posed work, and not of kin to any parties interested therein, as viewers, to meet at a time and place specified by said board, preparatory to commencing their duties as hereinafter specified.

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 All acts or parts of acts inconsistent with this act are hereby repealed.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 20th, 1899.

CHAPTER 348—H. F. NO. 682.

AN ACT to provide for the appointment of a commission to adjust and determine the claim of the Twin City Jockey Club, its successors or assigns against the State of Minnesota and to appropriate the necessary money therefor.

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

Section 1. The attorney general and two (2) justices of the supreme court to be selected or designated by the governor are constituted a commission whose duty it shall be to determine the value of the permanent improvements made at the state fair grounds by the said Twin City Jockey club, their present value, what proportion, if any, should be paid by the state, and to make an award to the Twin City Jockey club, its successors or assigns, as compensation therefor.

Sec. 2. For the purpose of determining the amount to be so awarded, the said commission shall have power, and it shall be its duty to take evidence and receive testimony, both documentary and otherwise, of witnesses under oath, and it shall be duly authorized and empowered to administer oath to any and all of said witnesses.

Sec. 3. When said commission shall have determined the value of said improvements and made such award thereof it shall file its report with the governor, which shall be deemed to be an adjustment of said claim and a settlement of all claims and demands of whatever nature by said Twin City Jockey club, its successors or assigns against the state, growing out of the permanent improvements heretofore made at said state fair grounds by it, and thereupon the state auditor shall draw his warrant for the amount so awarded and determined upon by said commission, as aforesaid, payable out of any money in the state treasury not otherwise appropriated.

Provided, that before the said money awarded as herein provided shall be paid the said Twin City Jockey club, its successors or assigns, it, he or they, as the case may be, shall convey to the State of Minnesota all claims on account of the said permanent improvements aforesaid, as well as all claims or demands against the State of Minnesota of every name, nature or description.

The form of the conveyance to be approved by the attorney general.

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

Approved April 20th, 1899.

CHAPTER 349—H. F. NO. 673.

AN ACT providing for the selection of candidates for elections by popular vote, and relating to elections.

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

Section 1. On Tuesday seven (7) weeks preceding any election (except special elections) at which officers of and for any county or city in this state are to be elected, a primary election shall be held in the several election districts of said county or city, in accordance with this act, which shall be known as the primary election, for the purpose of choosing candidates for all elective county and city officers, judges, elective members of school boards, park boards, library boards, and all other officers which are to be chosen wholly by electors within and of such city or county at said ensuing election, and said primary election day shall be and constitute the first day of the registration of electors for the next ensuing election in all election districts of counties which are subject to the provisions of this act, and shall be in lieu of the first day now provided by law for the registration of electors in such districts; but nothing herein shall be construed to affect the date of the second or subsequent registration days now provided by law. This act shall apply only to counties having or which may hereafter have, a population of two hundred thousand (200,000) inhabitants or more, and shall apply only to such offices as are balloted for solely within the confines of one such county. For all other official positions within the gift of the people by ballot such other provisions as are provided by law shall apply.

POLITICAL PARTIES.

Sec. 2. A political party within the meaning of this act is one which shall have cast at least ten (10) per cent of the total vote cast at the last preceding election for its leading candidate, or shall present to the county auditor a petition asking for the right to have a primary election ticket as hereinafter provided for, such petition to contain at least ten (10) per cent of the qualified electors of the county in which the privilege is asked. Nominations of candidates for said offices shall be made by such political parties in accordance with the provisions of this act and not otherwise; provided, that nothing herein contained shall be construed to prevent the nomination of candidates for such offices by any groups, individuals or so-called political parties which are not recognized political parties in accordance with this section, by petition in accordance with chapter four (4) of the general laws of Minnesota for eighteen hundred and ninety-three (1893), which act shall be herein referred to as the general election law.

ELECTION DISTRICTS.

Sec. 3. The election districts for the purposes of this act shall be the districts which shall be fixed and determined according to law for the purposes of the election next following the primary election; and it shall be the duty of the city council, the supervisors of the towns or other officers required by said general election law to divide the territory over which they have jurisdiction into various election districts, to make such division at least two (2) weeks prior to the holding of said primary election.

The map or description of such division required by said general election law to be made and posted, shall be made and posted at least one week preceding said primary election, and copies of such map or description shall be furnished to the judges of primary election in each district.

"CANDIDATES."

Sec. 4. At least eleven (11) days before the primary election day, any person who shall be eligible to an office which he seeks shall appear before the county auditor with an affidavit to the effect that it is bona fide his intention to run for the nomination for any specified office, and he shall then and there present a petition which shall contain at least five (5) per cent of the total vote cast for the candidate of the party with which he affiliates, for the same position, at the last general election, each name on the petition to be that of a qualified elector, and upon payment of ten (10) dollars to the county auditor, a receipt for which shall be given him, the county auditor shall place his name upon the primary election ballot of his party, as hereinafter provided.

The county auditor shall number each petition in numerical order as received. Such fee of ten (10) dollars, in case of a candidate for a city office, shall be immediately paid into the city treasury, by the auditor, and in other cases shall be so paid into the county treasury.

Said affidavit may be in substantially the following form:

I, A........ B........, being duly sworn (or affirmed) say that I reside at number .... street .... (city or town of .... County of ...., State of Minnesota, and am a qualified voter therein, and a .... (name of party), that I am a candidate for nomination to the office of .... to be made at the primary election of said party to be held on ...... and hereby request that my name be printed upon the official primary ballot, as provided by law as a candidate of the .... party.

Subscribed and sworn (or affirmed) to before me .... date.

BALLOTS.

Sec. 5. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

On the tenth (10th) day before the primary election the county auditor shall group all the candidates for each party by themselves, and shall prepare at once, in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in his office. He shall then proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided, these ballots to be prepared in the following manner; each party ticket shall be absolutely uniform in color and size, shall be white and printed in black ink.

