

as amended by Chapter 245 of the General Laws of 1913, be and the same is hereby amended so that said section shall read as follows:

"Section 4362. When, at the close of the testimony, any 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, 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 March 9, 1915.

CHAPTER 32—S. F. No. 36.

An Act permitting the annexation for city and school purposes of incorporated villages to cities of the third class operating under a home rule charter, adjoining such villages.

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

Section 1. **Incorporated villages may be annexed for city and school purposes.**—Any incorporated village whose territory adjoins the territory of any incorporated city of the third class operating under a home rule charter, whether such village is in the same county as said city or not, may be annexed to said city and become a part thereof for city and school purposes in the manner herein provided for.

Sec. 2. **Election to be called on petition of ten per cent of voters.**—Ten per cent or more of the legal voters of such village, according to the number of votes cast at the last village election, may petition the governing body of such village to call an election for the determination of such proposed annexation, which petition shall be filed with the clerk of said village.

Sec. 3. **Time and place of election to be fixed by governing body.**—Such governing body shall within ten days after the filing of said petition as aforesaid fix a time and place for the holding of an election for the determination of said matter, which time

shall not be later than thirty days after the filing of said petition, and which place shall be within the limits of said village.

Sec. 4. Village clerk to post notices of election.—It shall be the duty of said village clerk to cause a copy of said petition, with a notice attached thereto stating the time and place for holding said election, to be posted in three public places within such village at least ten days before the date of said election.

Sec. 5. Appointment of judges of election.—Said governing body shall also appoint three residents of said village as judges of election, and said election shall be conducted as far as practicable in accordance with the laws governing village elections. The ballots shall bear the words "For annexation Yes....., No.....," with a space after each of the last two words, in one of which the voter shall make a cross to indicate his choice. Immediately after such election the judges shall canvass the ballots, and forthwith make and file with the village clerk a certificate that they have canvassed the ballots cast at such election, and the number of votes cast for and against said proposition.

Sec. 6. Governing body to canvass returns and clerk to issue certificate.—Within five days after such election said governing body shall meet and canvass the returns of said election. If the canvass shows that the majority of the votes cast were in the affirmative the village clerk shall make a certificate to that effect and attach the same to the original petition together with a copy of the resolution fixing the time and place of said election and proof of the posting of the notices of election herein provided for and forthwith file the same with the city clerk or city recorder of the city to which the village is to be annexed.

Sec. 7. Governing body to make declaration of annexation—Filing of declaration—Annexation complete.—At any time within twenty days after the filing of said certificate the governing body of said city may by resolution duly passed declare the said village to be annexed to said city and to be a part thereof, a certified copy of which resolution shall be duly filed with the secretary of state and the register of deeds of each county in which said city and village are situated, and thereafter said village shall be annexed to and form part of said city, and all the property and assets belonging to said village shall belong and be delivered to said city, and said city shall assume and be responsible for all the liabilities, obligations and indebtedness of said village.

Sec. 8. To become part of ward or may be new ward of city.—After such annexation the said village shall be part of such ward or form such new and separate ward as the said resolution annexing it shall specify.

Sec. 9. To be governed by laws of city and school district.—Such annexed village shall in all respects be governed by the laws governing the city at the time of such annexation, and

by all of the laws relating to schools and school districts in said city; and the schools and school property of such annexed village shall be under the control and management of the officers and proper authorities of such city controlling and governing the schools and school property of such city.

Sec. 10. Question of issuance of liquor licenses to be submitted to voters of original territory.—No license, however, for the sale of intoxicating liquors in the village so annexed to any such city shall ever be granted unless the question of issuing the same shall be first submitted to the electors residing within the territory of such annexed village, and shall be authorized by a majority vote of the electors voting at such election on such question. Such question shall only be submitted to the voters of such annexed village by the governing body of such city upon a petition therefor signed by at least forty per cent of the legal voters of such annexed village. Any such license granted without complying with the terms of this section shall be void.

Sec. 11. Assessment and payment of taxes.—In all cases where the territory so annexed is situate in a county other than the county in which such city is situate, all city taxes and assessments levied by such city upon the property situate in such other county shall be certified to the county auditor of the county in which such territory is situate and the county treasurer of such county shall pay to such city and to the school officers thereof all city taxes and assessments and the proper city officers shall pay all school taxes to the proper school officers of such city authorized to receive the same.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved March 12, 1915.

CHAPTER 33—S. F. No. 16.

An Act to amend Sections 2619, 2623, 2629, 2635, 2638, 2641, 2642 and 2644, of the General Statutes of Minnesota for the year 1913, relating to the licensing of motor vehicles, and making an appropriation therefor.

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

DEFINITION—Section 1. That Section 2619 of the general Statutes of Minnesota for the year 1913, be and the same is hereby amended so as to read as follows:

Section 2619. The term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances, and such vehicles as run only upon rails