CHAPTER 344.

[H. F. No. 518.]

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO REIMBURSE THE PERSONS THEREIN MENTIONED FOR MONEYS ADVANCED FOR SAID CITY.

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

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered to recompense the Nicollet Avenue Illuminating Association by paying to them a sum not exceeding five thousand dollars ($5,000) advanced by them for the purpose of illuminating Nicollet avenue during the Minneapolis Industrial Exposition in eighteen hundred and eighty-eight (1888), pursuant to and upon the faith of a motion of said city council passed August third (3d), eighteen hundred and eighty-eight (1888).

SEC. 2. That the said city council be and is hereby authorized and empowered to reimburse Vincent Reeves, by paying to said Vincent Reeves the sum of one thousand dollars (1,000) advanced by him for the benefit of said city for the purpose of grading Crystal avenue to the city limits, under, pursuant to, and upon the faith of a motion of said city council passed August third (3d), eighteen hundred and eighty-eight (1888).

SEC. 3. The said payments above provided for shall be paid out of the general fund of said city.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1889.

CHAPTER 345.

[S. F. No. 590.]

AN ACT AUTHORIZING THE CITY OF MINNEAPOLIS TO ESTABLISH, MAINTAIN, VACATE AND REMOVE, REGULATE AND CONTROL CEMETERIES, AND PROVIDE MEANS THEREFOR.

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

SECTION 1. That the city council of the city of Minneapolis, be and is hereby authorized to establish and maintain cemeteries within and without the corporate limits of said city, and acquire lands therefor by purchase, condemnation or otherwise, and pay for the lands so acquired, out of the general fund, or by issue and sale of bonds as hereinafter provided; and may cause such lands to be surveyed and divided into such lots, avenues, alleys, walks and parks as said council may deem best, and have the same platted, and may sell and convey such lots for burial purposes.

SEC. 2. Said city council is hereby authorized to provide by ordinance for the vacation and removal, and cause to be vacated and removed any and all cemeteries so established, from within the corporate limits of said city, any and all cemeteries not now owned and being controlled by cemetery asssociations formed in pursuance of the provisions of title five (5) of chapter thirty-four (34) of the general statutes of one thousand eight hundred and seventy-eight (1878), and amendments thereto; and may cause to be removed all bodies interred in the cemeteries so to be vacated; and may acquire title to all lots and lands in such cemeteries to be vacated by purchase, condemnation proceedings or otherwise, and including all lands designated on the plat of such cemeteries as streets, avenues, walks, alleys, commons, parks or for other public uses.

SEC. 3. All lands of cemeteries so vacated to which said city of Minneapolis may acquire title, may be held and used by said city, for streets, avenues, alleys, parks, park-ways, and other public purposes, the same as other lands, acquired, held and used by said city for public purposes.

SEC. 4. All cemeteries so established by said city, shall be under the perpetual care of said city, and the proceeds of the sale of cemetery lots, by said city, shall be expended in paying for the lands acquired therefor, and in improving, ornamenting and caring for the cemetery in which such lots are sold.

SEC. 5. Said city council may by ordinance provide for the control, regulation and care of cemeteries so established, whether within or without the limits of said city; and all other cemeteries within said city not owned and controlled by cemetery associations organized and acting under and in pursuance of laws of the state providing regulations therefor.

SEC. 6. Said city council may by ordinance provide for and regulate the removal of bodies interred in cemeteries vacated as aforesaid, and for carrying into and giving effect to any and all of the powers conferred by this act; *provided*, that no removals of bodies interred in cemetries so to be vacated, shall be ordered or made, until cemeteries shall be established as contemplated by the provisions of this act.

SEC. 7. That to provide the means for carrying into effect the provisions of this act, said city of Minneapolis, by its city council, may issue and sell city bonds, the proceeds of which shall constitute a "cemetery fund" to be used exclusively for cemetery purposes as by this act contemplated. *Provided, however*, that the bonds so to be issued shall not exceed one hundred thousand (100,000) dollars in any one (1) year; and *provided further*, that no such bonds shall be issued, if at the time cemetery funds are required the requisite amount can be appropriated therefor from the general fund of the city.

SEC. 8. That all acts and parts of acts including any and all provisions of the charter of said city of Minneapolis, that are in conflict with the provisions of this act, are hereby repealed; except those acts providing for and regulating state and local boards of health.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 22, 1889.

CHAPTER 440.

[S. F. No. 363.]

AN ACT TO DIVIDE THE FIRST (1ST) WARD OF THE CITY OF FERGUS FALLS INTO TWO (2) WARDS.

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

SECTION 1. That the first (1st) ward of the city of Fergus Falls, Otter Tail county, Minnesota, shall be and is hereby divided into two (2) wards, the dividing line between the two (2) wards shall be the center line of Mill street extended southerly from the Red river to the south boundary line of said city.

SEC. 2. That the ward created by this act lying on the west side of the said line of said Mill street, shall be known and designated as the fourth (4th) ward of the said city of Fergus Falls, and that the ward created by this act lying on the east side of the said line of said Mill street, shall be known and designated as the first (1st) ward of the said city of Fergus Falls.

SEC. 3. That the voters in each of said wards shall be entitled to elect two (2) aldermen from each ward to the city council as hereinafter provided.

SEC. 4. The aldermen now holding their offices in city council as aldermen from the first (1st) ward, shall continue to hold their offices as aldermen from the herein newly created first (1st) ward until their term of office expire; and their successors shall be elected for the term of two (2) years.

SEC. 5. The voters of the said fourth (4th) ward shall be entitled at the annual city election, occuring next after the passage of this act, to elect two (2) aldermen to the city council, the term of office of one shall be two (2) years and the term of office of the other shall be one (1) year and the voters shall designate upon their ballots, the persons for whom they vote for, for the term of one (1) year and the persons for whom they vote for, for the term of two (2) years; and thereafter the aldermen shall be elected for two (2) years, except that vacancies shall be filled for unexpired terms.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 15, 1889

CHAPTER 441.

[H. F. No. 408.]

AN ACT TO REGULATE THE PAYMENT OF WITNESS FEES IN CERTAIN CASES TO THE OFFICERS AND EMPLOYEES OF THE CITY OF MINNEAPOLIS, OR OF THE COUNTY OF HENNEPIN, MINNESOTA.

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

SECTION 1. Any elective or appointive officer of the city of Minneapolis, or of the county of Hennepin, Minnesota, or any person employed in the service of said city or county, who shall be called as a witness to give testimony in any criminal action or proceeding before any justice of the peace of said county, the municipal court of the city of Minneapolis, the district court, the probate court, or the grand jury of said county, or before a coroner's jury, or in any civil action or proceeding before any of said courts wherein the state of Minnesota, the county of Hennepin, or the city of Minneapolis is a party, shall not receive any witness fee or compensation whatever for so appearing and testifying. *Provided, however*, that the compensation paid by said city or county to such officer or employee for his services shall not be reduced by reason of his absence from work while attending as such witness.

SEC. 2. All acts and 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 March 1, 1889.

CHAPTER 442.

[H. F. No. 409.]

AN ACT TO ESTABLISH COMMISSIONER DISTRICTS IN THE COUNTY OF MILLE LACS AND TO DESIGNATE THE SAME.

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

SECTION 1. That until the county of Mille Lacs shall be entitled to elect five (5) commissioners under the statutes of this state said county shall be divided into commissioner districts as follows:

The towns of Milo and Milaca shall constitute one (1) commissioner district and be known as district number one (1).

The town of Greenbush shall constitute one (1) commissioner district and be known as district number three (3).

the office of t [illegible] constitution of the U [illegible] faithfully perform the duties of his office, under direction of the mayor and superintendent of police; and shall also file a bond, in manner, form and amount, as prescribed by the city council, with said city clerk.

SEC. 5. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or shall wear the badge of a policeman or one intended to represent the same or similar thereto, without authority, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (50) dollars, and in default of the payment of the same may be imprisoned until such fine is paid, not exceeding sixty (60) days.

SEC. 6. All acts and parts of acts, whether contained in the city charter of the city of Minneapolis or in any special law of the state, inconsistent herewith, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved January 27, 1891.

CHAPTER 136.

[H. F. No. 444.]

AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS TO APPOINT ONE (1) OR MORE INSPECTORS OF BREAD FOR SAID CITY AND TO DEFINE THEIR POWERS.

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

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered to appoint one (1) or more inspectors of bread for said city, and to define the powers and to provide for the compensation of such inspector.

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

Approved April 15, 1891.

CHAPTER 137.

[S. F. No. 653.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. That section five (5) of chapter four (4) of that certain act entitled "An act to amend and consolidate the charter of the city of Minneapolis," approved March eighth (8th), one thousand eight

SEC. 5. The pres
to act as the reporter of said [illegible] e
section four (4) hereof, after the passage of this act. n

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

CHAPTER 143.

[H. F. No. 845.]

AN ACT TO CREATE AND PROVIDE A FUND FOR THE USE AND BENEFIT OF THE MINNEAPOLIS POLICE DEPARTMENT RELIEF ASSOCIATION.

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

SECTION 1. For the purpose of creating and providing a fund for the use and benefit of the Minneapolis Police Department Relief Association, the city clerk of said city is authorized and required to pay to said relief association fifty (50) per cent of all dog tax collected by and on behalf of said city, and the receipts of the secretary of said relief association to said clerk of the municipal court and city clerk of said city shall be sufficient vouchers for all sums of money so paid by them to said association as provided herein. The fund hereby created shall be used by said relief association for the purposes provided for and contemplated in its articles of incorporation, constitution and by-laws.

Provided, however, that the city council shall, by resolution, authorize and direct the city clerk to take the action herein specified.

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

Approved April 17, 1891.

CHAPTER 144.

[S. F. No. 532]

AN ACT TO AMEND SECTION THREE (3) OF CHAPTER TWO (2) OF CHAPTER TEN (10) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO REDUCE, CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF ALBERT LEA, MINNESOTA."

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

SECTION 1. That section three (3) of chapter two (2) of Chapter ten (10), of the Special Laws of eighteen hundred and eighty-nine (1889),

CHAPTER 202.

H. F. No. 602.

Village franchises.

An act to legalize the acts of village councils in granting franchises to telephone companies in this state.

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

Legalizing grants for telephone lines.

SECTION 1. That the acts of any village council of any incorporated village which may have heretofore granted or attempted to grant to any person, persons, firm or corporation any rights, privileges or franchises for the erection and maintenance of telephone poles, wires and other appliances for the operation of telephone lines, either by ordinance, resolution or contract, within any such village, be and the same are hereby in all things legalized, confirmed and made valid.

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

Approved April 18, 1893.

CHAPTER 203.

H. F. No. 773.

Public improvements.

An act to authorize cities in the state of Minnesota to reimburse any person or persons who have advanced moneys to such cities to pay for and be used in making public improvements therein.

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

Money advanced for, to be reimbursed.

SECTION 1. That the city council or common council, as the case may be, of any and all cities in the state of Minnesota is hereby authorized and empowered to reimburse and recompense any person or persons who have, prior to the passage of this act, advanced any money or moneys to any such city to pay for and be used in the construction of bridges, the grading or paving of streets or for the making of any other public improvement therein, under an agreement by the city to refund such money or moneys so advanced upon obtaining authority therefor from the legislature.

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

Approved April 11, 1893.

CHAPTER 204.

H. F. No. 48.

Issue of bonds by cities.

An act to grant additional powers to cities of the state of Minnesota and to empower such cities to issue their bonds for certain purposes therein mentioned.

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

The right to issue bonds.

SECTION 1. That in addition to the rights and powers heretofore granted by law to the several cities of the state of Minnesota, which rights and powers shall not be abridged or affected by this act, there is hereby granted

to all cities that now are or may be hereafter organized within the state of Minnesota, the right and power to issue bonds for municipal purposes, to-wit:

Permanent improvement bonds.

First. Permanent improvement fund bonds, which may be issued to defray the expenses of improving any street, avenue, alley, park or other public ground within the corporate limits of any city within this state, or any part of such expense, and which shall include the construction of sewers, sidewalks, bridges, culverts, changing water-courses and all improvements of a permanent nature.

Bridge bonds.

Second. Bridge bonds, which may be issued by any city within this state, for the purpose of bridging any natural or artificial stream, river, lake, canal, bay, harbor or other water within the corporate limits of any city within the state of Minnesota, or for the purpose of bridging any such water, or part thereof, bordering upon or forming the boundary line of any such city within the state, and the use of the proceeds of such bonds for the construction of any bridge, so as to accommodate or facilitate the passage of any steam locomotives or cars, or horse railway, cable or electric cars in connection with teams, vehicles and foot passengers, shall not invalidate, impair or affect the legality of any bridge bonds issued for the aforesaid purposes; provided, that nothing herein shall be construed to prevent any city within this state from charging any railroad company using any such bridge a reasonable price for such use, such charge to be fixed by the common council of such city, and the making of such charge shall not be held to impair, affect or invalidate such bonds; provided, further, that nothing herein shall be construed to give authority to any city to issue bonds for the making of any improvements to be used exclusively for railroad purposes.

Water and light bonds.

Third. Water and light bonds, which may be issued for the purpose of constructing, erecting, improving or purchasing waterworks, gas works, electric light plants, or other light plants for the use and benefit of the inhabitants of any city in this state; city hospital bonds, which may be issued for the purpose of erecting city hospitals.

General fund bonds.

Fourth. General fund bonds, which may be issued for the purpose of providing a general fund with which to meet and defray all contingent expenses, of whatever character, properly arising out of municipal matters and not otherwise, and which shall also include the payment of all outstanding debts and bonds which are due or to become due, or are redeemable, together with the interest thereon.

Issue limited to 5 per cent of valuation.

SEC. 2. No city in this state shall at any time be authorized to issue bonds or to incur any debt or liability of any kind for any purpose in excess of five per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment, except as hereinafter provided, and should any bonds be so

Bonds to be used for the purpose ordered.

issued in excess of said five per cent, except as herein provided, the same shall be invalid; provided, that when bonds are issued for the purchase, refunding, or payment of other bonds of such city the bonds to be so purchased or paid shall not be considered a part of the bonds on which any city may be liable, for the purpose of determining whether the bonds so issued will increase the bonded indebtedness of any city above the limit prescribed in this act.

May be issued by a three-fourths vote of council.

All sums of money realized from the sale of city bonds shall be applied to the purpose for which they are issued, and no other, and such purpose shall be distinctly stated in the resolution or ordinance authorizing their issue.

The common council of any city in this state may, either by resolution or ordinance, passed by a three-fourths vote of all the members elect, at any general or special meeting called for that purpose, authorize the issue of the coupon bonds of such city to an amount not exceeding five per cent of the aforesaid assessed valuation, without submitting the question of such issuance to a vote of the people; provided, that three-fourths of all the members elect of such common council do not vote in favor of the issuance of such bonds, then the same shall not be issued, except upon a two-thirds vote of the legal voters participating in the election of the city proposing the issue of such bonds, which vote shall be taken at a general or special election called and conducted in the manner prescribed for holding municipal elections; provided, that when any city has reserved the right to purchase the water works heretofore constructed by any person, company or corporation in such city, and such city, in pursuance of such right reserved, shall issue its bonds for the purchase of said water works, then the limitation of five per cent, hereinbefore specified, shall not apply to such bonds.

For water works limitation of five per cent may be exceeded.

Provided, further, that the water works so to be purchased shall at the time of such purchase yield a revenue sufficient to pay the interest on the total amount of the bonds to be issued therefor.

Additional bonds may be issued by vote of people.

SEC. 3. In addition to the bonds hereinbefore authorized to be issued by the common council of any city, a further and additional amount of bonds, not exceeding an additional five per cent on the aforesaid assessed valuation, may be issued by any city in this state for any and all of the aforesaid purposes, and the proceeds thereof to be used and disposed of as hereinbefore provided, and any issuance, or attempted issuance, of bonds by any city in excess of ten per cent of the aforesaid assessed valuation shall be void.

Two-thirds vote necessary.

Provided, that no bonds authorized by this section shall be issued by any city until the issuance thereof shall have first been authorized by a two-thirds vote of all the legal voters of such city present and voting, and the question of the issuance of said bonds shall be sub-

mitted to the electors of the city proposing to issue the same, at a general or special municipal election, called and conducted in the manner prescribed for municipal elections in such city, and the notices of such election shall contain a statement of the amounts and purposes for which such bonds are proposed to be issued, with the date of their maturity and the rate of interest they shall bear.

All elections provided for in this act may be called by resolution, in writing, of the common council, passed by a majority vote, which resolution shall distinctly state the purpose of the election and the question to be submitted to the vote of the people.

The ballot to be voted at all elections under this act may read as follows:

"In favor of the proposition of issuing bonds to the extent of ..... dollars, for ....."

"Against the proposition of issuing bonds to the extent of ..... dollars, for ....."

If two-thirds of the votes cast at such election shall be in favor of issuing the kind and amount of bonds designated in said ballot, the city voting in favor thereof shall, through its proper officers, without further act, be authorized to issue said bonds to the amount voted, and to sell and negotiate the same.

The votes cast at such election shall be counted, returned and canvassed the same as other municipal elections, and the result certified to the city clerk or recorder by the canvassing board.

It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters, as shown by said election.

All bonds issued pursuant to the provisions of this chapter, whether upon the order of the common council of any city, by a vote of three-fourths of the members elect thereof, or by authority of a two-thirds vote of the legal voters voting at any election for such purpose, shall be alike valid and binding, and be and remain the obligation of such city issuing such bonds.

Time of bonds, interest and sale.

SEC. 4. All bonds authorized by this act shall run not more than thirty years from the date of their issuance, bearing interest at not more than five per cent per annum, principal and interest payable at such time and place as may be fixed by the common council of any city; said bonds to be sealed with the seal of the city issuing them, and signed by the mayor and attested by the clerk or recorder, and countersigned by the comptroller, if such officer exists in any city, and shall be sold at not less than par value and accrued interest, to the highest responsible bidder, after notice published once in each week, for three successive weeks, in a daily paper, if one there be, if not, then in a weekly paper in the city where such bonds are to be issued, and also in a daily paper published in St. Paul.

Acceptance of this act to be valid.

SEC. 5. Any city in the state of Minnesota, heretofore incorporated, may become subject to the provisions of this act, and the city council of such city may effect the same by an ordinance thereof, duly passed by three-fourths of all the members of such council elect in favor of the same, and approved as provided by the charter of such city;

Certificate filed with secretary of state.

And a certified copy of such ordinance, so approved, and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the secretary of state, and such city shall thenceforth be deemed to be subject to the provisions of this act, and shall be governed, controlled and regulated by and under the provisions of this act, and the city officers of said city shall thereupon exercise the powers conferred herein, and all courts in this state shall take judicial notice of the fact of such city becoming subject to the provisions of this act.

After the passage and adoption of the ordinance mentioned in the last section, and the filing of the same with the secretary of state, all laws in such city in conflict with this act shall no longer be applicable, but all laws, or parts of laws, not inconsistent with the provisions of this act, shall continue in force, and be applicable to such city, the same as if such city had not become subject to the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 12, 1893.

CHAPTER 205.

S. F. No. 393.

An act to authorize municipal corporations to aid in the construction of canals and improved waterways.

Canals and improved waterways.

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

Condition of aid by counties, cities, etc.

SECTION 1. Any county, town, incorporated city or incorporated village in this state is hereby authorized and empowered, in the manner herein provided, to aid in the construction of any canal or improved waterway in this state, to be constructed by any canal or improved waterway company, for public use, by authority of any law of the state, in the manner herein provided, and which will promote the general prosperity and welfare of the taxpayers of such municipality, and the mutual agreement hereinafter referred to, when the same shall be arrived at, shall be conclusive evidence that such canal or improved waterway will so promote the general prosperity and welfare of the taxpayers of such municipality; but no bond shall be issued by any city, village or town, under the provisions of this act, to an amount exceeding, together with its then existing indebtedness, five per

CHAPTER 68.

H. F. No. 431.

An act authorizing and empowering cities in this state having more than 50,000 inhabitants to contract for the purchase of electric power with which to operate their public water works.

Authorizing certain cities to operate their water works.

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

SECTION 1. Any city in this state having more than 50,000 inhabitants, is hereby authorized and empowered, from time to time, to contract with any person, partnership, or corporation for the purchase of electric power, with which to operate the whole or any part of its public water works. Any such contract may be made for a term of years, not exceeding ten years.

Cities of over 50,000 inhabitants.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved March 22, 1897.

CHAPTER 69.

H. F. No. 285

An act to amend chapter one hundred and seventy (170) of the general laws of Minnesota for eighteen hundred and eighty-five (1885), relating to the dissolution of independent school districts.

Dissolution of independent school districts.

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

SECTION 1. Chapter one hundred and seventy (170) of the general laws of Minnesota for eighteen hundred and eighty-five (1885), being an act to empower independent school districts organized under chapter thirty-six (36), general statutes one thousand eight hundred and seventy-eight (1878), to dissolve the organization by a two-thirds (2-3) vote of the qualified electors of the same, be and the same hereby is amended by adding three (3) sections thereto so that when said chapter is so amended it shall read as follows:

Amendment.

Section 1. That any independent school district organized under chapter thirty-six (36) of the general statutes one thousand eight hundred and seventy-eight (1878), or under any special law of this state, may dissolve its organization at any election held in such

Dissolution by ⅔ vote.

a receipt for the same, setting forth the object for which the same was paid; which certificate and receipt shall be forwarded to the state auditor, who shall, at the next settlement, place a warrant for such amount into the hands of the state treasurer, to be credited on the settlement with said county treasurer."

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

Approved April 10, 1903.

