

S. F. No. 234.

CHAPTER 407.

Election contest.

An act for an appropriation to reimburse George Gerlach for his expenses incurred in the contest of his election as a member of the legislature of the state of Minnesota for the present term.

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

George Gerlach

SECTION 1. That the sum of seventy-five (75) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to be paid to George Gerlach, a member of the present house of representatives of the legislature of the state of Minnesota to reimburse him for his expenses incurred in the contest for his seat in said house instituted by Walter Nelson. That a warrant in favor of said George Gerlach for that sum be drawn by the proper officers of the state of Minnesota and delivered to him for payment.

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

Approved April 19th, 1895.

S. F. No. 250.

CHAPTER 408.

An act providing for the hearing, trial, determination, and adjustment of an alleged claim of Eugene Guilbault.

Eugene Guilbault vs. Alfred McCarger and Wm. B. Barnard.

Whereas, Eugene Guilbault represents that he is the owner of a certain claim against Alfred McCarger and Wm. R. Barnard, which said claim consists of a judgment rendered and entered in the district court for the county of Rice, on the third day of June, eighteen hundred and sixty-one, in favor of the said Eugene Guilbault and against the said Alfred McCarger and Wm. R. Barnard for the sum of eight hundred and ninety-nine dollars and twenty-one cents, and that on the fourth day of December eighteen hundred and eighty-one, the papers necessary and proper to bring said claim before the commission established by an act entitled "An act for the adjustment of certain alleged claims against the state," approved November fourth, eighteen hundred and eighty-one; were duly made out and mailed to the state auditor, and that said commission declined to consider said claim solely on the ground that the state auditor did not receive said papers within the time prescribed by said act, and that

said claim is a just and bona fide claim of the character and description provided for by said act. Therefore,

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

SECTION 1. That said Eugene Guilbault or his legal representative, may, within thirty (30) days after the passage of this act, apply to any district court of this state to hear, try and determine whether said claim was in point of fact a just, valid and bona fide claim of the character and description provided for by said act; that notice of such application shall be served on the state auditor, and a copy thereof, with proof of such service, shall be filed in the office of the clerk of the district court to which such application shall be made; that upon the filing of said notice as aforesaid said court shall have jurisdiction to hear, try and determine whether said alleged claim was, in point of fact a just, valid and bona fide claim of the character and description provided for by the act entitled "An act to provide for the adjustment of certain alleged claims against the state." Hearing.

Approved November four, eighteen hundred and eighty-one; that within thirty days after such application shall have been perfected, as aforesaid, said alleged claim shall be pleaded as required by said act; that the attorney general of said state shall have charge of the defense against the same, and within thirty days (30) after said claim shall have been pleaded as aforesaid may plead thereto any defense which would have warranted disallowance of said alleged claim under said act; that the issue so framed shall be brought to trial and be tried and determined as in ordinary civil actions.

Provided, that the same shall be tried before a court or a jury, as said attorney general shall elect, and the place of trial thereof shall be changed to such county as said attorney general shall designate, at any time within thirty (30) days after issue joined.

In said proceedings said Eugene Guilbault shall be known as claimant and said state as respondent.

SEC. 2. That if after the trial of said cause upon its merits said claim shall be found to be a just, valid and bona fide claim of the character and description provided for by said act then judgment shall be rendered in favor of said claimant against said respondent for the same amount that should have been reported thereon by said commission under and according to said act; that is to say, for the amount actually due thereon for principal and interest up to the first day of

December, A. D. eighteen hundred eighty-one; but if said claimants shall fail to establish their said claim as aforesaid, then their said application shall be dismissed with costs and disbursements to said respondents, as in any ordinary civil action.

Either party claiming to be aggrieved by the judgment in said court may appeal to the supreme court of said state as in an ordinary civil action.

SEC. 3. That the judgment, if any, rendered in said proceeding, in favor of said claimant or his legal representative, shall draw no interest; but upon filing a duly certified copy thereof with the auditor of state, he shall issue to said claimant or his legal representative, as the case may be, his warrant on the state treasury for the same percentage thereof as paid under said act upon claims of the class, character and description to which said claim of Eugene Guilbault belonged, and such warrant shall be paid by the state treasurer out of any moneys now or hereafter in the state treasury not otherwise appropriated.

Provided, that before issuance of said warrant, said claimants or their legal representatives shall make, acknowledge and file with said state auditor, duplicate satisfaction pieces of said judgment one of which shall be filed in the district court wherein said judgment was rendered, and the other shall remain on file in the office of said state auditor.

If the judgment rendered in said court shall be in favor of the respondent, the same shall operate to determine and relinquish said alleged claim forever.

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

Approved April 9th, 1895.

H. F. No. 156.

CHAPTER 409.

An act for the relief of Virtue Smith.

Special appro-
bation.

Whereas, David M. Smith, a member of Captain Joseph Anderson's company of mounted men, the "Cullen Guards," in service from August twenty-second (22), eighteen hundred and sixty-two (1862), to September twenty-eighth (28), eighteen hundred and sixty-two (1862), acting under orders, was in the battle of Birch Coulie, state of Minnesota, September second (2) and third (3), eighteen hundred and sixty-two (1862), and was shot through the right forearm and right thigh, from the effect of which wounds he never recovered. And,