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

Approved March 18th, 1859.

CHAPTER 64—S. F. NO. 21.

AN ACT to amend sections two, six and seven of chapter seventeen of the general laws of the State of Minnesota of eighteen hundred and ninety-three (1853), entitled, "An act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossiy ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same, being sections two thousand nine hundred and thirty-three (2933), two thousand nine hundred thirty-seven (2337) and two thousand nine hundred and thirty-eight (2938) of the statutes of Minnesota of eighteen hundred and ninety-four (1831). Be it enacted by the Legislature of the State of Minnesota:

Section 1. That section two of chapter seventeen of the general laws of Minnesota for 1893 be amended so as to read as follows:

Section 2. That such society shall have the power to receive into its hands and under its control, and may become the legal guardian of any child under ten years of age of the state, who is grossly ill-treated by any person or persons or exercising control over it, or who shall have been abandoned, or is without a home, or is surrounded by bad or immoral influences, or whose living parent or parents, by written authority, shall assign the custody of the same to such society, and such society is hereby authorized and empowered to consent through its duly authorized agent in the courts of this state, in place of, instead of, and whenever it is by law permitted to the parent or guardian of a minor child, he consent to the adoption of such child in the courts, under the laws and in the manner provided for the adoption of children. That such society shall have the power and authority to enter into contracts with the persons taking the children, but not legally adopting them, as soon as possible after the period of he children. Sec. 2. That section 60 of chapter seventeen (77) of the g

seventeen (1) of the general laws of Minnesota of eighteen hundred and nine-ty-three (1893) be amended so as to read as follows:

Section 6. Whenever a complaint or petition in writing of two of the commissioners of a county, or two of the town supervisors of any town, or of two aldermen of any city, or two officers of any incorporated village or town shall be made to the judge of probate of any county, stating that any minor child or children "under ten years" of age, residing in such county, are in their opinion, dependent upon the public for support, or have been abandoned or neglected, or are in a state of vagrancy, or mendicity, or are in a state of want or suffering, or are in peril of life, health or morality, by cruel or bad treatment or by the habitual intemperance or grave mishave been abandoned or neglected, or are in a state of vagrancy, or mendicity, or are in a state of want or suffering, or are in peril of life, health or morality, by cruel or bad treatment or by the habitual intemperance or grave misconduct of parents or guardians, it shall thereupon be the duty of such judge of probate to investigate the facts in such cases and ascertain whether such child or children are dependent, neglected, abandoned or fill-treated, the residence and, so far as possible, the whereabouts of the parents or guardian, whether the condition and treatment of sald children and general surroundings are such as to imperil the life, health or morality in consquence of their surroundings, or of the grave misconduct, or habitual intemperance of their parents or guardians.

And if sald judge of probate shall so find he shall enter such finding in the records of his court, and may in his discretion, upon the written request of the superintendent of such society, certify and direct that such child or children shall be turned over to the care and custody of said society, for the purpose of adoption, or to be placed by contract as provided in section two of chapter seventeen aforesaid, and shall order that it be taken in charge of at once, or as soon as it can be conveniently done by said society, and shall deliver to said society a certified copy of such order, which order shall contain, besides such finding, a statement of the facts, as far as ascertained, as to the age of the child, name, nationality, residence and occupation of the parents, or either of them.

That upon entering such order the parents of said child shall be released from all parental duties towards, and responsibility for such child, and shall thereafter have no rights over, or to the custody, services or earnings of such child, except as follows:

Whenever one or both of the parents of such child, are by any probate court, have become able to support such child and educate it, the child shall, by resolution

any ward of such society committed to its care by any probate court, have become able to support such child and educate it, the child shall, by resolution adopted by the board of said society, be restored to the parent or parents making the application therefor, in which case the suitableness of the home of such parents shall be ascertained by careful investigation, and the action of such society shall be subject to the review of the probate court in which the child was committed. Subject also to an appeal from the decision of such probate court to the district court as in other cases. committed. Subject also to an appeal from the decision of such probate court to the district court as in other cases. That in case any parent or other person having the custody of such child shall refuse to surrender said child to said society or its agent, said judge of probate is hereby authorized and empowered to direct the sheriff of the county to take possession of said child, and, if so directed, it shall be the duty of said sheriff to deliver said child to the said society or its agent. The said judge of probate is hereby authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the county attorney to attend any examination on behalf of said child. Any friend of said child may appear in its behalf in said probate court, and the said judge of probate may, in his discretion, request any county commissioner, town supervisor, alderman or other officer of the town, village or city where such examination is had, or where said child resides, to appear in behalf of the child on such examination. An appeal to the district court from the decision of the probate court may be taken by the parents or either of them, or guardians or petitioners, as in other cases of appeal from the probate court.

