

21. That the sheriff's certificate of mortgage foreclosure sale executed under and by virtue of Section 9613, General Statutes 1923, and any certificate executed to supplant or correct a defective certificate executed under said section has not been executed, proved or acknowledged or recorded within 20 days after such sale as provided by law, but has been executed, proved or acknowledged and recorded after the expiration of said 20 days.

22. That the foreclosure was made by an executor or administrator, with will annexed, appointed in another state, who did not file an authenticated copy of his letters or other record of his appointment with the register of deeds of the proper county prior to the commencement of the foreclosure, provided that such copy has been filed in such office prior to the sale.

23. That the mortgage so foreclosed was assigned one or more times and said assignments duly recorded in the office of the register of deeds of the proper county before the commencement of said foreclosure, and said mortgage was foreclosed by the assignee of record and the actual owner of said mortgage, but that the notice of said foreclosure sale and the foreclosure sale record failed to state the names of one or more of said assignees and that said assignee and actual owner of said mortgage whose name was subscribed to said notice was there stated to be the mortgagee instead of the assignee of the mortgage.

24. That the date of execution and acknowledgment of the affidavit of costs was incorrectly stated.

Sec. 2. **Application**—The provisions of this act shall not affect any action or proceeding now pending or commenced before July 1, 1929, in any of the courts of this state.

Approved April 25, 1929.

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#### CHAPTER 379—S. F. No. 1152

*An act to enable each city of the first class of this state now or hereafter having a population of 50,000 inhabitants or more including each such city operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the State Constitution to acquire, either by gift, purchase, devise, condemnation or otherwise in fee simple land, buildings and other structures for a municipal fly-*

*ing field and airport, or to lease land for the same, to operate and to improve the same, to lease all or any portion thereof, to issue bonds or certificates of indebtedness to meet the cost of acquiring, maintaining, and improving the same, prescribing the manner in which the revenues therefrom shall be used and the agency through which control thereof shall be exercised, repealing certain limitations in Chapter 62 of the Laws of Minnesota for 1927, prescribing a limitation on the amounts of bonds to be issued under this act and validating and ratifying certain bonds issued for airport purposes heretofore approved by the voters of any such city.*

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

**Section 1. Cities may establish municipal airports.**—Each city of the first class now or hereafter having a population of 50,000 inhabitants or more, including each such city operating under a charter adopted pursuant to Section 36, Article 4, of the Constitution of the State of Minnesota, is hereby authorized and empowered to establish and maintain a municipal flying field and airport, to acquire land from time to time necessary for that purpose, and to erect thereon terminal and other buildings and structures necessary and suitable for the operation thereof. When deemed necessary land may be leased by any such city for the purposes hereof.

**Sec. 2. May acquire lands.**—The land so to be used, or acquired and used, by each such city may be used, or so acquired and used, whether the land be located within or without the limits of such city. Such land may be acquired from time to time by purchase, gift, devise, condemnation or otherwise, and the title so acquired by condemnation or purchase shall be in fee simple absolute, unqualified in any way whatsoever. When the right of condemnation is to be exercised, the city may proceed either under the provisions of the statutes of the state or under the provisions of the charter of the city; provided that wherever such city has already established an airport, such additional land should be contiguous thereto.

**Sec. 3. To fix charges.**—Each such city shall have the authority to determine the charges for the use of said municipal flying field and airport and the terms and conditions under which the municipal flying field and airport and its facilities may be used, provided that such charges shall be reasonable and uniform for the same class of service, to lease parts thereof to individuals, co-partnerships or corporations, to any municipal or state government or to the national government or to foreign governments or any department of either thereof for flying purposes or any purpose incidental thereto, and to determine the terms and conditions of said leasing by said lessees

and any lands acquired, owned, controlled, or occupied by such cities as herein provided shall and hereby are declared to be acquired, owned, controlled and occupied for a public purpose and as a matter of public necessity.

**Sec. 4. Disposition of revenues.**—The revenues obtained from the ownership and operation of any such municipal flying field and airport shall be used to finance the maintenance and the operating expenses thereof and to make payment of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. That portion of revenue in excess of the foregoing requirements may be applied to finance the extension or improvement of said flying field and airport.

**Sec. 5. Bond issue.**—The limitation of bonds to the amount of \$150,000 for airport purposes and the limitation of one airport only to each city of the first class found in Chapter 62 of the Laws of Minnesota for 1927 are hereby expressly repealed, and each such city shall be authorized to issue bonds for the purposes defined in this act to an amount not to exceed \$450,000 in addition to all bonds heretofore issued for such purposes; except that in cities where a bond issue has been authorized in an ordinance approved by popular vote of the voters, the amount of such bond shall be limited to the amount authorized in said ordinance. No indebtedness, mortgage, lien or security shall be made, created, suffered, or incurred in the acquisition of land for such airport except as expressly authorized in this act. No land shall be purchased at an average price of more than \$600.00 an acre unless by condemnation proceedings.

