shall hereafter transfer any such prisoner or prisoners in any vehicle not so closed from public view, shall be deemed guilty of a misdemeanor under the laws of the State of Minnesota, and shall upon trial and conviction thereof be punished therefor as by law provided.

Sec. 3. This act shall take effect and be in force from and after the first day of February, 1904.

Approved April 14, 1903.

CHAPTER 208—H. F. NO. 765.

AN ACT to amend sections twelve hundred (1200) and twelve hundred and one (1201) of the General Statutes of the State of Minnesota of eighteen hundred ninety-four (1894), relating to the incorporation of certain villages.

Be it enacted by the legislature of the Sate of Minnesota:

Section 1. That section twelve hundred (1200) of the General Statutes of the State of Minnesota of eighteen hundred ninety-four (1894), be and the same is hereby amended to read as follows:

Section 1200. Any district, sections, or parts of sections, not in any incorporated village, and in the State of Minnesota, which has been platted into lots and blocks, also the lands adjacent thereto, when said plat has been duly and legally certied according to the laws of this state, and filed in the office of the register of deeds for the county in which said lands or the larger portion thereof lie, said territory containing a resident population of not less than one hundred and forty, may become incorporated as a village under this act in the following manner:

Sec. 2. That section twelve hundred one (1201) of the General Statutes of the State of Minnesota of eighten hundred ninety-four (1894), be and the same is hereby amended so as to read as follows:

Section 1201. Twenty-five or more of the electors then residents upon the lands so to be incorporated, may petition the county commissioners of the county in which the whole or larger part of said lands are situated, to appoint a time and place when and where the electors actually residing upon said lands may vote for or against such incorporation, and such petition shall set forth the boundaries of such territory, with their courses and distances, the quantity of land therein embraced, the name of such proposed village, and the number of persons actually residing in said territory, which shall have been duly ascertained by said petitioners, or under their direction, by a census taken of the resident population as it may be on some day not more than eight weeks previous to the time when said petition is presented to said commissioners, and said petition shall be verified by at least three of said petitioners, to the effect that such census has been accurately taken, and that all the facts in said petition contained are true.

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

Approved April 14, 1903.

CHAPTER 209—H. F. NO. 706.

AN ACT extending the time within which a board of fifteen freeholders heretofore appointed under the provisions of chapter 351 of the General Laws of Minnesota for 1899 may prepare, frame and return a draft for a proposed charter of an incorporated city.

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

Section 1. Wherever a board of fifteen freeholders has been heretofore appointed to frame a charter for any incorporated city in this state under the provisions of chapter 351 of the General Laws of Minnesota for 1899 and the several acts amendatory thereof, and such board has failed to return to the chief magistrate of such city a draft of such proposed charter within six months after its appointment, such board may at any time within one year from and after the passage of this act prepare, frame and return in manner as provided in said chapter 351 a draft of such proposed charter; and the same and all of the proceedings of said board relative thereto shall for all purposes be valid and of the same force as though the said draft had been prepared, framed and reported within six months after the appointment of said board.

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

Approved April 14, 1903.

CHAPTER 210—H. F. NO. 682.

AN ACT to authorize county commissioners to grant additional salary to county auditors in certain cases.

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

Section 1. That in counties having a population of not less than twenty-eight thousand (28,000) inhabitants where the annual salary of the county auditor is arbitrarily fixed by special law at twelve hundred (1,200) dollars or less, the county commissioners may grant such county auditor an additional sum not to exceed six hundred (600) dollars annually.

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

Approved April 14, 1903.

CHAPTER 211—H. F. NO. 171.

AN ACT to locate and establish the second state fish hatchery at or within two miles of the village of Glenwood, in the County of Pope, Minnesota, and to empower, authorize and direct the board of game and fish commissioners of the State of Minnesota to acquire a site therefor and to equip, develop and maintain the same, and to appropriate money therefor.

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

Section 1. That the second state fish hatchery, for the propagation and cultivation of fish, as provided by the laws of this state, shall be and the same is hereby located at, or within two miles of the village of Glenwood, in the County of Pope and State of Minnesota, and the same shall be known as the second state fish hatchery.

Sec. 2. The said second state fish hatchery shall be subject to the management and control of the board of game and fish commissioners of the State of Minnesota, as now constituted and existing by virtue of the laws of this state.

Sec. 3. The said board of game and fish commissioners are hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to acquire by gift, lease, purchase or condemnation in the name of and on behalf of the State of Minnesota, any real property, lands, premises, right of way, or easement, public or private, that may be necessary, convenient or proper for the establishment, equipment and development of said fish hatchery and grounds, and for the purpose of receiving and conducting to and from said hatchery waters necessary or desirable for the use of said hatchery, in such manner as said board of game and fish commissioners may deem best; and in case the owner of any real estate, land or premises and the said board of game and fish commissioners cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be determined by the appraisal of three competent, disinterested persons, residents of said county, commissioned to ascertain and determine the amount to be paid by said board of game and fish commissioners to the owner or person interested; said commissioners to be appointed on application of the said board of game and fish commissioners by the judge of the district court in and for the said County of Pope, according to the provisions of Title one (1), of Chapter thirty-four (34), of the General Statutes of 1878, and amendments thereto, so far as reasonably applicable, which said law shall apply to and govern proceedings under this act.

Sec. 4. There is hereby appropriated out of the general revenue fund, in the state treasury not otherwise appropriated, the sum of twenty thousand dollars ($20,000) for the purposes of this act. Ten thousand dollars ($10,000) of said sum shall be available for the fiscal year ending July 31, 1903, and ten thousand dollars for the fiscal year ending July 31, 1904.

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

Approved April 14, 1903.

CHAPTER 212—H. F. NO. 807.

