

be transmitted to the treasurer of the city, and placed to the credit of the proper fund.

SEC. 7. The governing body shall have power at any time to vacate such building line easement or any portion thereof.

Easements
vacated.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 14, 1903.

CHAPTER 195.

H. F. No. 533.

An act to provide for the release and discharge of executors, administrators and guardians, and for the depositing with the county treasurer of funds belonging to absent heirs, legatees, wards or creditors, or other persons whose whereabouts cannot be ascertained.

Release of
executors,
administrators,
and
guardians.

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

SECTION 1. That whenever an executor or administrator shall have fully complied with all the terms and conditions of the final decree of distribution and of all other decrees and orders of the probate court appointing him, and shall have paid over to the distributees named in such final decree of distribution of the said court, all moneys and funds and property to them awarded by such final decree, and when such executor shall have in all other respects fully complied with the terms and conditions of said final decree, and have fully complied with all the orders and decrees of the said court, the court may, upon due notice given, and after full hearing and examination, find such facts, and if it shall appear to the court that the executor or administrator has paid over all moneys to the proper parties, and that he has in all things complied with the orders of the court and the terms of the final decree in the said estate, and that he has in all things, well, faithfully and fully administered his trust as such executor or administrator, the court may enter an order and decree fully discharging the said executor or administrator and the sureties on his bond from all further liability, and from all liability by reason of said trust and by reason of said administration.

On full
compliance
with all
orders of
probate
court, said
court may
order discharge of
executor
or administrator.

SEC. 2. That whenever any guardian shall have fully complied with all the terms and conditions of the orders

Same as to
guardians.

and decrees of the probate court in the matters of the said guardianship, and shall have paid over and delivered to the persons entitled thereto the property and funds in his hands as such guardian, and whenever such guardian shall in all other respects have fully complied with the terms and conditions of the decrees and orders of said court, the court may, upon due notice given, and after full hearing and examination, find such facts, and if it shall appear to the court that said guardian has paid over all moneys and delivered all property to the proper parties, and has in all things complied with the orders and decrees of said court in the matter of said guardianship, and that he has in all things well, faithfully and fully administered his trusts as such guardian, the court may enter an order and decree fully discharging such guardian, and the sureties on his bond, from all further liability, and from all liability by reason of his said trusts, and by reason of said guardianship.

SEC. 3. Whenever it shall appear to the probate court that any of the parties entitled to a portion of any estate as distributees or legatees, under the final decree of said court, or as creditor of any estate, pending in said court, or any ward under guardianship in said court, cannot be found, or that the whereabouts of such heir, legatee, distributee, creditor or ward cannot be ascertained, and that there are funds in the hands of the executor, administrator or guardian, which funds, under the terms of the final decree of distribution, or under any judgment or decree of said court, should be paid to such heir, legatee, creditor, distributee or ward, whose whereabouts is unknown, then, and in any such case the probate court may, by its order duly entered, require the administrator, executor or guardian to deposit the funds belonging to the said person, whose whereabouts is unknown, with the county treasurer of the county in which such probate court is situate, and the said executor, administrator or guardian shall thereupon deposit said funds with the county treasurer of such county, taking duplicate receipts from the county treasurer therefor, and shall file one of said receipts with the county auditor of the said county, and one in the probate court of the said county. And upon filing said receipts, showing such deposit with the county treasurer, said administrator, executor or guardian shall be discharged of his trust in respect to

In case party entitled to portion of estate cannot be found, funds to be deposited with county treasurer.

such payment, to the same extent as if payment of such sum had been made to such heir, legatee, distributee or ward personally.

SEC. 4. The county auditor shall charge to the county treasurer such sums so paid by any such administrator, executor or guardian, and the same shall be deposited to the credit of the county revenue fund. The county treasurer shall accept and receive such deposits, and credit them to the county revenue fund of his county, and such deposits shall remain in and form a part of the county revenue fund of said county until such time as the probate court, after due and proper showing, and after due notice of hearing given to the county treasurer and the county attorney personally, shall by order of the court direct the county treasurer to pay the same to the person whose whereabouts was unknown, named in such final decree, or to such creditor, distributee or legatee, or to such ward, or to the persons lawfully entitled thereto. A copy of said order shall be filed with the county auditor, who shall issue his warrant upon the county treasurer in favor of the person entitled to the said moneys or funds under the provisions of said order. *Provided*, that if any final decree of the probate court, under which such funds were deposited with the county treasurer is subsequently modified or changed by the said probate court, or by the district court on appeal, the county treasurer shall hold such funds subject to the terms of such modified, changed or amended decree.

Such sums to be credited to county revenue fund until probate court orders otherwise.

SEC. 5. If any heir, ward of creditor, or any person entitled to such funds, under a final decree of distribution, or his heirs or assigns, shall not claim the sums so deposited within twenty-one years from the date when they are so deposited, the same shall belong to and be part of the county revenue fund of the said county. *Provided, however*, that no interest shall at any time be allowed to the claimant for any funds deposited under the provisions of this act.

After 21 years such sums shall become county funds.

No interest allowed claimants.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 14, 1903.