

3. Cruel and inhuman treatment.
4. Sentence to imprisonment in any state prison or state reformatory subsequent to the marriage; and in such a case a pardon shall not restore the conjugal rights.
5. Wilful desertion for one year next preceding the commencement of the action.
6. Habitual drunkenness for one year immediately preceding the commencement of the action.
7. Incurable insanity. But no divorce shall be granted upon this ground unless the insane party shall have been under regular treatment for insanity, and because thereof, confined in an institution for a period of at least *five* years immediately preceding the commencement of the action. In granting a divorce upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the nearest blood relative and guardian of such insane person, and the superintendent of the institution in which he is confined. Such relative or guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues. The status of the parties, as to the support and maintenance of the insane person shall not be altered in any way by the granting of the divorce."

Approved April 20, 1933.

CHAPTER 325—S. F. No. 475

An act to amend Laws 1929, Chapter 283, Sections 6 and 7, relating to the use by counties of moneys accruing to the State Road and Bridge Fund from taxes imposed on the use of Gasoline under authority of Section 5 of Article 9 of the Constitution.

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

Section 1. **Use and disposition of gas tax.**—That Laws 1929, Chapter 283, Section 6, be amended so as to read as follows:

"Section 6. The moneys apportioned to each county under the provisions hereof *and not used to pay interest or principal on county road or bridge bonds as hereinafter provided*, shall be used

solely in the construction, improvement and maintenance of county aid roads therein and shall be expended by the county board on such county aid roads as it shall determine and in the manner herein provided. *Provided that in any county where forty per cent or more of the real estate taxes for any year are unpaid on the date that taxes for said year become delinquent according to law, the county board of such county may, in the year such taxes become delinquent use at least 50 per cent of the moneys so appropriated to said county for the purpose of paying any part of the interest or principal on bonds or warrants heretofore or hereafter issued by the county for road or bridge purposes."*

Sec. 2. County board may apportion funds.—That Laws 1929, Chapter 283, Section 7, be amended so as to read as follows:

"Section 7. Of the moneys so apportioned to each county and not used to pay interest or principal on county road or bridge bonds or warrants as provided in Section 6 of this Act, not less than twenty nor more than fifty per cent as the county board shall determine by resolution shall be devoted to the maintenance of county aid roads and shall be expended by the county board in the various towns of the county substantially according to the mileage, traffic needs and conditions of county aid roads within each town within the county. Provided, however that in any county where 35 per cent or more of the roads therein, including state and county aid and town roads lying outside of cities and villages have been improved and graveled or otherwise surfaced, the county board, by a resolution adopted by unanimous vote thereof, may use the whole of the money accruing to such county and not used to pay county or bridge bonds or warrants as provided by Section 6 of this act, for the maintenance of county aid roads therein.

The town board of any town may appropriate to the county, moneys out of its road and bridge fund, and any moneys so appropriated shall be expended by the county in the maintenance of county aid roads within such town."

Sec. 3. Emergency act.—*This act is hereby declared to be an emergency measure and shall be in force and effect for a period of 2 years from and after its passage and approval. Every law now in force inconsistent herewith is hereby suspended for a period of 2 years from and after its passage and approval.*

Approved April 20, 1933.