

court to which the appeal is taken or certificate made, all the papers, pleadings or orders, proceedings and evidence had before the commission including the notice of appeal and the findings of the commission and order of dismissal, and upon the finding of such papers, there shall be pending in said court a civil action for the purpose of determining the question of jurisdiction of the commission to hear and determine the reasonableness of the rates, fares, charges or classifications involved in the decision and order of the commission hereinbefore referred to. That said action may be brought on for hearing by either party on ten days notice in term time or in vacations, and the court shall proceed to hear the same upon the evidence taken before the commission, and such further evidence as may be offered in the manner provided by law for the trial of civil actions. After hearing the evidence, the court shall make its order affirming or reversing the order of the commission and in case the order of the commission is reversed, the proceedings shall be again taken up by the commission and the question involved determined on their merits.

Any party to the action, the attorney general or the railroad and warehouse commission, may appeal to the supreme court from the order of the district court in the manner provided for appeals in civil actions.

Appeal to
supreme
court.

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

Approved April 14, 1903.

CHAPTER 190.

S. F. No. 131.

An act to amend section one thousand two hundred and nineteen (1219) of the General Statutes of one thousand eight hundred and ninety-four (1894), as amended by section two (2) of chapter thirty-three (33) of the General Laws of one thousand eight hundred and ninety-nine (1899), providing for duties of village officers and payment of orders.

Village of-
ficers and
payment of
orders.

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

SECTION 1. That section one thousand two hundred and nineteen (1219) of General Statutes of one thousand eight hundred and ninety-four (1894), as amended by

section two (2) of chapter thirty-three (33) of General Laws of one thousand eight hundred and ninety-nine (1899), be and the same is hereby amended so as to read as follows:

Officers oath,
bond, duties
of treasurer.

“Section 1219. Village Officers—Oath—Bond—Treasurer’s Duties. The inhabitants of said village having the qualifications of electors of members of the legislature of the State of Minnesota, as hereinafter provided, may elect a president, three trustees, a treasurer, a recorder, and, if said village is a separate election district, an assessor, who shall hold their respective offices for one year, or until their successors are elected and qualified; also two justices of the peace, and two constables, who shall hold their respective offices for two years, or until their successors are elected and qualified; and, before entering upon the duties of their respective offices, they shall each take an oath or affirmation to support the constitution and laws of the State of Minnesota, and faithfully discharge the duties of his office. The treasurer shall give bonds for twice the amount of funds collected. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and shall exhibit such account, together with his vouchers, to the village council at its annual meeting, or at any time when called for by resolution of said council for adjustment, and shall deliver all books and papers belonging to his office, and the balance of all moneys, as such treasurer, to his successor in office. *Provided*, that the treasurer shall not pay out any moneys in his hands except upon the written order of the president of the council, attested by the recorder. The treasurer shall, from time to time, draw from the county treasury such moneys as may be due said corporation, for the use of said village, and, on receipt of said moneys, give proper vouchers therefor. And *provided, further*, that each and every village treasurer in this state shall keep a suitable book, to be provided at the expense of the village, in which he shall enter the village orders that he cannot pay for want of funds when presented to him for payment, which orders when presented shall be indorsed by such treasurer by putting on the back of the same the words “not paid for want of funds,” giving the date of such indorsement, signing the same as village treasurer. Every

On written
order of pres-
ident.

Not paid
for want
of funds.

such order shall bear interest at the rate of six per cent per annum from the date of presenting same to the treasurer until the treasurer serves a written notice upon the payee, or his assignee, personally or by mail, that he is prepared to pay such order, such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer at any time prior to the service of such notice. No order shall draw any interest if such address is not given when the same is unknown to the treasurer.

All village orders shall be paid in the order that they are now or may hereafter be registered out of the first moneys that come into the village treasurer's hands for such purpose.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1903.

CHAPTER 191.

S. F. No. 268.

An act authorizing cities of over fifty thousand inhabitants to set apart any street or avenue or section thereof as a parkway, to regulate and limit the use thereof, and to place the same under the supervision of the Board of Park Commissioners or other public body charged with the management, control or supervision of public parks or parkways with power to acquire building easements.

Cities over 50,000 authorized to vacate streets for parkways.

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

SECTION 1. The common council of any city in this state now or hereafter having a population of over fifty thousand inhabitants, according to the next preceding state or national census, shall have power to set apart any street or avenue or any section thereof as a parkway and to place the same under the supervision of the board of park commissioners or other public body charged with the management, control or supervision of public parks or parkways for such specific and limited purposes of improvement, ornamentation and control, including the establishment of building lines and the acquisition of building line easements, as may be named in the resolution or

Establish building lines, and regulate traffic on such parkways.