CHAPTER 159.

H. F. No. 768.

An act creating pension for disabled or retired policemen in cities situated in counties now having or which may at any time hereafter have a population of 150,000 and not over 225,000 inhaitants and providing for a fund out of which such pension shall be paid and for the establishment of a pension board for the management, control and distribution of such fund.

Cities of 150,000 to 225,000 inhabitants.

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

SECTION 1. In every city situated in counties now having or which may at any time hereafter have a population of 150,000 inhabitants or over, and not over 225,000 inhabitants, there may be created a police pension fund, which shall be governed and managed by a police pension board in accordance with the provisions of this act.

Incorporation of police department.

SEC. 2. That every paid municipal police department now existing or which may hereafter be organized may and are hereby authorized to become incorporated pursuant to the provisions of title 3, chapter 34 of the General Statutes of Minnesota, 1894, and acts amendatory thereto, or adopt a constitution and by-laws as a relief association to provide and permit and allow said police relief association so incorporated or so organized to pay out of, and from any funds it may have received from the State of Minnesota or from any other source, a service pension in such accounts and in such manner as its articles of incorporation or the constitution and by-laws shall so designate, not exceeding however the sum of $40 per month to each of its pensioned members who shall have arrived at the age of 55 years or more, and shall have

Service pension to disabled and aged members.

done active police duty as a member of such paid municipal police department for a period of 20 years or more in the police department of such city in which such relief association shall be so organized or who having been disabled physically or mentally because of any injury received or suffered while in the performance of his duties as such police officer, so as to render necessary his retirement from active police service may be placed upon the pension list, and shall receive such pension as provided for in said articles of incorporation or constitution and by-laws; *provided, however,* that said fund shall not be used for any other purpose other than for the payment of service pensions and a disability pension as herein provided.

Not to exceed $40 per month.

SEC. 3. Every such association shall at all times have and retain the right to increase or reduce the amount of such pension not to exceed $40 per month whenever, because of the amount of funds on hand, or for other good reasons such increase or reduction may seem advisable or proper to the board of management of said relief association.

Restrictions.

SEC. 4. The pension authorized by this act shall not be paid to any person while drawing salary in any amount from said police department; and no member shall be entitled to said pension after he removes his residence from the city where such relief association is located or who shall have been convicted of a felony or misdemeanor for which he shall be adjudged to be imprisoned or who is a habitual drunkard; and that any person receiving the pension herein mentioned shall not receive or be entitled to receive any other or further pension or relief from said association.

Pension not subject to judgment, etc.

SEC. 5. No payments made or to be made by said board to said member of said police force shall be subject to judgment, garnishment or execution or other legal processes and no person entitled to such payment shall have the right to assign the same, nor shall said association have the authority to recognize or pay over any sum whatever which has been assigned.

Management of fund.

SEC. 6. Said association through its officers shall have full charge, management and control of the police pension fund herein provided for, which said fund shall be derived from the following sources:

Gifts, etc.

First—From the gifts of real estate or personal property, rents, or money or other sources; second, an amount

Tax levy.

or sum equal to 1-10 of 1 mill shall be annually assessed, levied and collected by the proper officers of such city where a police relief association exists, upon each dollar of each taxable property in such city as the same appears on the tax records of such city, which said sum shall by the proper officers of said city be placed on the credit of the police pension funds, and shall not be used or devoted to any other purpose other than for the purpose of the police pension fund; *provided, however,* that if at any time the fund so raised by taxation as in this section provided, together with other resources exceeds the needs of said police pension board in the properly carrying out the provisions of this act; then as often as this shall occur, said sum so to be raised by taxation shall be proportionately reduced to such amount as will sufficiently carry out the provisions of this act, then there shall only be raised by taxation such part of aid 1-10 of 1 mill upon each dollar of all the taxable property in such city as shall be necessary for the proper maintenance of said fund as in this act provided.

Levy may be reduced.

Conveyance of property.

SEC. 7. The said governing board shall have full power to hold, transfer and sell real estate and personal property, and invest said funds for the betterment of said association.

Members of governing board, terms, ex-officio.

SEC. 8. The governing board of said association shall consist of five members to be elected annually, who shall hold their terms of office for one, two, three, four and five years, respectively, or until their successor is duly elected and qualified, and the mayor and chief of police shall be ex-officio members of said board. All vacancies occurring in the elective membership of said board shall be filled by a special election called for said purpose.

Vacancy.

SEC. 9. The said governing board of said association shall file annually, on or before the first day of September of each year, with the comptroller of said municipality, a detailed report of the amount of money so received, expended and still remaining on hand to the credit of said association.

Report.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 10, 1903.

powers of attorney or other instruments conveying or affecting in any manner any interest in or title to real property situated in newly organized counties have been filed and recorded in the office of the register of deeds for the county in which said real property was situated at the time of the creation of said new county, since the creation and organization of said new county, and before the passage of this act, such record is, in all respects, legalized and made valid and effectual, for the purpose of notice, evidence or otherwise, as though the same had been recorded in the office of the register of deeds for the county where said property was actually situated. *Provided,* that nothing herein contained shall in any manner affect the rights or title of any bona fide purchaser without notice for a valuable consideration of any such real estate prior to the passage of this act, and shall not apply to or affect any action or proceedings now pending in any court of this state.

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

Approved April 14, 1903.

H. F. No. 49.

CHAPTER 194.

Enabling municipalities to establish building line easements.

An act to enable municipalities to establish and acquire building line easements along streets, highways, parks and parkways, and defining the nature of such easements.

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

SECTION 1. The common council of any city may establish along any street or highway within such city a building line upon the land adjoining such street or highway, or any portion thereof, and distant not more than fifty feet from the margin of such street or highway, and may, in behalf of the city, acquire an easement in the land betweeen such line and the exterior street line, such that no buildings or structure shall be erected or maintained upon said land. Such easement shall be known as a building line easement.

By purchase, grant or condemnation.

SEC. 2. Such easement may be acquired by the city council by purchase, or by grant, or by condemnation. It may also be created by dedication by indicating such building line upon any town plat hereafter recorded in the

office of the register of deeds of the county where the land lies; and city council shall have power to refuse to accept or approve plats of lands unless building lines are shown thereon.

Board of park commissioners may exercise such right.

SEC. 3. Any board of park commissioners having control of any park or parkway may in like manner acquire building line easements along the same, or any portion thereof.

Proceedings.

SEC. 4. The easement above specified may be acquired by proceedings to be conducted in the following manner by the board of park commissioners, in case of parks and parkways controlled by a board of park commissioners, and by the city council in other cases.

Governing body may condemn.

The term "governing body" is used in this and the following sections to designate the appropriate body in any given case, whether the city council, or board of park commissioners. The governing body shall first designate the easement to be acquired and define the lines by which it is bounded, and shall have power to condemn for the use of the public a building line easement as defined above, and when such condemnation shall have been completed, as in this section provided, the title to such easement shall pass to and be vested in the city for the public use. For the purpose of making said condemnation all the tracts of land required for any improvement may be included in the same proceeding.

Exception.

Provided, that no such easement shall include or take in any portion of a private residence existing at the time of the passage of this act excepting by purchase or grant.

After making the designation the governing body shall proceed in manner following:

Appraisers.

SEC. 5. First—The governing body shall appoint five appraisers, who shall be disinterested freeholders and qualified voters of said city, and none of whom shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement.

Said appraisers shall be notified as soon as practicable by the secretary of the board or the city clerk, as the case may be, to attend at a time fixed by him, for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect

embracing a schedule and appraisement of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and also a statement of the costs of the proceeding.

Notice. Governing board to meet and consider report.

Ninth—Upon such report being filed, the secretary of the board or city clerk shall give notice that such appraisement has been returned, and that the same will be considered by the governing body at a meeting thereof, to be named in the notice, which notice shall be published in the official newspaper of said city, once a week for two consecutive weeks, and the last publication shall be at least 10 days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting in such notice, notify the governing body in writing of his election to remove such building, if he so elect. The governing body upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisement and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified, provided that said governing body shall not have the power to reduce the amount of any award, nor increase any assessment. In case the appraisement and assessment is anulled, the governing body may thereupon appoint new appraisers, who shall proceed, in like manner, as in case of the first appraisement, and upon the coming in of their report, the governing body shall proceed in a like manner and with the same powers as in the case of the first appraisement. In case any owner or owners shall elect to remove any building or buildings, and thereby reduce the amount of damages to be paid, the amount of reduction shall be deducted from the benefits assessed to each parcel proportionately before confirmation thereof.

New appraisers.

Awards.

Tenth—If not annulled or set aside, such awards shall be final, and shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The awards shall be paid to the persons entitled thereto, or shall be deposited and set apart in the treasury of the city for the use of

the parties entitled thereto, within six months after the confirmation of the appraisement and award. But in case any appeal or appeals shall be taken from the order confirming said appraisement and assessment, as hereinafter provided, then the time for payment of said awards shall be extended until and including sixty days after the final determination of all appeals taken in the proceeding, and in case of any change in the awards or assessment upon appeal, the governing body may, by resolution duly adopted, at any time within sixty days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six per centum per annum from the time of the filing of the original appraisers' report, and all subsequent awards and awards upon appeals shall be made as of the day and date of filing of such original reports.

Conclusion and payment of awards.

Eleventh—Upon the conclusion of the proceedings and the payment of the awards, the several tracts of land shall be deemed to be taken and appropriated for the purpose of this act, and the easement above specified shall vest absolutely in the city in which the lands are situate. In case the governing body shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the governing body shall, and in any and every case, the governing body may in its discretion deposit the amount of damages with the district court of the county in which such lands are situate, for the use of the parties entitled thereto, and the court shall, upon the application of any person interested and upon such notice as the court shall prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons.

In case of removal of buildings.

Twelfth—In case any owner or owners of buildings, as aforesaid, shall have elected to remove his or their buildings, he or they shall remove them within thirty days from the confirmation of said report, or within such

or refusal of any of them to act or otherwise, such vacancy shall be filled by the governing body.

Oath of office.

Second—The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the governing body.

To give notice by publication.

Third—The appraisers shall give notice, by publication in the official newspaper of the city, once a week for two consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall contain a general description of the lands designated by the governing body, and give notice that a plat of the same has been filed in the office of the city clerk or secretary, as the case may be, and that said appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises, and appraise the damages for property to be taken, or which may be damaged by such improvement, and to assess benefits in the manner hereinafter specified.

Notice served on owners by mailing.

Fourth—The secretary or city clerk shall, after the first publication of such notice, and at least six days (Sundays excluded) prior to the meeting specified in said notice, serve upon each person in whose name each tract or parcel of said land is then assessed, a copy of said notice by depositing the same in the postoffice of said city, with postage prepaid, directed to such person at his place of residence, if known to the secretary, or city clerk, but if not known, then to his place of residence as given in the last published city directory of said city, if his name appears therein.

Notice to person in possession.