AN ACT to amend section sixty-two (62) of chapter 309 of the General Laws of 1901, an act to appropriate money out of the internal improvement fund, to aid in building bridges and constructing roads in certain counties of this state and repealing certain appropriations heretofore made for the purpose of building bridges, constructing roads or draining lands in certain counties of this state.

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

Section 1. That section sixty-two (62) of chapter three hundred and nine (309) of the General Laws of 1901 be amended so as to read as follows:

Section 62. That the sum of two hundred (200) dollars is hereby appropriated out of said fund, to aid in building a steel bridge across the Cannon river, in the town of Warsaw, at the outlet of Cannon lake, in section four (4), township one hundred and nine (109), range twenty-one (21), in Rice county, Minnesota. The work shall be done under the supervision of a committee consisting of Charles Hutchinson and W. C. Blodget, of the city of Faribault, and R. H. L. Jewett of Rice county, Minnesota, and two of said commissioners may act in the premises.

Provided that if the said commissioners find that the sum hereby appropriated is insufficient to build said bridge, they may expend the same in the improvement of the approaches to said bridge and of the road along the north shore of said Cannon lake.

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

Approved April 14, 1903.

CHAPTER 213.—H. F. NO. 808.

AN ACT entitled an act to empower cities now or hereafter having a population of over fifty thousand inhabitants to replace old sidewalks with new walks without any petition therefor by owners of property fronting thereon, and to legalize assessments for the cost thereof of heretofore or hereafter made.

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

Section 1. That in cities of this state now or hereafter having a population of over fifty thousand inhabitants, when any sidewalk therein becomes old, decayed or worn, and unsafe for public travel thereon, the common council of such city may, by a four-fifths vote of all members elect thereof, and without petition of the owners of any property fronting thereon, order and cause the same to be removed and replaced by a new sidewalk of the same or different material, and cause the necessary cost and expense thereof to be assessed against property benefited by such improvement, the same as for the first and original construction of sidewalks upon any street.

Sec. 2. That all assessments heretofore or hereafter made by any such city for the construction of new sidewalks, to take the place of walks previously on the same street or streets, which have been ordered without any petition therefor by the owners of property fronting or abutting thereon, be and the same are hereby legalized and made valid and binding to the same extent as if a proper petition therefor had been presented; provided that nothing in this act shall affect any action or proceeding now pending wherein the validity of any such assessment is now being contested by any property owner affected thereby.

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

Approved April 14, 1903.

CHAPTER 214—H. F. NO. 898.

AN ACT to provide for payment of expenses incurred in entertainment of President Roosevelt and Admiral Schley, and to appropriate money therefor.

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

Section 1. That the sum of two hundred ($200), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for decorations and expenses necessarily incurred in receiving and entertaining President Roosevelt and Admiral Schley.

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

Approved April 14, 1903.

CHAPTER 215—H. F. NO. 278.

AN ACT to repeal the first proviso of section 6 of chapter 167 of the Laws of 1901, and also to authorize any and all municipal corporations of less than ten thousand inhabitants operating under a special law or special charter to avail itself of the provisions of chapter 167, Laws of 1901.

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

Section 1. That the first proviso of section six (6) of chapter one hundred and sixty-seven (167) of the Laws of 1901, which proviso reads as follows: "Provided, however, that this act shall not apply to any city or village of this state having a population of less than ten thousand operating under a special law or special charter," be and the same hereby is repealed.

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

Approved April 14, 1903.

CHAPTER 216—H. F. NO. 288.

AN ACT to legalize and validate the defective acknowledgment of deeds, mortgages, powers of attorney and other instruments and the record thereof.

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

Section 1. Any acknowledgment to any deed, mortgage, power of attorney or other instrument heretofore taken before a deputy auditor of any county in this state, under the seal of the county auditor is, together with the record of said deed, mortgage, power of attorney or other instrument, hereby legalized and made as valid and effectual to all intents and purposes, and of the same force and effect in all respects for the purposes of notice, evidence, or otherwise as though said deputy auditor was at the time of taking said acknowledgments expressly authorized by law so to do.

Sec. 2. The provisions of this act shall not effect any action now pending in any court in this state.

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

Approved April 14, 1903.

CHAPTER 217—H. F. NO. 562.

AN ACT to amend the title of chapter 318 of the General Laws of the State of Minnesota, for the year 1897, entitled "An act entitled, An act to create a board of state drainage commissioners and prescribe its duties."

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

Section 1. That the title of chapter 318 of the General Laws of Minnesota for the year 1897 be and the same is hereby amended by adding at the end thereof the words, "and to prescribe the duties of boards of county commissioners in connection therewith," so that said title when amended shall read as follows:

"An act entitled, an act to create a board of state drainage commissioners and prescribe its duties, and to prescribe the duties of boards of county commissioners in connection therewith." Provided this act shall not apply to anything done or omitted to be done by any board of county commissioners, acting under said chapter 318, prior to the passage of this act.

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

Approved April 14, 1903.

CHAPTER 218—H. F. NO. 824.

AN ACT to add certain lands to Itasca State Park.

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

Section 1. The west half (w½) of the west half (w½) of the west half (w½) of sections twenty (20), twenty-nine (29) and thirty-two (32), of township one hundred forty-three (143), north of range thirty-five (35) west, situated in Hubbard county in the State of Minnesota, is hereby added to and made a part of Itasca State Park. Said tracts of land are hereby declared to be park property and subject to the operation of all existing laws applicable to said park.

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

Approved April 14, 1903.

CHAPTER 219.—H. F. NO. 879.

AN ACT legalizing the appointment of administrators made without notice in certain cases.

