

first having procured such license therefor shall be guilty of a gross misdemeanor;

Provided, however, that nothing herein shall be considered to prevent any physician otherwise legally qualified, from attending patients in any part of the state to whom he shall be called in the regular course of business or in consultation with other physicians;

Provided, that nothing in this act shall preclude licensed dentists or optometrists from practice of their profession.

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

Approved April 20, 1917.

CHAPTER 363—S. F. No. 353.

An act to amend paragraph 25 of Section 5762, General Statutes 1913, relating to fees and mileage of sheriffs.

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

Section 1. Sheriffs to receive fifteen cents per mile for first twenty miles and ten cents per mile for each mile thereafter.—That paragraph 25 of section 5762, General Statutes 1913, be and the same is hereby amended so as to read as follows:

25. When mileage is allowed the sheriff it shall be computed from the place where court is usually held, and, except as otherwise specially fixed, shall be at the rate of *fifteen cents per mile for the first twenty miles of the total mileage and ten cents a mile thereafter.* When two or more witnesses subpoenaed in the same action live in the same general direction, mileage shall be charged only for the subpoenaing of the most remote. *When court is usually held at one or more places, other than the county seat of a county, such mileage shall be computed from the place from which the sheriff or deputy sheriff travels in performing any service.*

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

Approved April 19, 1917.

CHAPTER 364—S. F. No. 462.

An act authorizing villages now or hereafter having a population of 10,000, or under, to macadam or pave its streets and alleys and construct gutters and curbs, and provide for the cost thereof.

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

Section 1. Cities of 10,000 or less authorized to maintain

macadam or pavement and gutter curbs.—In any village of this state, whether organized under a general or special law, now or hereafter having a population of ten thousand (10,000), or less, the common council shall have power to lay and maintain macadam or pavement and gutter and curbs, upon any of its streets and alleys, with any material which the common council may deem suitable, the council may, upon a petition of the owners of more than one-half the property affected, proceed with such improvement.

Sec. 2. Cost to be assessed against abutting property.—The costs of constructing any macadam, pavement, gutter or curb may be assessed upon the abutting property based upon the number of feet fronting upon said street or alley proposed to be paved or upon the basis of benefits; but the common council may pay the cost of constructing the macadam or pavement across intersecting streets and alleys, and one-half the costs opposite any public park or municipal property, and the entire costs of the gutters out of the general road fund, if any there be, or out of the general fund of said village.

Sec. 3. An ordinance to be adopted by majority members of council.—No action shall be taken for the construction of any such improvement except upon the adoption of an ordinance or resolution by a majority vote of all members of the common council, at a meeting at which all property owners whose property is liable to be assessed therefor, have been notified to be present, by a notice of such meeting published for two weeks in the official newspaper.

Sec. 4. Owners may be required to lay branch sewers and water pipes.—Before making any such improvement the common council may by resolution require the owners of the abutting property to lay branch sewers and water pipes from the mains to the curb or lot line of each lot, and in case any property owner neglects to lay such sewer or water pipe, within sixty days (60) after being served with a copy of said resolution, the council may cause the same to be put in and may assess the cost of the same against the property and collect the same as taxes are collected. All such water pipe connections shall be of lead or such material as the council may prescribe.

Sec. 5. Plans and specifications and advertising for bids and awarding of contracts.—Whenever the common council of any such municipality shall determine by ordinance or resolution to lay any such macadam, pavement, gutter or curb it may cause plans and specifications thereof to be made and filed with the recorder or clerk of such municipality and may advertise for bids for such improvements in the official paper and such other paper or papers as the council may deem advisable, once in each week for three successive weeks, which advertisement

shall specify the work to be done and shall call for such bids on the basis of cash payment for such work and shall state the time when the bids will be open and considered by the council; no bids shall be considered unless sealed and filed with the clerk or recorder, and accompanied by a cash deposit or certified check payable to the clerk or recorder, for at least ten per cent (10%) of the amount of such bid.