After the first publication of such notice, and at least six days (Sundays excluded) prior to the meeting specified in said notice, a copy of the same shall also be served upon the person in possession of each of said tracts or parcels of land, or some part thereof, if the same be actually occupied, in the same manner as provided for the service of summons is a civil action in the district court. A copy of all subsequent notices relating to said proceedings which are required to be published, shall be mailed by said clerk or secretary in the manner above specified, immediately after the first publication thereof, to such persons as shall have appeared in said proceedings and requested in writing that such notice be mailed to them.

Meeting of appraisers. Hear and determine damages and benefits.

Fifth—At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and may hear any evidence or proof offered by the parties interested, and may adjourn from time to time for the purposes aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land of which that taken is a part. They shall also determine the amount of benefits, if any, to each piece or parcel of land of which that taken is a part. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual benefits after deducting the damages, of any.

In case of buildings on lands.

Sixth—If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall, in such case, determine the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners in case he, or they, shall elect to remove such buildings.

Land and building owned by different persons, etc.

Seventh—If the land and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate less than an estate in fee, the injury or damage done to such person or interests respectively may be awarded to them separately by the appraisers. *Provided,* that neither such award of the appraisers, nor the confirmation thereof by the governing body, shall be deemed to require the payment of such damages to the person or persons named in such award in case it shall transpire that such person or persons are not entitled to receive the same.

Report.

Eighth—The said appraisers having ascertained and appraised the damages and benefits as aforesaid, shall make and file with the secretary or city clerk, as the case may be, a written report of their action in the premises,

further time as the governing body may allow for the purpose, and shall be entitled to the payment of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time above specified, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of as the said governing body shall direct.

Appeal from order of governing body.

Thirteenth—Any person whose property is proposed to be taken or interfered with or assessed under any provision of this chapter, and who deems that there is any irregularity in the proceedings of said governing body, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of, or interference with his property, or the assessment thereon, may at any time before the time specified for the consideration of the award and assessment by the governing body, file with the secretary of the board or the city clerk, as the case may be, in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and continuing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections the said governing body shall confirm the award, or assessment, such person so objecting shall have the right to appeal from such order of confirmation of the governing body to the district court of the county where such land is situate, within twenty days after such order. Such appeal shall be made by serving a written notice of appeal upon the secretary of the board, or the city clerk, as the case may be, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, thereupon said secretary or city clerk, at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings, and of the award of the appraisers as confirmed by the governing body and of the order of the governing body confirming the same, and of the objections filed by

the appellant, as aforesaid, and of the notice of appeal, all certified by said secretary or city clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the secretary or city clerk in appeals subsequent to the first, shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises.

Hearing, etc.

Fourteenth—The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in said written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of said city, appraisers, to reappraise said damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are in this chapter made for the government of appraisers appointed by said governing body. They shall, after the hearing and view of the premises, make a report to said court of their award of damages and assessment of benefits in respect to the property of such appellant. The appellant shall within five days of the notice of filing the award file his written election to remove the buiding if he so elect. Such election

shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within fifteen days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as it shall deem best; said court shall allow to said appraisers a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers as it shall deem just in the premises, and enforce the same by execution. In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in said proceedings.

Frivolous or vexatious appeals.

Maps and plats to be made, filing.

SEC. 6. As soon as such condemnation proceedings have been completed, it shall be the duty of such governing body to cause maps or plats of such improvement to be made, with a list of the parcels of land taken and the amount paid on account of each parcel, and to file one of such maps and list duly certified by the president of the governing body and the clerk or secretary, as the case may be, in each of the following offices, to-wit: the office of the city engineer, the office of the register of deeds of the county, and the office of the city clerk or secretary of the park board, as the case may be; and the same shall be prima facie evidence of the full and complete condemnation and appropriation of such easement for the public use. As soon as the assessments are confirmed, the secretary of the board of park commissioners or the city clerk, or the clerk of the district court, as the case may be, shall transmit a copy thereof duly certified, to the county auditor of the county in which the lands lie. The county auditor shall include the same in the next general tax list for the collection of state, county and city taxes, against the several tracts or parcels of land, and said assessments shall be collected with and as a part of, and shall be subject to the same penalties, costs and interest, as the general taxes. Such assessments shall be set down in the tax books in an appropriate column to be headed, "Building Line Assessments," and when collected a separate account thereof shall be kept by the county auditor, and the same shall

Assessments confirmed to be included in general tax lists.

Building line assessments.

be transmitted to the treasurer of the city, and placed to the credit of the proper fund.

Easements vacated.

SEC. 7. The governing body shall have power at any time to vacate such building line easement or any portion thereof.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 14, 1903.

CHAPTER 195.

H. F. No. 833.

Release of executors, administrators, and guardians.

An act to provide for the release and discharge of executors, administrators and guardians, and for the depositing with the county treasurer of funds belonging to absent heirs, legatees, wards or creditors, or other persons whose whereabouts cannot be ascertained.

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

On full compliance with all orders of probate court, said court may order discharge of executor or administrator.

SECTION 1. That whenever an executor or administrator shall have fully complied with all the terms and conditions of the final decree of distribution and of all other decrees and orders of the probate court appointing him, and shall have paid over to the distributees named in such final decree of distribution of the said court, all moneys and funds and property to them awarded by such final decree, and when such executor shall have in all other respects fully complied with the terms and conditions of said final decree, and have fully complied with all the orders and decrees of the said court, the court may, upon due notice given, and after full hearing and examination, find such facts, and if it shall appear to the court that the executor or administrator has paid over all moneys to the proper parties, and that he has in all things complied with the orders of the court and the terms of the final decree in the said estate, and that he has in all things, well, faithfully and fully administered his trust as such executor or administrator, the court may enter an order and decree fully discharging the said executor or administrator and the sureties on his bond from all further liability, and from all liability by reason of said trust and by reason of said administration.

Same as to guardians.

SEC. 2. That whenever any guardian shall have fully complied with all the terms and conditions of the orders

Duty of register of deeds.

betically arranged, and the amount due on each separate instrument. It is hereby made the duty of the register of deeds to make out such lists according to the records of his office, and deliver them to the county auditor on or before the last Thursday of April in each year. The expenses of such lists shall be paid by the county, on allowance by the county commissioners. The assessment books and blanks shall be in readiness for delivery to the assessors on the last Thursday of April in each year, and the assessors shall meet on that day, at the office of the county auditor, for the purpose of receiving such books and blanks, and for conference with the auditor in reference to the performance of their duties.

Assessors meet with county auditor last Thursday in April.

SEC. 2. This act shall take effect and be in force from and after Jan. 1, 1904.

Approved April 17, 1903.

H. F. No. 899.

CHAPTER 247.

Court house and city hall in Minneapolis.

An act to provide for the care and control of the court house and city hall building erected pursuant to chapter 395 of the Special Laws of 1887.

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

SECTION 1. That from and after the first Monday in January, 1904, all of the completed portions of the Hennepin county and Minneapolis court house and city hall building, erected pursuant to chapter 395 of the Special Laws of 1887, shall be under the exclusive care of a commission of four members, styled "The Municipal Building Commission," which shall be constituted as follows: The chairman of the board of county commissioners of Hennepin county, the mayor of the city of Minneapolis, the auditor of Hennepin county and the treasurer of the city of Minneapolis. The chairman of the board of county commissioners of Hennepin county shall be president of said commission, and the mayor of the city of Minneapolis, vice president thereof. The auditor of Hennepin county shall be the secretary of said commission and as such shall keep the records and accounts thereof. The treasurer of the city of Minneapolis shall be the treasurer of such commission and as such shall keep a correct account of its receipts and expenditures.

Care of the municipal building commission.

President.

Secretary.

Treasurer.

Entire care of completed portion.

SEC. 2. The commission hereby created shall have the entire care of all the completed portions of said court house and city hall building by whomsoever occupied. It shall have power to assign unassigned rooms in any part of said building, with entire control of any room or rooms in said building not permanently assigned to any official use, and of all halls and corridors and of all boiler and machinery rooms. It shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electric appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employes necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employes and to remove any thereof at pleasure.

Not to interfere with completion of building.

Nothing herein contained shall be construed to interfere in any manner with the powers and duties of the court house and city hall commission engaged in completing and furnishing said building.

Detailed monthly statement to county auditor and city controller of all expenses.

SEC. 3. Said commission shall at the beginning of each calender month render a detailed statement to the county auditor of Hennepin county and to the city controller of the city of Minneapolis, respectively, of all its expenses necessarily incurred for the purposes contemplated by this act during the last preceding month in or with reference to portions of said building used or occupied by the county and by the city, respectively, including the proper portions of all expenses rendered for the common benefit of the county and city and properly chargeable to each of such municipalities; whereupon it shall become the duty of the proper officers of said county and of said city to forthwith draw warrants upon their respective treasurers, each for the amount of the account rendered against it by said commission, and it shall be the duty of the treasurer of said municipal building commission to forthwith pay to the parties properly entitled thereto the several amounts specified in said accounts rendered.

Authority of county commissioners and city council to cease after first Monday in January, 1904.

SEC. 4. From and after the first Monday in January, 1904, neither the board of county commissioners of Hennepin county, nor the city council of the city of Minneapolis shall have anything to do with the care of any por-

tion of the court house and city hall building, nor shall they have anything to do with the control of any portions of said building not specifically assigned for official use.

Estimated expenses for the ensuing year.

SEC. 5. It shall be the duty of the municipal building commission to prepare a detailed statement of the estimated expenditures of such commission for the then ensuing year and transmit the same to the board of county commissioners of Hennepin county on or before the first day of July in each year. Said estimate shall specify what portion of the total expenditures of said commission shall be borne by the county and city, respectively, and it shall be the duty of the county commissioners to levy a tax at its proper meeting sufficient to meet the county share of such expenditures. A like estimate shall be transmitted to the city council of the city of Minneapolis on or before the first day of July in each year, and it shall be the duty of the city council to levy a tax at its proper meeting sufficient to meet the city's portion of such expenditures.

To specify portion to be borne by county and city.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 18, 1903.

H. F. No. 812.

CHAPTER 248.

Clerks of court.

An act providing for additional compensation to certain clerks of the district court in this state.

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

When fees do not exceed $1,000, county commissioners shall provide for payment of difference.

SECTION 1. In all counties in this state in which the fees or compensation of clerk of district court of said county does not exceed the sum of one thousand dollars ($1,000), the county commissioners shall, when appointed by the judge of district court, provide that there shall be paid out of the county revenue fund of said county to said clerk a sum equal to the difference between the amount of fees so received by him during the preceding year and that said sum of one thousand dollars ($1,000), and upon the adoption of such resolution the county auditor of such county shall draw his warrant in favor of said clerk of said district court upon the county treasurer of such county for such sum of money so found to be due under the provisions of this bill.

Clerk to file statement of fees received during preceding year.