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

Section 1. Whenever prior to the taking effect of chapter fifty-nine (59) of the General Laws of the State of Minnesota for the year 1901, relating to the appointment without notice of administrators in certain cases, any person appointed administrator of an estate has neglected for twenty days after being notified of his appointment to file the oath and bond required by law; and the probate court, having jurisdiction of said estate, has in good faith appointed such other person as is next entitled to administer such estate as administrator thereof, without notice, and such other person has filed the oath and bond required by law and has received from said court letters of administration, and has entered upon the execution of his said trust:

Then in all such cases such appointment and letters of administration and all acts done thereunder by said administrator are hereby legalized and confirmed.

Sec. 2. This act shall not be construed to apply to any case now pending which involves the legality of such appointment, or letters, or any acts performed thereunder.

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

Approved April 14, 1903.

CHAPTER 220.—H. F. NO. 266.

AN ACT to confirm, legalize and determine the title to real estate in certain cases where the boundaries of school districts have been changed and to limit the time for commencing actions concerning the same.

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

Section 1. Whenever the limits of any school district, or city or village constituting a common or an independent or special school district, have heretofore been extended so as to include a portion of the territory of any adjoining school district, or whenever a portion of any school district in any way has been added to an adjoining school district, and such enlarged school district has claimed thereby to have acquired title to, or has thereafter assumed to have title to, any real estate within such enlarged territory which was owned at the time of such enlargement by the school district from which such territory was taken, such enlarged district shall be deemed by such enlargement to have acquired title to such real estate and such title is hereby legalized and declared to be in such school district by whatever corporate name known, its successors and assigns, as fully and effectually as if a specific grant thereof had been made to such enlarged district, unless the school district from which such territory was taken or its successors in interest shall prior to Jan. 1, 1904, commence a civil action to establish its claim to the said real property or an interest therein.

Sec. 2. No action for the recovery of any such real property, or of the possession thereof, or of any interest therein shall be maintained by any school district from which the same was taken or its successors in interest unless such action shall have been commenced prior to Jan. 1, 1904.

Sec. 3. The term school district in this act shall mean and include all school districts, common, independent or special.

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

Approved April 14, 1903.

CHAPTER 221—H. F. NO. 339.

AN ACT to establish and maintain farmers' institutes in Minnesota, and to appropriate money therefor.

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

Section 1. That the sum of eighteen thousand dollars ($18,000) shall be and is hereby annually appropriated beginning with the fiscal year ending July 31, 1904, for the maintenance of farmers' institutes to be held in the several counties of this state as hereinafter provided.

Sec. 2. That the average cost of said farmers' institutes to be paid out of such appropriation shall not exceed the sum of one hundred and fifty dollars ($150), and in such expenditures shall only be included as legitimate and necessary the board and traveling expenses of the instructors and a reasonable compensation for their services. The salary of the superintendent and his traveling and needful expenses, together with the cost of the necessary outfit of models, charts, outlines, etc., and the expenses consequent upon doing preliminary work, preparatory to the holding of these institutes, shall not be included in calculating this average cost.

Sec. 3. It is hereby provided that none of these moneys shall be expended for hall rent, fuel, lights, local advertising nor compensation for services of instructors other than those regularly employed.

Sec. 4. That a board of administration shall be and is hereby created to superintend the execution of this act, and on and after August 1st nineteen hundred and three (1903) said board shall be constituted as follows:

Three (3) members of the board of regents of the University of Minnesota, to be selected by said board of regents; the president of the state agricultural society, the president of the state dairy association and the president of the state horticultural society.

Sec. 5. Each member of the board of regents, aforesaid, shall hold his office for the period of his regency unless otherwise changed by an act of the board of regents of the University of Minnesota. The president of the said agricultural society shall hold his office for three years from the first day of August nineteen hundred and three (1903), the president of the state dairy association shall hold his office for two years from the first day of August, nineteen hundred and three (1903).

The president of the state horticultural society shall hold his office for the period of one year from the first day of August nineteen hundred and three (1903).

When the periods of office of the president of the state agricultural society, the president of the state dairy association and the president of the state horticultural society shall have expired, then the presidents of such societies as named who may have been elected as presidents shall become their successors in office to hold such offices for the period of three years, said board of administration may select one of its number as president thereof, and one of their number as secretary.

Sec. 6. This board of administration is hereby empowered by a majority vote thereof to appoint a suitable and competent person as state superintendent of farmers' institutes. The superintendent's term of office shall commence on August first, nineteen hundred and three (1903), and shall continue for two years subject to the discretion of the board of administration.

Sec. 7. The board of administration shall in conjunction with the superintendent arrange the institute circuits to be held annually, determining the times and places where such institutes shall be held during each year, and shall audit the accounts as hereinafter provided.

Sec. 8. The duties of the superintendent of farmers' institutes shall be as follows, viz.: To superintend the several institutes when located as herein provided; to engage competent instructors therefor; to receive, examine and report upon all bills for expenses and services payable from established appropriation; and at the end of each fiscal year to make a detailed report of all farmers' institutes held under his direction with an itemized account of all expenditures under this act during the year last past to said board of administration.

Sec. 9. That the expense of such institutes together with the salary of said superintendent, which is hereby fixed at fifteen hundred (1500) dollars per annum, and the necessary expenses of his superintendence, and all other money named in this act shall be paid out of said institute fund by the state treasurer upon warrants issued by the state auditor, which warrants shall only be drawn upon the certificate of the superintendent of institutes, approved by the president of the board of administration.

Sec. 10. That said board of administration is hereby empowered to act as an auditing board, and shall receive and audit reports and accounts of said superintendent as aforesaid at the close of each fiscal year. Such auditing by said board shall be final. Subsequent to such auditing all vouchers and accounts so approved by said board of administration including the report of the superintendent as called for in this act shall be filed in the office of the state auditor.

Sec. 11. That said board of administration shall cause to be published annually a hand book of practical agriculture for free distribution among the farmers of this state. Said book shall be called a "Farmers' Institute Annual," and the necessary expenses for such publication shall be met out of the appropriation herein made. All accounts for said annual shall appear in the annual report made as hereinbefore provided.

