

or his agent, using or operating a motor vehicle upon or over the highways of the State of Minnesota, for the service of legal process in an action or proceeding against any such non-resident growing out of such use or operation resulting in damages or loss to person or property.

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

Section 1. **Secretary of State to be agent for service on certain persons.**—The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of the State of Minnesota, shall be deemed an appointment by such non-resident of the Secretary of State of the State of Minnesota, to be his true and lawful attorney upon whom may be served in all legal processes in any action or proceedings against him, growing out of such use or operation of a motor vehicle over the highways of this State, resulting in damages or loss to person or property, and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served, shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Secretary of State or by filing such copy in his office, together with payment of a fee of \$2.00, and such service shall be sufficient service upon the said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this act are attached to the summons. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding ninety days from the date of the filing of the action in such court. The fee of two dollars paid by the plaintiff to the Secretary of State at the time of service of such proceeding shall be taxed in his costs if he prevails in the suit. The said Secretary of State shall keep a record of all such processes so served which shall show the day and hour of such service.

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

Approved April 23, 1927.

CHAPTER 410—S. F. No. 488

An act to amend Sections 9 and 13 of Chapter 34 of Special Laws of 1889 entitled "An act to consolidate and amend several

acts relating to the municipal court of the City of Minneapolis" as amended by Chapter 299, Session Laws of 1915.

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

Section 1. **Terms—jury fee—costs.**—That Section 9 of Chapter 34 of the Special Laws of 1889 be amended to read as follows:

"Section 9. The municipal court shall hold a regular term for the trial of civil actions on the first Tuesday of September of each year, which term shall continue from day to day with such adjournment as to the court may seem proper until the business of the term is finished, and the court may, by rule or order, appoint such terms to be held oftener or upon other days than the day above mentioned. A party desiring to place a cause upon the general term calendar for trial shall, after issue is joined, prepare a note of issue containing the title of the cause, the names and addresses of counsel and if he desires a jury of twelve persons or a special jury of six persons so state therein, and shall serve the same upon the opposing counsel, and file such note of issue, with proof of service, with the clerk of the court within five (5) days after such service, and at said time pay to the clerk a jury fee of \$5.00 when a jury of twelve persons is demanded, or a special jury fee of \$3.00 when he waives a jury of twelve and demands a special jury of six persons. If the adverse party or parties, or any of them desire a jury of twelve persons the moving party having failed to ask for one he shall within the said five days file a written request therefor with the clerk and pay to the clerk the jury fee of \$5.00 or, when he demands a special jury of six persons, a special jury fee of \$3.00.

If each party shall fail to demand a jury of twelve persons in the manner herein provided such jury shall be deemed to be waived, and in that event if either party shall have demanded a trial by a jury of six persons in the manner herein provided, a trial shall then be by such jury of six. If neither a jury of twelve persons nor a jury of six persons is demanded as above provided, the jury shall be deemed to have been waived and upon the filing of said note of issue, and upon the expiration of five days, the clerk shall set said cause for trial in accordance with such rules as the judges may make, not less than ten days thereafter, unless requested to in writing by both parties or a special emergency exists, and shall notify all counsel in said cause by mail of the date of such setting. The judges may by order or rule of court provide for the assigning, setting, or resetting of causes for trial, upon the calendar and the order in which they shall be heard. For all purposes other than those specifically herein provided for, the first Tuesday in each month of the year, except in the months of July and August shall be the first day of a general term of said court; provided, that

when the first Tuesday of any such month shall be a legal holiday, the following day shall be the first day of such general term; provided further, that the provisions of this section shall not apply to forcible entry and unlawful detainer actions.

The judges are empowered to make such rules as may be necessary and proper to make the practice and procedure in this court conform as nearly as may be with that in the district court of Hennepin county.

Civil actions in said court shall be commenced by the service of a summons as hereinafter provided. The summons must be subscribed by the plaintiff, or his attorney, and directed to the defendant, requiring him to answer the complaint and serve a copy of his answer to the person whose name is subscribed to the summons at a place within the state therein specified, in which there is a postoffice, within ten (10) days after the service of summons, exclusive of the day of service.

The notice to be contained in the summons, the manner of service of the summons, pleadings, notices and appearances shall be the same as that required by law in the district courts of the state and the provisions of Chapter seventy-seven (77), Revised Laws, 1905, so far as the same may be applicable and not inconsistent with the provisions of this Act, shall apply to said municipal court, and all officers, acting by authority thereof; except that Sections 4258 to 4263, inclusive, and Sections 4319 to 4325, inclusive, Revised Laws, 1905, shall not so apply; and except that the time for demurrer and reply shall be ten (10) days in said court.