SEC. 2. Any clerk of the district court in any county in this state entitled to compensation under this bill, shall on or before the first day of the regular January meeting of the board of county commissioners of such county file with the county auditor of such county a statement, under oath, of all fees received by him as such clerk during the preceding year and of the compensation or sums of money received by him by virtue of his office, whether such compensation shall be for official work which, as such clerk, he is, under the laws of this state, compelled to perform, or for any other work which he may in any way be authorized to perform by virtue of such office during such year, and no action shall be taken under the provisions of this bill by said board of county commissioners unless such statement, so verified, be filed with such auditor.

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

Approved April 18, 1903.

H. F. No. 702.

CHAPTER 249.

History of volunteers in Spanish war.

An act to provide for the gathering and compilation of official information and material necessary to the preparation of the history of the Minnesota volunteers in the Spanish war.

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

SECTION 1. That the adjutant general, together with the colonels or senior field officers of the Twelfth, Thirteenth, Fourteenth and Fifteenth regiments of infantry, Minnesota volunteers, respectively, who (except the adjutant general) held the positions above named when mustered in the service of the United States for war with Spain, and who are now residents of the State of Minnesota, shall constitute a board of five commissioners under this act, and shall meet and organize as such, at the call of the adjutant general, as soon as practicable after the passage of this act.

Board to compile and edit.

SEC. 2. Said board shall gather, compile and edit the information and material necessary for the preparation of an official historical narrative of the services of each of said regiments while in the service of the United States

S. F. No. 175.

CHAPTER 17.

Salaries of Co. officers.

An act to amend section three (3) of chapter three hundred sixty-five (365), of the laws of 1903, relating to salaries of county officers in counties having, or which may hereafter have, a population of two hundred thousand (200,000) inhabitants or over.

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

SECTION 1. "That section 3 of chapter three hundred sixty-five (365), of the Laws of 1903 be amended so that the same shall read as follows:

Section 3. The sheriff shall then appoint and employ one chief deputy, who shall be paid the sum of eighteen hundred dollars per annum; one jailer, who shall be paid twelve hundred dollars per annum; two outside deputies, who shall be paid fifteen hundred dollars per annum each, and each of whom shall be required, in addition to the services to be performed for such compensation, to keep and maintain a team, and to pay his own traveling expenses within said county while in the performance of his official duties assigned to him as such; one outside city deputy to attend to the service of criminal and other process, who shall receive a salary of twelve hundred dollars per annum, and one other outside deputy, who shall receive a salary of eleven hundred dollars per annum; one deputy for the care of the insane and such other duties as the sheriff may require of him, who shall receive a salary of twelve hundred dollars per annum; one assistant jailer, who shall receive a salary of one thousand dollars per annum; one night watchman, who shall receive a salary of nine hundred dollars per annum; one bookkeeper, who shall receive a salary of one thousand dollars per annum; one deputy, who shall have charge of juries, who shall receive a salary of seven hundred and fifty dollars per annum; one stenographer, who shall also be a deputy sheriff, and who shall receive a salary of six hundred dollars per annum; one matron, who shall receive a salary of five hundred dollars per annum; one cook, who shall receive a salary of six hundred dollars per annum."

Sheriff's deputies.

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

Approved Feb. 27, 1905.

S. F. No. 113.

CHAPTER 18.

Diverting the course of streams.

An act to enable cities now or hereafter having a population exceeding 50,000; to divert the course of streams and control the flow thereof.

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

SECTION 1. Any city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council, the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another water course.

The diversion may take place at any feasible or desirable point within or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and may control and regulate the discharge from such lake or lakes, and may straighten, enlarge and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided.

Erection of dams.

SEC. 2. The city council shall by ordinance first adopt and file with the city clerk a survey and map showing the point at which it is proposed to divert the stream, the route of the new channel, the sites of dams and other controlling works, the lands proposed to be taken for right of way and for flowage purposes, the levels to which it is proposed to raise and between which it is proposed to maintain the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, tunnels, culverts to be built, and in general, the entire extent and scope of the improvement as nearly as may be.

Adoption by ordinance of survey and map.

SEC. 3. The city council may acquire in the name of the city by grant, dedication, purchase or devise the lands and the rights necessary to carry out such improvements.

SEC. 4. The power of eminent domain and the power to levy special assessments for benefits are hereby delegated to such cities for the purposes of this act, to acquire the lands and rights needed or any of them, to be exercised as follows:

Cost of improvements.

SEC. 5. The city council shall by ordinance determine and declare as nearly as may be, the cost of such improvements, exclusive of damages to property, and shall appoint five appraisers, who shall be disinterested free-holders and qualified voters of the county, and none of whom shall be residents of the town or ward or wards of the city in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement, and to assess special benefits resulting therefrom.

Appraisers.

Said appraisers shall be notified as soon as practicable by the city clerk to attend at a time fixed by him, for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the city council.

Oath of appraisers.

SEC. 6. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the city council.

Official notice.

SEC. 7. The appraisers shall give notice of their meeting by publication in the official newspaper of the city once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts or tunnels, the estimated cost of construction, and shall contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that said appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improvement and to assess benefits in the manner hereinafter specified.

View premises.

If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall also be published for a like time in some newspaper in such outside county.

Publication of notice.

SEC. 8. A copy of all subsequent notices relating to the proceeding which are required to be published, shall be mailed by the city clerk immediately after the first publication thereof to such persons as shall have appeared in said proceedings and requested in writing that such notices be mailed to them.

SEC. 9. At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and shall hear any evidence or proof offered by the parties interested and may adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine the amount of damages, if any, suffered by each piece or parcel of land affected by the improvement. They shall also determine the amount of special benefits, if any, occurring by reason of diversion of water, drainage, or otherwise, to each piece or parcel of land wherever situate and whether contiguous to the improvement or not. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated cost of construction; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual special benefits after deducting the damages, if any.

Amount of damage.

Damage for buildings.

SEC. 10. If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall, in such case, determine the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he, or they, shall elect to remove such buildings.

SEC. 11. If the land and buildings belong to different persons or if the land be subject to lease, mortgage or judgment, or if there be any estate less than an estate

in fee, the injury or damage done to such person, or interests, respectively, may be awarded to them separately by the appraisers. *Provided,* that neither such award of the appraisers, nor the confirmation thereof by the city council, shall be deemed to require the payment of such damages to the person or persons named in such award, in case it shall transpire that such person or persons are not entitled to receive the same.

Payment of damages.

SEC. 12. The said appraisers having ascertained and appraised the damages and assessed the benefits as aforesaid, shall make and file with the city clerk, a written report of their action in the premises, embracing a schedule and appraisement of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and also a statement of the costs of the proceeding.

Filing report.

SEC. 13. Upon such report being filed, the city clerk shall give notice that such appraisement has been returned, and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages awarded and benefits assessed, and shall be published in the official newspaper of said city, once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisement and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified, provided that said city council shall not have the power to reduce the amount of any award, nor increase any assessment. In case the appraisement and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisement, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisement.

Considered by city council.

Power to confirm.

SEC. 14. If not annulled or set aside, such award shall be final, and shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The award shall be paid to the persons entitled thereto, or shall be deposited and set apart in the treasury of the city for the use of the persons entitled thereto, within six months after the confirmation of the appraisement and award. But in case any appeal or appeals shall be taken from the order confirming said appraisement and assessment as hereinafter provided, then the time for payment of said awards shall be extended until and including sixty days after the final determination of all appeals taken in the proceedings, and in case of any change in the awards or assessment upon appeal, the city council may, by resolution duly adopted, at any time within sixty days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six per centum per annum from the time of the filing of the original appraisers' report, and all subsequent awards and awards upon appeals shall be made as of the day and date of filing of such original reports.

Payment of award.

Rate of interest.

SEC. 15. Upon the conclusion of the proceedings and the payment of the awards, the several tracts of land shall be deemed to be taken and appropriated for the purposes of this act, and the title thereto shall vest in the city. In case the city council shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the city council shall, and in any and every case the city council may in its discretion deposit the amount of damages with the district court of the county in which such city is situate, for the use of the parties entitled thereto, and the court shall, upon the application of any person interested, and upon such notice as the court shall prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons.

Title vested in city.

Disposition of award.

Removal of buildings.

SEC. 16. In case any owner or owners of buildings, as aforesaid, shall have elected to remove his or their buildings, he or they, shall remove them within thirty days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall be entitled to the payment of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time above specified, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of as the said city council shall elect.

Appeal from assessment.

SEC. 17. Any person whose property is proposed to be taken or interfered with or assessed under any provision of this act, or who claims to be damaged by the improvement, and who deems that there is any irregularity in the proceedings of said city council, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of, or interference with his property, or the assessment thereon, may at any time before the time specified for the consideration of the award and assessment by the city council, file with the city clerk in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections the said city council shall confirm the award or assessment, such persons so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county in which said city is situate, within twenty days after such order. Such appeal shall be made by serving a written notice of appeal upon the city clerk, which shall specify the property of the appellant affected by such award or improvement, and refer to the objection filed as aforesaid, thereupon said city clerk at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings and of the award of the

Made in writing.

appraisers as confirmed by the city council, and of the order of the city council confirming the same, and of the objections filed by the appellant as aforesaid, and of the notice of appeal, all certified by said city clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken in the same proceeding, it shall not be necessary that the city clerk in appeals subsequent to the first shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises.

Court to determine.

Notice of hearing.

SEC. 18. The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in said written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested free-holders, residents of said county, appraisers, to reappraise said damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs purtenant to the question of the amount of damages or benefits, and proceed in all other material respects as are in this act provided for the government of appraisers appointed by said city council. They shall, after the hearing and view of the premises, make a report to the said court of their award of damages and assessments of benefits in respect to the property of such appellant. The appellant shall within five days of notice of filing the award file his written election to remove the buildings if he so elect. Such election shall not affect his right to a review. The award shall

Oath.

Filing of notice.

be final unless set aside by the court. The motion to set aside shall be made within fifteen days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as it shall deem best; said court shall allow to said appraisers a reasonable compensation for their services, and make such awards of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises, and enforce the same by execution. In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in said proceedings.

Costs.

Time for payments.

SEC. 19. In case of any appeal the time for making payment of awards shall be extended as to all tracts embraced in the proceeding to sixty days after final determination of all appeals.

SEC. 20. The notice prescribed in section 7 shall be sufficient to charge all persons whose rights or interests may be affected by the diversion of such waters, but whose lands are not otherwise taken, with notice of the pendency of the proceeding, and all such persons may present to the appraisers evidence of the damages which they will suffer, and the appraisers shall determine and award such damages as they may find, particularly specifying in their award the location and the nature of such damages, and all persons failing to present their claims for damages arising from the diversion of waters, shall be concluded by the proceeding hereunder, whether any award of damages is made to them or not, and shall be barred from claiming damages afterwards in any other form of action or proceeding.

Certified copy of awards.