In letting contracts for any such work, it shall be the duty of the common council to require the execution of a written contract and a bond in such sum as the council may require, conditioned for the faithful performance of the contract and for saving the village harmless from any and all liability in the prosecution and completing of the work; and conditioned further for the payment of all material used and labor performed thereon. The common council, if a contract is awarded, may award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the municipality the amount of his cash deposit or certified check, and the council may thereupon award the contract to the next lowest responsible bidder; provided the council shall have the right to reject all bids; and provided, further, that whenever the estimates made for the council for the entire work projected shall be less than five hundred dollars, then the council may directly purchase the materials therefor and cause the work to be done by day labor. The village council may have the work supervised by the village engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by a contractor, it may order and cause the suspension of the work at any time and relet the contract therefor, or order a reconstruction of any portion of the work improperly done, and where the work to be done shall call for an expenditure of less than five hundred dollars to complete the work, or the reconstruction necessary, the council may do it by the employment of day labor.

Sec. 6. Contractor may be advanced seventy-five per cent of the amount already earned under estimate.—In case the contractor shall properly perform the work, the village council may, from time to time, before the completion of the work, in its discretion, pay to such contractor seventy-five (75) per cent of the amount already earned thereunder upon the estimate of the city engineer or other competent person selected by the village council.

Sec. 7. Spreading of assessment and hearing on same.—After a contract is let, or the work ordered done, if it will cost less than five hundred dollars, the city engineer or other person selected by the council may forthwith calculate the proper

amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of section 2 of this act. The clerk or recorder may thereupon cause notice of the time and place when and where the village council will meet, to pass upon such proposed assessment, to be published in the official paper of the village at least one week prior to such meeting of the village council.

At such meeting the council shall hear and pass upon all objections thereto, if any, and may if it deems just, alter such proposed assessment, and upon the adoption by resolution of such assessment, the same shall constitute the special assessment. And such assessment, with the accruing interest thereon, shall be a lien upon the property included therein, concurrent with general taxes.

It shall then be the duty of the clerk or the recorder immediately thereafter, to transmit a certified duplicate of such assessment to the county auditor of the county, to be extended on the proper tax lists of the county and such assessment shall be collected and paid over in the same manner as other municipal taxes. Such assessments shall be payable in equal annual installments extending over a period not exceeding ten years, and the interest thereon shall not exceed the rate of six (6) per centum per annum.

Provided, that the owner of any property, so assessed, may at any time pay the whole of such assessment, or any annual installment thereof with interest, as to any lot, piece or parcel of land affected thereby.

Sec. 8. Provision in case of omission, errors, etc.—In case of omission, errors, or mistakes, in making such assessment in respect of the total cost of such improvement, or otherwise, it shall be competent for the council to provide for and make supplemental assessments to correct such omission, errors or mistake.

Sec. 9. City or village may issue warrants to make payments.—In anticipation of the collections of such special assessment, the village may issue warrants on such fund, to be known as "pavement warrants" payable at such times and in such amounts as the collection of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and may have coupons attached representing each year's interest. The warrant shall specify the particular fund against which it is drawn, and shall be signed by the mayor and countersigned by the clerk or recorder, and be in denominations of not less than fifty dollars, nor more than five hundred dollars. Such warrants may be sold by

the village for not less than par. If any such warrants shall become due, or any interest shall become due on any such warrant, when there are no funds to pay the same, the village council is hereby authorized to effect a temporary loan for the payment thereof. The municipality may call in and pay any warrants not due on any interest paying date.

Sec. 10. Reassessment or new assessment provided for.—In all cases where any assessment or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, for any cause whatever, is set aside, the council may cause a reassessment or new assessment to defray the expenses of such improvement to be made.

Sec. 11. Procedure of party who desired to object.—The party desiring to object to the assessment, or his duly authorized agent or attorney, shall, on or before the date of hearing upon such assessment, file with the clerk or recorder a written statement of the objections, and all objections not specified therein shall be deemed waived.

Sec. 12. Appeal to the district court.—Within ten days after the adoption of the assessment, any person, aggrieved, who appeared and filed objections thereto, may appeal to the district court by serving a notice upon the president of the village council, or other chief executive officer of the village, which notice shall be filed with the clerk of the district court within ten days after service thereof. The clerk or recorder shall furnish appellant a certified copy of his objections filed therein, and the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal, the costs incurred, if not paid, shall be included in the special assessment.

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

Approved April 20, 1917.

CHAPTER 365—S. F. No. 495.

An act to prohibit the division of fees by physicians and surgeons.

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

Section 1. Physicians and surgeons prohibited from splitting fees.—It shall be unlawful for any physician or surgeon to divide fees with, or to promise to pay a part of his fee to, or pay a commission to any other physician or surgeon or person who calls