

manufactured at the Minnesota state prison at Stillwater shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), and costs of prosecution, or in lieu of such fine and costs, be imprisoned in the county jail for a term not less than thirty (30) days nor more than three months, or until such fine and costs are paid, not exceeding three months.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1903.

CHAPTER 105.

H. F. N. 71.

An act to amend chapter three hundred and fifty-three (353) of the General Laws of Minnesota of the year nineteen hundred and one, entitled "An act authorizing appropriations by board of county commissioners to reimburse certain persons for money illegally collected from them as probate fees under and by virtue of chapter 103 of the General Laws of 1885."

Probating estates, fees.

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

SECTION 1. That chapter three hundred and fifty-three of the General Laws of Minnesota of nineteen hundred and one, be amended so as to read as follows:

SEC. 2. That whereas, the supreme court of this state, in the case of the State of Minnesota ex rel., Edward E. Davidson vs. E. S. Gorman, Judge of Probate, decided that the law of 1885, chapter 103, of the General Laws of Minnesota, requiring payment of an arbitrary fee as a condition precedent to probating an estate, was and is unconstitutional and void; and, whereas, pursuant to said chapter 103 certain executors, administrators, trustees and estates were compelled to pay into the county treasury of certain counties various sums of money for probating estates; and, whereas, it appears by reason of said decision of the supreme court that said chapter 103 was and is invalid, and that said sums of money were unlawfully collected and that the said counties have no right to retain the various sums so paid in; *now therefore*, be it enacted by the legislature of the State of Minnesota:

Reference to supreme court decision, State of Minnesota ex rel., Edward E. Davidson vs. E. S. Gorman, Judge of Probate.

Refunding
of money
paid into
county treas-
ury in coun-
ties of 150,000
and over.

In all other
counties.

Money paid
to legal heirs,
in case of
administrators,
discharge.

May be three
payments.

SEC. 3. That upon proof being duly made of the amount paid into the county treasury of any county in this state, having a population of one hundred and fifty thousand or more, by any administrator, executor, trustee, heir or heirs, legatee, or their successors or estates, as an arbitrary fee as a condition precedent to probating an estate under said chapter 103, that the board of county commissioners of such county shall appropriate from the general fund of the county a sum sufficient to reimburse such administrator, executor, trustee, heir or heirs, legatee or estate for such payment or payments made under said chapter 103. In all other counties of this state the board of county commissioners are hereby authorized and empowered to make such appropriations. *Provided*, that no such appropriation in any one case shall exceed in amount the sum so paid into the treasury by such administrator, executor, trustee, heir or heirs, legatee or estate. And the county treasurer shall pay the sum or sums so appropriated by the board of county commissioners, pursuant to this act, and in case such administrators, executors, trustees, or legal representatives have completed their said trusts and been legally discharged, that such money shall be paid to the legal heirs or legatees of said estate or estates. *Provided*, that the county commissioners in refunding any money pursuant to the provisions of this act, if they elect so to do, may make it payable in three consecutive annual installments.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1903.

H. F. No. 150.

CHAPTER 106.

An act regulating commitment of persons to the hospital for the insane.

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

Commitment
of insane
persons who
cannot be
benefited, not
to be.

SECTION 1. No harmless person, who cannot be benefited by hospital treatment, shall be committed to any hospital for the insane merely because he is suffering from idiocy, epilepsy, imbecility or infirmity of old age.

Every jury appointed to examine an alleged insane person, in addition to the facts by law required to be ascer-