SEC. 21. Upon the final determination of all appeals in such proceeding, the city clerk shall transmit to the auditor of the county or counties in which the respective lands lie a copy by him duly certified of the awards and assessment of the appraisers as confirmed by the city council; and the clerk of the district court shall, in like manner, certify the award and assessment as finally made upon all appeals; and the county auditors shall include such assessments of benefits against each tract of land assessed, with and as a part of the taxes upon such respective tracts of land in the next annual list of taxes for general, state, county and other purposes, and the same

Included in tax-assessments.

proceedings shall be had for the collection and enforcement thereof, as for such general taxes, including like penalties in case of non-payment, and including also proceedings for the collection and enforcement of delinquent taxes. Whenever any of such assessments are collected, they shall be credited to the city conducting such proceedings, and paid over and accounted for in like manner as other taxes.

SEC. 22. It shall be the duty of such city to proceed with all reasonable dispatch to complete such improvements, unless the proceedings are set aside by the city council as hereinbefore provided.

Power of city council.

SEC. 23. The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. And for such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding a fine of one hundred ($100) dollars for each offense, or confinement in the city workhouse not exceeding ninety days. The municipal court of the city shall have jurisdiction of such offenses.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1905.

CHAPTER 19.

S. F. No. 169.

Bonds for water works.

An act to authorize cities of this state owning a system of water works to borrow money and issue bonds for the purpose of improving and extending their water works system and of providing means for purifying the water furnished thereby.

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

SECTION 1. In addition to the rights and powers heretofore conferred by any general or special law upon the several cities of this state, there is hereby granted to any city organized or which may hereafter be organized under or by virtue of any general or special law of this state and which now or shall hereafter own a system of water works, power and authority to extend and improve its system of water works, including the installing of filters or other means for purifying the water fur-

Improvement of water works.

S. F. No. 193.

CHAPTER 103.

An act to provide for payment of compensation awarded for land condemned for public parks and parkway purposes in cities now or hereafter having a population of over fifty thousand inhabitants.

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

Relating to payment for public parks.

SECTION 1. That when any city in this state now or hereafter having a population of over fifty thousand inhabitants shall cause to be condemned any land for public parks or parkway purposes, such city shall thereupon cause to be paid to the owner of such property the amount of damages, over and above all benefits, which may have been awarded therefor, within one year after confirmation of the award or assessment, or the final determination of any appeals therefor, with interest at the rate of five per cent per annum, but nothing in this act shall take away any existing right to annul and abandon such proceedings.

SEC. 2. That any such city is hereby authorized to pay the whole or any part of any award or judgment for land condemned for park or parkway purposes out of the park fund, in case said city has on hand in the park fund or can obtain by donation, bequest or otherwise under lawful authority, moneys available therefor.

SEC. 3. Nothing contained in this act shall deprive the city of the power to abandon proceedings as now provided by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 5, 1905.

S. F. No. 227.

CHAPTER 104.

An act to amend section five thousand and ninety-three (5093) of the General Statutes of Minnesota for the year one thousand eight hundred and ninety-four (1894) relating to jurisdiction of justices of the peace.

Jurisdiction of justices of the peace.

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

SECTION 1. That section five thousand and ninety-three (5093) of the General Statutes of Minnesota for

the year one thousand eight hundred and ninety-four (1894) be amended so as to read as follows:

Section 5093. Justices of the peace have power and jurisdiction, throughout their respective counties, as follows:

First—To cause to be kept all laws made for the preservation of the peace;

Second. To cause to come before them, or any of them, persons who break the peace, and commit them to jail, or bail them, as the case may require.

Third. To arrest and cause to come before them, persons who attempt to break the peace, persons who keep houses of ill fame, or frequenters of the same, or common prostitutes, and compel them to give security for their good behavior, and to keep the peace.

Relates to certain territory.

Fourth. To cause to come before them persons who are charged with committing any criminal offense, and commit them to jail, or bail them, as the case may require; *provided, however,* that no justices of the peace shall have jurisdiction of any offenses committed within the limits of any city or village wherein a municipal court is organized and existing, but such offenses, otherwise cognizable by justices of the peace, and those arising under the charter ordinances or by-laws of the city or village shall be examined or tried by the municipal court therein existing; *provided,* this act shall not apply to territory within one-half mile of the outer limits of the state fair grounds.

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

Approved April 5, 1905.

S. F. No. 280.

CHAPTER 105.

An act to authorize and empower cities in this state having a population of not less than ten thousand nor more than twenty thousand inhabitants to construct, erect, purchase or otherwise acquire water works, and to issue bonds for such purpose.

Authority to construct water works.

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

SECTION 1. That each city in the State of Minnesota, now or hereafter having not less than ten thousand and

able, or any cause not in the power of said shipper or consignee to prevent, shall be added to the free time allowed in this act and counted as additional free time.

Companies to report monthly on demurrage charges paid or collected.—Sec. 12. It shall be the duty of every railroad company operating within the state of Minnesota to make at the end of each month a sworn detailed report of all penalties paid and collected as demurrage during the previous month, showing therein to whom paid or from whom received; this report shall be filed with the railroad and warehouse commission.

Actions to enforce charges.—Sec. 13. When suit is brought to collect any of the damages, forfeitures or demurrage charges, provided for in this act, said suit may be brought in any court in this state having jurisdiction of the subject matter and parties under the then existing cause; and if the plaintiff therein recover judgment such plaintiff shall also recover a reasonable attorney's fee for bringing such suit, to be taxed as costs in other cases and paid as other costs by defendant in such suit.

To take effect July 1, 1907.—Sec. 14. This act shall take effect and be in force from and after July 1, 1907.

Approved April 17, 1907.

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CHAPTER 24—S. F. No. 60.

An Act creating a fund, and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities having a population of more than fifty thousand inhabitants.

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

Fire departments to grant relief and pensions.—Section 1. Every fireman's relief association, now or hereafter organized in any city in this state having a paid fire department and now or hereafter having a population of more than fifty thousand (50,000) inhabitants, which is now incorporated, or which may hereafter be incorporated under chapter 58, Revised Laws of Minnesota 1905, may pay out from any funds it may have heretofore received, or which it may here-

after receive, from the State of Minnesota, or any other source, pensions, and relief money to any of its sick and disabled members, or for service pensions as hereinafter provided, in such amounts, and in such manner, as its articles of incorporation and by-laws shall designate, not exceeding, however, the sum of $40.00 per month to any of its pensioned members; *provided, however,* that any one who has served or is serving, on a paid municipal fire department, shall be placed on the service pension roll, upon his making application for the same, when he has complied with the following conditions—He shall have done active duty for a period of 20 years or more; he shall have arrived at the age of 50 years, or more; he shall have been, or shall be, entitled to be retired, from the service in the fire department; and *provided further,* that no service pension shall be paid to any person while he remains a member of the fire department.

Qualifications for relief and pensions.—Sec. 2. The qualification as to age and term of service, shall not apply to members of such fire department, who make application for a pension on account of injuries or disabilities, which unfit them for the duties of an active fireman, and such relief association shall pay a pension to such members, or to the widows and orphans of deceased firemen, in such sum, and under such limitations and conditions, as its articles of incorporation and by-laws shall provide and permit.

Association to reduce amount of pensions.—Sec. 3. Every such association shall at all times have and retain the right to reduce the amount of pensions or to increase them whenever because of the amount of funds on hand or for other good reasons, such reduction or increase seems advisable or proper to such relief association, but said pension shall not exceed the amount of $40.00 per month to any pensioner or to any one family.

Duty of city clerk as to making annual report.—Sec. 4. The clerk of any city of the class named herein having an organized fire department shall on or before the 31st day of October in each year, make and file with the insurance commissioner his certificate, stating the existence of such department, the number of steam engines, hook and ladder trucks, hose carts, and number of feet of hose in actual use, the number of organized companies, and the system of water supply in use in such department, together with such other facts as the insurance commissioner may require.

Insurance commissioner to make annual report.—Sec. 5. The insurance commissioner shall embody in his annual statement blank, a blank form, with the names of the cities thereon entitled to benefits under this act, and require the companies to report at the time of making their annual statements the amount of premiums received by them during the year ending Dec. 31st, in each and of the cities named in said blank, and thereafter and before the 1st day of July the insurance commissioner shall certify to the state auditor the names of the cities which have organized fire departments as reported to him under section 4 of this act, and the amount of premiums received by said companies in each of said cities, and the amount of tax paid in such year by said companies upon such premiums.

State auditor to issue warrant.—Sec. 6. The state auditor at the end of the fiscal year, shall issue and deliver to the treasurer of any such city his warrant upon the state treasurer for an amount equal to the total amount of the existing 2 per cent tax so paid by fire insurance companies upon the premiums by them received in any such city, as specified in said certificate of said insurance commissioner.

State treasurer to issue certificate.—Sec. 7. The state treasurer is hereby authorized and directed to and upon the presentation to him of the said warrant of the said auditor, he shall pay to the treasurer of any such city, out of the general revenue fund of this state, the amount in such warrant specified.

To be set aside as a special fund.—Sec. 8. The amount so paid to any city under the provisions of this act shall be by it set aside as a special fund, and may be appropriated and disbursed in the same manner that other funds belonging to such city are appropriated or disbursed, but only for the following purposes, viz:

First—For the relief of sick, injured and disabled members of any fire department in such city, and their widows and orphans.

Second— For the payment of pensions pursuant to the provisions of sections 1 and 2 of this act.

Provided, that in case there exists, or shall exist a fire department relief association, duly organized or incorporated in any such city, as aforesaid, shall be paid to the treasurer of

such relief association, instead of to the treasurer of such city.

Secretary and treasurer of relief associations to make annual reports.—But the secretary and treasurer of every such relief association shall prepare annually a report of all receipts and expenditures of such association for the previous year, showing for what purpose the money was paid and expended, and to whom, which report shall be filed in the office of the city clerk of the city, in which such association is situated, and a duplicate of such report shall also be filed with the state auditor before any money shall be paid to any such relief association. The money paid to such relief association shall be expended only, for the pensioning and relief of sick, injured, disabled and retired members of any fire department in such city, and their widows and orphans as authorized and permitted by this act.

Defining firemen as to pension or relief.—For the purpose of this act no substitute fireman, or any one serving on probation, or any fireman in a city having a relief association in its fire department who is not a member of such association, shall be deemed to be a fireman within the meaning of this act.

The treasurer of every such relief association, before entering upon the duties of his office, shall give a good and sufficient bond to said relief association conditioned for the faithful discharge of the duties of his office, and for the safe-keeping and paying over, according to law, of all moneys which come into his hands as such treasurer.

Provided further, that no such moneys shall be paid to any such relief association hereafter organized, unless such organization is made with the consent of the council of the city to which such organization belongs.

Pension not subject to legal process.—Sec. 9. No payments made or to be made, by said association to any member on the pension roll, shall be subject to judgment, garnishment, or execution, or other legal process, and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment, or pay over any sum which has been assigned.

