

CHAPTER 434—S. F. No. 424.

An Act to amend Revised Laws of 1905, Section 3579, relating to service of summons and complaint.

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

Proof of service of summons.—Section 1. That the Revised Laws of 1905, section 3579, be amended to read as follows :

“Section 3579. Copies of the summons and complaint shall be served on the defendant personally, and, when such service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same, with the certificate of the clerk of the court of the county to the identity of the officer taking the affidavit, and when made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister charge d'affairs, commissioner, consul or commercial agent, or other counsellor or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; but, if personal service cannot well be made, the court may order service of the summons by publication, which publication shall be made as in other actions.”

Approved April 22, 1909.

CHAPTER 435—S. F. No. 429.

An Act relating to the collection and expenditure of road taxes in all villages in this state.

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

Expenditure of road taxes in villages.—Section 1. All road taxes, except poll taxes, may be required to be paid in cash in any village in this state whenever a majority of the voters of such village voting by ballot upon the question shall so determine. Such question shall not be voted upon unless a petition signed by at least ten voting tax payers of such village, praying for the payment in cash of all road taxes, is filed with the clerk or recorder of such village ten days before the annual election in such village, in which case the clerk or recorder shall specify in the notice of such annual election that such question will be voted upon. If such question is decided in the affirmative, all taxes thereafter assessed for the maintenance and repair of roads and bridges in such village shall be paid in money and disbursed by the village council or governing board of such village as other village taxes. The village council or governing board of such

village may assess all the property of such village not to exceed six mills on the dollar on the last assessed valuation thereof, and if they so assess, they shall certify the same to the county auditor for extension and collection, the same as other village taxes, and before such taxes are collected, such village council or governing board of such village may pledge the credit of the village by issuing village orders not to exceed the taxes so assessed, to the expense of road and bridge work.

Provided, however, that for the year 1909, upon a petition as above provided for, being filed with the village clerk or recorder on or before the last Tuesday in March of said year, the village council may cause a special election to be held for the purpose of voting upon said question, by giving the notice required in the case of special elections in villages.

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

Approved April 22, 1909.

CHAPTER 436—S. F. No. 435.

An Act to amend Section 2741 of the Revised Laws of 1905, relating to demand notes.

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

Promissory note must be presented within five months after date of maturity.—Section 1. That section 2741, of the Revised Laws of 1905, relating to demand notes, be and the same is hereby amended as follows:

“When a promissory note is payable on demand, presentment for payment must be made within five months after the date thereof, or the indorser will be discharged, and if made within said period the presentment and demand shall be deemed to have been made within a reasonable time. Any act, neglect, or other thing, occurring within such five months, which by the rules of law and the custom of merchants would excuse presentment of a note payable at a fixed time, shall be deemed a dishonor of such demand; and the several indorsers thereof, upon due notice of its dishonor, shall be liable in the same manner and to the same effect, and not otherwise, as upon the dishonor of a promissory note payable at a fixed time.”

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.