Sec. 3. That section seven of chapter seventeen of the general laws of Minnestotion for in seaton of the section six of the section structured as follows:

Section 7. Whenever a petition, such as temporal for the section of th

sota for eighteen hundred and ninety-three (1893) be amended so as to read as follows:

Section 7. Whenever a petition, such as is provided for in section six of this act shall be presented and signed by the parties as above provided, if one or both of the parents of the child reside in the state, the judge of probate shall issue a citation or notice, fixing the time and place for the hearing of said petition, which shall be served on said parents or guardian, if they can be found in the state, not less than five days before the time fixed for the hearing of said petition, requiring them to appear, if they so desire, on said day and hour, and show cause, if any, why such child should not be taken from them and delivered to the care and custody of said society for purposes of adoption into a private family, or be placed by contract as provided in section two of chapter seventeen as aforesaid. Provided, such citation or notice shall not be necessary if such parent or parents or guardian shall join in said petition. It shall be the duty of the probate judge in case such citation or notice has not been served upon said parents or guardian before proceeding to hear and determine the petition, to require a certificate of the sheriff of the county that he has made diligent search to find and serve the same on the guardian or both of the parents, but has been unable to find either of them; but in case of inability to give such notice the proceedings shall be heard the same as though such notice had been given and such citation duly served.

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

Approved March 18th, 1890.

CHAPTER 65—S. F. NO. 294.

AN ACT to prevent occupants from acquiring title to public streets, highways, alleys, public squares or levees, or any part or portion thereof within this state by adverse possession.

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

Section 1. No occupant of any public street, highway, alleys, public square or levee or any part or portion thereof within this state shall acquire any title to any such street, highway, alleys, public

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square or levee, or any part or portion thereof, by reason of such occupancy. Provided, that the provisions of this act shall not affect pending actions.

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 18th, 1899.

in force from and after its passage.

Approved March 18th, 1899.

CHAPTER 66—S. F. NO. 120.

AN ACT relating to the addition of territory to all incorporated villages of one thousand inhabitants or over.

Be it enacted by the Legislature of the State of Minnesota:
Section 1. Whenever the majority of the owners of any property which has been platted into lots and blocks abutting upon any incorporated village having one thousand inhabitants or ever, whether such village is incorporated ur ler general or special laws, shall petition the village council to have such property annexed to the village, the village council may, by ordinance, declare the same to be an addition to such village, and thereupon such territory shall become a part of such village as effectually as if it had been originally a part thereof.

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 18th, 1899.

CHAPTER 67—S. F. NO. 113.

in force from and after its passage.

Approved March 18th, 1899.

CHAPTER 6T—S. F. NO. 1i3.

AN ACT to validate sales of real estate heretofore made under any order of a probate court, wherein the court, in one order, authorized and licensed any executor or administrator to sell any real estate at public or private sale.

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

Section 1. Any order for the sale of real estate, heretofore made by any probate court, and all proceedings had thereunder, wherein the only irregularity was that the court in one order authorized and licensed any administrator or executor to sell, either at public auction or private sale, any real estate, describing the same, is hereby legalized and validated for all purposes whatsoever, and any such order and proceedings thereunder, including such sale, shall have the same force and effect as if the court making such order had made an order for a sale of a part of the land, describing it, at public auction, and also another order for a sale of a part of the land, describing the same, at private sale.

Sec. 2. Nothing herein contained shall affect the rights of any parties in any action now pending.

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

Approved March 18th, 1899.

CHAPTER 68-S. F. NO. 332. AN ACT to prevent the mutilation of

CHAPTER 68—S. F. NO. 332.

AN ACT to prevent the mutilation of horses,
Be it enacted by the Legislature of the State of Minnesota:
Section 1. Whoever cuts the bony part of the tail of any horse for the purpose of docking the tail, or whoever causes or knowingly permits it to be done for such purpose upon premises of which he is the owner, lessee, proprietor or user, or whoever assists in such cutting for such purpose, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by a fine of not less than therefore, the dollars (\$25), nor more than one hundred the second that the person who occuples or has the use of the premises of any person, such fact shall constitute prima facie evidence that the person who occuples or has the use of the premises on which such horse is so found has committed the offense described in section 1.