No police officer of said city shall serve, or attempt to serve, any summons, process, or paper in any civil action in said court, unless the complaint in such action shall have been previously filed with the clerk of said court, and in any case wherein such complaint is so filed said clerk shall when requested so to do, note or endorse the fact of such filing upon the back of said summons or process. And whenever any such process, summons or paper, in any civil action, shall have been delivered to any police officer for service, he shall, as soon as practicable thereafter, make proper return to said clerk whether said summons, process or paper shall have been served or not, and if not served, the reason therefor. And after the issuing of execution against the property of any judgment debtor any person indebted to such judgment debtor may pay the amount of such debt, or so much thereof as may satisfy such execution, to the officer holding such execution, and the receipt of such officer reciting the facts shall be a sufficient discharge and satisfaction of so much of said debt as is so paid over to such officer.

The pleadings in civil actions in said court shall be the same as in the district courts of the state, subject to such modifications as the court may by rule prescribe.

Said court shall also have authority to provide by rule that the plaintiff or moving party in any civil action or proceeding shall by bond, recognizance, or deposit of money with the clerk, give security for costs in such sums as the court may designate by said rule, before any summons or other process shall issue in the action.

Costs are allowed the prevailing party in actions commenced in said municipal court as follows:

To the plaintiff, upon a judgment in his favor, upon a trial upon the merits, when the amount thereof, or value of personal property recovered exclusive of costs and disbursements, exceeds fifty (\$50) dollars, and is less than one hundred (\$100) dollars, five (\$5) dollars.

To the defendant, when judgment is rendered in his favor upon the merits, after a trial of an issue of fact, when the amount claimed in the complaint, or value of personal property in replevin, is less than one hundred (\$100) dollars, five (\$5) Dollars.

To the plaintiff, upon a judgment in his favor of one hundred (\$100) dollars or more, or in actions of replevin when the value of the property is one hundred (\$100) dollars or more, when no issue of fact or law is joined, five (\$5) dollars when an issue is joined, ten (\$10) dollars.

To the defendant, when the amount claimed in the complaint is one hundred (\$100) dollars or more, upon discontinuance or dismissal, five dollars (\$5); when judgment is rendered in his favor upon the merits, ten (\$10) dollars.

Costs and disbursements shall be taxed and allowed in the first (1st) instance by the clerk upon two (2) days' notice by either party, and inserted in the entry of the judgment. The disbursements shall be stated in detail, and verified by affidavits, which shall be filed. *No party however, shall tax his disbursement for a jury fee for a jury of twelve persons or be permitted to recover the same from the opposing party, but a prevailing party may tax his disbursement of \$3.00 for a special jury fee.*

The party objecting to any item shall specify in writing the ground of objection; and the same, in case of appeal shall be certified by the clerk, and the appeal shall be heard and determined upon the objections so certified, and none other."

Sec. 2. **Juries may consist of six or twelve persons.**—That Section 13 of Chapter 34 of the Special Laws of 1889 be amended by inserting at the end thereof a section to be known as Section 13-A, which shall read as follows:

"Section 13-A. *The jury in civil actions shall consist of either twelve persons or six persons as demanded in accordance with the provisions of Section 1 of this Act amending Section 9, Chapter 34, of the Special Laws of 1889. The provisions of Section 9301, General Statutes, 1923, with regard to a 'five-sixths jury shall apply where there is a jury of six persons as well as where there is a jury of twelve.'*"

Approved April 23, 1927.

CHAPTER 411—S. F. No. 516

An act to amend Laws 1925, Chapter 4, Section 4, relating to elections and the terms of office of elective officers in certain villages.

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

Section 1. **Terms of officers in certain villages.**—That Laws 1925, Chapter 4, Section 4, be and the same hereby is amended so as to read as follows :

"Section 4. On the first Tuesday after the first Monday of December, 1925, and on the first Tuesday after the first Monday of December of each year thereafter, an election shall be held in each of such villages at which all village officers as specified in Section 2 of this act shall be elected each for a term of one year, excepting that one trustee shall be elected each year for a term of three years, commencing on the first day of January following their election; PROVIDED, however, that if at the time of said election held on the first Tuesday after the first Monday in December, 1925, there are any such village officers holding offices, the term of which does not expire until after the first of January, 1926, their successors shall be elected to hold office only for that portion of the one or three year term commencing January 1st, 1926, which shall remain after the expiration of the term of office of such officer whose term does not expire until after January 1st, 1926.

Provided that where there is a municipal court established in any such village the Judge or Judges of which heretofore have been elected for a term expiring prior to the first Tuesday after the first Monday in December, 1927, such Judges shall continue to hold office until the expiration of such term. At the election held in December, 1925, successors to such Judges shall be elected for a term beginning at the expiration of their then existing terms of office and expiring the 31st day of December, 1927. *If any judge of any municipal court established in any such village has been elected before the passage of this act for a term expiring after the first Tuesday after the first Monday in December, 1927,*