

CHAPTER 99.

H. F. No. 456.

An act to amend section one hundred and eighty-two (182) of chapter forty-six (46) of the general laws of 1889, entitled "An act to establish a probate code."

To amend probate code.

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

SECTION 1. That section number one hundred and eighty-two (182) of the "probate code" of the state of Minnesota be amended so as to read as follows:

Sec. 182. An executor, administrator, or guardian, appointed in another state upon any estate where there is no executor, administrator, or guardian appointed in this state, may file an authenticated copy of his appointment in the probate court for any county in which there is real estate of the deceased, or of the ward or wards of such guardian; after which he may be licensed by the same probate court to sell such real estate for the payment of debts, legacies and charges of such administration, "ward or wards, and to obtain means to support and maintain the ward or wards of such guardian, in the same manner, and upon the terms and conditions as are prescribed in the case of an executor, administrator or guardian appointed in this state, except as hereinafter provided.

Foreign executor, administrator or guardian appointed and licensed to sell.

And such foreign executor administrator; or guardian may act by his attorney in fact thereto by him duly appointed by power of attorney, under his hand and seal, and executed and acknowledged in the same manner as is required for all conveyances of real estate, which power of attorney shall be recorded in the office of the register of deeds for the county in which the real estate is situated.

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

Approved April 25th 1895.

CHAPTER 100.

H. F. No. 448. 95 C 100
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An act to amend chapter forty-six of the general laws of eighteen hundred eighty-nine, the same being entitled "An act to establish a probate code."

To amend probate code.

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

SECTION 1. That section nine of chapter forty-six of the general laws of eighteen hundred eighty-nine, entitled

led "An act to establish a probate code" be and the same is hereby amended as follows, by adding thereto, to said section nine, the following:

Compensation
of Judge.

Provided further that in all counties having a population of not less than one thousand and not to exceed ten thousand the board of county commissioners of such county may allow the judge of probate of such county such a sum in addition to the amount above stated, and fixed, as in the discretion of such board of county commissioners shall be just" providing the said additional amount shall not make his total salary as probate judge more than six hundred dollars per annum. Such salary so fixed and allowed by the board of county commissioners shall be paid at the same time and in the same manner as above provided.

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

Approved April 25th 1895.

S. F. No. 539.

CHAPTER 101.

To amend
Chap. 200 G. L.
1889.

An act to amend chapter (200) of the laws of 1889, entitled An act giving liens for the better security of mechanics, material men, laborers and others.

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

Commence-
ment of lien.

SECTION 1. That section one (1) of chapter two hundred (200) of the general laws of 1889 be amended by adding thereto at the end thereof the words: "Such liens shall attach at the time of the furnishing of the first item of such labor, skill, material or machinery, and shall be preferred and be prior to any mortgage or other incumbrance of which the lienholder had no notice at the time of furnishing such first item and which mortgage or other incumbrance was unrecorded at the time such lien attached."

Taxable costs.

SEC. 2. That section ten of said act be amended by adding thereto at the end thereof the following words: Every lienholder who has obtained a lien under this chapter, whether he is plaintiff or defendant, shall be entitled to tax as costs a sum to be fixed by the court, not to exceed twenty-five (25) dollars where the amount recovered is less than five hundred dollars, and a sum not to exceed five per cent (5%) of the amount recovered when such amount is five hundred dollars or over.

Such costs shall be inserted in the judgment and made