

lack or omission, void or irregular performance of any matter or thing by law prescribed as pre-requisite to or necessary to be done or observed in the incorporation of said village, and notwithstanding any defect in such petition, notice of election, or posting of such notice of election, or in the certificate of the inspectors of election.

Provisions.

Provided, nothing herein shall affect any action or proceeding now pending or determined which calls in question the validity of the incorporation of any village.

Provided, further, that nothing in this act shall be construed to legalize or validate the attempted incorporation of any village which embraced, or attempted to embrace within its territory any tract or tracts of land not lying so near or in such close proximity to the platted portion of said village as to be suburban in character, and to have some unity of interest with such platted portion thereof in the maintenance of the village government.

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

Approved April 2, 1901.

S. F. No. 479.

#### CHAPTER 120.

Cities, over 50,000 population.

*An act requiring the proper authorities of any city of this state having more than 50,000 population to refund money paid in excess of the cost of local improvements.*

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

Refund money in excess of improvements.

SECTION 1. Whenever there shall have been levied and collected heretofore, or is levied and collected hereafter, for a local improvement in any city in this state having more than 50,000 population, an assessment which after the construction of the local improvement is found to be in excess of the cost thereof, it is hereby made the duty of the proper authorities of any such city to refund such excess to the person legally entitled thereto. Provided, that the levy and collection of such excess shall in no case invalidate an assessment.

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

Approved April 2, 1901.