Across the head of each ballot shall be printed in plain black type, first: the name of the political party on each ticket, following the words, "Primary Election Ballot." On the next line and in smaller type, shall be printed the words "List of Candidates for Nomination to be voted for in District ......" (naming the district that certain ballot is intended for).

Ward, (naming the ward that certain ballot is intended for), followed by the name of the city, town or village in which the ballot is to be used.

On the next line, and to the right on the ballot, shall be a fac-simile of the signature of the county auditor making up the tickets, followed by the words "County Auditor."

On the next line shall be printed the words "Electors can vote but one of these tickets, but must return them all folded together, to the judge at the ballot box."

The balance of the ticket is to be made up in the same manner as the ballots used at general election, except that: The tickets are to be made up under the head, in two (2) columns, with a design of parallel or fillagree rule one-quarter (¼) inch wide, to separate the columns.

At the top of each column shall appear the words "To vote for a person, mark a cross X in the square at the right of the name of the person for whom you desire to vote."

Each one of these sentences at the head of each column shall be inclosed in a rule, the same as the names of each candidate, and at its end shall be a square directly over the squares in which marks are to be made, that square to have a black cross, X, which shall show the voter how to mark the ballot.

Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "vote for," then the word "one," "two," or a spelled number designating how many persons under that head are to be voted for.

Following this shall come the names of each candidate for that position, enclosed in a light face rule, with a square to the extreme right, the parallel rules containing the names to be three-sixteenths (3-16th) of an inch apart.

Each position with the names running for that position shall be separated from the following one by a black face rule to separate each position clearly.

The positions shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided: First judiciary, next congressional, next county officers, next legislative, next city officers, in all cases following under each heading here given the rotation used in the make up of the various ballots at the general election.

Sec. 6. The names of candidates for each office upon the sample ballot, shall be arranged alphabetically according to surnames.

The names of candidates under headings designating each official position shall be alternated on the ballots in the printing, in the following manner:

First, the forms shall be set up with the names in the order in which they are placed upon the sample ballot prepared by the county auditor. In printing each set of tickets, for the various election districts, the positions of the names shall be changed in each office division, as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of tickets shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division, and place it at the bottom of that division, shoving up the column, so that the name that was second before the change shall be first after the change.

After the ballots are printed, before being cut, they shall be kept in separate piles, one pile for each change of position, and shall be then piled by taking one from each pile and placing it upon the pile to be cut, the intention being that every other ballot in the pile of printed sheets shall have names in a different position.

After the pile is made in this manner, then they may be cut, and placed in blocks as provided by the general election law.

There shall be no printing on the back of the ballots, or any mark to distinguish them, but the initials of the judge or clerk.

Except as herein otherwise provided, the following sections of said general election law, are hereby made applicable to primary elections and primary election ballots under this act, to-wit;

Sections twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-nine (29) and thirty (30).

NOTICES AND PLACES OF PRIMARY ELECTIONS.

Sec. 7. The primary election shall be held in each election district at the place where the last election was held, or such other place as may be lawfully designated for the polling place for the election district, and shall be held at the place where the registration of voters occurs for the election then next ensuing.

The notice required by section forty-six (46) of said general election law shall be given with reference to such primary election, and said selection is hereby made applicable to primary elections held hereunder.

JUDGES AND CLERKS.

Sec. 8. The judges of election within the counties subject to the provisions of this act shall be appointed and designated in the manner provided by said general election law, at least ten (10) days prior to the primary election day, and the judges of election so designated in and for each election district in such county and sitting therein as a board of registration, shall be and constitute the judges of primary election for such district.

In all election districts wherein provision is made by said general election law for the appointment of clerks of election, such clerks shall be appointed by the judges of election in the manner provided by section fifty-two (52), of said general election law, and said clerks shall assist the said board at and during the primary election and registration, upon said primary election day.

The clerks may handle and make the necessary entries in the books of registration and the tally sheets in counting, or perform such other work as the judges may assign to them.

In case of emergency said judges may call to their assistance and appoint a number of clerks, not exceeding two additional, having the same qualifications as the said first named clerks providing that said last named clerks shall receive no pay, unless it shall appear that they were necessarily appointed, and shall receive pay for such time only as they are necessarily employed to meet such emergency.

Sec. 9. If a judge or clerk of election shall fail to attend at said primary election, or be a candidate thereat, disqualified, refuses to act, or fails to qualify, or if any vacancy occurs, judges shall be chosen and clerks appointed to act instead in the manner prescribed by sections fifty-four (54) and eighty-eight (88) of said general election law, which sections are hereby made applicable to primary elections held under this act so far as may be, and all judges and clerks before acting shall qualify by taking and subscribing the oath as in said section fifty-four (54) provided, which oath shall be held to cover the duties of judges and clerks of elections at such primary election.

On the primary election day the judges and clerks of election shall perform both the duties of the board of registration as prescribed by said general election law, and the duties of judges and clerks of primary election, but shall receive single pay for actual time employed only, notwithstanding they act in such double capacity.

REGISTERS.

Sec. 10. The registers provided by said general election law for the registration of voters shall have therein an additional column headed "Voted, Primary Election." No names of voters shall be placed upon said registers prior to the day of primary election; nor shall any be placed thereon upon said day, in any incorporated city, except of those who shall appear in person before the board of registration for that purpose.

COPIES OF LAW.

Sec. 11. The secretary of state shall provide copies of this law in conjunction with said general election law as amended, and transmit the same to the county auditor of those counties which are subject to the provisions of this act, at least nine (9) days before any such primary election, and the same shall be in lieu of any such copies of said general election law required to be transmitted to county auditors by the secretary of state for use in such counties.

LIQUOR AND SALOONS.

