

shall bear interest, except such as may be in renewal of an obligation now existing.

Drawing
of order.

No officer or officers of any city which avails itself of the provisions of this act shall have power to draw any order on the treasury of such city, nor issue any evidence of indebtedness other than a bond, unless there shall be at the time such order is drawn or evidence of indebtedness is issued, sufficient money in the treasury to the credit of the particular fund or account, out of which the same is payable, to pay the same, as well as other unpaid claims before that time audited and allowed against such fund. Every evidence of indebtedness or order issued by any such city contrary to the provisions of this section shall be null and void.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 2, 1905.

CHAPTER 21.

S. F. No. 18.

Amendment
to probate
code.

An act to amend chapter 46 of the General Laws of the State of Minnesota for the year 1889, entitled: An Act to establish a probate code, as amended by chapter 10 of the General Laws of the State of Minnesota for the year 1901.

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

SECTION 1. That section 251 of chapter 46 of the General Laws of the State of Minnesota for the year 1889, entitled: "An Act to establish a probate code," being section 4664 of the General Statutes of 1894, as amended by chapter 10 of the General Laws of the State of Minnesota for the year 1901, be and the same hereby is amended so as to read as follows, to-wit:

Petition for
assignment.

Section 251. At any time pending the administration of the estate of a deceased person and after the granting of letters thereon, the executor or administrator or any person interested in the estate may file a petition for the assignment of any part or portion or the whole of the estate to the persons thereto entitled; and thereupon the executor or administrator shall at once file his account to that date, and the court shall by order fix a time for the hearing of said petition and account, which order shall be published according to law.

Upon such hearing the court shall settle and allow such account, if upon examination it is found just and correct, and shall upon satisfactory evidence determine the rights of all persons to said estate, and unless partition is asked for, as hereinbefore provided, shall make a decree in accordance with such determination, which decree shall assign and distribute such part or portion of said estate as shall have been petitioned for, or as to the court shall seem proper, or, in the discretion of the court, the whole thereof to the persons thereto entitled by law, and which decree shall name the persons entitled to the estate and the proportions of the estate to which each is entitled, and if any real estate is so assigned such decree shall describe as near as may be the land to which each is entitled.

Such decree shall be final both as to the persons entitled to said estate and as to the proportions in which they are entitled to the same. When such decree shall have been entered all subsequent assignments or distributions of the estate of said deceased shall be to the same persons and in the same proportions as fixed and determined by such decree, and not otherwise. Provided, however, that no distribution of any part or portion of said estate shall be made until the expiration of the time limited by the order of the court for the filing and allowance of claims against the deceased, nor until a bond in at least double the amount of the claims remaining unpaid filed against said estate is given to the judge of probate, with such surety as the court directs, to secure the payment of the debts of the deceased, legacies or expenses of administration, or such part thereof as remains still unprovided for by reason of such distribution.

Provided, that where any foreign heir, devisee or legatee has appeared by attorney, and said attorney shall, before such decree is made, have served upon the executor or administrator a notice of his intent to claim a lien upon any distributive share or legacy of such heir, devisee or legatee for the amount of his compensation agreed upon, if there be a special agreement, or the reasonable value of his services in representing such devisee, legatee or heir, and shall have filed in probate court a duplicate of such notice, with proof of service, said attorney or attorneys shall have a lien upon such distributive share or legacy for such amount, which shall be taxed and allowed by the probate court at the time of hearing any

Decree
final.

Unpaid
claims.

Serving
notice.

petition for partial or general distribution of the estate in which such lien claimed was filed, and any money or property decreed therein to such heir or legatee, shall be decreed subject to such lien. The executor or administrator shall, out of any money or specific personal property so decreed, satisfy said lien claim, and for that purpose may, under the order and direction of the probate court, sell so much of such specific personal property as may be necessary to satisfy said lien, claim, and the costs and expenses of the sale.

May sell
personal
property.

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

Approved March 2, 1905.

S. F. No. 102.

CHAPTER 22.

School
library ap-
propriation.

An act to appropriate money for school district libraries to be expended under the provisions of section thirty-seven hundred and fifteen (3715) of the General Statutes of 1894, section thirty-seven hundred and sixteen of said General Statutes of 1894, as amended by chapter eighty-five (85) and eighty-six (86) of the General Laws of 1895, and section thirty-seven hundred and seventeen (3717) of said General Statutes of 1894.

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

Amount.

SECTION 1. That the sum of ten thousand (\$10,000) dollars be, and the same is hereby appropriated out of the funds in the treasury of the State of Minnesota, to aid school districts in the purchase and acquisition of school libraries; the same to be available immediately and until Aug. 1, A. D. 1905, and to be used and expended under and pursuant to the provisions of section thirty-seven hundred and fifteen (3715) of the General Statutes of 1894, section thirty-seven hundred and sixteen (3716) of said General Statutes of 1894, as amended by chapters eighty-five and eighty-six of the General Laws of 1895, and section thirty-seven hundred and seventeen of said General Statutes of 1894.

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

Approved March 2, 1905.