Sec. 3. If a horse is found with its tail so cut, with the wound resulting from such cutting unhealed, in the custody of any person, such fact shall constitute prima facie evidence that the person having the charge or custody of such horse has committed the offense described in section 1.

Sec. 4. All fines collected under this act upon or resulting from the complaint or information of any officer or agent of the Minnesota Society for Prevention of Cruelty, or of any of the local societies for the prevention of cruelty now existing, or which may hereafter exist under authority of the laws of this state, shall be paid, to the society whose officer or agent who made the complaint or furnished the information for the prosecution in aid of the benevolent objects for which such society was incorporated or organized.

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

Approved March 18th, 1899.

CHAPTER 69—S. F. NO. 60.

acquire hold or dispose of property, real, personal, or mixed, within this state, or sue or maintain any action at law or otherwise in any of the courts of this state, shall have and maintain a public office or place in this state for the transaction of its business, and shall appoint an agont, who shall reside in the county in which said public office is located, duly authorized to accept service of process may be had in any action to which said corporation may be a party, and service upon such agent shall be taken and held as due and personal service upon such corporation.

Sec. 2. A duly authenticated copy of the appointment of said agent shall be filed at the office of the secretary of state, and a cate evidence of the secretary of state, and a cate evidence of the secretary of state, and a cate evidence of the service upon state of the office of the secretary of state a copy of its charter or certificate or articles of incorporation, duly certified and authenticated by the proper authority: and the principal or agent in this state, with the articles or certificates above provided for a statement, duly sworn to, showing the said corporation which is restored the said corporation which is restored the said corporation which is restored to the state treasury the sum of fifty dollars (\$50) for the first fifty thousand dollars (\$50,000) or fraction thereof of such proportion of capital stock, and the further sum of five dollars (\$50) for the first fifty thousand dollars (\$50,000) or fraction thereof of such proportion of capital stock, and no increase of the capital stock of any corporation shall be valid or effectual until such corporation shall have paid into transacted in and out of this state during the year immediately preceding the filling of its articles or certificates as aforesald, the business of said corporation thereof of such proportion of capital stock of such corporation shall be valid or effectual until such corporation shall be prima face evidence that the said corporation is entitled to all th

ness in contravention of this set to report such fact to the county attorney of the county in which the business of such corporation is located, and the county attorney of the county in which the business of such corporation is located, and the county attorney of the county in which the provisions of this act shall be paid into the state treasury; and no corporation which shall fail to comply with the provisions of this act can maintain any suit or action, either legal or equitable, in any of the courts of this state upon any demand, whether arising out of contract or tort: provided that nothing in this act shall be taken or construed as releasing any such corporation from fully complying with any of the provisions of the existing laws of this state; and provided, further, that the provisions of this act shall not apply to corporations engaged in an exclusively manufacturing for traveling salesmen soliciting business in this state for corporations which are enlitrely non-resident; nor to any corporation engaged only in the business of loaning money or investing in securities in this state, including all business including any such consumers or otherwise in liquidation of such loans or securities; and provided further, that none of the provisions of this act shall apply to or in any manner affect corporations which may be organized for the purpose of raising and improving live stock, cultivating and improving farms, and the handling of such real estate and other property as may be taken by foreclosure or otherwise in liquidation of such loans or securities; and provided further, that none of the provisions of this act shall not apply to any foreign corporation heretofore paid to the state treasurer the fees on capital stock required of domestic corporation whose sole business in this state is, the transporation of freight or passengers or both freight and passengers by water.

Sec. 5. That chapter 32 of the general laws of the State of Minnesota for the year 1895, entitled, "An act to provide for the appointment

mons," be and the same is hereby re-pealed.

Sec. 6. This act shall take effect and be in force from and after July 1st, 1899.

Approved March 18th, 1899.

Approved March 18th, 1899.

CHAPTER 70—S. F. NO. 227.

