

college, school or department thereof any student who comes within the definition of section one of this act, without any charge to said student for tuition, and to refund to any student who may come under the provisions of this act any money which he has paid in as tuition since his discharge.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved March 8, 1901.

CHAPTER 26.

S. F. No. 15.

An Act to amend section five thousand four hundred (5400) of the General Statutes of 1894, relating to the preparation and settlement of bills of exceptions.

Amendment.
Bills of ex-
ceptions.

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

SECTION 1. Section five thousand four hundred (5400) of the General Statutes of 1894 is hereby amended so as to read as follows:

Sec. 5400. The party preparing a bill of exceptions or case shall, within twenty days after the trial, or, in case a motion for a new trial has been made upon the minutes of the court, as provided in the preceding section, within twenty days after written notice of the filing of the order deciding such motion, serve it upon the adverse party, who may, within ten days after such service, propose amendments thereto, and the same, with the amendments proposed thereto, shall, within fifteen days after service of such amendments, be presented to the judge or referee who tried the cause, for allowance or settlement and signature, upon a notice of five days; if not presented within the time aforesaid, or such further time as may be stipulated or granted, the same shall be deemed abandoned; provided, that whenever the judge who tried the case shall cease to be judge, or shall die, or become incapable of acting from sickness or other cause, before a bill of exceptions is allowed or case made, or shall depart from and remain without the state at the time limited for the allowance or settlement, the said bill may be allowed, or case settled, by or before the judge of a judicial district adjoining that in which the action is pending; or in case a referee shall so die, or become incapacitated, or remain absent, as herein set forth, such bill may be allowed, or case settled, by the judge of the

Limitation of
service.

If judge
incapacitated.

If referee
incapacitated.

district court in which such action is pending; and, in either case, such allowance or settlement shall be made upon the files in the cause, the minutes of the judge or referee, if obtainable, and upon such proof of what transpired at the trial as may be presented by affidavit on behalf of the parties to the action with like effect in all respects as if such bill were allowed or case settled by the judge or referee who tried the cause. The case or bill, being examined and found or made conformable to the truth, shall be allowed and signed by the judge, referee or other officer acting as such judge or referee, as provided herein.

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

Approved March 8, 1901.

S. P. No. 22.

CHAPTER 27.

Amendment.
Notice in
summons.

An act to amend section 54 of chapter 66 of the General Statutes of 1878, the same being section 5195 of the General Statutes of 1894, relating to notice to be contained in summons.

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

SECTION 1. That section 54 of chapter 66 of the General Statutes of 1878, the same being section 5195 of the General Statutes of 1894, be, and the same is hereby amended so as to read as follows:

Notice to be contained in summons. The summons shall also contain a notice, in substance as follows:

First—In an action arising on contract or judgment for the payment of money only, that he will take judgment for a sum specified therein, if the defendant fails to answer the complaint.

Second—In other actions for the recovery of money only, that he will, upon such failure, have the amount he is entitled to recover ascertained by the court, or under its direction and take judgment for the amount so ascertained.

Third—In other actions that, if the defendant fails to answer the complaint, the plaintiff will apply to the court for the relief demanded therein.

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

Approved March 8, 1901.