Sec. 12. The provisions of sections sixteen (16), seventeen (17) and eighteen (18) of said general election law, relating to liquor and saloons, except the closing of the saloons on election day shall apply in like manner to the primary election day under this act, during all the times that the polls are required to be open, and the said sections are hereby adopted as a part of this act, and the mayor shall make proclamation as to said primary election day in accordance therewith.

ARRANGEMENT AT POLLS, BALLOT BOXES, ETC.

Sec. 13. The following sections of said general election law as amended, relating to the place of holding the election, change thereof, arrangements at polling places, the ballot boxes, booths, constables, sheriffs, police officers, arrests and gatekeepers, are hereby made applicable to primary elections, held under this act, to-wit: Sections seventy-four (74), seventy-five (75), seventy-six (76), seventy-seven (77), seventy-eight (78), seventy-nine (79), eighty (80), and eighty-seven (87); except that no more than one (1) ballot box for male voters, and one (1) ballot box for women who may be entitled to register and vote at the next ensuing election for any officer for which nomination is to be made at the primary election, shall be provided for the primary election; and for the purpose of determining the number of booths to be provided, recourse shall be had to the number of electors registered at the last preceding election within the same territory, ascertained as near as may be.

SUPPLIES FOR POLLS, ETC.

Sec. 14. The following sections of said general election law, except as herein otherwise provided, are hereby made applicable to primary elections held under this act, to-wit: Sections eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-five (85), eighty-six (86).

VOTING.

Sec. 15. The polls in the several election districts on the primary election day shall be kept open for the purpose of voting and the same officers shall remain in session for the purpose of the registration of voters, for the same length of time, which shall be from six (6) o'clock in the morning until nine (9) o'clock in the evening. If at the hour of closing there are any electors in the polling place, or in line at the door desiring to vote, and who are qualified to register and participate therein, and have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to register and vote. No one not present at the hour of closing shall be entitled to register and vote because the polls may not actually be closed when he arrives.

No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such poll have been counted and the result publicly announced; but this shall not be deemed to prevent any temporary recess while taking meals or other necessary delay, provided that the board shall remain in session and that no more than one member of the board of election shall at any time be absent from the polling place.

Sec. 16. All persons entitled to registration as voters in the election district on the day of the primary election, for the purpose of voting at the ensuing election, shall be entitled to participate in the primary election, but no voter shall receive a primary election ballot or be entitled to vote until he shall have first been duly registered as a voter then and there in the manner provided by law, upon which registration unless challenged, (and if challenged, then only in event that the challenge is determined in favor of the voter) he shall be entitled forthwith, but not later, to receive such ballots, and such ballots shall at once be tendered to him, to-wit: One each of the primary election ballots for each party, pinned together, and with the initials of the judges upon the back of each ballot at the bottom edge. A judge of election shall instruct the voter that he is to vote for his choice for each office, using only the one ballot of the party with which he affiliates, but that he must return all ballots pinned and folded together, with the edges upon which are the initials of the judges uppermost.

Sec. 17. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth, and without undue delay mark the ballot of that party with which he affiliates as he sees fit, with the indelible pencil to be found in such booth. If he soils or defaces said ballot, he shall at once return the same and get a new ballot. In marking his ballot, he shall observe the following rules:

1. The elector shall designate his choice on his ballot by marking a cross (X) mark in each of the small squares opposite the names of the candidates for whom he desires to vote, being careful not to vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

2. Rules No. 4 and 5 of section one hundred (100) of said general election law relating to ballots wrongly marked and rejected ballots, are hereby made applicable to primary elections held under this act.

Sec. 18. When an elector has prepared his ballot he shall fold all ballots received by him, pinned together with the edges upon which are the initials of the judges uppermost, and so folded as to conceal the face thereof, and all marks thereon, and shall hand the same to the judge of primary election, who is in charge of the ballot boxes. The folded ballots, when returned, shall be placed in the proper ballot boxes, and the name of the voter shall be checked off upon said registers in the column headed Primary Election.

Except as herein otherwise provided, the following sections of said general election law are hereby made applicable to primary elections held under this act, to-wit: Sections eighty-nine (89), ninety (90), ninety-one (91), ninety-two (92), ninety-three (93), ninety-four (94), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred one (101), one hundred two (102), one hundred three (103), one hundred four (104), one hundred five (105), one hundred six (106), one hundred seven (107), one hundred eight (108), one hundred nine (109), one hundred ten (110), one hundred eleven (111), one hundred twelve (112), one hundred thirteen (113), one hundred fourteen (114), one hundred fifteen (115), one hundred sixteen (116), one hundred seventeen (117), one hundred eighteen (118).

Sec. 19. As soon as the polls are finally closed and before the canvass of votes, the judges and clerks of election shall prepare upon a blank delivered to them by the county auditor for that purpose, a statement substantially as follows:

"Poll list statement of a primary election held in (name of city or village) Minnesota, ...ward or town, ... district, on the .... (day and year)."

The number of persons whose names appear on the registers as present at the above named primary election was .... of whom .... were women. The number of ballots cast by men was .... and the number of ballots cast by women was ...."

The blanks in said form shall be filled by the proper number, in each case to be written in words and figures. Said form shall, before the canvass of the votes, be signed by each of the judges, and attested by each of the clerks. They shall also fill at the same time, in the registers, in the column for marking those who "voted" at such primary election, the word "no" opposite the name of every person whose name appears in the said registers who has not voted at such primary election.

CANVASS OF VOTES.

Sec. 20. Upon the completion of the matters prescribed in the last section the clerks and judges of registration shall immediately open the ballot boxes at each polling place, and proceed to take therefrom the ballots. Each folded bunch of ballots shall be examined, to see that all have been returned, and said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket.