AN ACT to amend chapter three hundred and sixty-one (351), general laws of 1897, being an act entitled, "An act to authorize the district courts of this state to hold adjourned or special terms of court in cities or villages outside of the county seats of the respective counties," so that when amended the title thereof and act shall read as follows:

counties," so that when amended the title thereof and act shall read as follows:
"An act to authorize the district courts of this state to hold adjourned or special terms of court in any place fixed by the court outside of the county seats of the respective counties."
Be it enacted by the Legislature of the State of Minnesota:
Section 1. In addition to the powers heretofore conferred, the district courts of respective judicial districts in this state are authorized to hold adjourned or special terms of such courts in the respective counties in which the same may be held in any place fixed by the court outside of the county seats of such counties for the purpose of granting naturalization pspers.
Sec. 2. This act shall take effect and be in force from and after its passage.
Approved Match 20th, 1898.

CHAPTER 71—8. F. NO. 356.

Approved March 20th, 1899.

CHAPTER 71—8. F. NO. 356.

AN ACT to authorize the common council or other governing body of municipalities to reduce and rebate assessments for local improvements in counties where the provisions of chapter two hundred and ninety (290) of the general laws of eighteen hundred and ninety-seven (1897) have been made applicable by the adoption of the resolution therein provided for, in cases where such assessments have not been included in any jud@ment entered pursuant to said chapter.

to information of any officer or agent of the Minnesota Society for Prevention of Cruelty, or of any of the local societies for the prevention of cruelty now existing, or which may hereafter exist under authority of the laws of this state, and the shall be paid, to the society whose officer or agent who made the complaint or furnished the information for the prosecution in aid of the benevolent objects for which such assessed. Sec. 5. This act shall take effect and be in force from and after its passage. Approved March 18th, 1899.

CHAPTER 69—S. F. NO. 60.

AN ACT to require every foreign corporation organized for pecuniary profit, now or hereafter doing business in this state, to have a public office in this s

Approved March 20th, 1899.

CHAPTER 72—S. F. NO. 67.

AN ACT to amend section 235 of the penal code of the State of Minnesota relating to the crime of rape, the same being section 6523 of the statutes of Minnesota of the year 1894.

Be it enacted by the Legislature of the State of Minnesota:
Section 1. That section 225 of the penal code of the State of Minnesota relating to the crime of rape, be amended so as to read as follows:
Section 235. Rape is an act of sexual intercourse with a female not the wife of the perpetrator, committed against her will or without her consent. A person perpetrating such an act of sexual intercourse with a female of the age of sixteen years or upwards, not his wife—First—When through idiocy, imbedility, or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent; or, Second—When her resistance is forcibly overcome; or,

Stving consent; or,
Second—When her resistance is forcibly overcome; or,
Third—When her resistance is prevented by fear of immediate and great bodily flarm which she has reasonable cause to believe will be inflicted upon her; or.
Fourth—When her resistance is prevented by stupor or by weakness of mind produced by an intoxicating narcotle or anaesthetic agent administered by or with the privity of the defendant; or,
Fifth—When she is at the time unconscious of the nature of the act, and this is known to the defendant, is punishable by imprisonment in the state prison for not less than five nor more than thirty years.
Sec. 2. This act shall take effect and be in force from and after its passage, provided the provisions of this act shall not apply to offenses committed before this act takes effect, and as to all such offenses the law in force at the time they were committed shall continue and remain in full force the same as if this act had not been passed.

Approved March 20th, 1899.

CHAPTER 73—8. F. NO. 241.

main in full force the same as if this act had not been passed.

Approved March 20th, 1899.

CHAPTER 73—S. F. NO. 24.

AN ACT to amend section three thousand and twenty-five (3025) of the general statutes of Minnesota of 1894, being section two hundred and twelve (212) of chapter thirty-four (34), general statutes of Minnesota. 1878, relating to incorporation of religious societies.

Be it enacted by the Legislature of the State of Minnesota. 1894, the same being section 12 of chapter 34, general statutes of Minnesota, 1894, the same being section 212 of chapter 34, general statutes 1878, be and it is hereby amended so as to read as follows, to-wit: The persons, when assembled at such time and place, at least five being present, shall organize by appointing a chairman and clerk, who together shall receive and count the votes, and determine the qualifications of voters, and they shall immediately after the election certify under their hands and seals the names of the persons elected to serve as trustees, in which certificate the name by which the said trustees and their successors in office shall forever thereafter be called and known shall be particularly mentioned and specified.

The said qualified voters at said meeting may also, at said time and place, designated by resolution the particular religious denomination or sect, according to the doctrine and policy of which the laws of this state.

