

tendants, the court shall fix the time and place for the hearing thereof, ten days' notice of which shall be given to the state board of control and to such other persons and in such manner as the court may direct. Any person may oppose such restoration. Upon proof that the patient is not feeble-minded or epileptic, the court shall order him restored to capacity at the expiration of thirty days from the date of service of such order upon the state board of control. If restoration be denied, the patient shall be remanded to the state board of control; if restoration be granted, he shall be so remanded for the thirty days aforesaid.

*The court may appoint two duly licensed doctors of medicine or two persons skilled in the ascertainment of mental deficiency to assist in the determination of the mental capacity of the patient. The court shall allow and order paid to each person so appointed the sum of five dollars per day for his services and fifteen cents for each mile traveled. Upon such order the county auditor shall issue a warrant on the county treasurer for the payment thereof. If the court notifies the county attorney he shall attend the hearing and if he deems it for the best interest of the public he shall oppose the restoration in the probate court and appellate courts."*

Approved April 15, 1939.

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#### CHAPTER 271—S. F. No. 960

*An act relating to primary elections in any village or city of the fourth class with a population of not less than 1,500 and located in a county having not less than 90 nor more than 100 full and fractional congressional townships; and to amend the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 317-1.*

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

**Section 1. Primary elections in certain villages.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 317-1, is hereby amended so as to read as follows:

"317-1. Any village or city of the fourth class with a population of not less than 1,500 and located in a county having not less than 90 nor more than 100 full and fractional congressional townships may hold an election of nominees, hereinafter designated as the "primary election" for the purpose of

nominating candidates for village or city offices by adopting one of the following methods:

1. By resolution *adopted by a four-fifths vote of the governing body of the village or city*; or

2. By a petition signed by at least ten per cent of the voters of said village or city, addressed to the governing body of said village or city, requesting that said governing body submit to the voters thereof the determination of the question as to whether said village or city shall have a primary election system for the purpose of nominating candidates for village or city offices of such village or city at a special election to be held for that purpose. Within 15 days after receiving such a petition, the governing body shall provide for special election and shall give not less than ten, nor more than 15, days' posted notice thereof. The form of question to be voted on shall be as follows: "Shall the Village—City of ..... adopt the primary election system for the nomination of candidates for Village—City offices." If a majority of the voters at such special election shall vote in the affirmative, such primary election system shall be deemed to be in force and effect."

Approved April 15, 1939.

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#### CHAPTER 272—S. F. No. 962

*An act relating to salaries of president and trustees in certain villages, and amending Mason's Minnesota Statutes of 1927, Section 1163-1, as amended.*

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

**Section 1. Salaries of village officers in certain villages.**—Mason's Minnesota Statutes of 1927, Section 1163-1, as amended by Laws 1931, Chapters 47 and 362, and by Laws 1935, Chapters 36 and 158, is hereby amended so as to read as follows:

"1163-1. *Subdivision 1.* In all villages of this state, except those governed under a charter adopted pursuant to the state constitution, *Section 36, article 4*, the salaries of the president and trustees shall be in amounts according to the following classifications of villages, provided that the village council of any village shall have the authority to fix the salaries of its president and its trustees in a lesser amount for the term of office during which the members of such council