Sec. 12. In arranging for such farmers' institutes, they shall be held so far as possible at times and places when most convenient to the farmers of this state; each meeting shall continue for not less than one day nor more than three days, with morning, afternoon and when practicable, evening sessions; each shall be free to the public and each shall consist of practical and instructive lectures upon topics pertaining to the farm and home, with incidents and addresses, discussions and illustrations of such methods and practices as possess real merit and are adapted to the conditions of our agriculture; the sole object and purpose of these institutes being to disseminate practical knowledge upon questions pertaining to agriculture, horticulture, stock and dairy farming with the least expense and inconvenience to the people of the state.

Sec. 13. It is hereby provided that the expenditure of moneys for institute expenses which may be made prior to August first of any fiscal year from a fund already provided as due August first of the fiscal year following shall not be construed as a deficiency fund; provided also that the fund then to be due has already been appropriated by the act of legislature. By this section the needs of the institute's seasons can be met and be made to harmonize with the fiscal year of the state.

Sec. 14. All acts inconsistent with this act are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved April 14, 1903.

CHAPTER 222.—H. F. NO. 439.

AN ACT to prevent the abandonment and neglect of wife or children of persons charged by law with the maintenance thereof; to make such abandonment and neglect unlawful; and to prescribe the punishment therefor.

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

Section 1. On complaint being made to any justice of the peace or judge of any municipal court by the wife of any person accusing such person of wilfully omitting without lawful excuse to furnish proper food, clothing and shelter, or suitable care in case of sickness, to his wife or minor child under fifteen years of age, the justice or judge shall take such complaint in writing, under the oath of such wife, and shall thereupon issue his warrant against the person accused, directed to the sheriff or constable of his county, commanding him, forthwith, to bring such accused person before the justice or judge to answer such complaint.

Sec. 2. The justice or judge shall enter an action in his docket in which the State of Minnesota is plaintiff and the accused is defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused the justice or judge shall proceed to examine under it the complainant and such other witnesses as may be produced by the parties respecting the complaint, and such examination shall be reduced to writing by the justice or judge. The accused shall be entitled to removal of such action as in a criminal examination before the justice of the peace.

Sec. 3. If such accused person pays or secures to be paid to the wife complaining such sum of money or other property as the court shall order or as she may agree to receive in full satisfaction, of which order or agreement the justice or judge shall make memorandum upon his docket and shall also pay all expenses and the costs of prosecution and shall also give bond to the State of Minnesota in such sum as the justice or judge shall fix, with sufficient sureties, to be approved by the justice or judge, conditioned that he will furnish such child and wife with the necessary and proper home, food, care and clothing, then the justice or judge shall discharge such accused person.

Sec. 4. In case any person accused as aforesaid does not comply with the provisions of the preceding sections and there is probable cause for belief that he is guilty as charged in the complaint, the justice or judge shall require such person to enter into recognizance with one or more sufficient sureties to be approved by the justice or judge in a sum of not less than $100 nor more than $500, to appear at the next term of the district court for the proper county to answer the said complaint and abide the order of said court thereon; and on his neglect or refusal to give such recognizance the justice or judge shall commit him to jail of the county, there to be held to answer such complaint at the next term of such court; and such justice or judge shall thereupon certify the examination taken before him and return the same and all processes and papers in the case to the clerk of said court.

Sec. 5. If at any time there is any sufficient reason therefor, the court may order a continuance of the cause, and such continuance shall operate to renew the recognizance and the same shall remain in full force until final judgment; provided that, if the sureties in the recognizance shall at any term of said court surrender the accused and request to be discharged such recognizance, or if the court shall for any cause deem it proper, such court may order a new recognizance to be taken and commit the defendant until he gives such new recognizance.

Sec. 6. Upon the trial of the action, the issue shall be whether the accused is guilty or not; if he is found guilty or if he admits the truth of the accusation he shall be adjudged to pay such wife or minor child such sums of money and in such manner and at such times as the court may fix and direct.

Sec. 7. And if such person shall disobey such order or directions, the court may sequester his personal estate and the rents and profits of said real estate to be applied according to the terms of such order or direction. Or the court, whenever it shall find the fact to be that such person has an income or earnings from any source sufficient to enable him to pay the sum or sums specified in such order or obey such directions, and fails so to do, may punish such person for contempt and the court, if it shall have reason to believe that said person can earn sufficient to enable him to pay such sums or obey such order, may cause such person to be confined in the county jail until such person complies with the direction and order of the court, or in the discretion of the court until the said person shall give bond, with good and sufficient sureties, in an amount to be prescribed by the court, conditioned to pay such amount and to comply with the orders and directions of the court, which bonds shall be approved by the court.

Sec. 8. In all cases brought under the provisions of this act the wife shall be a competent witness against her husband without his consent, and may be subpoenaed and compelled to testify against him.

Sec. 9. That Chapter 316, General Laws of the State of Minnesota for the year 1901, be and the same is hereby repealed.

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

Approved April 14, 1903.

CHAPTER 223—H. F. NO. 578.

AN ACT legalizing village bonds in certain cases.

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

Section 1. All instruments heretofore executed or issued by any village of this state purporting to be bonds of such village and to have been issued in pursuance of authority of the legislature of the State of Minnesota authorizing villages to issue bonds for lawful improvements are hereby declared to be binding and valid bonds and obligations of the village issuing them, provided only—

First—That a resolution authorizing the issue of bonds for the purpose or purposes stated in such bonds was adopted by the council of the village issuing the same.

Second—That the legal voters of any such village, at an election held for that purpose, by a majority of all votes cast, voted to issue bonds for the purpose or purposes stated in such bonds.

