

Fraction of township, how organized.

wishes of a majority of the legal voters to be affected thereby ; and when rivers or lakes or creeks so divide a township as to make it inconvenient to do town business, the said commissioners may dispose of any fraction so formed by annexing the same to an adjoining township in the same county, if it shall seem to them proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that any such petition is so signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction having knowledge of the fact ; and any township having two or more villages or cities, each containing two hundred or more inhabitants, may petition the county commissioners for a division ; and whenever the county commissioners are so petitioned, they may, if they think the interest of such town will be subserved thereby, proceed to divide such townships in such manner as will best suit the convenience of the state ; *Provided, however,* That at least twenty days' notice shall first be given by the county commissioners to the chairman of the board of supervisors of each township affected by the change, before action is taken thereon ; *Provided further,* That nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached, from any tax levied or assessed prior to such division being made ; *Provided,* That the part or portion of any town annexed to any other town, and any village or city separated from any town under the provisions of this act, shall not be released from, or in any way discharged from the payment of any bonded or other indebtedness that may exist against the town from which separation has been made.

When act to take effect.

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

Approved February 24, 1875.

## CHAPTER XXXVII.

AN ACT TO FIX THE COMPENSATION OF JUDGES OF PROBATE, AND PROVIDE A FUND FOR THE PAYMENT OF THE SAME.

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

Compensation of judges of probate, how fixed.

SECTION 1. There shall be allowed and paid to the several judges of probate in this state, in lieu of the fees, costs and perquisites heretofore allowed by law, an annual compensation

for their services, as follows: In counties having a population of one thousand inhabitants or less, the sum of one hundred dollars, and in all other counties the sum of one hundred dollars for the first thousand inhabitants, and an additional sum of fifty dollars for each additional thousand of population, or major fraction thereof, to be paid quarter yearly by the treasurer of the county upon the warrant of the county auditor; *Provided*, That in the county of Ramsey, the compensation to be allowed and paid to the probate judge thereof, shall be the sum of two thousand dollars, and the clerk of probate court in said county of Ramsey shall be allowed and paid the sum of twelve hundred dollars, in the manner above provided; and that in the county of Dakota the compensation to be allowed and paid to the judge of probate shall be the sum of fifteen hundred dollars.

SEC. 2. The auditor in determining the population of any county, shall take the United States census of eighteen hundred and seventy, or any census hereafter taken by the United States or the state of Minnesota, and add five per cent. of the population as shown by the last census taken for each year expiring after the year in which said census was taken.

How population of counties determined.

SEC. 3. All probate judges whose salary exceeds the sum of twelve hundred dollars, may receive a further sum, to be annually fixed by the board of county commissioners, not exceeding five hundred dollars in any one year for clerk hire; and all fees of judges of probate and clerks of probate, except as herein provided, are hereby abolished, and the probate judges in this state are hereby prohibited from taking or recovering, either directly or indirectly, any fees whatever for their official services other than for taking acknowledgments of papers and administering oaths outside of the line of probate duties.

Provision for clerk hire in extra cases.

SEC. 4. For the purpose of reimbursing the county treasury for the salaries provided to be paid in this act to the judge of probate, it shall be the duty of each executor, administrator or guardian to pay or cause to be paid to the county treasurer for the use and benefit of the county in whose probate court proceedings are to be instituted to settle the estate of any deceased person, the following sums, according to the value of the estate and property of such deceased person, as shown by the inventory and appraisal, that is to say: ten dollars when such value shall exceed one thousand dollars and shall not exceed five thousand dollars; twenty dollars when the value of such estate shall exceed the sum of five thousand dollars and shall not exceed the sum of ten thousand dollars; thirty dollars when the value of the estate shall exceed the sum of ten thousand dollars and shall not exceed the sum of fifteen thousand dollars; fifty dollars when the value of the estate shall exceed fifteen thousand dollars and shall not exceed twenty thousand dollars, and seventy-five dollars in all cases where the value of the estate shall exceed the sum of twenty thousand dollars, and in addition all sums necessarily expended in serving or publishing notices required by law; *Provided*, That in all cases where

How county treasury to be reimbursed.

application is made for the appointment of any guardian for any minor or minors residing out of this state, but having property therein, or for the admission to probate of a will already probated in some other state, the person making such application shall pay in lieu of the sums above named the sum of ten dollars, and no other or different sum shall be required to be paid by any party seeking the aid of such probate court, except as provided above.

To whom payments to be made—how fees to be estimated.

SEC. 5. The payments provided for in the foregoing section shall be made to the treasurer of the proper county, who shall execute therefor duplicate receipts, one of which shall be filed with the county auditor, and one with the judge of probate of such county, and no proceedings of any kind shall be had in any cause pending in such probate court for the settlement of any estate subsequent to the return of the inventory, showing the value of such estate, until such receipt has been duly filed with such judge of probate; *Provided*, That in estimating the amount of fees to be paid in proceedings now pending, the amount already paid shall be deducted from the maximum to be paid under provisions of this act; and *Provided further*, That judges of probate shall be allowed to collect all fees due them for services rendered prior to April first, eighteen hundred and seventy-five.

Repeal of inconsistent acts.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after the first day of April, A. D. eighteen hundred and seventy-five.

Approved March 9, 1875.

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## CHAPTER XXXVIII.

### AN ACT TO PROVIDE FOR THE RENDERING OF ACCOUNTS BY GUARDIANS.

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

Guardians to render accounts of wards—when.

SECTION 1. Guardians of minor children and insane persons shall be required to render an account on oath of the property, money and effects in their hands, and all proceeds and interest derived therefrom, and the management and disposition thereof, within one year after their appointment, and at such other times as the judge of probate of the county having jurisdiction of the person and estate of their said wards shall require.

SEC. 2. Upon the delivery of said account into the probate