

## CHAPTER 338.

S. F. No. 466.

*An act to amend section four thousand four hundred twenty-six (4426) of the General Statutes of one thousand eight hundred ninety-four (1894), relating to the execution and probating of wills.*

Wills, execution and probating of.

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

SECTION 1. That section four thousand four hundred twenty-six (4426) of the General Statutes of one thousand eight hundred ninety-four (1894) is hereby amended so as to read as follows:

SEC. 2. No wills, except such nuncupative wills as are hereinafter mentioned, shall be effectual to pass any estate, real or personal, or to change or in any way affect the same, unless it is in writing, and signed at the end thereof by the testator, or by some person in his presence and by his express direction, and attested and subscribed in his presence by two or more competent witnesses; and if the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency, from whatever causes it arises, shall not prevent the probate and allowance of the will if it is otherwise satisfactorily proven. *Provided*, that any will bequeathing personal property made by a soldier while in actual military service, or by a mariner while in actual naval service, during the late war of the United States with Spain, who shall have died during said war, shall, when the will is entirely in the handwriting of the testator, be effectual to pass such personal property to the parties therein named without any other act on the part of the testator, and without the attesting or subscribing of witnesses; *provided further*, that said will shall be proved by competent witnesses to be in the handwriting of the testator, and probating thereof demanded within one year from the death of the testator.

Wills, how executed.

Nuncupative wills, how executed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.