Third—That the aggregate bonded indebtedness of any such village at the time such bonds were issued and including any and all such bonds did not exceed 15 per centum of the assessed valuation of the taxable property of such village as indicated by the assessment of such property last preceding the issue of such bonds.

Sec. 2. Nothing herein contained shall be construed as legalizing bonds now in litigation.

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

Approved April 14, 1903.

CHAPTER 224—H. F. NO. 600.

AN ACT entitled an act fixing the salaries of county attorneys and assistant county attorneys in all counties in the State of Minnesota having a population of one hundred and fifty thousand inhabitants and not more than two hundred thousand inhabitants.

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

Section 1. That in all counties in this state that now have or may hereafter have according to the last completed state or national census, a population of not less than one hundred and fifty thousand (150,000) and not over two hundred thousand (200,000) inhabitants, the salary of the county attorney shall be and is hereby fixed at four thousand five hundred ($4,500) dollars per annum, and in all such counties the salary of the assistant county attorney shall be and is hereby fixed at two thousand seven hundred ($2,700) dollars per annum, which salaries shall be payable out of the county treasury in equal monthly instalments.

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 April 14, 1903.

CHAPTER 225—H. F. NO. 622.

AN ACT to amend section one (1) of chapter three hundred and twelve (312) of the General Laws of eighteen hundred and ninety-seven (1897) entitled, "An act to amend section two (2) of chapter one hundred and five (105) of the General Laws of eighteen hundred and ninety-five (1895), entitled, 'An act to amend chapter twenty-two (22) of the General Laws of eighteen hundred and eighty-nine (1889), relating to the sale and lease of mineral and other lands belonging to the State of Minnesota.

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

Section 1. That section one (1) of chapter three hundred and twelve (312) of the General Laws of eighteen hundred and ninety-seven (1897) be and the same is hereby amended so as to read as follows:

The application for a mineral lease as herein provided shall be in such form as the state land commissioner may prescribe. It shall correctly describe the land desired to be leased, and shall consist of contiguous descriptions, which, in the aggregate, shall not exceed one hundred and sixty (160) acres in any one lease, unless some of the descriptions shall be fractional subdivisions, in which case the acreage may exceed the number above mentioned.

Before any lease shall be granted, the applicant shall pay to the state treasurer the sum of twenty-five dollars ($25.00), and the first person or corporation making such application, and either tendering the sum of $25.00 to the state auditor therefor, or paying the sum of $25.00 to the state treasurer on the order of the state auditor therefor, shall be entitled to receive the lease herein provided for. In case two or more persons shall apply for a mineral lease of the same property at the same time, then the one who will pay the largest sum of money therefor shall be entitled to receive the lease first provided for in this act. Persons applying at the same time shall be construed to mean all persons making applications for a lease upon the same land within the same minute of time, at the office of the state auditor, or all persons who are simultaneously standing in line, or who are in process of advancing, in the auditor's office, and who shall actually advance forthwith and present for filing applications for a lease upon the same property. Separate applications made by the same mail delivery shall also be deemed to be made at the same time and at the moment of delivery.

Provided, that in case two or more applications are received for the same property on the same mail delivery, the state auditor shall fix a time at which said lease will be offered to the highest bidder among such applicants, and at the time so fixed the state auditor shall offer such lease to any of said applicants who will pay the largest sum therefor, such notice to be sent at least ten days before such time to each of such applicants, by registered mail, and the privilege being granted such applicants either to be present in person to bid upon said lease or to submit a bid sent by registered mail to the state auditor accompanied by a certified check for the amount of such bid; provided further, that only such bids by mail shall be considered as shall be actually in the hands of the state auditor at the time of offering such lease; provided further, that in the event of applications being received by mail at the same time at which personal applications are received for the same property, all persons who have applied at the same time for such property, either in person or by mail, shall receive a notice, as aforesaid, of the time at which the state auditor will offer such lease, and the granting thereof and the proceedings in relation thereto shall be as aforesaid.

It shall be the duty of the auditor to mark upon each application presented to him the exact time of filing same, and to preserve all of such applications in his office.

The holder of a mineral lease, secured as above provided, shall have, the right to prospect for iron ore on the lands embraced therein for the period of one (1) year from the date of issue of said lease, after which period his right to enter and prospect on said land shall terminate under said lease. And no prospecting lease for the same lands shall be issued to the same person for two (2) years in succession.

Provided, that no iron ore shall be removed therefrom until a contract as hereinafter provided shall have been executed.

Provided, further, that any person, persons or corporation heretofore holding a lease under the provisions of sections one (1) and two (2) of chapter twenty-two (22) of the General Laws of Minnesota for the year one thousand eight hundred and ninety-nine (1899), or under sections one (1) and two (2) of chapter one hundred and five (105) of the General Laws of Minnesota for the year one thousand eight hundred and ninety-five (1895), on any lands belonging to the state, who, before the expiration of the term of such lease shall have applied to the commissioners of the state land office for a contract as hereinafter or in said chapter provided, or who may hereafter or during the continuance of said original lease make such application, and who, prior to the expiration of such original lease, shall have made payment, or if the same has not yet expired shall hereafter and before such expiration make payment of the amount due therefor to said land commissioner, shall have a prior right to demand and receive from said commissioner the contract hereinafter provided; and it shall be the duty of said land commissioner, and he is hereby directed to execute and deliver such contract to said person, persons or corporation on demand.

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

Approved April 14, 1903.

CHAPTER 226.—H. F. NO. 881.

AN ACT to fix the compensation of judges of the probate court in the State of Minnesota in counties having a population of not less than one hundred and fifty thousand inhabitants and not over two hundred and twenty-five thousand inhabitants.

