

CHAPTER 105.

AN ACT TO AMEND SECTIONS THIRTEEN (13), FOURTEEN (14), SEVENTEEN (17), EIGHTEEN (18), AND NINETEEN (19), OF CHAPTER FIFTY-NINE (59) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO GUARDIANS AND WARDS.

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

SECTION 1. That sections thirteen (13), fourteen (14), seventeen (17), eighteen (18), and nineteen (19), of chapter fifty-nine (59) of the general statutes of one thousand eight hundred and seventy-eight (1878) be amended to read as follows:

Schedule of property to be filed in the probate court—when.

Sec. 13. That when any person has been or hereafter is appointed guardian of any person, said guardian shall, within three (3) months after the passage of this act, if already appointed, and within three (3) months after his appointment, if hereafter appointed, make and file in the probate court by which the appointment is made a schedule of all the property belonging to the estate of such person.

Duty of judge of probate.

Sec. 14. Upon the filing of such schedule, the probate judge shall make an order appointing a time and place when and where he will hear, examine and allow claims against the estate of such person which have vested at and prior to the appointment of such guardian, which time shall be not less than six (6) nor more than twelve (12) months from the time of making said order in the first instance, and shall cause a copy of said order to be served upon the next of kin of such person by posting it in four (4) public places in said county and a publication thereof for a period of four (4) weeks in some newspaper printed and published in the county where such person resides, or by personal service of the said order upon them at least ten (10) days before the day appointed for such examination, as the judge shall determine.

When claimant to be barred from recovering claim.

Sec. 17. Every person having a claim against any person proper to be allowed, as hereinbefore provided, who shall not, after the publication of notice as hereinbefore required, present his claim to the court within the time limited by the court for that purpose, shall be forever barred from recovering such demand, or from setting off the same in any action whatever.

Actions to be brought for the recovery of real estate or personal property.

Sec. 18. No action shall be instituted against the guardian of any person except for the recovery of real estate or the possession of personal property; nor any attachment or execution be issued against the estate of any person under

guardianship until after the expiration of the time allowed for the payment by the guardian of claims allowed by the court, as aforesaid.

Sec. 19. The right of appeal, the time for the payment of claims allowed by the court, and contingent claims and the distribution of assets among the creditors of any person under guardianship shall be governed by the same rules applicable in proceedings for the payment of debts of a deceased person, substituting the probate court for the commissioners and the guardian for the executor and administrator; *Provided*, That the provisions of said sections fourteen (14), seventeen (17), eighteen (18), and nineteen (19) shall not apply to minors under guardianship.

Rights of appeal, how governed.

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

When act to take effect.

Approved March 9, 1885.

CHAPTER 106.

AN ACT TO AMEND SECTION TWENTY-EIGHT (28) OF TITLE THREE (3) OF CHAPTER NINETEEN (19) OF GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO DISTRAINING BEASTS DOING DAMAGES.

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

SECTION 1. That section twenty-eight (28) of title three (3) of chapter nineteen (19) of general statutes of one thousand eight hundred and seventy-eight (1878) be and the same hereby is amended so as to read as follows:

Sec. 28. The owner or occupant of lands may distrain all beasts doing damage upon his lands, and when any such distress is made the distrainer shall keep such beasts in some secure place other than the public pound until his damages are appraised; and within twenty-four (24) hours after such distress, unless the same is made on Saturday or Sunday, in which case before the Tuesday morning thereafter, he shall apply to the nearest justice of the peace in the county, who shall appoint three disinterested inhabitants of such town to appraise the damages. Such appraisers shall receive as compensation for their services one

Damage by beasts upon lands, how appraised.

Compensation of appraisers.