And the said qualified voters at said meeting may also by resolution require that said trustees then to be elected, and their successors who may thereafter be elected from time to time, shall be, in whole or in part, either elders or deacons or members, or communicants of the religious body of said society or church.

If a religious denomination or sect shall be so designated or if the qualification of sect or the qualification of sect or the qualification of sect shall be so defined, the certificate hereinbefore provided for shall also state the name of such denomination or sect, or the qualification of sect shall be s

in force from and after its passes.

Approved March 28th, 182

CHAPTER 74-8 F NO 182

AN ACT to provide for paralment of persons-convicted of a violation of section two dundred and forty-seven (247) of the penal code as amanded by section two (2) of chapter two hundred and twelve (212) of the laws of eighteen hundred and eighty-nine (1889), being section six thousand five hundred and thirty-six (6535), of the general statutes of Minnesota of elepteen hundred and intety-four (1884).

Rection I. That upon conviction of any person of violating-any of she provisions of section two hundred and forty-seven (247) of the penal code, as amended by section two (2) of chapter two hundred and twelve (212) of the laws of eighteen hundred and eighty-nine (1889), being section six thousand five hundred and thirty-six (6536) of the general statutes of Minnesota of eighteen hundred and ninety-four (1894), the court-imposing sentence may, in its discretion, at the time of imposing sentence, provide that the person so convicted may, if he desires, before the payment of any fine or the commencement of the term of imprisonment pursuant to sentence, enter litto a bond, to the State of Minnesota, with sufficient surelies to be approved by such court, in a sum to be fixed by the court, conditioned that the convicted person will, for and during the period of three months then next ensuing, or for such shorter period as such person shall be released from custody.

The person or persons for the neglect of whom such convicted.

Upon the execution and approval of such bond as aforesaid, the convicted person shall have been convicted.

Provided, however, if such person having entered into such bond shall fall to keep and observe the conditions thereof, upon such fact being made satisfactorily upon oath to appear to the court before whom such person shall have been commitment against such person, directing his seizure and imprisonment in pursuance of the prior sentence of said.

Sec. 2. This act shall take effect and be in force from and aft

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

Approved March 21st, 1899.

CHAPTER 75—S. F. NO. 110.

AN ACT to authorize counties to purchase land to be used as agricultural fair grounds, on approval of electors of such county, and to improve, sell and lease the same.

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

Bection 1. It shall be lawful for the board of county commissioners of any county in this state to purchase a tract of land in their county, to be used for holding agricultural fairs, and to improve the rame and erect suitable buildings thereon for carrying on and maintaining agricultural fairs.

Bec. 2. For the pirpose of acquiring such lands the board of county commissioners of any county are hereby authorized to pay the purchase price thereof out of any moneys in the county treasury not otherwise appropriated, or to issue therefor the warrants or bonds of said county in payment therefor, in a sum not exceeding the reasonable value of said lands, and may fix the time and terms of payment of said warrants or bonds, and the amount of interest they shall bear, according to the terms of purchase agreed upon.

Sec. 3. If a majority of the electors of any county voting at any election at which the question of purchasing land to be used as agricultural fair grounds has been submitted, shall vote in favor of said purchase, the board of county commissioners of such county shall thereupon purchase suitable grounds to be used for agricultural fair grounds and make such improvements as shall be necessary and proper to fit the same for holding agricultural fair grounds and make such improvements as shall be necessary and proper to fit the same for holding agricultural fair grounds and make such improvements as shall be recounty commissioners, passed by a majority vote, which resolution shall have printed or written, or partly written and partly printed on them, the following words: "For the purchase of lands for agricultural fair grounds, 'Yes;' or "For the purcha

Sec. 5. If upon such election the majority of the electors voting at any such election in any such coupty vote in favor of purchasing lands for agricultural fair grounds, the county commissioners of said county shall forthwith proceed to purchase such lands as may be deemed proper and convenient for such purpose and shall improve same and make same fit for holding fairs at once.

Sec. 6. The county commissioners of any county, having spurchased land for the use of agricultural fair grounds, as herein provided, may thereupon lease and let unto any responsible fair association or county agricultural association such grounds, upon such terms as they may deem advisable. Provided, that this act shall not be construed as authorizing or permitting any board of county commissioners to purchase any such land for fair grounds or to pay for the same without submitting the question to the vote of the people as herein provided, and no such purchase or payment shall be made unless a majority of the electors voting at any such election vote in favor of such proposition.