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

Section 1. That the compensation of judges of the probate court in all counties of this state having according to the then last completed state or national census a population of not less than one hundred fifty thousand inhabitants, and not more than two hundred twenty-five thousand inhabitants, is hereby fixed at the sum of four thousand five hundred dollars per annum, which shall be paid in equal monthly installments out of the county treasury of such counties upon warrants of the county auditor.

Sec. 2. Whenever according to the then last state or national census, the population of any county of this state which now has a population of less than one hundred and fifty thousand inhabitants, shall acquire not less than that number, such county shall at once become subject to the provisions of this act, and whenever, according to such census the population of any county shall exceed two hundred and twenty-five thousand inhabitants, or fall under one hundred fifty thousand inhabitants, the provision of this act at the expiration of ninety days from the final filing of the enumeration of such county shall no longer apply thereto.

Sec. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 14, 1903.

CHAPTER 227—H. F. NO. 8.

AN ACT to amend the first subdivision of section five thousand six hundred and sixty-two (5362) of the General 1894 Statutes of the State of Minnesota, being section ten (10) of chapter seventy-three of the General Statutes of 1866, as amended by chapter seventy-two (72) of the General Laws of 1879, relating to evidence.

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

Section 1. That the first subdivision of section five thousand six hundred and sixty-two (5662) of the General 1894 Statutes of the State of Minnesota, relating to evidence be and the same is hereby amended so as to read as follows:

First—Husband and wife. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to an action or proceeding for abandonment and neglect of the wife or children by the husband.

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

Approved April 14, 1903.

CHAPTER 228.—H. F. NO. 251.

AN ACT to legalize acknowledgments of conveyances and other instruments, and the record thereof.

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

Section 1. That all acknowledgments to any conveyances or other instruments heretofore taken by any commissioner of the circuit court of the United States for the district of Minnesota, or any United States commissioner duly appointed by the district court of the United States for the district of Minnesota, be and the same are hereby legalized and made of the same validity as though taken before a notary public or other officer authorized to take such acknowledgments in the State of Minnesota, and the records of such conveyances or other instruments are hereby declared to be legal and valid and effectual for all purposes; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state.

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

Approved April 14, 1903.

CHAPTER 229—H. F. NO. 609.

AN ACT to determine salaries of county treasurers and county auditors in counties of this state having a population of more than seventy-five thousand (75,000) and less than one hundred thousand (100,000), and to determine the amount to be appropriated for clerk hire in the offices of such treasurers and auditors by the county commissioners of such counties.

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

Section 1. In each county of this state having at any time a population of more than seventy-five thousand (75,000), and less than one hundred thousand (100,000), as shown by the United States census then last taken, the county treasurer thereof shall receive as annual compensation for his services as such treasurer the sum of three thousand (3,000) dollars, to be paid in the manner and at the times provided by the laws of this state relating to the compensation of county treasurers; and that the county auditor of such county shall receive as annual compensation for his services as such auditor the sum of thirty-five hundred (3,500) dollars, to be paid in the manner and at the times provided by the laws of this state relating to the compensation of county auditors.

Sec. 2. The board of county commissioners of such county is hereby authorized to appropriate out of the general funds of such county for paying clerk hire in the office of such county treasurer such sum as they shall deem expedient, not exceeding the sum of nine thousand (9,000) dollars per annum. And such board is also hereby authorized to appropriate out of the general funds of such county for clerk hire in the office of such county auditor such sum as they shall deem expedient, not exceeding the sum of fifteen thousand (15,000) dollars per annum.

Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

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

Approved April 14, 1903.

CHAPTER 230—H. F. NO. 869.

AN ACT to amend section seven thousand eight hundred fifty-nine (7859), General Statutes of Minnesota, eighteen hundred ninety-four, relating to paying bounty for tree planting.

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

Section 1. That section seven thousand eight hundred fifty-nine, General Statutes of eighteen hundred ninety-four, be and the same is hereby amended so as to read as follows:

Sec. 2. That any person who has heretofore or shall hereafter plant, cultivate and keep in a growing, thrifty condition one acre and not more than ten acres of prairie land with any kind of forest trees, except black locust, and shall plant, or have planted, said trees not more than twelve feet apart each way, and maintain them at that distance by replanting in each year any that may die, shall be entitled to compensation at the rate of two dollars and fifty cents per acre for a period of six years. Provided, that this act shall not apply to any railroad company planting trees within two hundred feet of its track, nor to any person planting trees in compliance with an act of congress entitled: "An act to encourage the growth of timber on Western prairies," approved March three, eighteen hundred and seventy-three, or any act amendatory thereto; provided, further, that this act shall not apply to any person who has received bounty under said section seventy.

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

Approved April 14, 1903.

CHAPTER 231.—H. F. NO. 670.

AN ACT amending section 60 of chapter 2 of the General Laws of the State of Minnesota for the year 1902, the same being an act relating to the taxation of real estate, providing for the penalties relating thereto; the entry of tax judgments, and the sale and disposition of such delinquent real estate; redemption from such sale, and the payment of taxes upon real estate so delinquent.

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

Section 1. Section 60 of chapter 2 of the General Laws of the State of Minnesota, for the year 1902, be and the same is hereby amended to read as follows:

Section 60. When refunding in judicial proceedings. When any tax sale is declared void by judgment of court, such judgment shall state for what reason said sale is annulled; and in all cases where any sale has been, or hereafter shall be so set aside for either of the grounds stated in section 58 of this act, the money paid by the purchaser at the sale, or by the assignee of the state on taking the assignment certificate shall, with interest at the rate of seven per cent per annum from the date of such payment, be returned to the purchaser or assignee, or the party holding his right, out of the county treasury, on the order of the county auditor; provided, that in all judicial proceedings for refundment, the county, wherein said tax proceedings were had upon which said refundment is asked, shall be made a party defendant.

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

Approved April 14, 1903.

