

Sec. 4. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Approved April 23, 1913.

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CHAPTER 447—S. F. No. 954.

*An Act relating to proceedings against and the liquidation of delinquent financial institutions and banks, and relating to the collection of the assets of said institutions and banks and to validate certain actions brought in the name of such banks.*

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

Section 1. **Powers of superintendent of banks in connection with banks passing through liquidation.**—That in all cases where the superintendent of banks of this state has taken possession of the property and business of any bank, or any such bank is in the process of liquidation by him, pursuant to the laws of this state, such superintendent may in the name of any such bank or in his own name as superintendent of banks of the state of Minnesota, for the use of any such bank, bring and carry to an end all necessary actions in the proper courts to reduce the assets of any such bank to money and to protect the property and rights of any such bank, and to that end may in the name of any such bank or in his own name as superintendent of banks, execute all bonds and other papers necessary to carry on any such actions, and may in the name of any such bank, satisfy and discharge by written instrument, any and all real estate and chattel mortgages and all other liens held by any such bank and may in the name of any such bank foreclose by advertisement in the manner provided by the laws of this state, any real estate mortgage held by any such bank and to execute in the name of any such bank to the attorney employed to foreclose any such mortgage by advertisement the power of attorney required by the laws of this state in case of foreclosure of mortgages by advertisement. Such superintendent of banks prior to any sale under such foreclosure proceedings shall file for record in the office of the register of deeds of the county where any land affected by any such foreclosure sale is situated, a certificate under his hand as such superintendent of banks, stating therein the corporate name of the bank affected; its principal place of business; that as such superintendent he has taken possession of the property and business of such bank under the laws of the state and the date of such taking possession thereof; that such bank is in process of liquidation by him, pursuant to the laws

of this state if such be the fact. A like certificate shall be filed for record by such superintendent of banks in the office where any such mortgage or lien is recorded. Such certificate, or a duly certified copy thereof, shall be prima facie evidence of the facts therein set forth.

A like certificate shall be filed by such superintendent of banks in the office of the clerk of the district court in any county where any action or proceeding affecting any such bank or its property shall be brought in any court, in the name of any such bank or in the name of such superintendent of banks, for its use prior to the entry of judgment therein or the entry of any final order in any such proceeding, and such certificate, or a duly certified copy thereof, shall be prima facie evidence of the facts therein set forth.

That where such superintendent of banks has heretofore taken possession of the property and business of any such bank or the same is in process of liquidation by the superintendent of banks, pursuant to the laws of this state, and actions have been heretofore brought in the name of any such bank or in the name of such superintendent of banks for the use of any such bank in any court of the state, all such actions and all orders and judgments that have heretofore been entered therein or may hereafter be entered therein be and the same are hereby in all things validated on the filing of the certificate hereinbefore provided for in the court wherein any such action or proceeding is or has been pending.

This act shall not affect any action now pending in any court in this state, affecting any such action or judgment.

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

Approved April 23, 1913.

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#### CHAPTER 448--S. F. No. 974.

*An Act to amend Chapter 307 of the General Laws of Minnesota for 1913, it being an act requiring common carriers to establish and maintain safe and sufficient clearances between structures and for other purposes, by limiting the same to works and enterprises not heretofore begun or under construction.*

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

Section 1. **When act is not to apply to depression of tracks.**  
--That Section Six (6) of Chapter 307 of the General Laws of Minnesota for 1913 be and it hereby is amended so as to read as follows: