

dred and twenty-five (425) copies of the Minnesota Digest volumes one (1) and two (2), covering volumes one (1) to forty-seven (47) of the Minnesota Reports already published, and four hundred and twenty-five (425) copies of Minnesota Digest volume three (3), to contain a digest of volumes forty-eight (48) to sixty-seven (67), inclusive, of the Minnesota Reports, such digest last named to be prepared by the West Publishing Company, in the same manner and in every way equal to volumes one (1) and two (2), and to be delivered to the state within sixty (60) days after the publication of the sixty-seventh (67th) volume of Minnesota reports; *provided, however*, that the said digests can be purchased at a price not exceeding five dollars and fifty cents (\$5.50) per volume; volumes one (1) and two (2) to be delivered to the state when required by the secretary of state, and volume three (3) immediately when said volume is ready for delivery.

SEC. 3. The sum of seven thousand and twelve dollars (\$7,012), or so much as may be necessary, is hereby appropriated for the above purpose; one-half of the said amount to be paid upon the delivery to the state of said volumes one (1) and two (2), and the balance in one year from the time of the delivery of the said volume three (3).

Appropriation.

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

Approved April 21, 1897.

CHAPTER 203.

S. P. No. 544.

An act to amend section eight (8) of chapter sixty-five (65) of general statutes of eighteen hundred and seventy-eight (1878), being section four thousand nine hundred sixty-two (4,962), general statutes of eighteen hundred ninety-four (1894), relating to justices of the peace.

Justices of the peace.

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

SECTION 1. That section eight (8) of chapter sixty-five (65) of general statutes of eighteen hundred seventy-eight (1878), being section four thousand nine hundred sixty-two (4,962), general statutes of eighteen hundred ninety-four (1894), be and the same is hereby amended so as to read as follows:

Amendment.

Sec. 8. Every justice of the peace who shall not receive a suitable docket from his predecessor in office shall provide himself with such docket at the expense

Dockets.

of the town, city or village by which he was elected, and at the expiration of his term of office, or in case of his resignation or death, said docket and other official papers shall be disposed of as follows:

Dockets and records to be turned over to successor, or nearest justice.

First—If said justice of the peace shall hold said office till the expiration of his term, he shall thereupon deliver said docket, together with any other docket received from his predecessor or used by him, accompanied with all files, records and papers relating to or used in any suit or proceeding tried or acted upon by or before said justice of the peace, to his successor in office.

Second—If there be no successor elected or appointed at the time of the expiration of the term of any justice of the peace, or in case said justice of the peace resigns or for any cause surrenders his office, he shall immediately deliver all dockets and papers above enumerated to the nearest qualified and acting justice of the peace in the same county; and it is hereby made the duty of such adjacent justice of the peace to receive the same and to carefully preserve the same in his office separate and distinct from his own official dockets and files, till the election or appointment and qualification of a justice of the peace to succeed the one in whose office such vacancy occurred, whereupon all of said dockets and papers shall be returned on demand of such successor.

Death, incapacity or insanity of justice.

Third—In case of the death or incapacity by insanity of any justice of the peace (and in case of insanity only when the same is officially declared), or if such justice of the peace abscond or abandon his office, it is hereby made the duty of the nearest qualified and acting justice of the peace in the same county to forthwith take possession and officially keep as above, in his custody, all such dockets and papers belonging to the office of said deceased or absconding, or otherwise incapacitated justice of the peace, as are above enumerated, and upon the qualification of the successor of said deceased or incapacitated justice of the peace, to deliver all of the same into the custody of such successor.

Duty of justice so receiving dockets and records.

Any justice of the peace by whom dockets or records are so received belonging to an office in which a vacancy exists for any of the reasons above enumerated, shall not during the time while said dockets or records are in his custody, make any entry therein of any proceeding or suit begun before him, but during all the time while said dockets and records are properly in his custody, as aforesaid, said justice of the peace so officially holding the same shall have full power to issue transcripts or executions for the exemplification or enforcement of any judgment theretofore properly entered in any such dockets and appearing unsatisfied thereon, and upon

the payment of any such judgments, or the coming in of an execution wholly satisfied or the filing of a properly executed satisfaction, said justice of the peace may enter a satisfaction of any such judgment, any writ so issued or entry made shall be as effectual and have the same force and validity as if issued or made by the justice in whose office said vacancy so occurred. And in case the time allowed by law for appeal upon any judgment appearing on any such docket has not expired at the time such docket comes into the hands of any justice of the peace so designated as an official temporary custodian thereof, said justice of the peace may receive and file any appeal papers offered in the same manner as if the judgment had been entered in his own official docket and in all proper cases may allow and make return to any such appeal in the time and manner otherwise provided by law, except that he cannot by demand or otherwise be required to certify to the correctness of evidence taken at the trial of any such case.

And such justice of the peace into whose custody any such dockets or papers shall temporarily come under the provisions of this act, shall be liable for any official dereliction in the duties hereby prescribed, and shall be liable for all acts done in connection with such records and files, and for the payment to the proper person of any moneys coming into his hands by the collection of any such judgments, the same as for acts done and collections made upon judgments or matters coming directly before him in his official capacity prior to the passage of this act, and his official bond shall be deemed to extend to and cover all the additional duties and obligations created by this act; and for all services rendered in any cases covered hereby he shall receive the same fees as for the same services in other cases.

Liability for
dereliction of
duty.

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

Approved April 21, 1897.