CHAPTER 232—H. F. NO. 303.

AN ACT to amend chapter three hundred and twelve (312) of the General Laws of nineteen hundred and one (1901) of Minnesota, relating to the names of political parties on the official ballot.

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

Section 1. That chapter three hundred and twelve (312) of the General Laws of Minnesota for the year nineteen hundred and one (1901), entitled "An act relating to the names of political parties on the official ballot," be and the same hereby is amended so as to read as follows:

Section 1. That a political party, which at the last preceding general election polled at least 1 per cent of the entire vote cast in the state (the same to be determined by the highest vote cast for its state candidates), and which has heretofore or shall hereafter adopt a party name, shall alone be entitled to the use of such name for the designation of its candidates on the official ballots at any and all elections held in this state, and no other candidate nor party shall be entitled to use or have printed on the official ballots as a party designation any part of the name of such a political party. And in no case shall the candidate of any political party be entitled to be designated upon the official ballot as the candidate of more than one political party, and shall be designated upon the official party ballot in accordance with the certificate of nomination first filed with the proper officers.

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

Approved April 14, 1903.

CHAPTER 233—H. F. NO. 462.

AN ACT to amend section 1 of chapter 215 of the General Laws of 1887, being section 519 of the General Statutes of 1894, relating to temporary loans to pay appropriations from the revenue fund, and pay interest thereon.

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

Section 1. That section 1 of chapter 215 of the General Laws of 1887, being section 519 of the General Statutes of 1894, be amended to read as follows, viz: That the governor, auditor and treasurer are authorized, whenever in their judgment it becomes necessary in order to meet the current demands in the revenue fund for the payment of appropriations from said fund to make agreements or contracts with banks or other corporations or persons, to pay warrants issued by the state auditor against the revenue fund in payment of any claim or demand upon said fund for the payment of which the legislature has made or hereafter may make an appropriation, and to pay interest on such warrants until the state treasury can redeem the same at a rate not exceeding five per cent per annum; provided, that the amount of such warrants outstanding at any time shall not exceed two hundred and fifty thousand dollars.

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

Approved April 14, 1903.

CHAPTER 234—S. F. NO. 473.

AN ACT to amend sections 1, 5, 13, 14, 15, 18, 30, 52 and 58 of chapter 237 of the General Laws of the State of Minnesota for 1901, relating to the registration of the title to land in certain counties.

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

Section 1. That section one (1) of chapter 237 of the laws of the State of Minnesota for the year 1901 be amended to read as follows: "In counties of this state having over seventy-five thousand (75,000) inhabitants the owner of any estate or interest in land therein, whether legal or equitable, may apply as hereinafter mentioned to have the title of said land registered. The application may be made by the applicant personally, or by an agent thereunto lawfully authorized in writing, which authority shall be executed and acknowledged in the same manner and form as is now required as to a deed, and shall be recorded in the office of the register of deeds before the making of the application by such agent. A corporation may apply in its own behalf or by its authorized agent, an infant or any other person under disability by his legal guardian. Tenants in common shall join in the application. The person in whose behalf the application is made shall be named as applicant plaintiff."

Sec. 2. That section five (5) of said chapter 237 is hereby amended to read as follows: "Any number of adjoining pieces of land in the same county and owned by the same person, and in the same right, or any number of pieces of property in the same county having the same chain of title and belonging to the same person, may be included in one application."

Sec. 3. That section thirteen (13) of said chapter 237 be amended to read as follows: "The judges of the district court in and for the judicial districts for which they are elected or appointed shall appoint one or more competent attorneys in each county within their district to be examiner of titles and legal advisers of the registrar, and such examiner of titles shall hold office subject to the will and discretion of the judges of the district in which they are so appointed. The compensation of examiner of titles and legal advisers of the registrar in each county shall be fixed by the judges of the district court in and for the district in which the county is situated and shall be paid in the same manner as the compensation of other county employes is paid."

Sec. 4. That section fourteen (14) of said chapter 237 be amended to read as follows: "If the applicant is not a resident of the State of Minnesota he shall record in the office of the register of deeds in and for the county wherein the land is situated a written agreement, duly acknowledged, appointing an agent residing in the state, giving his name in full and postoffice address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent as if made on the applicant within the commonwealth. If the agent so appointed dies or removes from the state, the applicant shall at once make another appointment in like manner, and if he fails so to do, the court may dismiss the application. In subsequent applications made by the same applicant, he may refer to said written authority, so recorded, provided the agreement or authority is sufficiently general to cover the case or cases in which any application is filed."

Sec. 5. That section fifteen (15) of said chapter 237 be amended to read as follows: "The application shall be filed in the office of the clerk of the court, to whom the application is made, and the clerk shall docket the same in a book to be kept for that purpose, which shall be known as the 'Land Registration Docket.' The application shall be entitled (name of applicant), application to have registered the title to (here insert description to the land), plaintiff, against (here insert the names of all persons named in the application as being in possession of the premises, or as having any lien, incumbrance, right, title or interest in the land, and the names of all persons who shall be found by the report of the examiner hereinafter provided for to be in possession or to have any lien, incumbrance, right, title or interest in the land), also all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein, defendants. All orders, judgments and decrees of the court in the case shall be minuted in such docket. All final orders or decrees shall be recorded, and proper reference made thereto in such docket. The applicant shall file with the said clerk, as soon after the filing of the application as is practicable, an abstract of title such as is now commonly used, satisfactory to the examiner who is to examine the title, which said abstract shall be brought down to a date subsequent to the filing of the copy of the application in the office of the register of deeds."