**Sec. 6. Issue of bonds—Rate of interest.**—In order to carry out the purpose of this act each such city is hereby authorized to issue municipal flying field or airport bonds or certificates of indebtedness to secure funds for the purchase and improvement of the specified land or to meet the cost of purchase or erection of designated buildings and structures. Said bonds or certificates of indebtedness shall be issued by each such city in the manner prescribed by law or by the charter thereof for the issuance and authorization of issuance of bonds.

In any city having a board of estimate and taxation the bonds hereby authorized may be issued from time to time by vote of five-sevenths of all the members of the board after request thereto by vote of two-thirds of all the members of the city council and in no other manner and if so authorized shall be issued by said board of

estimate and taxation. In cities not having a board of estimate and taxation such bonds may be issued and sold from time to time by vote of two-thirds of all the members of the city council or other chief governing body subject to the right of referendum where provided in the charter of any such city. Such bonds shall bear interest at not exceeding 5% per annum payable semi-annually. The principal shall be payable serially in not more than 30 annual installments as nearly equal as may be. The city council or other chief governing body shall levy annually a tax on all the taxable property of the city sufficient to meet the interest and principal about to mature. The bonds or certificates hereby authorized, or any part thereof, may be issued and sold by each such city notwithstanding any limitation contained in the charter of said city or in the law of this state prescribing or fixing limitations upon the bonded indebtedness of the city, but the full faith and credit of such city shall at all times be pledged for the payment thereof at maturity and for the payment of current interest thereon.

In case the jurisdiction of said airport be under a board of park commissioners in the cases provided in Section 7 thereof, such board shall first request the city council that it request the issuance of bonds for such purposes.

The amount of all bonds heretofore or hereafter issued by any such city for the acquisition or improvement of a flying field or airport shall not be counted or included in the net indebtedness of the city or in any computation of the city's outstanding indebtedness for the purpose of determining the limit of net indebtedness of the city.

**Sec. 7. Authority may be exercised by governing body or board of park commissioners.**—The authority hereby granted may be exercised by the city council or chief governing body thereof, by whatever name designated, or may be exercised by the board of park commissioners or other body in charge of the park system of the city. When said authority shall have been so vested in said latter body either under the provisions of this act or under the provisions of Chapter 62 of the Laws of Minnesota for 1927, said authority shall continue to be exercised by said body in control of the park system of such city, and whichever body shall be vested with such authority shall have full and complete authority to govern said field so acquired and to regulate by general ordinance the use of said land for flying and for other aviation purposes.

**Sec. 8. Proceedings legalized.**—In all cases where a city of the first class mentioned in this act has heretofore issued any bonds for the purpose of acquiring land and improving the same for a municipal flying field pursuant to an ordinance approved by the voters of

such city, the proceedings heretofore taken in that regard are hereby in all respects validated and confirmed; any bonds already issued thereunder are validated and made legal obligations of such city, and such city is hereby authorized and empowered, pursuant to such proceedings, to issue further bonds for said purposes up to the limit fixed in such approved ordinance, which bonds, when issued, shall be legal obligations of such city according to their terms.

**Sec. 9. Application.**—This act shall not apply to any city which has issued or shall issue bonds for municipal flying field and airport purposes as authorized by an ordinance referred to and approved by the voters of such city by popular vote.

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

Approved April 25, 1929.

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CHAPTER 380—S. F. No. 1158

*An act to amend Section 12, Chapter 289, General Laws 1923, as amended by Section 3, Chapter 420, General Laws 1927, fixing the salary of the probation officer and employees in counties having not less than two hundred forty thousand (240,000) inhabitants, and not more than three hundred fifty thousand (350,000) inhabitants.*

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

**Section 1. Salary of probation officer and employees in certain counties.**—That Section 12, Chapter 289, General Laws 1923, as amended by Section 3, Chapter 420, General Laws 1927, be amended to read as follows :

“**Sec. 12.** The chief probation officer shall receive *three thousand two hundred dollars (\$3,200.00)* per annum, the assistant probation officer shall receive two thousand dollars (\$2,000.00) and after serving five years shall receive *twenty-two hundred dollars (\$2,200.00)* per annum. All other deputy probation officers who have served as such probation officers for more than *three* years shall receive *eighteen hundred dollars (\$1,800.00)* per annum, and all other deputy probation officers who have served as such probation officers for more