In the examination of the tickets, should it appear that some of the electors have marked names upon different tickets, or some names upon all the tickets, then the judges shall examine them all and shall accept only, to be counted, the ticket upon which the largest number of names are marked, and in case the same number, or a like number shall be marked on two of the tickets bearing the highest number of marks, then neither ticket shall be counted. The clerks and judges shall preserve all ballots that are not sorted to be counted, and they shall be returned with the unused and spoiled ballots to the county auditor.

As soon as the clerks and judges shall have sorted and fastened together the ballots of each separate party then they shall take the tally sheets provided by the county auditor, and shall count all the ballots for each party separately, until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. They shall then place the counted ballots in the box, but in no case shall they separate them from each other. After all have been counted and certified to by the clerks and judges they shall seal the returns for all parties in one envelope, to be returned to the county auditor.

Except as herein otherwise provided, the matter pertaining to the canvass of votes shall be conducted in the manner prescribed by the following sections as amended, of such general election law, and the same are hereby made applicable to primary elections held under this act, to-wit:

Sections one hundred twenty-three (123), one hundred twenty-five (125), one hundred twenty-six (126), one hundred twenty-seven (127), one hundred twenty-eight (128), one hundred twenty-nine (129), one hundred thirty-four (134), one hundred thirty-five (135), one hundred thirty-six (136), one hundred thirty-seven (137), one hundred thirty-eight (138), one hundred forty-eight (148), and one hundred forty-nine (149).

TALLY SHEETS.

Sec. 21. Two tally books, or two sets of tally sheets for each political party having candidates to be voted for at said primary election shall be furnished for each election district by the county auditor, at the same time and in the same manner that the ballots are furnished, and shall be substantially as follows:

Each tally sheet, or the first sheet of each tally book to be furnished, shall be headed "Tally Sheet for .... (name of political party) .... (name of city or village). .... (county), ..., (ward or town), ... election district, for a primary election held ...... (date)."

The names of candidates shall be placed on the tally sheets in the order in which they appear on the official sample ballots, and in each case shall have the proper party designation at the head thereof.

Except as herein otherwise provided, tally sheets shall be prepared in accordance with sections one hundred thirty (130), one hundred thirty-two (132), and one hundred thirty-three (133), of said general election law, and the same are hereby made applicable to primary elections held under this act.

RETURNS.

Sec. 22. In making out the returns of the primary election in the several election districts the same shall be done, and all matters pertaining thereto conducted in accordance with the following sections of said general election law, except as herein provided, to-wit:

Sections one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-six (156), one hundred fifty-seven (157), one hundred sixty-one (161), and one hundred sixty-two (162), and said sections are hereby made applicable to primary elections held under this act.

CANVASSING BOARD.

Sec. 23. The clerk of the district court of the county, the county auditor, the chairman of the board of county commissioners, and two justices of the peace of the same county, of opposite political parties from that of the majority of the other members of the canvassing board, if possible, to be selected by the clerk of the district court, shall constitute the county canvassing board for the purposes of the primary election and shall meet at the court house in the county at ten (10) o'clock in the morning of the second day after said primary election, and shall proceed after taking the usual oath of office, to openly and publicly canvass the primary election returns made to the county auditor.

Any three of said canvassing board shall constitute a quorum, and are authorized to make the canvass herein provided and to certify to the results thereof.

The canvassing board shall not wait until all the returns are at hand before beginning, but after filling out their sheets with the names and number of the election districts, they shall take such returns as are at hand, and fill in the results there shown, and when the returns are not at hand they shall leave a space until the missing returns are brought in.

Sec. 24. The canvassing board shall make and prepare a statement the same to be signed by the said board, and filed in the office of the county auditor as follows:

1. A statement containing the names of all candidates voted for at the primary election, with the number of votes received by each, and for what office, said statement to be made as to each political party separately.

2. A statement of the names of the persons or candidates of each political party who are nominated, to-wit: Those persons or candidates of such political party who received the highest number of votes for the respective offices; and where there is more than one person to be elected to a given office at the ensuing election, there shall be included in said statement of nominations the names of so many candidates of such party, receiving the next highest number of votes for that office, as there are persons to be elected to such office at said ensuing election. Said statement shall in like manner be made separately as to each political party.

3. A statement of the whole number of electors registered and the number of ballots cast, male and female separately at such primary election.

If two or more candidates of the same political party are "tied" for the same office the "tie" shall be determined by lot to be cast then and there by and as the canvassing board may determine.

It shall be the duty of the county auditor upon the completion of its canvass by said canvassing board to mail or deliver in person to each candidate so nominated, a notice of such fact, that his name will be placed upon the official ballot at the ensuing election, provided a fee to be named therein is paid on or before the day to be named therein, in each case the same to be named in accordance with the fee and date required by said general election law, and a notice further that his name will not be placed upon the ballot if said fee is not paid by such time.

Sec. 25. The persons whose names are so properly placed in said nominated statement shall be and constitute the nominees of the several political parties in which they were candidates, and such names shall be printed upon the official ballot prepared for the ensuing election, in like manner as if such persons had been duly nominated by a party convention of delegates with the certificate thereof filed as required by said general election law; provided, no name shall be placed upon the ballot for said ensuing election unless the further fee required by said general election law is paid within the time therein required as in case of filing certificates of nomination from conventions.

No names of candidates of any political party which is required to make nominations under this act for officers to be voted for wholly within such county, shall be placed upon the official election ballot, unless such candidates have been chosen in accordance with this act; except in case of a vacancy occasioned by the death, removal or resignation of any candidate so chosen or arising otherwise, and in such event, the campaign or party committee of the same political party, or if there be no such committee, then a mass convention of such party, may fill such vacancy, the name of such new candidate to be certified under oath to the county auditor by the chairman and secretary of such committee or convention.

COMPENSATION AND EXPENSES.

