having heretofore escheated to the State of Minnesota, and to appropriate money out of the state treasury of the State of Minnesota for the payment to such heir or heirs, as they may show themselves to be entitled thereto.

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

Money escheated to state to be refunded to heirs if found.—

Section 1. When any person who has died within the last past ten years in the state of Minnesota, and being a resident thereof at the time of his death, and his estate thereafter having been duly administered upon in the probate court of the county having jurisdiction thereof, and leaving no known spouse nor kindred, and said estate having been fully administered upon, and the balance in the hands of the representative of said estate having by order of said court escheated to, and been paid to the state of Minnesota, and if it shall be made to appear that such deceased person, in fact, left heir or heirs to his estate, then, upon the proper presentation of proofs of such heirship and amount so escheated to the district court of the county wherein such probate proceedings were had, either in term time or vacation, upon notice of at least eight (8) days to the attorney general of said state of the time and place of hearing such proofs, and if upon such hearing the said district court shall find that such deceased

person left heir or heirs, said court shall determine who such heir or heirs are and the amount so escheated, and file its decision to that effect with the state auditor; then the state auditor shall draw his warrant on the state treasurer of said state, for the payment of said money to such heir or heirs, or to his, her or their attorney in fact, upon the recording of his power of attorney in the office of the state auditor of said state.

\$902.24 appropriated.—Sec. 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of \$902.24, or so much thereof as may be necessary to carry out the provisions of this act.

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

Approved March 12, 1909.

CHAPTER 59—S. F. No. 279.

An Act to amend section 148, Revised Laws, 1905, relating to the qualifications and powers of court commissioners.

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

Powers of court commissioners extended.—Section 1. That section 148, Revised Laws, 1905, be and the same is hereby amended to read as follows:

“148. Court commissioners shall be men learned in the law, and shall have and may exercise the judicial powers of a judge of the district court at chambers. Among other powers conferred by law, they are empowered to issue writs of habeas corpus, to take acknowledgment of deeds and other written instruments, to take depositions and certify to the same, to perform the marriage ceremony, to take disclosures in garnishment proceedings pending in the district court, and orders for the examination of judgment debtors in proceedings supplementary to execution may be made returnable before the court commissioner.”

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

Approved March 12, 1909.