

## CHAPTER 697—S. F. No. 98

*An act providing for the appointment of a trustee to institute actions for death by wrongful act; eliminating the two year limitation for the commencement of such actions; removing the limitation on the amount of recovery; and amending Minnesota Statutes 1949, Section 573.02.*

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

Section 1. Minnesota Statutes 1949, Section 573.02, is amended to read:

**573.02. Action for death by wrongful act.** *Subdivision 1.* When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 2 may maintain an action therefor if the decedent might have maintained an action, had he lived, for an injury caused by such wrongful act or omission. The action may be commenced within three years after the act or omission. The recovery in such action in such an amount as the jury may deem fair and just in reference to the pecuniary loss, resulting from such death, shall not exceed \$17,500, and shall be for the exclusive benefit of the surviving spouse and next of kin, to be distributed to them as is personal property of persons dying intestate. Funeral expenses and any demand for the support of the decedent, other than old age assistance, allowed by the court having jurisdiction of the action, shall first be deducted and paid. If an action for such injury shall have been commenced by such decedent, and not finally determined during his life, it may be continued by such trustee for recovery of such damages, and for the exclusive benefit of the surviving spouse and next of kin, to be distributed as is personal property of persons dying intestate. The court on motion shall make its order, allowing such continuance, and directing pleadings to be made and issues framed as in actions begun under this section.

*Subd. 2.* Upon written petition by the surviving spouse or one of the next of kin, the court having jurisdiction of an action falling within the provisions of subdivision 1, shall appoint a suitable and competent person as trustee to commence or continue such action and obtain recovery of damages therein. The trustee, before commencing his duties shall file his consent and oath. Before the trustee shall receive any

*money, he shall file a bond as security therefor in such form and with such sureties as the court may require.*

*Subd. 3. This act shall not apply to any death or cause of action arising prior to its enactment, nor to any action or proceeding now pending in any court of the State of Minnesota.*

Approved April 23, 1951.

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CHAPTER 698—S. F. No. 438

[Not Coded]

*An act relating to judges of the district court, providing under certain conditions for one additional judge for the district court of the Fourth Judicial District, prescribing the rights, powers and privileges of judges of such district, and amending Minnesota Statutes 1949, Section 2.72.*

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

**Section 1. Fourth Judicial District; 13 judges.** There shall be elected in the fourth judicial district 13 district judges, any one or all of whom may perform the duties and exercise the powers of the court as prescribed by law. Each of the present judges of the district court shall continue as one of the judges thereof for the term for which elected.

**Sec. 2. Twelve judges to July 1, 1953.** Subdivision 1. Notwithstanding any provision of Minnesota Statutes 1949, Section 2.72, the fourth judicial district comprising the county of Hennepin shall be entitled to 12 judges of the district court until July 1, 1953, and thereafter until a vacancy shall occur, other than by expiration of the elected term, in one of the offices of district judge in and for said county and district. When such vacancy does occur same shall not be filled by appointment or election and the additional judgeship herein created shall thereupon cease to exist and said county and district shall thereafter be entitled to 11 judges only.

**Subd. 2.** Upon the passage of this act, the governor shall appoint a competent person, learned in the law, to be the