Sec. 26. The following sections of said general election law relating to compensation and expenses, are hereby made applicable to primary elections held under this act, except as may be herein otherwise provided, to-wit: Sections one hundred fifty-eight (158) and one hundred seventy-two (172). The compensation of the clerk of the district court shall be the same as that of other members of the canvassing board.

REVIEW BY COURTS.

Sec. 27.—Whenever it shall appear by affidavit to any judge of the supreme court or district court of the county, that an error or omission has occurred, or is about to occur in the printing of the name of any candidate on official ballots, or that any error has been or is about to be committed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed, or is about to be performed by any judge or clerk of the primary election, county auditor, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred, or is about to occur, such judge shall by order require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act or perform the duty, and do as the court shall order or to show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failing to obey the order of such judge shall be contempt.

Any candidate at such primary election who may desire to contest the nomination of any candidate for the same office at said primary election, may proceed by such affidavit so presented, provided that such affidavit be presented within five (5) days after the completion of the canvass by said canvassing board, and not later, and the candidate whose nomination is so contested shall, by the order of such judge duly served, be required to appear and abide by the orders of the court, to be made therein.

OFFENSES AND PUNISHMENTS.

Sec. 28. The offenses and penalties and punishments thereof, as set forth in the following sections of said general election law, shall be applicable to the same persons and matters pertaining to the primary elections held under this act, and said sections are hereby made applicable to primary elections held under this act. to-wit: Section one hundred fifty-nine (159), one hundred sixty (160), one hundred ninety-four (194), one hundred ninety-five (195), one hundred ninety-six (196) and one hundred ninety-seven (197).

Sec. 29. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.

CHAPTER 350—H. F. NO. 372.

AN ACT providing for condemnation of right of way by street railway companies in certain cases.

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

Section 1. Any corporation organized under the laws of this state, for the purpose of constructing a street railway in this state, wholly or partly without the limits of any city or cities, shall have the right to acquire and occupy private right of way throughout any portion of its route outside the limits of any city or cities, whenever deemed necessary by such corporation, and for that purpose shall have the power to exercise the right of eminent domain, including the crossing of intervening highways when necessary, and the provisions of sections twenty-six hundred and five (2605) to twenty-six hundred and sixteen (2616), both inclusive, and section twenty-six hundred and forty-two (2642), statutes of Minnesota, eighteen hundred and ninety-four (1894), so far as consistent herewith, shall apply to and govern the exercise of such right.

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

Approved April 20th, 1899.

CHAPTER 351—H. F. NO. 412.

AN ACT authorizing any city incorporated prior to the adoption of the constitutional amendment proposed by chapter 280 of the general laws of Minnesota of the year 1897, or any village in this state, desiring to be incorporated as a city to frame its own charter for its government as a city, consistent with and subject to the laws of this state.

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

Section 1. Any city incorporated prior to the adoption of the constitutional amendment allowing cities already incorporated, and villages desiring to be incorporated as cities to frame their own charter as cities, and classifying cities for the purpose of general legislation, which constitutional amendment is proposed in chapter two hundred and eighty (280) of the general laws of Minnesota of the year eighteen hundred and ninety-seven (1897), and any village in the State of Minnesota desiring to be incorporated as a city, may frame a charter for its own government as a city as hereinafter provided.

Sec. 2. The judge or judges of the district court of the judicial district in which such city or village is situated may in his or their discretion upon presentation of a petition signed by at least ten (10) per cent of the legal voters thereof, according to the returns of the next preceding election in such city or village, requesting such action, or whenever said judge or judges shall deem it advisable for the best interests of such city or village, appoint a board of fifteen (15) freeholders who shall be, and for the past five (5) years shall have been, qualified voters of such city or village.

Such board of fifteen (15) freeholders shall hold office for a term of four (4) years.

Such board shall within six (6) months after its appointment, return to the chief magistrate of such city or village a draft of the proposed charter, signed by the members of said board, or a majority thereof.

Such charter shall be submitted to the qualified voters of such city or village at the next election thereof, and if four-sevenths (4-7) of the qualified voters voting at such election shall ratify the same, it shall, at the end of thirty (30) days thereafter, become the charter of such city or village as a city and supercede any existing charter and amendments thereof.

Provided, that in cities having patrol limits now established such charter shall require a three-fourths (¾) majority of the qualified voters voting at such election to change the patrol limits now established.

Duplicate certificates shall be made setting forth the charter and ratification, which shall be signed by the chief magistrate of such city or village and authenticated by its corporate seal; one of such certificates shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the register of deeds of the county in which such city or village is situated, shall be deposited in the office of the city or village clerk, or the corresponding officials, of such city or village, and all courts shall take judicial notice thereof.

Such charter so deposited may be amended by a proposal therefor made by said board, published for at least thirty (30) days in three (3) newspapers of general circulation in such city or village, and accepted by three-fifths (3-5) of the qualified voters of such city or village, voting at the next election, and not otherwise, but said charter shall always be in harmony with and subject to the constitution and laws of the State of Minnesota.

Upon the application of five (5) per cent of the legal voters of any such city or village, by written petition addressed to and filed with such board of fifteen (15) freeholders, such board shall submit to the vote of the people any amendment to such charter endorsed by such application and petition.

Such submission shall be made in the same manner as is above provided for the submission of amendments in general. Vacancies in said board of freeholders, whether caused by death, disability to perform duties, resignation, removal from the corporate limits, or expiration of said term of office of four (4) years, shall be filled by the appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

Any member permanently removing from the corporate limits of such city or village shall be considered to vacate his office.

Sec. 3. Any such charter shall provide, among other things, for a mayor or chief magistrate and a legislative body of either one (1) or two (2) houses; if of two (2) houses, at least one (1) of them shall be elected by a general vote of the electors. In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate section or article may be presented to the choice of the voters and may be voted on separately without prejuidce to other articles or sections of the charter or any amendments thereto.

