

other law of this state to be served or published, but shall be additional thereto.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 20, 1917.

CHAPTER 389—H. F. No. 796.

An act to legalize certain bonds heretofore issued by townships to refund floating indebtedness, where such floating indebtedness was in excess of the annual tax levy and not authorized by a majority vote of the electors.

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

Section 1. **Certain bonds issued to refund floating indebtedness validated.**—That all bonds heretofore issued by any township between the first day of July, 1916 and the first day of October, 1916, to refund the floating indebtedness of such township, evidenced by township orders, where the amount of such floating indebtedness so evidenced was in excess of the annual tax levy and had not been authorized by a majority vote of the electors of such town, as provided by section 1190, General Statutes 1913, when the proceedings relative to the issuance of such bonds were in all respects regularly had, as provided by law and the issuance thereof was duly authorized by a vote of more than three-fourths of the electors present and voting at a special town meeting, duly called for the purpose of voting upon the issuance of such bonds, are hereby legalized and declared to be valid and subsisting obligations of such township to the same extent as though such indebtedness sought to be refunded was in all respects duly and regularly incurred by such township.

Approved April 20, 1917.

CHAPTER 390—H. F. No. 797.

An act to amend Section 12 of Chapter 59 of the Special Laws of Minnesota for the year 1891, establishing a municipal court in the city of Ely and also amending Section 2 of said act as amended by Chapter 66, Laws of Minnesota 1915.

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

Section 1. **Procedure in municipal court of Ely.**—That section 12 of chapter 59, Special Laws of Minnesota for the year 1891 be amended so as to read when amended as follows:

Section 12. Proceedings against garnishees' may be instituted in the same manner as in justices' courts, upon filing with the clerk an affidavit similar in like cases or actions in justice courts and the summons may be signed by the plaintiff or his

attorney, and may be served by any officer or indifferent person, at any place within the state of Minnesota. It shall require the garnishee to appear before the clerk of said court in which the action is pending, at a time and place mentioned therein, not less than six (6) days from the service thereof, *and on any Tuesday of any week, when such Tuesday is not a holiday*; the notice required to be served upon the defendant in the action shall be signed either by the plaintiff or his attorney in the action or by the person who served the garnishee *summons on the garnishee* and it shall be served upon the defendant at least three (3) days before the time specified in the same for the appearance of the garnishee *to make disclosure*. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court. *If in any action in which a garnishee summons has been issued and served and the property of the defendant has been thereby attached in the hands of the garnishee it shall appear from the return thereon that the defendant cannot be found within the territorial jurisdiction of the court, and the plaintiff, his agent or attorney shall make and file an affidavit that such defendant is a resident of the state of Minnesota, but resides outside of the territorial jurisdiction of this court, then the judge, upon motion of the plaintiff or his attorney, shall make an order reciting the alleged facts and directing that the garnishee summons in said action together with the notice to the defendant (stating the time and place at the garnishee disclosure will be made) with a copy of such order shall be served on the defendant anywhere within the state. The judge shall continue such action and all proceedings therein (including the disclosure of the garnishee) till the return day named in the order.*

Sec. 2. Election of municipal judge.—That section 2 of chapter 59, Special Laws of Minnesota for the year 1891 as amended by chapter 66, Laws of Minnesota for the year 1915, be amended so as to read when amended as follows:

Sectoin 2. The qualified electors of the city of Ely, St. Louis county, Minnesota, shall, at the general election, to be held in and for the election of officers for said city *on the first Tuesday after the first Monday in December in the year 1917*, elect a suitable person with the qualifications hereinafter mentioned to the office of judge of the municipal court of said city to be called municipal judge, and who, shall *enter upon the duties of his office on the first Tuesday after the first Monday in January, 1918, and who shall hold his office until the first Tuesday after the first Monday in January, 1920.*

That the terms of office of the municipal judge who shall be a resident and qualified elector shall be two years, and until

his successor is elected and qualifies. Before entering upon the duties of his office said judge shall subscribe to an oath as prescribed by the general laws for judicial offices, which oath shall be filed as required by law. He shall have the general powers of judges of courts of records and may administer oaths, take acknowledgments in all cases and as conservator of the peace shall have the powers and authority over all action or judgments arising in his court where no other provision is otherwise made in this act which is by law vested in district courts of this state, or other judicial officers. In case of vacancy in the office of municipal judge the governor of the state of Minnesota shall appoint some qualified person to said office until the next regular city election at which time an election may be had to fill the unexpired term of the person who has vacated the office after which time a judge shall be elected for the full term of two years.

Sec. 3. Inconsistent acts repealed.—That all acts or parts of acts in conflict with the provisions of section 2 of this chapter as amended are hereby repealed.

Sec. 4. That this act shall be in force and effect from and after its passage.

Approved April 20, 1917.

CHAPTER 391—H. F. No. 809.

An act relating to the locating and establishing of county and judicial ditches where the order establishing the ditch is void because of lack of jurisdiction and the ditch has been partly or wholly constructed and providing for the appropriation of the work done and material furnished in the construction or partial construction of a ditch under said order.

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

Section 1. Procedure for establishment of a judicial or county ditch validated and legalized.—Whenever a petition has heretofore been filed praying for the establishment of a judicial or county ditch or drainage system and the county board or judge of the district court, as the case may be, has made its final order establishing or attempting to establish a public ditch or drainage system in said proceeding and confirming the report of the engineer and viewers and the assessment of benefits and damages, but where the court or the county board has departed from the line of the ditch set forth in such petition and has by its order established such ditch and drainage system in a different basin or partly in a different basin or direction than that prayed for in the petition, or has decreased the amount of the assessment of benefits to less than seventy-five per cent of the amount found by the viewers, and the contract for the building