

## CHAPTER 264—H. F. No. 112

[Coded]

*An act relating to justices of the peace; providing for their selection in townships; amending Laws 1959, Chapter 675, Article VI, Section 28, Subdivision 1, and adding a subdivision thereto.*

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

Section 1. Laws 1959, Chapter 675, Article VI, Section 28, Subdivision 1, is amended to read:

Sec. 28. [367.03] **Officers elected at annual meeting; vacancies.** Subdivision 1. **Officers, terms.** There shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. There shall also be elected at each annual town meeting one town clerk, one treasurer, one assessor, two justices of the peace, and two constables, *except as otherwise provided in this section.* Each of these officers shall hold office for a term of two years and until their successors are elected and qualified. The town assessor shall be elected in odd-numbered years except in towns operating under special laws. All terms shall commence on the first secular day of April following the election except when a vacancy has been filled.

Sec. 2. Laws 1959, Chapter 675, Article VI, Section 28, is amended by adding a subdivision thereto.

Subd. 3. [Subd. 4.] **Justices of peace.** *The town, by a majority vote at its annual town meeting, may decide that one justice of the peace be elected or that no justice of the peace be elected, effective at the next succeeding town election and thereafter, except that any office so terminated may be reinstated by like procedure. In the event that no justice of the peace is elected the duties of a justice of the peace described by law relating to election procedure and juries may*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*be delegated to any person so appointed by the board of supervisors for a period of time no greater than that to which a constable is elected and setting forth such compensation as the board shall deem reasonable. If the board of supervisors does not delegate these duties in any given year then the chairman of the board of supervisors shall succeed automatically to such duties.*

Approved April 10, 1961.

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CHAPTER 265—H. F. No. 146

[Coded]

*An act relating to the probate code and probate courts; authorizing allowances for services; authorizing attorney's lien and the satisfaction thereof; repealing Minnesota Statutes 1957, Sections 525.49 and 525.491.*

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

Section 1. [525.49] **Allowance to representative.** Every representative shall be allowed his necessary expenses incurred in the execution of his trust and shall have such compensation for his services as the court shall deem just and reasonable. An attorney performing services for the estate at the instance of the representative shall have such compensation therefor out of the estate as the court shall deem just and reasonable. Where, upon demand the representative refuses to prosecute or pursue a claim or asset of the estate or a claim is made against him on behalf of the estate and any party interested shall then by his own attorney prosecute or pursue and recover such fund or asset for the benefit of the estate, such attorney shall be allowed such compensation out of the estate as the court shall deem just and reasonable and commensurate with the benefit to the estate from the recovery so made. If a decedent by will makes provision for the compensation of his executor, that shall be taken as his full compensation unless he files a written instrument renouncing all claim for the compensation provided for in the will. Such amounts shall be allowed as credits to the representative in his account or at any time during administration, the representative may apply to the court by petition for an order directing the payment of his compensation (in whole or in part) out of the estate, and any attorney having rendered services, as aforesaid, may by petition apply to the

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