Sec. 4. Upon the draft of such charter being returned to such chief magistrate as aforesaid, the law making authorities of such city or village, as the case may be, shall forthwith make suitable provision for submitting to the qualified voters of such city or village the question of the adoption of such charter.

Such question may be submitted at either a general or special election, and whether such election be general or special, it shall be conducted in all respects in the manner provided for general or special elections by the general laws of this state.

The ballot to be used at such election shall have printed upon it this question, "Shall the proposed new charter of the city (or village) of ——— be ratified?" Following, and to the right of such question shall be printed or written the words "Yes" or "No."

The voter shall indicate his choice by an "X," marked to the right of the "Yes" or "No," according as he is in favor of, or opposed to the ratification of such charter. In the event of any alternate section or article being presented for the choice of the voters, any form of ballot may be used which will clearly indicate the choice of the persons voting such ballot between such alternate sections or articles.

Sec. 5. Such charter in superseding any previous charter and amendments thereof shall not affect any right, lien or liability accrued, established or subsisting previous to the time when such charter takes effect, nor affect any action or proceeding pending when such right, lien or liability shall be in force, and such action or proceeding shall be carried on in all respects as if such charter had not taken effect, nor shall any charter be in anywise construed as to affect any right or liability acquired or accrued under the previous charter and amendments superseded thereby on the part of any city or any person or body corporate.

Sec. 6. All ordinances, resolutions and regulations in force at the time such charter takes effect and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed, by the law-making authorities of such cities.

Sec. 7. All rights of action, penalties and forfeitures accrued to such city or village before such charter takes effect shall remain unaffected thereby, and may be prosecuted, recovered and received as fully in every respect as though such charter had not taken effect.

Sec. 8. Any lien on real property existing in the State of Minnesota or such city or village, at or before the taking effect of such charter, for taxes and special assessment levied by such city or village, and all right, title or estate acquired by or vested in the State of Minnesota, or any such city or village by reason of the forfeiture or sale to the state, or city, or village of any tract of land, town, city or village lots offered in a public sale for taxes or special assessment levied by such city or village, interest and costs due thereon, and not sold to others for want of bidders, are hereby assigned and transferred to and continued in such city or village, and all lands, town, city or village lots forfeited or sold to the state, or such city or village shall from the taking effect of such charter be deemed and taken to be forfeited and sold to such city or village. In all cases where certificates of purchase have, at the time such charter takes effect, been made out in the name of purchasers at any sale for such delinquent taxes or special assessment, the right to redeem any such sale shall not be impaired by anything in this act or any such charter contained.

Sec. 9. It shall be lawful for any such city or village in such charter or by amendment thereof to provide for regulating and controlling the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places in such city, whether such franchises or privileges have been granted by said city or village, or by or under the State of Minnesota, or any other authority; but no perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in such case for a longer period than ten (10) years.

Sec. 10. That the city council shall control the property and finances of the city and shall have power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes and to issue bonds therefor; to issue bonds in the place of and to supply means for paying maturing bonds and to consolidate or fund the same.

Provided, that the total indebtedness of such city, except as hereinafter provided, shall not thereby be made to exceed five (5) per cent of the total value of the taxable property of such city, according to the last preceding assessment for the purposes of taxation, except in cities where such limit has already been reached, or expenditures have already been authorized by vote of the people of said city, which will cause the said limit to be reached;

Provided, however, that the certificates of indebtedness issued for the creation and maintenance of a permanent improvement revolving fund shall not be considered as a portion of the indebtedness of the city for the purposes of this section.

Provided, further, however, that in case of any such city now organized, or territory hereinafter to be organized, the total indebtedness of which at the time of the passage of this act exceeds five (5) per cent, of the total value of the taxable property of said city according to the last preceding section for the purposes of taxation, the city council of such city incorporating under the provisions of this act may issue bonds sufficient to pay the floating indebtedness then existing of any such city, the proceeds of which bonds shall be used solely for the purpose of paying such indebtedness, and thereafter the city council of any such city shall not be authorized to issue any bonds, except as hereinafter provided, and except for the paying of maturing bonds of said city, until the total indebtedness of said city, except as hereinafter provided, shall be reduced to an amount less than five (5) per cent of the total value of the taxable property of such city according to the last preceding assessment for the purpose of taxation, and thereafter the city council of such city may issue bonds in accordance with the provisions hereof and within the limits herein first prescribed.

Provided, further, than any city having a population of less than eight thousand (8,000), an indebtedness not to exceed ten (10) per cent of the total value of the taxable property of such city may be incurred by the issuing of bonds in the same manner as above provided for the incurring of indebtedness not to exceed five (5) per cent.

Provided, further, that where any city has, prior to its becoming incorporated under the provisions of this act, and for the purpose of constructing, regulating, maintaining, or extending or improving suitable water and light plants, or either of such plants, or for the purpose of purchasing, maintaining, extending and improving any water and light plants, or either of such plants, already in existence in such city, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such water or light plants, or either of them, for the protection of the purity of the water supply, or otherwise, issued or authorized to be issued bonds, so that the amount of said bonds when added to the other indebtedness of said city shall cause the entire indebtedness thereof to exceed five (5) per cent of the total value of the taxable property of said city, according to the last preceding assessment for the purposes of taxation, then said bonds shall not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five (5) per cent of the total value of said taxable property; and thereafter said city may issue such additional bonds as may be necessary to extend, enlarge or improve such water and light plants, or either of such plants, and such additional bonds, so issued for such purposes shall also not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five (5) per cent of the total value of said taxable property. Such bonds shall be authorized issued, negotiated and sold, in the same manner as other city bonds, and shall be a first lien upon all water and light plants and structures of every kind, if issued for both; or if for only one, then upon the appliances and structures thereof, and all the property acquired or used in connection therewith, erected, owned or purchased by said city, and the proceeds of such bonds shall not be expended for any other purposes, than that for which they are issued. No city council of any city in this state, shall issue bonds for any purpose to the amount of one hundred thousand (100,000) dollars or over, until the proposition to issue said bonds has been approved by a majority of the legal voters of that city voting at a general or special election.

Sec. 11. In case of a rejection of a charter proposed by such board, said board may propose a new charter in the same manner as is above provided for the submission of the first charter adopted by said board, and such charter so proposed shall be voted on in like manner and with the same effect as is above provided in the case of said first charter, and if adopted may be amended in like manner.

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

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

Approved April 20th, 1899.

CHAPTER 352—H. F. NO. 359.

AN ACT to encourage a better condition of the public schools and to appropriate money therefor, and repealing chapter one hundred and forty-four (144) of the general laws of eighteen hundred and eighty-one (1881), as amended by chapter one hundred and one (101) of the general laws of eighteen hundred and ninety-three (1893); chapter sixty-one (61) of the general laws of eighteen hundred and eighty-one (1881), extra session, as amended by chapter forty (40) of the general laws of eighteen hundred and eighty-three (1883); chapter one hundred and eighty-three (183) of the general laws of eighteen hundred and ninety-five (1895); and chapter two hundred and fifty-nine (259) of the general laws of eighteen hundred and ninety-seven (1897), as amended by House File Number one hundred and thirty-five (135), of the thirty-first (31st) session of the Legislature of Minnesota, approved March eleventh (11th), eighteen hundred ninety-nine (1899), chapter one hundred and fifty-one (151) of the general laws of eighteen hundred ninety-three (1893), and chapter two hundred and fifty-six (256) of the general laws of eighteen hundred ninety-seven (1897), relating to certain schools.

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

ARTICLE I.

Section 1. The governor, superintendent of public instruction and the president of the University of Minnesota, ex-officio, are hereby constituted a board of commissioners on graded and preparatory schools for the encouragement of higher education in this state. Said board shall be called the "State High School Board," and shall perform the duties and exercise the powers hereinafter mentioned.

The members of said board shall serve without compensation but shall be entitled to their actual and necessary expenses.

Sec. 2. The state high school board is hereby authorized to appoint a suitable person to inspect high schools who shall be called the "High School Inspector."

It shall be the duty of such inspector to visit each high school in the state and make a report thereon as hereinafter provided and to perform such other duties as may be required by the board.

The salary of the high school inspector shall be fixed by the high school board, and he shall also receive necessary traveling expenses to be paid in the same manner as provided by law in the case of state officials.

The high school board shall also appoint a suitable person to inspect state graded schools who shall be called "Graded School Inspector," and whose duties shall be similar to those of the high school inspector.

The salary of the graded school inspector shall be fixed by the high school board and he shall also receive necessary traveling expenses to be paid in the same manner as state officials. Said board may employ such assistant examiners as shall be found necessary to carry out the provisions of this act;

Provided, no such assistant examiner shall be paid a compensation to exceed three (3) dollars per day, or fifty (50) cents per hour for services actually performed, and no compensation shall be paid to any person receiving a salary from any state institution.

Sec. 3. The state high school board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance of schools, courses of studies and other proceedings in connection with high and graded schools claiming state aid.

Sec. 4. The said board shall keep a careful record of all its proceedings, and shall on or before the first (1st) day of September in each year make a report to the superintendent of public instruction covering the previous year, showing in detail all receipts and disbursements, the names and number of high and graded schools receiving aid and the number of pupils attending the classes in each, to which report it may add such recommendations as is deemed useful and proper.

ARTICLE II.

Section 5. The public schools of this state entitled to state aid as herein provided, shall, for the purpose of this act, be divided into four (4) classes, as follows, viz.:

State high schools.

State graded schools.

State semi-graded schools, and state rural schools.

Sec. 6. Any public graded school in any city or incorporated village, or any township graded school in this state which shall comply with the provisions of this act, may become a state high school entitled to aid as herein provided.

Sec. 7. In order to be entitled to state aid as a state high school, such school shall have first fully complied with the following conditions, viz.:

First—It shall have maintained for the school year next preceding that for which aid is granted at least nine (9) months school.

Second—It shall admit students of either sex from any part of the state without charge for tuition, but no such school shall be required to admit nonresidents unless they shall pass an examination in all the common school branches pursued and completed in the eighth (8th) grade of the graded schools of this state, viz.: Arithmetic, English grammar, geography and United States history.

Third—It shall have regular and orderly courses of study embracing all the branches prescribed by the state high school board as prerequisite for admission to the collegiate department of the University of Minnesota.

Fourth—It shall be subject to such rules and regulations, not inconsistent with this act, as may be prescribed by the state high school board, and such school shall be open to visitation by any member of said board, or the high school inspector at all times.

Sec. 8. The state high school board shall cause each high school receiving aid under this act, to be visited at least once in each school year, by the high school inspector or such assistant as it may appoint, who shall carefully inspect the instruction and discipline of the classes and make a written report on the same immediately, and no money shall be paid in any case until such report shall have been received and examined by the board, and the work of such school approved by a vote of said board.

Sec. 9. The said high school board shall receive applications from such schools for state aid and shall apportion to each of said schools which shall have fully complied with the provisions of this act and the rules of the board relating to state high schools, and whose applications shall have been approved by the board, the sum of eight hundred (800) dollars in each year; provided, however, that in case the amount appropriated and available under this act for the payment of aid to such schools shall, in any year, be insufficient to apportion to each of such state high schools as are entitled thereto the full amount of eight hundred (800) dollars, then in such case such amount as is appropriated and available shall be apportioned pro rata among all the schools entitled thereto.