Powers of association through trustees.—Sec. 10. Said association, through its board of trustees and officers, shall

have full charge, management, and control, of said funds herein provided for; which said funds shall be derived from the following sources:

First—From interest, rents, gifts or money from other sources;

Second—From funds received from the State of Minnesota;

Third—All money raised by taxation as follows:

The city council or other governing body of every city of said class in which a fireman's relief association exists as aforesaid, shall, each year at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of the city. The tax so levied shall be transmitted to the auditor of the county in which the city levying the tax is situated, at the time all other tax levies are transmitted, and shall be collected and payment thereof be enforced with and like manner as state and county taxes are paid and the payment thereof enforced.

Duties of county treasurer.—The county treasurer of each county in which such tax is levied and collected, or the city treasurer, in case such tax is collected by him, in any city of the class covered by this act, shall pay over the same, together with all interest and penalties collected on account of the same when collected, and all interest paid thereon between the time of collection and the time the same is paid over to the treasurer of the fireman's relief association.

Public examiner to make annual examination.—Sec. 11. It shall be the duty of the public examiner to annually examine the books and accounts of the secretary and treasurer of each relief association receiving funds under the provisions of this act, and if he finds that the money or any part of it has been or is being expended for an unauthorized purpose, he shall report the same to the governor. The governor shall thereupon direct the state auditor not to issue any warrant for the benefit of such city, or to such relief association, until it shall be made to appear to the public examiner, who shall report the fact to the governor, that all money wrongfully expended has been replaced. And the governor may take such further action as the emergency may demand.

Sec. 12. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1907.

CHAPTER 25—S. F. No. 24.

An Act to prohibit the desecration of Memorial day, and provide for punishment thereof.

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

Games prohibited within one-half mile of memorial exercises—saloons closed from 10 a. m. to 3 p. m.—Section 1. That the desecration of "Memorial Day", the thirtieth (30th) day of May of each year, by the playing of games of ball, cricket, football, and other like games, or by horse racing, bicycle racing, automobile racing, or any other sports calculated to attract attention to such games or sports and away from the memorial character of said day, within one-half mile of the place where memorial exercises are in progress, is hereby prohibited and made unlawful during the hours from 10 o'clock in the forenoon to 3 o'clock in the afternoon of said day, and all saloons and other places where intoxicating liquors are sold, shall be closed on said day between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon, in all cities, villages and towns where memorial exercises are held.

Sec. 2. Any person guilty of a violation of section 1 of this act shall be deemed guilty of a misdemeanor, and punishable accordingly.

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

Approved March 1, 1907.

$3,237 deficiency aid to second-class rural schools.—Three thousand two hundred and thirty-seven dollars ($3,237) for deficiency aid to second-class rural schools for the fiscal year ending July 31, 1905.

$9,840 deficiency aid to second-class rural schools.—Nine thousand eight hundred and forty dollars ($9,840) for deficiency aid to second-class rural schools for the fiscal year ending July 31, 1906.

Available Sept. 19, 1907.—All of said appropriations to be available in the month of September, 1907, to be used and expended under and pursuant to the provisions of chapter 142, Laws of 1905.

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

Approved March 18, 1907.

CHAPTER 57—H. F. No. 543.

An Act entitled, "An act to authorize any city in this state now or hereafter having a population of over fifty thousand inhabitants to acquire, construct, use and maintain, with suitable grounds, an auditorium building, and to levy necessary taxes therefor, and to confirm previous acts of such cities in that regard."

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

Auditorium board to be appointed by mayor.—Section 1. That any city in this state now or hereafter having a population of over fifty thousand inhabitants shall have the power and authority, acting by and through its common council, to acquire construct, own, maintain and use an auditorium building, with necessary grounds, suitable for the accommodation of large gatherings of people on public occasions, and to levy and collect the necessary taxes therefor. The mayor of any such city which has acquired and constructed, or which may desire to acquire or construct, any such auditorium building shall forthwith appoint five resident freeholders of such city as an auditorium board, whose term of office shall be, respectively, for one, two, three, four and five years and until their successors are appointed and qualified,

and annually thereafter the mayor shall appoint one member of said board, whose term shall be five years, and until his successor is appointed and qualified, and shall fill all vacancies in the said board, from whatever cause, with persons of like qualifications, for the unexpired term. Members of said board shall, within ten days after their appointment, file an oath of office with the comptroller, and shall forthwith, after their appointment and annually thereafter, meet and select from their number a president and vice president of said board.

Meeting of board.—Said board shall hold stated meetings as often as once in each month, and shall keep a record of its proceedings, and the city treasurer, comptroller and city clerk shall be, respectively, treasurer, comptroller and clerk ex-officio of said board.

Compensation of superintendent to be fixed.—The members of said board shall serve without compensation. Said board shall have charge of the construction, maintenance and operation of said building, and shall have power, within the limit of the funds at its disposal, to enter into and carry out on behalf of the city all necessary contracts therefor, and in like manner shall have power to appoint and fix the compensation of the superintendent of said building and such other help as may be necessary in the maintenance and operation thereof.

Money to be paid into the city treasury.—All money derived from the use of said building shall be daily turned into the city treasury, and shall be credited to a fund to be known as the Auditorium Fund, and the expense of maintaining said building and the operation thereof shall be paid from said fund, and any and all money which may accrue from said building in excess of the cost of maintenance and operation shall be set apart and preserved for the payment of interest upon any bonds or indebtedness which may be issued or incurred for the construction of said building and as a sinking fund for the redemption of such bonds or indebtedness.

Annual statement to city council.—Said board shall in the month of January of each year, and at such other times as the common council may require, make to the common council a full and detailed report of its proceedings, including all receipts and expenditures and the sources thereof for the preceding year.

Validating previous acts.—Sec. 2. All acts and proceedings heretofore had or taken by any such city toward acquiring grounds for and constructing any such building are hereby validated and confirmed.

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

Approved March 21, 1907.

C 58
130-M - 9
153-NW 250
13-GS 7681

CHAPTER 58—H. F. No. 41.

An Act to amend section four thousand and sixty (4060), *Revised Laws* 1905, *entitled, "Parent or guardian may sue for injury to child or ward," by adding thereto a clause requiring such parent to file a bond before receiving money or property in settlement or compromise of any action so brought by such parent, and requiring such settlement to be approved by a judge of the court in which such action is pending.*

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

How action is to be commenced—bond of guardian.—Section 1. Section 4060, Revised Laws 1905, be and the same is hereby amended to read as follows:

Section 4060. A father, or, in case of his death or desertion of his family, the mother, may maintain an action for the injury of a minor child, and a general guardian may maintain an action for the injury of his ward. *Provided,* that if no such action is brought by the father or mother, an action for such injury may be maintained by a guardian *ad litem,* either before or after the death of such parent. Before any such parent shall receive any money or other property in settlement or compromise of any action so brought, or in satisfaction of any judgment obtained therein, such parent shall file a bond as security therefor, in such form and with such sureties as the court shall prescribe and approve; and no settlement or compromise of any such action shall be valid unless the same shall be approved by a judge of the court in which such action is pending.

Approved March 23, 1907.

CHAPTER 59—H. F. No. 833.

An Act to amend section one (1) *of chapted* 334 *of the Laws of Minnesota for* 1905, *being "An act to authorize and empower all cities in this state, however organized, having a population of* 10,000 *inhabitants or less to issue bonds and dispose of the same, and to use the same or the proceeds thereof for the purpose of purchasing water works or light plants already in existence or for the purpose of constructing, extending, enlarging, improving or purchasing municipal water works or light plants or either or all thereof."*

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

Bonds to be issued for acquiring electric light plants or water works.—Section 1. That section one (1) of chapter three hundred thirty-four (334) of the Laws of Minnesota for nineteen hundred and five (1905) be and the same is hereby amended so as to read as follows:

Section 1. Whenever at any general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the legal voters, voting thereat, so determine, each city in the state of Minnesota having ten thousand inhabitants or less, whether organized or existing under special or general law, or under and by virtue of the provisions of chapter three hundred and fifty-one (351) of the General Laws of Minnesota for the year eighteen hundred and ninety-nine (1899), as amended, is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its city charter or by virtue of any general or special law, and in addition to all other bonds that it is by law authorized to issue, to issue its bonds in the aggregate amount hereinafter mentioned to be determined as hereinafter set forth, and to dispose of the same as in hereinafter provided, and to use the proceeds thereof for the purpose of constructing, extending, enlarging, improving or purchasing municipal water works or light plants or either or all thereof, but in each case the said city may either acquire such existing water works system or electric light plant by purchase at such price, not exceeding its fair value, and on such terms as may be agreed on between said city and the owner thereof, or if such arrangement as to price and terms cannot be arrived at, may acquire such system by condemnation thereof. The procedure in the event of condemnation, shall be that prescribed by chapter 41, Re-

CHAPTER 290—H. F. No. 804.

An Act to amend sections 1 and 2 of chapter 122, General Laws of 1905, being an act to require railroad companies to report all wrecks and casualties wherein any person is injured or killed, to the railroad and warehouse commission.

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

Accidents and wrecks to be reported to R. R. Com.—Section 1. That section 1, chapter 122, General Laws of 1905, be and the same is hereby amended so as to read as follows:

Sec. 1. It shall be the duty of every railroad company operating a line of railroad in this state to report all accidents, wrecks or casualties occurring in this state to the railroad and warehouse commission. This is intended to include all accidents, wrecks or casualties occurring in the operation of trains or engines on said line or lines of railway within this state, and all other accidents or casualties of whatever nature as may be required under rules adopted by the commission. Any reports to the commission herein required shall not be for public inspection.

All accidents or wrecks occurring in the operation of trains or engines involving loss of life or personal injury, shall be immediately reported to the commission by telegraph or telephone message, and the company shall forthwith send a written report in detail giving full particulars available in such form as the commission may require. All other accidents, including accidents resulting in personal injury or death, other than train accidents, shall be reported to the commission on the first day of each month, covering the preceding month.

Duties of commissioners.—Sec. 2. That section 2, chapter 122, be and the same is hereby amended so as to read as follows:

Sec. 2. Whenever any report is made to the commission involving a wreck, accident or casualty, and the commission deems it necessary, it shall forthwith examine into the causes and circumstances of the same, and it shall thereupon be the duty of the commission to order such railroad company to comply with any reasonable requirement prescribed by the commission, calculated to prevent the recurrence of any such wreck, accident or casualty, and it shall be the duty of the commission to report to the legislature biennially a summarized statement of all wrecks, accidents or casualties reported, together with a recommendation of such additional legislation as it deems proper for the greater protection of passengers and employes of railroad companies.

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

Approved April 22, 1907.

CHAPTER 291—H. F. No. 825.

An Act entitled "An act to authorize all cities in this state now or hereafter having a population of over 50,000 inhabitants to condemn lands under the right of eminent domain, for sites and grounds for public school buildings, and for all other municipal or public buildings for such cities, or for any of the departments of its government."