Sec. 6. That section 18 of said chapter 237 be amended to read as follows: "If, in the opinion of the examiner, the applicant has a title, as alleged, and proper for registration, or, if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be, issue a summons substantially in the form hereinafter provided for. The summons shall be issued by the order of the court and attested by the clerk of the court. Whenever, in the opinion of the examiner, the State of Minnesota has any interest in or claim upon the land, he shall state the nature and character thereof in his report, and in all cases where the examiner reports that the state has, or may have, some interest in or claim upon the land, it shall be joined as a party in said proceedings and named in the summons as a party thereto, in order that its interest or claim may be defined, protected and preserved. The summons shall be served upon the state by delivering a copy thereof to the attorney general, who shall appear in the proceedings and represent the state therein. The judgment and decree rendered in said proceeding shall adjudicate and determine the interest of the state in said land and its claim upon or against the same."

Sec. 7. That subdivision one (1) of section thirty (30) of said chapter 237 be amended to read as follows: "1. Liens, claims or rights arising or existing under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record in the registry."

Sec. 8. That section fifty-two (52) of said chapter 237 be amended to read as follows: "An owner of registered land conveying the same, or any portion thereof, in fee, shall execute a deed of conveyance which the grantor shall file with the registrar of titles in the county where the land lies. The owner's duplicate certificate shall be surrendered, at the same time, and shall be by the registrar marked 'cancelled.' The original certificate of title shall also be marked 'cancelled.' The registrar of titles shall thereupon enter in the register of titles a new certificate of title to the grantee, and shall prepare and deliver to such grantee an owner's duplicate certificate. All incumbrances, claims or interests adverse to the title of the registered owner shall be stated upon the new certificate or certificates, except so far as they may be simultaneously released or discharged. When a deed in fee is for a part only of the land described in a certificate of title the registrar of title shall enter a new certificate and issue the owner's duplicate certificate to the grantor for that part of the land not conveyed by the deed. The registrar shall require an affidavit by the grantee or some one on his behalf and said affidavit shall set forth the name, age and residence of the grantee, whether the grantee (except in the case of a corporation) is married or not, and if married, the name of the husband or wife.

Sec. 9. That section fifty-eight (58) of said chapter 237 be amended to read as follows: "Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorial of the instrument shall be made upon the mortgagee's duplicate and upon the original certificate of title. When the mortgage is discharged or otherwise extinguished, the mortgagee's duplicate shall be surrendered and stamped 'cancelled.' In case only a part of the charge or of the land is intended to be released, discharged, or surrendered, the entry shall be made by memorial in like manner as before provided, for a release or discharge. The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented."

Sec. 10. That sections 1, 5, 13, 14, 15, 18, 30, 52 and 58 of chapter 237 of the General Laws of the State of Minnesota for 1901, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 17, 1903.

CHAPTER 235—S. F. NO. 855.

AN ACT to authorize cities of over fifty thousand inhabitants to issue and sell their bonds for acquisition of lands for park and parkway purposes and relating to expenditures for park and parkway purposes by such cities.

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

Section 1. Any city in this state now or hereafter having over fifty thousand inhabitants is hereby authorized to issue and sell its bonds in any amount up to one hundred thousand dollars for the purpose of adding to its funds available for the acquisition of land for park and parkway purposes by purchase or otherwise, any or all of the moneys so acquired, to be subject to expenditure by said city in any one year, or from time to time, as may be deemed advisable; and any balance remaining on hand at the end of any fiscal year to the credit of the park fund of any such city, from whatever source derived, shall be carried forward as an additional appropriation to that fund for the next ensuing year, but moneys derived from the sale of the bonds herein and hereby authorized shall be expended only for the purposes herein expressed.

Sec. 2. Any such bonds shall be issued in the following manner, to wit: upon the unanimous request of the board of park commissioners of any such city, its common council may first, by an ordinance passed by a two-thirds vote, authorize the issuance of bonds of such city to run not more than thirty years and to bear interest at not more than four and one-half per cent (4½) per annum. The principal and interest thereon to be payable at such times and places as may be fixed in and by the terms of such ordinance, and the bonds to be of such denomination or denominations as may be determined by the common council in such ordinance. All such bonds shall be signed by the mayor and sealed with the seal of the city issuing the same, attested by the city clerk and countersigned by the city controller.

Sec. 3. Any such bonds so issued may be sold by such city at not less than their par value to the highest responsible bidder therefor after a notice published at least once in each week for three consecutive weeks in the official paper of such city.

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

Approved April 17, 1903.

CHAPTER 236—H. F. NO. 421.

AN ACT to provide for a county road and bridge fund and regulate the expenditure thereof in counties having a population of one hundred and fifty thousand inhabitants and not more than two hundred thousand inhabitants.

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

Section 1. There shall be established and provided by the county commissioners of all counties which now have or which hereafter may have a population of not less than one hundred and fifty thousand (150,000) inhabitants, and not more than two hundred thousand (200,000) inhabitants, a fund for the construction, improvement, maintenance and repair of roads and bridges in such counties, to be known as the general road and bridge fund, and upon which fund shall be drawn all warrants for the construction, improvement, maintenance and repair of all county and town roads and bridges in such counties that may by the board of county commissioners be from time to time directed, determined or ordered; provided, that the board of county commissioners shall not appropriate in any one year more than two hundred (200) dollars for the construction, maintenance and repair of any one town road; and provided, further, that nothing in this act shall be considered or construed as relieving the supervisors of the different towns in said counties from the duty of keeping the county roads in their respective towns in repair as now provided by law.

Sec. 2. The county commissioners of such counties may annually, at the time of their meeting in July, include in the tax levy for such counties, taxes not exceeding one mill on the dollar of the taxable valuation of such counties for the benefit of the road and bridge fund of such counties, and the taxes so levied and collected shall constitute a fund for the construction, maintenance and repair of such county and town roads and bridges in such counties, or any town thereof, as such county commissioners shall by resolution, adopted and entered in their minutes, order and determine.

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