

party to the action moves the court to direct a verdict in his favor, and such motion is denied, upon a subsequent motion that judgment be entered notwithstanding the verdict, *or notwithstanding the jury has disagreed and been discharged*, the court shall grant the same if the moving party was entitled to such directed verdict. An order for judgment notwithstanding the verdict may also be made on a motion in the alternative form asking therefor, or, if the same be denied, for a new trial. If the motion for judgment notwithstanding the verdict be denied, the supreme court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed at the trial; and it may also so order, on appeal from the whole order denying such motion when made in the alternative form, whether a new trial was granted or denied by such order.

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

Approved February 15, 1917.

CHAPTER 25—S. F. No. 23.

An act to appropriate money to defray the cost of the publication of proposed amendments to the constitution, during the months of October and November, 1916.

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

Section 1. **\$45,589.20 appropriated for publication of synopsis of proposed amendments.**—That the sum of forty-five thousand five hundred eighty-nine dollars and twenty cents (\$45,589.20) be and is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the payment of the publication of the proposed amendments to the constitution in various papers of the state.

Approved February 16, 1917.

CHAPTER 26—S. F. No. 293.

An act to amend Section 307, General Statutes 1913, relating to Nomination of Candidates for Special Elections, and providing for the nomination at a Primary Election of the candidates to be voted for at Special Elections in Cities of the First Class, not operating under a Home Rule Charter.

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

Section 1. **Provisions for nomination of candidates by primary election for special elections, in cities of first class.**—That Section 307 of the General Statutes of 1913 be and the same is hereby amended so as to read as follows:

307. That whenever a special election shall be ordered in any city of this state, having a population of more than ten thousand inhabitants and less than twenty thousand inhabitants, to fill any vacancy in the offices of such city, and the charter of such city shall require such special election to be ordered and held within ten days after such vacancies shall occur, candidates for election at such special election shall not be required to be nominated at a primary election. Candidates for election at such special election may be nominated by delegate conventions called and held in accordance with the laws of this state, relative to the nomination by conventions held to nominate candidates for election at a special election. Candidates for election at such special election may also be nominated by certificates in the manner provided by law relating to nominations by petition or certificates of voters. Provided, however, that all certificates of nomination of candidates for election at such special elections shall be filed with, and the nomination fee fixed by law paid to the city clerk of such city on or prior to the third day before the day appointed for holding such special election.

Whenever a special election shall be ordered in any city of the first class in this State not operating under a home rule charter, to fill any vacancy in the offices of such city, and the charter of such city shall not require such special election to be ordered and held within ten (10) days after such vacancy shall occur, candidates for election at such special election shall be nominated at a primary election held on the third day, exclusive of any intervening Sunday, before the day appointed for such special election, at the time and places provided under section 309, General Statutes 1913 for the meeting and attendance of the Judges of election; and at such time and places there shall be held a primary election for the purpose of selecting two candidates to be voted for at the special election held to fill such vacancy.

The returns of such primary election shall be returned to the city clerk of such city, and shall be canvassed on the next day (not a Sunday or legal holiday), following such primary election, by a canvassing board consisting of the city clerk of such city, the chief accounting officer of such city and the city treasurer of such city.

Such canvassing board shall meet and canvass the returns and determine the result of such primary election on such day provided for their meeting; and shall forthwith certify in writing the result of such canvass to the city clerk of such city, who shall file the same and forthwith, in writing, notify the successful candidates of their nomination.

In the event that any of said officers above named to act on such canvassing board is a candidate for the office so to be filled, or is for any reason unable to act on such canvassing board, the

chief executive officer of such city shall designate and appoint another officer of such city as a member of such canvassing board, in place of the officer named who is unable to act.

The action of a majority of such canvassing board, in making such canvass shall be legal and sufficient.

The city clerk of such city shall give fifteen (15) days notice of the time and places of holding such special election, and at the same time shall give notice of such primary election, designating the officers to be elected.

Notice of both said primary election and special election may be given in one and the same notice, but no defect in such notice or failure to give such notice shall invalidate any election.

All candidates for nomination at such primary election must file their affidavit for such nomination, and pay their fee therefor, in the same manner as provided in the law governing primary elections, except only that such filing shall be made with, and such fee paid to, the city clerk of such city, instead of the county auditor; and such filing must be made, and the fee therefor paid, not later than the fifth day preceding the primary election.

The two persons receiving the highest number of votes at such primary election shall be declared the nominees, and their names shall be placed on the ballot to be used at the special election, and no other names of candidates shall appear on the ballot to be used at such special election except the names of the two candidates receiving the highest number of votes at such primary election; Provided, however, that in the event that not more than two persons file as candidates for nomination for the office to be filled at such special election, then, and in such event, no primary election shall be held, but the two persons so filing shall be considered and shall be the nominees for such office, and their names, and their names only, shall be placed on the ballot, to be voted on at said special election for the office so to be filled.

At the primary election so to be held to select candidates to be voted on at such special election all persons entitled to vote at such special election shall be entitled to vote at such primary election, and except as herein otherwise provided, such primary election and all things pertaining thereto shall be in accordance with and controlled by the laws of the State of Minnesota in respect to primary elections, except only that wherever any act in connection with any regular primary election is required to be done by the county auditor, all such acts in connection with a special primary election shall be done by the city clerk of such city.

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

Approved February 15, 1917.