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

Approved March 20th, 1899.

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

Approved March 20th, 1899.

CHAPTER 76—S. F. NO. 109.

AN ACT to legalize certain deeds, mortgages, satisfactions and releases of mortgages or other liens upon land, powers of attorney and the records thereof, heretofore defectively executed, acknowledged or made.

Be it enacted by the Legislature of the State of Minnesota:
Section 1. That all deeds, mortgages, or other instruments conveying lands or creating liens thereon, and all satisfactions and releases of any mortgages or other instruments conveying lands or creating liens thereon, and all satisfactions and releases of any mortgages or other instruments conveying lands or creating liens thereon, and all satisfactions and releases of any mortgages or other liens upon any lands, and all powers of attorney, and all other instruments, affecting the title to, interest in, or lien upon any lands in this state, heretofore executed in this state or in any other state or territory of the United States and recorded in the office of the register of deeds of the proper county in this state, whether duly or properly admitted to record or otherwise, in which any of the following defects of execution or acknowledgment exist, either in such instrument or in the records thereof, viz.: Where there is no seal affixed to the signature of any person or persons executing the same; where there is not subscribing witness; where the instrument has been acknowledged before a notary public or other officer required to keep an official seal has not been affixed; all such instruments and the records thereof are 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 purpose of notice, evidence and otherwise, as if such defects at

CHAPTER 77 S. F. NO. 240.

AN ACT relating to public schools in school districts of over fifty thousand inhabitants and to provide funds therefor. for. Be it enacted by the Legislature of the Be it enacted by the Legislature of the State of Minnesota:
Section I. School districts now or hereafter having over fifty thousand inhabitants are hereby empowered to raise annually by taxation independently of and in addition to other sums for school purposes authorized by law. an amount not exceeding one and one-half mills on each dollar of the assessed valuation of taxable property within such district for the purchase of school sites and the erection,

retair, furnishing and fitting of public school brildings and the general maintenance of the public schools within such district, and to appropriate the same to such or any of such uses.

Provided that such sum, to the extent of one mill on each dollar of valuation only, may be appropriated to general maintenance; and the remainder thereof shall be applicable to the erection, repair, furnishing and fitting of school buildings and the acquisition of school sites, or one or more of such uses, but shall be appropriated to no other purpose. Sec. 2. This act shall be construed as an independent and separate grant of power and shall in no wise supersede existing provisions of law for raising revenue for the support of schools, whether under general or special laws, but the powers here given may also be exercised concurrently with other powers and to provide a greater revenue for the schools within such district, limitations of power under existing laws notwithstanding.

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

Approved March 20th, 1899.

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

Approved March 20th, 1839.

CHAPTER 78—S. F. NO. 187.

AN ACT to require all railroad companies owning railroads in the State of Minnesota, of less than four feet, eight and one-half inches gauge, to adopt such gauge within such reasonable time as may be fixed by the railroad and warehouse commission.

Be it enacted by the Legislature of the State of Minnesota:
Section I. That all railroad companies who at the date of the passage of this act are the owners of and operating a railroad in the State of Minnesota, of a gauge less than four feet, eight and one-half inches in width, shall within such reasonable time as may be fixed by the railroad and warehouse commission change the gauge of said railroads, to four feet, eight and one-half inches.

Sec. 2. It shall be the duty of the railroad and warehouse commission, within one year after the passage of this act, to examine all the railroads in this state now in existence, that are less than four feet, eight and one-half inches gauge and if they find that it is feasible or in their judgment necessary and reasonable to change the gauge of any such railroad to four feet, eight and one-half inches, they shall make their order in writing, fixing such reasonable time within which such gauge shall be changed to that width. In making such order, said commission shall take into consideration the amount and probable life of the rolling stock of such narrow gauged road, and all other facts bearing on the reasonableness of the time to be allowed to make such change of gauge.

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

Approved March 20th, 1839.

CHAPTER 78—S. F. NO. 521.