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

Right of eminent domain for public building sites—proceedings.—Section 1. That hereafter any city in this state now or hereafter having a population of over fifty thousand inhabitants shall have the right, power and authority to condemn lands under the right of eminent domain for sites and grounds for public school buildings, and for all other municipal or public buildings for such cities, or for any of the departments of its government, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41 of the Revised Laws of Minnesota for the year 1905 and acts amendatory thereof; *provided, however*, that any such city shall have the right, upon the filing of the award of the commissioners provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such

city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such city shall not be required to give or file any appeal bond therein.

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

Approved April 22, 1907.

CHAPTER 292—H. F. No. 834.

An Act authorizing the state board of control to employ state agents for the care and control of paroled patients from the hospitals and asylums for the insane and the school for feeble-minded and colony for epileptics.

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

Section 1. **Supervision of parole patients—state agents.**—The state board of control, so far as possible, shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics, and, when deemed necessary for that purpose, may appoint one or more state agents and fix salary. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of paroled patients when necessary. Such agents and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institutions for the benefit of which they were appointed in proportion to the number of patients paroled from each.

Sec. 2. No one shall be appointed as such agent without having had previous experience in caring for the insane at a hospital for the insane for a period of not less than one year.

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

Approved April 22, 1907.

CHAPTER 293—H. F. No. 1044.

An Act to provide for the incorporation of co-operative associations, formed for the purpose of selling, or otherwise disposing of products of any co-operative manufacturing or agricultural association heretofore or hereafter organized under the provisions of this act.

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

Co-operative associations.—Section 1. That any co-operative association may be formed for the purpose of selling and otherwise disposing of any product of any manufacturing or agricultural co-operative association, organized under the provisions of section 3073, Revised Laws, 1905, or chapter 276 or 313, General Laws, 1905, and any amendments thereto. Its certificates of incorporation shall be filed for record with the secretary of state, and thereupon it shall become a corporation. A majority of the incorporators thereof shall be residents of this state, and its duration, without renewal, shall not exceed twenty years.

Officers—by-laws—powers—dissolution—distribution of profits—annual report.—Sec. 2. Every such association shall have a president, a treasurer and not less than three directors, who shall together constitute a board of managers and conduct its business. Such officers shall be chosen annually by the stockholders, and shall hold their offices until others shall be chosen and qualified. The association shall make its own by-laws, not inconsistent with the law, and may herein provide for any other officers deemed necessary, and the mode of their selection. It may amend its articles of incorporation at any general stockholders' meeting, or at any special meeting called for that purpose, upon ten days notice to the stockholders. The amount of capital stock shall be fixed by the articles of incorporation, which amount and the number of shares may be increased or diminished at a stockholders' meeting, specially called for that purpose, but the whole amount of stock shall never exceed one hundred thousand dollars. Within thirty days after the adoption of the amendment increasing or diminishing its capital stock, it shall cause the vote

two years made by said act heretofore passed by this legislative session, which former appropriation is in all respects annulled.

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

Approved April 23, 1907.

CHAPTER 375—H. F. NO. 38.

An Act to amend section seven hundred forty-eight (748) *of the Revised Code of the State of Minnesota for the year* 1905, *relating to home rule charters for cities.*

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

Change of limits.—Section 1. That section 748 of the Revised Code of the State of Minnesota for the year 1905, be and the same is hereby amended to read as follows:

"Section 748. Home Rule Charters—Patrol Limits.—Any city or village in the State of Minnesota, whenever incorporated, may frame a city charter for its own government in the manner hereinafter prescribed, *provided,* that in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority."

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

Approved April 24, 1907.

CHAPTER 376—H. F. NO. 61.

An Act to authorize and empower the city council or common council of cities in this state of over 50,000 *inhabitants to issue and sell municipal bonds and to use the proceeds thereof for the purpose of purchasing or establishing gas works and plants for the use and benefit of the inhabitants of such cities.*

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

Bonds—how issued.—Section 1. That the city council or common council of each and every city in this state now or

hereafter having over 50,000 inhabitants, in addition to all the rights and powers hertofore granted thereto by law, is hereby authorized and empowered, for the purposes herein designated, to issue, as needed, the negotiable bonds of their respective cities to an amount not to exceed $2,000,000, said bonds to be made in such denominations and payable at such places and at such times, not to exceed thirty years from the date thereof, as may be deemed best, and to bear interest at a rate not to exceed four per cent per annum, payable semi-annually, and to have interest coupons attached, payable at such place or places as shall be designated therein; and such city council, or common council, as the case may be, is further authorized to negotiate and sell such bonds to the highest bidder or bidders therefor, and upon the best terms that can be obtained for said bonds.

Provided, that no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon; and provided further, that said bonds shall not be issued until the issuance thereof is authorized by a resolution or ordinance, duly passed by a two-thirds vote of all the members of the city council or common council, proposing to issue the same.

Sinking fund.—Sec. 2. Nothing herein contained shall authorize the issue at any time of the bonds of any such city to such an amount that the whole amount of the principal of the bonds acually issued by such city and still outstanding, together with the proposed issue, less the amount of the bonds of such city which shall be in and constitute a part of the sinking fund of such city for the payment of bonds, shall exced ten per cent of the assessed valuation of the taxable property of such city, as shown by the last preceding assessment.

Form of bond.—Sec. 3. All bonds issued under authority of this act shall be sealed with the seal of the city issuing them, and signed by the mayor and attested by the clerk or recorder, and countersigned by the city comptroller, if such officer exists in such city. The proceeds of any and all bonds issued and sold under authority of this act shall be placed in the city treasury of the city issuing the same, and shall constitute a special fund, and shall be used only for the purpose of purchasing or establishing gas works and gas plants for the use and benefit of the inhabitants of such city, and the

proceeds of said bonds, or any thereof, shall not be used for any other purposes than those hereinbefore specified.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 24, 1907.

CHAPTER 377—S. F. No. 690.

An Act to amend section 2012 of the Revised Laws of 1905 relating to public schedule of rates of common carriers.

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

Section 1. That section 2012 of the Revised Laws of 1905 be and the same is hereby amended so as to read as follows:

Section 2012. **Public Schedules of Rates.**—Every such company shall keep at every station or depot of its road, convenient for and open to public inspection, schedules printed in large type, showing all classifications, rates, fares and charges for transportation of freight and passengers in force at the time upon its road. Such schedule shall plainly state the places between which persons and property will be carried, shall show the classification of freight, a distance tariff, a table of distances between stations, and shall state, and shall state, separately, the terminal charges, and any rules or regulations in any way affecting the aggregate of such rates, fares and charges. And every such company shall keep posted in a conspicuous place, at every such station, accessible to shippers, notice that such schedules are so kept thereat.

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

Approved April 25, 1907.

CHAPTER 378—H. F. NO. 181.

An Act entitled an act to prohibit the sale of intoxicating liquors and cigarettes within one mile of the University Farm of the Agricultural College of the University of Minnesota, located in Ramsey county, Minnesota, on section 21, township 29, and range 23 west.

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

Penalty.—Section 1. Any person who shall sell any intoxicating liquor or cigarettes, or maintain a drinking place, within one mile of the University Farm of the School of Agriculture of the University of Minnesota, located in Ramsey county, Minnesota, on section 21, township 29, and range 23 west, or shall aid or abet another in either of such acts, shall be guilty of a gross misdemeanor and shall be punished for the first offense with a fine of not more than $100.00 or imprisonment for not less than sixty days nor more than ninety days; for each subsequent offense, by a fine of not less than $500.00 nor more than $1,000.00, or by imprisonment in the county jail for not less than six months nor more than one year, or by both.

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

Approved April 24, 1907.

CHAPTER 379—H. F. NO. 197.

1907 C 379
116 M 502
134 NW 130
14 LRA 775

An Act to amend section four thousand five hundred and thirty-six of chapter eighty-five of the Revised Laws of one thousand nine hundred and five (1905), relating to bonds by contractors for public works and improvements and for the better security of the state and parties performing labor or furnishing material on such work.

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

Bonds—approval—changes.—Section 1. That section 4536, chapter 85, of the Revised Laws of one thousand nine hundred and five (1905) be amended so as to read as follows:

"Section 4536. Same—Approval and Filing—Liability for Failure—Changes—Such bond shall be approved by, and

CHAPTER 370—H. F. No. 887.

An Act to authorize any city in the State of Minnesota now or hereafter having a population of over fifty thousand inhabitants, to issue and sell its bonds for the purpose of acquiring sites and for the construction of new fire engine houses and buildings, and acquiring new and additional equipment for its fire department.

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

$100,000 bond issue authorized for new fire engine houses and equipments.—Section 1. Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby authorized and empowered, acting by and through the common council of such city, by ordinance duly enacted by an affirmative vote of not less than three-fourths of all members elect of such common council, to issue and sell not exceeding one hundred thousand dollars ($100,000.00) par value in and of the bonds of such city for the purpose of acquiring sites therefor and for the construction and equipment of new fire engine houses and buildings, and for acquiring new and additional equipment for the fire department of such city; *provided,* that not more than fifty thousand dollars ($50,000.00) par value of such bonds shall be issued in each of the two calendar years immediately following the passage of this act, and no such issue shall be valid if made thereafter.

How issued and sold.—Sec. 2. The bonds authorized by section one (1) of this act, or any portion thereof, may be issued and sold by any such city, notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, but the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued hereunder, and for the current interest thereon, and the common council or city council of such city shall each year include in the tax levy for such city a sufficient amount to provide for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

To run for no longer than 30 years at 4 per cent.—Sec. 3. No bonds shall be issued by any such city, under this act, for the purposes hereinbefore named, to run for a longer term than thirty years, or bearing a higher rate of interest than four per cent per annum, but the place of payment of the principal and interest thereof and the denominations in which the same shall be issued shall be such as may be determined by the common council or city council and the same may be in the form of coupon bonds or registered certificates, so-called. All such bonds shall be signed by the mayor, attested by the city clerk and countersigned by the

city comptroller, and shall be sealed with the seal of such city, except that the signature to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

Application.—Sec. 4. This act shall apply to cities existing under a charter framed pursuant to section 36, of article 4, of the constitution of Minnesota, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 22, 1909.

CHAPTER 371—H. F. No. 1085.

An Act to amend section 4344 R. L. 1905, relating to interest on verdicts and reports.

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

Judgment for recovery of taxes.—Section 1. That section 4344, R. L. 1905, be and the same hereby is amended so as to read as follows:

Section 4344. Interest on verdict, etc.—When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk and added thereto.

Approved April 22, 1909.

CHAPTER 372—H. F. No. 1104.

An Act authorizing cities now or hereafter having a population exceeding fifty thousand inhabitants, excepting cities operating under home rule charters, framed pursuant to section 36, article 4, of the Constitution of Minnesota, to acquire gas, electric and water plants and property therefor, by the exercise of eminent domain, and to operate the same.

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

Right of eminent domain given for acquiring gas, electric and water plants.—Section 1. Any city now or hereafter having a population greater than fifty thousand inhabitants, excepting