

"4. From an order *granting or* refusing a new trial, or from an order sustaining a demurrer, providing that when an order granting a new trial is based exclusively upon errors occurring at the trial *the court shall expressly state in its order or memorandum the reasons for and the grounds upon which such new trial is granted and in such case an appeal may be taken from such order.*

Provided further that when upon the entry of an order overruling a demurrer, the trial court shall certify that the question presented by the demurrer is in his own opinion important and doubtful and such certification is made part of the order overruling the demurrer, an appeal from such order may be taken."

Approved April 20, 1931.

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CHAPTER 253—H. F. No. 1066

*An act allowing the retirement of probate judges in certain cases.*

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

**Section 1. Retirement of judges of probate court.**—Whenever a probate judge shall become incapacitated physically or mentally from performing his judicial duties during the remainder of his term of office and shall make a written application to the governor for his retirement, setting forth the nature and extent of such disability, the governor shall make such investigation as he shall deem advisable and if he shall thereby determine that such disability exists, and the public service is suffering and will continue to suffer by reason of such disability, he shall thereupon by written order, to be filed in the office of the secretary of state, direct the retirement of such judge for the unexpired portion of the term for which such judge was elected, which retirement shall create a vacancy in said office, which shall be filled by appointment, as provided by law.

**Sec. 2. To receive half pay.**—When a judge shall be retired under the provisions of section 1 of this act, he shall receive the compensation allotted to his office for the remainder of his term, or, if then past 70 years of age, having served as such probate judge

continually for more than forty years, he shall receive one-half of the compensation allotted to his office at the time of such retirement for the remainder of his life, to be paid at the time and in the manner provided by law.

Approved April 20, 1931.

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CHAPTER 254—H. F. No. 1079

*An act amending Laws 1929, Chapter 37, relating to the allowance for clerk hire in certain counties.*

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

**Section 1. Salary of county auditor and of clerks in certain counties.**—That Laws 1929, chapter 37, section 2, be amended to read as follows:

“Sec. 2. The salary of the County Auditor of any such county shall be Two Thousand Five Hundred Dollars (\$2,500.00) per annum, and said County Auditor shall be allowed not to exceed Twenty Four Hundred Dollars (\$2,400.00) for clerk hire in said office; *provided, that in any county where the public service would appear to demand it, the county commissioners may grant an additional sum for clerk hire in the office of the county auditor.*”

Approved April 20, 1931.

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CHAPTER 255—H. F. No. 1185

*An act to permit any city of the first class located in a county having a population of not less than 275,000 inhabitants and not more than 350,000 inhabitants to reduce assessments for local improvements in certain cases and providing the procedure for such reduction.*