

of this act, other than a willful failure, the buyer shall have a right to recover from the person committing such violation, to set off or counterclaim in any action by such person to enforce such contract an amount as liquidated damages equal to two times the time price differential, plus reasonable attorneys' fees.

Sec. 11. [168.76] **Severability clause.** If any provision of this act or the application thereof to any person or circumstances is held unconstitutional, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 12. [168.77] **Citation of act.** This act may be cited as "The Motor Vehicles Retail Installment Sales Act."

Sec. 13. This act shall take effect July 1, 1957.

Approved April 1, 1957.

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#### CHAPTER 267—H. F. No. 488

[Coded]

*An act authorizing the Commissioner of Agriculture, Dairy and Food, to delegate certain of his duties.*

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

Section 1. [17.013] **Delegation of powers to deputy commissioner.** The Commissioner of Agriculture, Dairy and Food may designate the deputy commissioner of Agriculture, Dairy and Food to act in his stead as a member, with all his rights and privileges therein, of any board, committee or commission that the commissioner is made a member of by law. The designation shall be filed with secretary of state.

Approved April 1, 1957.

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#### CHAPTER 268—H. F. No. 562

*An act relating to manslaughter; amending Minnesota Statutes 1953, Sections 619.15 and 619.18.*

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

Section 1. Minnesota Statutes 1953, Section 619.15, is amended to read:

**619.15 Manslaughter in first degree.** Such homicide is manslaughter in the first degree when committed without a design to effect death:

(1) By a person engaged in committing or attempting to commit a misdemeanor affecting the person or property, either of the person killed or of another;

(2) In the heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon.

Sec. 2. Minnesota Statutes 1953, Section 619.18, is amended to read:

**619.18 Manslaughter in second degree.** Such homicide is manslaughter in the second degree when committed without a design to effect death:

(1) By a person committing or attempting to commit a trespass or other invasion of a private right, either of the person killed or of another, not amounting to a crime;

(2) In the heat of passion, but not by a deadly weapon or by use of means either cruel or unusual;

(3) By any act, procurement, or culpable negligence of any person, which, according to the provisions of this chapter, does not constitute the crime of murder in the first or second degree, nor manslaughter in the first degree; or

(4) *By shooting another with a gun, firearm or other deadly weapon when resulting from carelessness in mistaking the person shot for a deer or other animal.*

Approved April 1, 1957.

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## CHAPTER 269—H. F. No. 754

[Not Coded]

*An act relating to the powers and duties of city council; amending Laws 1895, Chapter 8, Sections 61 and 117.*

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

Section 1. Laws of 1895, Chapter 8, Section 117, is amended to read:

Sec. 117. **Passage of ordinances and resolutions.** Every ordinance, order and resolution, except as in this act otherwise provided, shall be passed by a majority vote of the members of the city council, taken by yeas and nays, which shall be