

(b) It shall be the duty of the police officers of said city to serve all processes issued by said court, except as otherwise provided by this act. Police officers in making service of any process or doing any other duty in respect to cases of said court, shall note and return to the court for collection such fees for such service, where otherwise not provided for, as are allowed to constables for like service in justice courts.

(c) The fee so charged by the *Clerk of the Court* or any officers shall be collected by the *Clerk of the Court* as costs and by him accounted for and paid to the city treasurer of said city as hereinbefore provided. Said *Clerk of the Court* shall pay witness fees in criminal actions upon order of the court, taking receipts therefor in such form as the court may direct, which receipts shall be vouchers for payment of sums herein named, which sums shall be noted on the monthly reports of said *Clerk of the Court* and deducted from the amount otherwise shown to be due the city. All witness fees collected by the *Clerk of the Court* and not paid to witnesses as aforesaid, shall be paid to the city the same as other fees accruing to said city.

(d) All balances of deposits for cost remaining in the hands of said *Clerk of the Court* for one month after the termination of any action, or for a like period of abandonment of or failure to prosecute same, and all other deposits of money arising from bail, bonds, recognizances and payments of penalties thereon or otherwise, shall be paid to the city on the first Monday of the month following.

(e) Provided, that in the event that the party or parties who may be entitled to receive said balance of deposits or other moneys or any portion thereof, may demand the same of said *Clerk of the Court* at any time thereafter and upon giving a receipt therefor to the *Clerk of the Court* who shall pay the same to the party entitled thereto, and said receipt shall be sufficient voucher for the same and like manner as provided herein, in case of receipts for witness fees. No fees shall be charged against the city, county, or state.

Approved April 5, 1945.

CHAPTER 233—H. F. No. 1011

An act relating to Workmen's compensation; amending Minnesota Statutes 1941, Section 176.01, Subdivision 8, and Section 176.10.

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

Section 1. Minnesota Statutes 1941, Section 176.01, Subdivision 8, is hereby amended so as to read as follows:

176.01. Definitions. Subdivision 8. **Employee.** The terms "employee" and "workman" are used interchangeably and have the same meaning throughout this chapter and shall be construed to mean:

(1) Every person in the service of the state, or any county, city, town, village, borough, or school district therein, under any appointment or contract of hire, expressed or implied, oral or written, but shall not include any official of the state or of any county, city, town, village, borough, or school district therein, who shall have been elected or appointed for a regular term of office or to complete the unexpired portion of any regular term; sheriffs, deputy sheriffs, constables, marshals, policemen, and firemen shall be employees within the meaning of this section; where in any city operating under a home rule charter, a mode and manner of compensation is provided by the charter which is different from that provided by this chapter, and the amount of compensation provided by the charter would, if taken thereunder, exceed the amount the employee is entitled to under this chapter for the same period, he shall, in addition to his compensation under this chapter, receive under the charter an amount equal to the excess in compensation provided by the charter over what he is entitled to by this chapter; if the amount of compensation provided by the charter would, if taken thereunder, be equal to or less than the amount of compensation the employee is entitled to under this chapter for the same period, he shall take only under this chapter; any peace officer other than a sheriff, deputy sheriff, marshal, or policeman shall be considered an employee while engaged in the enforcement of peace or in and about the pursuit and capture of any person charged with or suspected of crime;

(2) Every person in service of another under any contract of hire, expressed or implied, oral or written, including aliens, and also including minors, who, for the purpose of making election of remedy under this chapter, shall be construed the same, and have the same power of contracting and electing as adult employees.

Sec. 2. Minnesota Statutes 1941, Section 176.10, is hereby amended so as to read as follows:

176.10. Minors have power to contract. Minors shall have the same power to contract, make election of remedy, make

settlements, and receive compensation as adult employees; subject to the power of the industrial commission in its discretion at any time to require the appointment of a guardian to make such settlement and to receive moneys thereunder or under an award.

Approved April 5, 1945.

CHAPTER 234—S. F. No. 364

An act relating to the sale of cattle at public auction, public or private sale, mortgage foreclosure sale, sale by order of any court, and to the leasing or loaning of cattle for breeding purposes, and prohibiting such sale, lease or loan of cattle unless the same have been tested and found free of Bang's disease, and requiring certificate of test to be procured and to be exhibited at such sale, lease or loan, and before the sale is held or the lease or loan of cattle made, and prescribing penalties for violation of this act.

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

Section 1. Limitation on sale of cattle. No person shall sell or offer for sale any cattle over six months of age, except steers, at public auction, sale barns, private stockyards or concentration points, mortgage foreclosure sale or sale by order of any court, or lease or loan cattle for breeding purposes except under such rules and regulations as may be prescribed by the State Live Stock Sanitary Board, and no person shall sell or offer for sale except for immediate slaughter, or consigned to a public stockyards under supervision of the United States Bureau of Animal Industry, cattle which have not been owned by such person since birth of such animal, unless the cattle have been tested and found free of Bang's disease and a certificate of such test is exhibited as provided in section 3 of this act.

Sec. 2. Not to apply to certain areas. This act shall not apply to sales of cattle in modified accredited Bang's disease free areas.

Sec. 3. Manner of tests. Such tests shall be made at the time and in the manner prescribed by the State Live Stock Sanitary Board and a certificate of the test, approved by the board, shall be exhibited to the purchaser by the vendor at the