AN ACT relating to the vacation of streets, alleys and public grounds in cities having a population of over fifty thousand inhabitants; and repealing all acts and parts of acts inconsistent therewith. acts and parts of acts inconsistent therewith.
Be it enacted by the Legislature of the State of Minnesota:
Section 1. That no vacation of any street, alley or public ground in any city having, according to the then last state or national census, a population of over fifty thousand inhabitants shall be hereafter allowed except upon such terms and conditions, as well as to the compensation, if any, to be paid by the persons seeking such vacation, or otherwise, as shall be specified in the resolution ordering such vacation.
Sec. 2. All acts and parts of acts relating to compensation otherwise than as herein provided, are hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1899.

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

Approved March Zist, 1899.

CHAPTER 80—S. F. NO. 120.

AN ACT to provide for attachment of property in certain cases.
Be it enacted by the Legislature of the State of Minnesota:
Section 1. That in cases pending in a justice court, or pending in the district ccurt, on appeal from a justice court, the plaintiff shall be entitled to a writ of attachment upon making and filing in the court where said cause is pending, an affidavit made by the plaintiff, or some one in his behalf, stating that defendant is indebted to the plaintiff in a sum exceeding five dollars (\$5), and specifying the amount of such indebtedness as near as may be over and above all legal setoffs, and that the same is due upon contract, express or implied, or upon judgment or decree of some court, and containing a further statement that the affiant has good reason to believe that defendant has fraudulently conveyed or dispose of, or is about fraudulently to convey or dispose of any of his property or effects, so as to hinder, delay or defraud his creditors.

Sec. 2. Before issuing a writ of attachment the justice shall require a bond on the part of the plaintiff with sufficient surety, conditioned that if the plaintiff falls to recover judgment, the plaintiff shall pay all costs that may be adjudged against him and all damages which the defendant may sustain by reason of the attachment, not exceeding the sum of one hundred dollars (\$100).

Sec. 2. When the cause is pending in the district court on an appeal from the justice court, the plaintiff shall be entitled to a writ of attachment the same as if said action had been commenced in the district court, upon filing the affidavit provided for in section 1 of this act, and upon complying with all the conditions and requirements provided by law for the issuance of attachment in the district court, upon filing the affidavit provided for in section 1 of this act, and upon complying with all the conditions and requirements p

Sec. 4. All laws relating to the attachment of property in the district court not inconsistent with the provisions of this chapter, are hereby made applicable to the provisions of this act.

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

Approved March 21st, 1899.

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

Approved March 21st, 1839.

CHAPTER 81—S. F. NO. 545.

AN ACT to fix the amount of money allowed the office of county attorney in all counties of the State of Minnesota having a population of one hundred thousand and not more than one hundred and eighty-five thousand inhabitants, for clerk hire and to provide for the appointment of such clerks.

Be it enacted by the Legislature of the State of Minnesota. Having, according to the then last completed state or national census, a population of not less than one hundred thousand and not more than one hundred thousand and not more than one hundred thousand and not more than one hundred dollars (\$1,200). a year for clerk hire in said county attorney is such county attorney is office, and the county attorney is office, and said clerk or clerks shall receive as salary or salaries such proportion of the said sum of twelve hundred (\$1,200) dollars per year as the county attorney shall direct, which salary or salaries shall be payable in equal monthly installments out of the county retorney shall direct, which salary or salaries shall not exceed twelve hundred (\$1,200) dollars for each year.

Sec. 2. Whenever according to the then last state or national census the population of any county in this state, which now has a population of less than one hundred thousand inhabitants, such county shall at once become subject to the provisions of this act, and whenever, according to such census the population of one hundred thousand inhabitants, the provisions of this act, and whenever, according to such census the population of ne hundred thousand inhabitants, the provisions of this act, and whenever, according to such census the population of any county shall at once become subject to the provisions of this act, and whenever, according to such county shall no longer apply thereto.

Sec. 3. All acts

in force from and after its passage.

Approved March 22nd, 1886.

CHAPTER £2-S. F. NO. 72.

AN ACT to amend section 102 of chapter 48 of the general laws of 1889, entitled "An act to establish a probate code," being section 4609 of title six (6) of chapter 48 of the general statutes of 1834.

