

other municipality not his own, at such times as the chief justice may determine. Any municipality so served by a municipal judge other than its own shall pay such judge all sums for travel, meals, lodging and communications necessarily paid or incurred by him as a result of such assignment.

Approved April 24, 1959.

CHAPTER 658—H. F. No. 1354

An act relating to commercial business trade names; providing for the publication of the certificate thereof; amending Minnesota Statutes 1957, Sections 333.01; 333.02; 333.03; 333.04; and 333.06.

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

Section 1. Minnesota Statutes 1957, Section 333.01, is amended to read:

333.01 Commercial business trade names; certificate, publication. No person or persons shall hereafter carry on or conduct or transact a commercial business in this state under any designation, name, or style, which does not set forth the full individual name of every person interested in such business unless such person or persons shall file in the office of the clerk of the district court of the county or counties in which the person or persons conduct or transact, or intend to conduct or transact, such business, a certificate setting forth the name under which the business is conducted or transacted, or is to be conducted or transacted, and the true or real full name or names of the person or persons conducting or transacting the same, with the post-office address or addresses of such person or persons. The certificate shall be executed and duly acknowledged by one of the persons conducting, or intending to conduct, the business. *The certificate shall be published in a qualified newspaper in the county where the certificate is filed for two successive days in a daily newspaper, or for two successive weeks in a weekly newspaper.*

Sec. 2. Minnesota Statutes 1957, Section 333.02, is amended to read:

333.02 Filing of certificate. Persons conducting or transacting any business under any designation, name, or style referred to in section 333.01 shall, before commencing such business, file such certificate and proof of publication in the manner prescribed in section 333.01.

Sec. 3. Minnesota Statutes 1957, Section 333.03, is amended to read:

333.03 Change of ownership, new certificate. On each change in ownership of any business described in section 333.01, a new certificate must be filed with the clerk of court, either by one of the retiring or incoming owners of the business, setting forth the full individual name or names, together with the post-office address or addresses of the new owners thereof. *The new certificate shall be published in the manner provided in Minnesota Statutes, section 333.01.* Until the new certificate and proof of publication are filed, the person or persons whose names appear as owners upon the certificate heretofore filed shall continue liable to all persons who extend credit to the business, except only in the case of creditors who have actual notice or knowledge of such change of ownership.

Sec. 4. Minnesota Statutes 1957, Section 333.04, is amended to read:

333.04 Clerk of district court; duties, fees. The several clerks of the district courts of this state shall keep an alphabetical list of all persons filing certificates provided for in section 333.01, and for the indexing and filing of such certificates they shall receive a fee of \$1. A copy of such certificate, duly certified to by the clerk of the district court in whose office the same is filed, shall be presumptive evidence in all courts of law in this state of the facts therein contained.

Sec. 5. Minnesota Statutes 1957, Section 333.06, is amended to read:

333.06 Failure to file certificate, effect. If any person or persons conducting a business contrary to the terms of sections 333.01 to 333.06 shall, prior to the filing of the certificate and proof of publication therein prescribed, commence a civil action in any court of this state on account of any contract made by, or transaction had on behalf of the business, the defendant may plead such failure in abatement of the action; and all proceedings had in the action shall thereupon be stayed until the certificate provided for by sections 333.01 to 333.06 is duly filed, and the defendant, in case he prevails in the action, shall also be entitled to tax \$5 costs, in addition to such other statutory costs as are now allowed by law, and, in case he does not prevail in the action, shall be entitled to deduct \$5 from the judgment otherwise recoverable therein.

Approved April 24, 1959.