Sec. 10. The high school board shall have full discretionary power to consider and act upon applications of high schools for state aid, and, subject to the provisions of this act, may prescribe the conditions upon which such aid will be granted; and it shall be its duty to accept and aid such high schools only as will in its opinion, if aided efficiently, perform the services contemplated by law; but not more than five (5) schools shall be aided in each county in any one year.

Any school accepted and continuing to comply with the law and regulations of the board, made in pursuance thereof, shall be aided not less than two (2) years.

In case any state graded school, as hereinafter provided, shall have attained such a degree of proficiency as to entitle it to a promotion in a high school, and the state high schools in the county shall have already reached the number of five (5), such graded school, in the discretion of the board, may be so promoted, and take the place of the high school in the county first receiving state aid for the period of at least two (2) years; that any state high school so deprived of state aid shall continue under the supervision of the board, with all the privileges, except state aid, of a preparatory school for the University of Minnesota.

ARTICLE III.

Sec. 11. Any public school in any town or village, or any township graded school in the state, not entitled to aid as a state high school, but fully complying with the provisions of this act, relating to state graded schools, may receive such aid as hereinafter provided for state graded schools.

Sec. 12. In order to be entitled to aid as a state grade school, such school shall have fully complied with the following conditions, viz.:

First—It shall have maintained for the school year next preceding that for which aid is granted, at least nine (9) months' school.

Second—It shall be well organized, having at least four (4) departments in charge of a principal and teachers having such qualifications as may be required under the rules established by the state high school board; provided, such principal shall be a graduate from the advanced course of a state normal school, or the academic or pedagogical department of some reputable college or state university, or have a first grade state certificate, or state professional certificate.

Third—Such school shall have suitable school buildings, a substantial library and such other apparatus as is necessary for doing efficient work.

Fourth—It shall have a regular and orderly course of study embracing all such branches as may be required under rules enacted by the state high school board.

Sec. 13. Said board shall cause each grade school in the state, claiming aid under the provisions of this act to be visited at least once in each year, by the graded school inspector or an assistant inspector, who shall carefully inspect the instruction and discipline of the classes and see that such school is complying with the provisions of this act and the rules established by said board, and make a written report on the same immediately; and no money shall be paid in any case until such report shall have been received and examined, and the work of such school approved by a vote of the high school board.

Sec. 14. The said board shall receive applications from such schools for state aid and shall apportion to each of said graded schools which shall have complied with the provisions of this act, and the rules of the board relating to state graded schools and whose applications shall have been approved by such board, the sum of two hundred (200) dollars in each year; provided, however, that in case the amount appropriated and available under this act for the payment of aid to such schools shall in any year be insufficient to apportion to each of such state graded schools as are entitled thereto, the full amount of two hundred (200) dollars, then in such case such amount as is appropriated and available, shall be apportioned pro rata among all the schools entitled thereto; and provided, further, no graded school which shall be connected with or in the same district with a state high school shall receive any aid under the provisions of this act.

Sec. 15. When any state graded school shall have attained such a degree of proficiency as to satisfy the trustees thereof that it has the qualifications necessary to entitle it to be advanced to the class of state high schools and to receive aid as such, said trustees may make application to the state high school board to have such graded school raised to the class of state high school, and if upon an examination into the records and standing of such school, the board is satisfied that it has attained a standard of curriculum, teachers and daily work, complying with all the requirements necessary to entitle it to a promotion, the said board may raise such state graded school, to a state high school, entitling it to state aid as such.

ARTICLE IV.

Sec. 16. Any common school district in this state, or any public school in any hamlet or village, or any township graded school in this state, not entitled to state aid as a high school or graded school but fully complying with the conditions of this act relating to state semi-graded schools, may receive such aid as is hereinafter provided for state semi-graded schools.

Sec. 17. In order to be entitled to aid as a state semi-graded school, such school shall have first fully complied with the following conditions, viz.:

First—It shall have maintained for the school year next preceding that for which aid is granted, at least eight (8) months' school.

Second—It shall be well organized, having at least two (2) departments under the supervision of proficient teachers, at least one of whom shall hold a first-grade certificate, or a diploma that is valid as a certificate from the advanced course of a normal school of this state, or a diploma from the advanced course of a normal school of another state which has been approved by the superintendent of public instruction, or a professional state certificate; and all other departments of such school shall be taught by teachers having at least a second grade certificate.

Third—It shall have a suitable school building, outhouses or other necessary accommodations, a library and such other apparatus as is necessary for doing efficient work.

Fourth—Such school shall have a regular and orderly course of study and shall comply with such rules as may be established by the superintendent of public instruction.

Sec. 18. Applications from districts for the aid herein provided, in the case of state semi-graded schools, shall be made to the superintendents of schools in the counties in which such schools are located.

County superintendents shall forward to the state superintendent of public instruction such applications as are endorsed and recommended by them. Together with the certificate of the superintendent of the county wherein the district making such application is situated, to the effect that such district has fully complied with all the conditions mentioned in section seventeen (17) of this act.

Sec. 19. The said superintendent of public instruction shall apportion to each of said schools which shall have fully complied with the provisions of this act, and such rules of a general nature as may be established by him relating to semi-graded schools, the sum of one hundred (100) dollars in each year; provided, however, that in case the amount appropriated and available under this act for the payment of aid to such schools, shall in any year be insufficient to apportion to each of such state semi-graded schools as are entitled thereto, the full amount of one hundred (100) dollars, then in such case such amount as is appropriated and available shall be apportioned pro rata among all the schools entitled thereto.

Sec. 20. The said superintendent of public instruction shall keep a record showing all schools applying for and receiving state aid as state semi-graded schools in each year and a detailed account of all moneys received by him and disbursed for such purpose.

The said superintendent is also authorized to establish such rules of a general nature as shall be found necessary to secure uniformity and the best results among schools receiving such state aid.

Sec. 21. When any state semi-graded school in this state has attained such a degree of proficiency as to satisfy the su-