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

Section 1. Section one hundred and two (102) of the general laws of 1889 is hereby amended to read as follows: At the time of granting letters testamentary or of administration, the court shall make an order limiting the time in which creditors may present claims against the deceased for examination and allowance, which shall not be less than six months nor more than one year from the date of such order; provided that the judge of probate on proper proof by affidavit of the executor or administrator that there are no debts against the estate may limit the time in which creditors may present their claims to three months. Said order shall fix the time or times and place in which the court will examine and adjust claims and demands of all persons against the deceased. No claim or demand shall be received after the expiration of the time so limited, unless for good cause shown. The court may in its discretion receive, hear and allow such claim upon notice to the executor or administrator, but no claim shall be received or allowed unless presented within one year and six months from the time when notice of the order is given, as provided in the next section, and before final settlement, and the allowance or disallowance of any claim

CHAPTER 83—S. F. NO: 541.

AN ACT ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition

thereof.

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

Bection I. That the consent of the State of Minnesota is hereby given, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this state required for custom houses, court houses, postoffices, arsenals, or other purblic buildings whatever, or for any other purposes of the government.

Bec. 2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes except the service of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the courts of this state, but the jurisdiction ceded shall continue no longer than the courts of this state shall own such lands.

Bec. 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise, and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state.

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

Approved March 22nd, 1899. thereof. Se it enacted by the Legislature of the

CHAPTER 81—H. F. NO. 341.

AN ACT to prohibit cities of this state from assessing, levying or collecting frontage water tax upon real estate for a longer period than five years. Be it enacted by the Legislature of the State of Minnesota:
Section 1. That no city within this state shall assess, levy or collect any from the expense in whole or in part of the construction and maintenance of any system of water works according to the lineal foot of each frontage for a longer period than five years from and after the first levy of such tax or assessment.

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 pasage.

Approved March 23nd, 1899.

CHAPTER 83—H. F. NO. 449.

CHAPTER 83—H. F. NO. 449.

AN ACT to amend title nine (9) of chapter one hundred and three (163) of the general laws of one thousand eight hundred and ninety-seven (1870), entitled, "An act to aid in building bridges, constructing roads and draining lands in certain towns and counties of the state."

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

Section 1, That section one (1) of title mine (9) of chapter one hundred and three (123) of the general laws of one thousand eight hundred and ninety-seven (1237) be amended so as to read as follows:

That the sum of four hundred and twenty-five (25) dollars be and the same is hereby appropriated from the internal improvement fund of this state to all the County of Wright in grading the socalied Glencoe and Clearwater state road to be expended as follows: Two hundred dollars (200) to be used in grading down a hill on said road on the southwest currer (S. w. %) of section thirty-four (24), township one hundred and nineteen (119), range twenty-eight (28), and the further sum of two hundred and twenty-five (25) dollars to grade down said road where it runs through the north hall (N. %) of section ten (10), township one hundred and eighteen (118), range twenty-eight (25).

Sec. 2. That section two (2) of title nine (3) of chapter one hundred and three (103), general laws of one thousand eight hundred and ninety-seven (1837), be amended so as to read as follows:

The sum of money above appropriated shall be paid to the county treasurer of said county on the warrant of the state auditor, who shall issue such vouchers to said treasurer on his receiving the certificate of the chairman of the board of county commissioners of said county, showing that the sum of money herein appropriated has been expended as provided and in pursuance of the provisions of this act.

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

CHAPTER S9—H. F. NO. 111.

AN ACT to provide for clerk hire of county treasurer's salary is fixed by special law, and no provision is made for annual clerk hire.

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

Section 1. In all counties where the salary of the county commissioners of such counties are hereby authorized and empowered to furnish such treasurer; in their discretion, with necessary assistance or olerk hire not to exceed eight hundred dollars (890) per ann

charge which may be seviced or inspeased under the authority of this state.

Bec. 6. This act shall take effect and be a contract of the county treasurer is fixed by speaking the county of the count

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

Approved March 23nd, 1899.

CHAPTER 85—8. F. NO. 485.

AN ACT appropriating money for a governor of contingent fund to pay for each contracted in the state and selection from the edge and science and the state and selection from the edge and science and the selection from the edge and science and the science and the selection from the edge and science and the selection from the edge and science and the selection of the selection of

Approved March 22nd, 1899.

CHAPTER \$2—H. F. NO. 230.

AN ACT proposing an amendment to section six (6) of article eight (8) of the Constitution of the State of Minnesota relating to school funds, education and science.

Be it enacted by the Legislature of the State of Minnesota:
Section 1. The following amendment to section six (6) of article eight (8) of the Constitution of the State of Minnesota is hareby proposed to the people of the state for their approval or rejection, that is to say, said section shall be amended to read as follows:
Section 6. The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable real property of the county,