

SEC. 4. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.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, 1897.

## CHAPTER 308.

H. F. No. 290.

*An act providing for changing the boundary line between adjoining counties.*

Changing boundary lines between counties.

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

SECTION 1. The boundry line between adjoining counties in this state may be changed in the manner hereinafter set forth; *provided*, the area of any county shall not be reduced below two thousand (2,000) square miles, including lakes and meandered streams, nor more than two hundred and ninety (290) square miles of area shall be taken from any county.

Limiting territory in changing boundary lines in adjoining counties.

SEC. 2. Whenever there shall be presented to the secretary of state, and filed in his office, a petition signed by not less than sixty (60) per cent. of the legal voters of any county within this state, as shown by the returns of the last preceding general election, praying that the boundary line between said county and an adjoining county, named in said petition, be changed to conform to a proposed boundry line accurately described in said petition, and a like petition shall be presented to and filed in the office of the secretary of state, signed by not less than sixty per cent. of the legal voters of such adjoining county, as shown by the returns of the last preceding general election, praying for a like change in the boundary line between said county and the said adjoining county, and said petitions are respectively verified by the oath of each of the persons signing the same before some one qualified to administer oaths, to the effect that the petitioner knew the contents and purpose of the petition subscribed by him, and that, at the time of signing the same, he was a resident and legal voter of his county; in such case it shall be the duty of the secretary of state to notify the governor and state auditor of the receipt and filing of said petitions, and thereupon the governor, secretary of state and state auditor, who, for the purposes of this act, are hereby constituted a commission to carry out the provisions

Petitions to secretary of state and requirements for the same.

Action by secretary of state, governor and state auditor.

of this act, shall meet forthwith at the office of the governor, at the capitol, and shall then and there formulate and sign a notice, briefly setting forth the fact of the filing of said petitions and the purpose thereof, describing, as in said petitions, the proposed change of boundary line, and thereupon the secretary of state shall publish for three consecutive weeks, once in each week, in some newspaper of general circulation published at the capital in this state, and in one newspaper in each of the counties to be affected by the proposed change, if any there be published in said counties, that, at a time to be named in said notice, at the capitol, the said commissioners will sit for the purpose of hearing all parties in interest in respect to the genuineness of the signatures attached to the said petitions, said hearing to be continued from day to day in the discretion of the said commissioners; and, if the said commissioners, or a majority of them, shall determine that enough of the signatures to said petitions, respectively, are genuine to constitute sixty per cent. of the legal voters in the respective counties, as shown by the returns of the last preceding general election, and shall otherwise find said petitions to be conformable to law, they, or a majority of them, shall so certify as to each of the petitions, and immediately thereupon the governor shall issue his proclamation, attested by the secretary of state, setting forth the fact that said petitions have been so filed and found conformable to law, and declaring the boundary line between said counties to be established as set forth and described in said proclamation. The findings of said commissioners, or a majority of them, shall be conclusive; and, after the filing of said petitions, verified as herein required, no alteration shall be made therein, except to strike therefrom names found to be not genuine.

Notice of hearing for all parties in interest to be published.

Proclamation by governor declaring boundary line.

Publication of proclamation.

SEC. 3. The secretary of state shall thereupon file and record such proclamation in his office, and shall cause the same to be published for two consecutive weeks in two of the daily newspapers of general circulation published at the capital of this state, and transmit a copy thereof to the auditor of each of the counties affected by said change in boundary line, and thereupon it shall be the duty of said auditor to cause the same to be published for four consecutive weeks in all the newspapers published in his county, if any there be; and a copy of said proclamation, duly certified by the secretary of state, shall, in all cases, be received as competent and sufficient evidence of such change in the boundary line between the counties affected thereby.

County commissioners to

SEC. 4. Upon the issuance of such proclamation by the governor, the territory set off to each, or to either

of the said counties by reason of such change in the boundary line, shall thereupon become a part of the county to which the same has been set off by reason of such change without any other act in the premises; and the county commissioners of the respective counties shall, at their next meeting, apportion the territory acquired by either county, by reason of such change, to one or more of the commissioner districts of said county.

apportion territory to commissioner districts.

SEC. 5. It shall be the duty of the register of deeds of the respective counties whose boundary lines are changed under the provisions of this act to transcribe and copy into the records of his office from the records of the adjoining county all the records in the office of the register of deeds for such adjoining county pertaining to all property and territory detached from such adjoining county and attached to his county by such change of boundary line; and he shall receive from his county for such transcribing the sum of six cents per folio, and such records, when so made, shall be the legal records thereof and shall have the same force and effect in law as if the original instruments were recorded in such register of deeds' office, and the same, or certified copies thereof, may be read in evidence in any court, or before any tribunal, as such records, and the same shall have the same force and effect in all respects as the original records. In like manner the county auditors of the respective counties affected by the change of boundary lines hereunder may, if it be deemed necessary by the board of commissioners of his county, transcribe from the records of the adjoining county affected by the change all the records, or such part thereof as may be deemed necessary, relating to the territory acquired by such change in boundary line; and for such transcribing such county auditor shall receive from his county the sum of six cents per folio. The officers of the county from which such records are to be transcribed shall furnish the officers of the adjoining county affected by the change all reasonable and proper facilities to enable them to transcribe such records.

Registers of deeds to copy records of territory transferred.

County auditors may transcribe records affected by change of boundary line.

SEC. 6. No change of boundary line under the provisions of this act shall affect in any manner the collection of any tax lawfully levied for any purpose prior to such change in boundary line, and the same may be collected and the payment thereof enforced in the same manner and with the same effect by the proper officers of the county wherein such taxes were levied as if no change had been made in the boundary line; and any and all moneys collected prior or subsequent to such change in boundary line belonging to any town, school or road district which, by such change, shall fall within

Change of boundary line not to affect collection of taxes levied prior to change, or apportionment of moneys.

and become a part of the adjoining county shall be apportioned and paid over to the proper officer of such town, school or road district the same as it should have been if no change had been made. And if any town, school or road district shall be divided by reason of any change of boundary line hereunder, the said taxes so collected shall be equitably and fairly divided and apportioned by the county auditor of said county.

Non-performance of duties by officers not to affect validity of change of boundary line.

SEC. 7. No refusal or failure of any county officer to do any of the acts or things herein required of him, or the failure to make publication as herein required, except the failure to make publication of notice of hearing before the commissioners as provided in section 2 of this act, shall affect the validity of such change of boundary line; and any officer who shall willfully neglect or refuse to perform the duties herein required of him shall be deemed guilty of a misdemeanor and may be removed for malfeasance in office.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

H. F. No. 367.

## CHAPTER 309.

Taxation of express companies.

*An act providing for the taxation of express companies.*

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

Express company defined.

SECTION 1. That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from or through this state, or any part thereof, money, packages, gold, silver plate or other article by express not including the ordinary lines of transportation of merchandise and property in this state, shall be deemed to be an express company.

Annual statement to state auditor.

SEC. 2. Every express company defined in section one (1) hereof, doing business in this state shall, annually between the first day of January and the first day of February, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasury, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the state