

that the complainant, or any party applying for a warrant for the arrest of any person for the violation of any law or ordinance, shall, by deposit of money with the clerk of the court in which the proceeding is pending or *about to be commenced, give security for costs in such sum not exceeding five (5) dollars as may be designated by rule before any complaint shall be drawn or warrant issued.*

give security for costs.

SEC. 2. Any municipal court may, during the pendency of any prosecution, require the complainant to give such security for costs as to the court seems proper, and for default in the giving of such security, when ordered, the court may dismiss the case.

In default of security for costs case may be dismissed.

SEC. 3. And in any case in any municipal court in this state wherein the defendant is discharged or acquitted, the trial judge may, if it appear to him that the complaint was wilful or malicious or without probable cause, order the costs of the case taxed against the complainant and judgment entered against complainant therefor, and said judgment shall be enforced in the same manner as judgments in civil cases; provided, that the deposit, if any there be, shall be applied in payment of the costs or judgment without execution issuing. The balance of any deposit remaining after satisfying the costs or judgment shall be returned to complainant.

Court may order costs and judgment against complainant, when

SEC. 4. Unless the trial judge shall order the costs of the case taxed against complainant and judgment entered against him therefor, the deposit made in any case shall be returned to the complainant.

Return of deposit by complainant.

SEC. 5. Provided, however, that the provisions of this act shall not apply in cases where warrants are issued upon written order of a city, village or county attorney.

SEC. 6. This act shall be in force and effect from and after the date of its passage.

Approved April 23, 1897.

CHAPTER 341.

H. F. No. 259.

An act to provide for the enforcement by assignees and receivers of the liability of all stockholders, directors, trustees and other superintending officers of corporations for the benefit of the creditors thereof.

Enforcement of liabilities of stockholders for benefit of creditors.

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

Assignee or receiver of insolvent corporation to bring action for creditors.

SECTION 1. Whenever any corporation whose stockholders, or directors, trustees or other superintending officers shall be liable to its creditors, on account of any liability created by law, shall have become insolvent and shall have made an assignment of its property for the benefit of its creditors, or a receiver shall have been appointed for such corporation, it shall be the duty of such receiver or assignee, if no action by any creditors of such insolvent corporation shall be commenced against such stockholders, directors, trustees and officers of such corporation under the provisions of chapter seventy-six (76) of the general statutes of the state of Minnesota for the year eighteen hundred and seventy-eight (1878), within six months from the date of such assignment or appointment of such receiver, to forthwith commence an action against such stockholders, directors, trustees and officers of such corporation in his own name as such assignee or receiver, to enforce all such liability; and such action shall conform as nearly as practicable to the provisions of said chapter seventy-six (76), and he shall bring such action to the speediest possible termination without awaiting the winding up or final disposal of the insolvent estate. The amount collected through such proceeding shall be, as soon as possible, paid to the creditors of such corporation; and if there shall be any surplus property or money after the payment of all claims against said insolvent estate duly allowed, and the necessary costs and expenses of such assignee or receiver, then the same shall, after due notice to all interested parties given by such receiver or assignee in a manner to be prescribed by the court for a final hearing and accounting of such assignee or receiver, be turned over to such corporation. And the court may, in its discretion in said proceeding, upon application of any interested party or upon its own motion after due notice to all interested parties, make a partition and distribution of such surplus property and money to the persons who may be entitled thereto, and said court shall make and enter its judgment of partition and distribution in such proceeding.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

Payment to creditors.