

than 400 square miles and a population of more than 20,000 according to the last federal census.

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

Section 1. Compensation of assistant county attorney in certain counties.—In all counties of this State having a land area of more than 380 and less than 400 square miles and having a population of more than 20,000 according to the last federal census, the county board of each such county may in its discretion allow as compensation to the assistant county attorney such sum as it may from time to time think proper, not exceeding, however, \$1,000.00 per annum.

Approved April 3, 1925.

CHAPTER 133—S. F. No. 44.

(Sec. 8090, G. S. 1923.)

An act to amend Subdivision 7, Section 6710, General Statutes 1913, relating to an express trust for the benefit of any public park.

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

Section 1. Cities and Villages may accept gifts.—That Subdivision 7, Section 6710, General Statutes 1913, be and the same is hereby amended to read as follows:

"7. Any city or village may receive, by grant, gift, devise, or bequest, and take charge of, invest, and administer, free from taxation, in accordance with the terms of the trust, real or personal property, or both, for the benefit of any public library, or any public cemetery, or any public park, located in, or within ten miles of, such city or village, or for the purpose of establishing or maintaining a kindergarten or other school or institution of learning therein."

Approved April 6, 1925.

CHAPTER 134—S. F. No. 66.

An act declaring platted territory annexed to and included within the corporate limits of cities of the fourth class to be a part of the organized school district then existing within such city, in certain cases.

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

Section 1. Platted territory to become part of organized school district in certain cases.—That any platted territory heretofore annexed to and included within the corporate limits of any city of the fourth class shall be a part of the organized school dis-

trict then existing within such city, provided that this act shall not affect any school district whose territory includes two or more villages or parts thereof.

Approved April 6, 1925.

CHAPTER 135—S. F. No. 356

An act to amend Section 7287, General Statutes of 1913, as amended by Chapter 513, General Laws of 1917, the same being Section 8772, General Statutes of 1923, relating to administration upon the estate of persons dying intestate.

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

Section 1. **Who entitled to administration.**—That Section 7287, General Statutes of 1913, as amended by Chapter 513, General Laws of 1917, the same being Section 8772, General Statutes of 1923, be and the same is hereby amended so as to read as follows:

8772. Administration of the estate of a person dying intestate shall be granted to one or more of the persons hereinafter mentioned, and in the following order:

1. The surviving spouse or next of kin or both, as the court may determine, or some person selected by them or either of them, provided that in any case the person appointed shall be suitable and competent to discharge the trust.

2. If all such persons are incompetent or unsuitable, or refuse to accept, or if the surviving spouse or next of kin, for thirty days after the death of the intestate, neglect to apply for administration, the same may be granted to one or more of the principal creditors, if any such are competent and willing to take it, or to some other person who may be interested in the administration of the estate. If the decedent was *born in any foreign country and left no known surviving spouse or next of kin residing in the United States*, and the surviving spouse or next of kin neglect for thirty days after his death to apply for administration, the same may be granted to the consul or other representative of the country *in which the decedent was born*, residing in this state, who has filed a copy of his appointment with the secretary of state, or to such person as he may select, if suitable and competent to discharge the trust. But the court in any case arising under this subdivision shall have the discretion to appoint one or more creditors, or other persons interested, or to appoint any suitable or competent person interested in the estate by purchase or otherwise.

3. If the person so appointed neglects for thirty days, after written notice of such appointment, under the seal of the probate court, served personally or by mail, to file the oath and bond required by law and the court, such neglect shall be deemed a refusal