

or form such new and separate ward, as the said resolution annexing it shall specify.

Sec. 9. Annexed city to be governed by all laws of annexing city.—Such annexed city shall in all respects be governed by the laws governing the annexing city at the time of such annexation. Upon such annexation, the territorial jurisdiction of the established municipal court, whether a municipal court, as such, or a justice court, whether established under general or special law, of the annexing city shall thereby be extended to the boundaries of the city as thus enlarged; and summons issued by or out of said court may be served at any place within the boundaries of the city as thus enlarged, as well as within the other territorial jurisdiction, created by law, of the said court.

Sec. 10. Not to issue liquor licenses.—No license, whatsoever, for the sale of intoxicating liquor in the city so annexed to any such city of the third class 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 city, and unless it shall be authorized by a majority vote of the electors voting at such election on such question. Such question shall be submitted to the voters of such annexed city by the governing body of such enlarged city only upon a petition therefor signed by at least forty per cent of the legal voters of such annexed city. Any such license granted without complying with the terms of this section shall be void.

Sec. 11. Certificates of tax levy.—In all cases where the territory so annexed is situated in a county other than the county in which such annexing city is situated, all city taxes and assessments levied by such enlarged city upon the property situated in such other county, shall be certified to the county auditor of the county in which such territory is situated, and the county treasurer of such county, to whom the said city taxes are payable, shall pay to the treasurer of such enlarged city all of such city taxes and assessments.

Approved April 20, 1925.

CHAPTER 280—S. F. No. 1057.

An act amending Section 9610, General Statutes 1923, relating to the foreclosure of mortgages for installments.

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

Section 1. Foreclosure of mortgages for installments.—That Section 9610, General Statutes 1923, be and the same is hereby amended so as to read as follows:

Sec. 9610. Where a mortgage is given to secure the payment of money by installments, each installment either for principal or in-

terest or both, as is due at any time, may be taken and deemed to be a separate and independent mortgage and such mortgage for each such installment may be foreclosed by *advertisement or by action*, in the same manner and with like effect as if a separate mortgage were given for each of such installments, and *such foreclosure may be made and sale had subject to the installments yet to become due upon the mortgage*; and a redemption from any such sale shall have the like effect as if the sale for such installment had been made upon an independent *subsequent* mortgage; *provided in such cases, the attorney's fee on the foreclosure so made shall not exceed the amount permitted by law in case of a mortgage securing the amount of the debt then due on such foreclosure.* The proceeds of the sale shall be applied *first in payment of the costs of the foreclosure sale, and of the installment due with interest thereon, taxes and insurance premiums paid, if any, and then towards the payment of the residue of the sum secured by such mortgage, and not due and payable at the time of such sale; and if such residue does not bear interest such application shall be made with rebate of the legal interest for the time during which the residue shall not be due and payable; and the surplus, if any, shall be paid to the subsequent lienors, if any, in the order of their priority, and then to the owner of the equity of redemption, his legal representatives or assigns. In case of redemption from any sale herein authorized, at the option of the redemptioner, the whole amount remaining unpaid on the mortgage, with interest and other items, if any, which have become part of the amount secured by the lien of the mortgage, may be included in the amount paid on redemption, and in such event the redemption so made shall have like effect as if the foreclosure sale had been made for the entire amount secured by the mortgage, including such additional items.*

Before any sale herein authorized the holder of the mortgage shall file with the sheriff a verified itemized statement in writing, showing the entire amount remaining unpaid on the mortgage, including taxes and insurance premiums paid and other items which have become part of the amount secured, and the rate of interest to accrue on same, which statement shall be subject to public inspection and shall be read by the sheriff at the sale, immediately after reading the notice of sale. The certificate of sale shall set forth correctly, in addition to the amount of sale, the remaining amount still unpaid on and secured by the mortgage, subject to which the sale is made, and the rate of interest to accrue on same. And if, during the time to redem from the sale, any additional or other item, other than interest at the rate so stated in the certificate, shall attach to said amount subject to which the sale was made, or any change shall occur in such amount or the rate of interest thereon, the facts with respect thereto shall be set forth by affidavit made and filed for

record, and a copy furnished the sheriff, in accordance with the provisions of Section 9648, General Statutes 1923, and the provisions of said section shall apply thereto.

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

Approved April 20, 1925.

CHAPTER 281—S. F. No. 1102.

An act providing for the retirement of any judge of the district court of the state who is, or may become, incapacitated from performing his judicial duties.

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

Sec. 1. **District judges to be retired in certain cases.**—That whenever any judge of the district court of the state becomes mentally or physically incapacitated from performing his official duties and such incapacity shall have continued for at least six months, and the public service is and will continue to suffer by reason thereof, and no application has been made by such judge or his legally appointed guardian to the governor for his retirement under and pursuant to Section 210, General Statutes 1923, any 25 or more freeholders and electors of the judicial district of such judge may petition the governor to have the question of the incapacity of such judge judicially determined as hereinafter provided.

Sec. 2. **Petition—contents.**—The said petition shall be in writing, duly verified, and shall allege said incapacity and set forth the nature and extent thereof, that such incapacity has existed for at least six months before the presentation thereof, and that the public service is suffering and will continue to suffer on account thereof unless such judge be suspended and retired from his said office.

Sec. 3. **Governor to suspend judge pending hearing.**—Upon receiving such petition, the governor shall forthwith deliver a certified copy thereof to the attorney general of the state, and shall file another certified copy thereof in the office of the clerk of the district court of the county in which such judge resides, together with an order suspending said judge from office until the final determination of the question of his incapacity, and shall also forthwith make and file in said clerk's office an order appointing a special term of the district court of said county, to be held at a time and place specified therein, for a hearing upon said petition, which said order shall designate and assign three judges of the district court of the state to sit en banc to try and determine the question of the incapacity of such judge to perform his judicial duties, at which hearing the district judge longest in judicial service shall preside. Such hearing