

such appeal is not taken, such order shall become final, and it shall thereupon be the duty of the carriers affected to adopt and publish the rates or classifications therein prescribed. And all orders heretofore made, from which no appeal was taken, as provided by law, shall be deemed to have been in full effect for all purposes from the time when the right to appeal from such order expired. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits of re-examination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same."

"Section 3. Section 1982, Revised Laws, 1905, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed."

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

Approved April 12, 1907.

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#### CHAPTER 168—S. F. No. 406.

*An Act providing for the annexation of territory adjacent to cities now or hereafter having a population of not more than twenty thousand and not less than ten thousand inhabitants.*

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

**Annexation of territory.**—Section 1. Any territory so conditioned as properly to be subjected to city government which has been wholly or partly platted into lots, and which has a resident population of not less than five hundred to the square mile, taken as a whole, and not being within the limits of any city or village and lying adjacent to any city in the same county now or hereafter having a population of not more than twenty thousand or less than ten thousand inhabitants, may be annexed to and become a part of any such city upon the terms hereinafter prescribed.

**Proceedings.**—Sec. 2. Twenty-five or more of the voters residing within said territory may petition the county board

to call an election for the determination of such proposed annexation. Such petitioners shall first cause to be taken a census of the resident population of such territory, and if found to be within the numbers specified in section 1 hereof, the petition aforesaid shall be presented within eight (8) weeks thereafter. It shall set forth the boundaries of such territory, that a census has been taken of the number of actual residents therein and the number thereof, and the name of the city to which the same is prayed to be annexed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified, and that the statements made in the petition are true. Such petition shall be filed with the county auditor of the county in which such territory is located and it shall be the duty of the county auditor to cause a copy thereof to be served upon the city clerk of the city to which annexation of such territory is prayed within five (5) days after the same is filed in the office of the county auditor.

**Duty of city council and city clerk.**—Sec. 3. At the next meeting of the city council of the city to which annexation of such territory is prayed, after the service of a copy of any such petition, the city clerk shall lay the same before the council, and at such meeting or a meeting subsequent thereto the city council shall determine by resolution whether the city desires to consent to the annexation of such territory, and the city clerk shall forward to the county auditor immediately after the adoption of any resolution upon such question a certified copy of the resolution of the city council accepting or rejecting such annexation, and thereupon the county auditor shall attach such certified copy of such resolution to the original petition for annexation.

**Proceedings of county board.**—Sec. 4. In case the resolution of such city council shall be in favor of annexation the county board shall proceed as in the next section specified, and in case the city council shall vote to reject such annexation no further proceedings shall be had by the county board.

**Notices—how posted.**—Sec. 5. If the city council shall vote in favor of such annexation as hereinbefore provided, that county board shall cause a copy of said petition, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the bound-

aries of the territory described in such petition. The time shall be not less than twenty (20) nor more than thirty (30) days after such posting, and the place within the limits of the territory proposed to be annexed. A copy of such petition, resolution of said city council and notice of election shall also be published in a legal newspaper published within said city, and if there be a newspaper published within the limits of such territory proposed to be annexed, a copy thereof shall also be published in such newspaper once in each week for two successive weeks prior to such election.

**Inspectors of election—ballots.**—Sec. 6. The county board shall also appoint three inspectors, residents of said territory, who shall act as judges of said election, who shall appoint two persons clerks of such election, and such judges and clerks shall conduct the same so far as practicable in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballots shall bear the words “for annexation, Yes—No,” with a square after each of the last words, in one of which the voter shall make a cross to express his choice. The inspectors shall at once make and file with the county auditor a certificate declaring the time and place of holding said election; that they have canvassed the ballots cast thereat and the number cast both for and against said proposition. The certificate shall be signed and verified by at least two of said inspectors to the effect that the statements thereof are true.

**Duties of auditor.**—Sec. 7. The auditor shall attach said certificate to the original petition with a copy of the resolution appointing said inspectors and the original proofs of the posting and publication of the election notice and file the whole as one document in his office. If the certificate shows that the majority of the votes cast were in the affirmative he shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the annexation of such territory shall be deemed complete. He shall also file a certificate copy of said document in the office of the register of deeds of the county and the same shall be recorded, and shall also file a certified copy thereof with the city clerk of the city in which such territory is annexed. If the vote be adverse no subsequent petition shall be entertained within one year next after said election.

**City to pay expenses.**—Sec. 8. All proper expenses of the annexation shall be borne by such city in case the city council of any such city shall vote to accept annexation of such territory, including fees for copies, recording, publication and expenses of election.

**Taxation.**—Sec. 9. No such territory annexed to any such city shall be in any manner taxed to pay any part of any indebtedness existing on the part of any such city prior to or at the time of such annexation, nor shall any such territory be in any manner released of or from liability to taxation for any debt existing against any municipality of which such territory formed a part prior to such annexation.

**Division of public property—appeals.**—Sec. 10. It shall be the duty of the county board to make an equitable division of the public property of the municipalities of which such territory annexed formed a part prior to such annexation and to apportion the property and indebtedness, if any, of each thereof between such city and any such municipality, in such manner as shall be just and equitable, having in view the location and value of public buildings and real property where the same remains after annexation, the amount of taxes due and delinquent, the indebtedness of each such municipality, if any, and for what purpose the same was incurred, all in proper relation to the last assessed valuation of all of the taxable property of such municipalities, and shall make such apportionment and division thereof by resolution and any other proceedings which may be necessary, first giving at least twenty (20) days' notice to each of the municipalities and to the city to be affected thereby.

Any city or municipality affected by any resolution, order or proceeding of any county board, as herein authorized, to be taken, may appeal to the district court from any such resolution, order or proceeding within ten (10) days after the making thereof, and such appeal shall be tried and disposed of by the district court in the same manner in all respects as appeals from the decision of the county board on claims against the county, except that the trial thereof shall be by the court without a jury and an appeal shall lie to the supreme court from the determination of such district court in the same manner as in civil actions.

**Re-adjustment—boundaries.**—Sec. 11. The city council of any such city to which any such territory shall be annex-

ed as herein provided shall have authority by ordinance to provide for a re-adjustment of the boundaries of the several wards existing in such city in such a manner that the population of each such ward, as the same shall exist at the time of such annexation, shall be made as nearly equal as practicable after the addition of any such territory, *provided* the several wards shall be composed of contiguous territory.

**Government of annexed territory.**—Sec. 12. Such annexed territory shall in all respects be governed by laws governing the city at the time of such annexation, and in case the detaching of any such territory shall divide any school districts outside of the limits of the city, the county board shall have authority to make a proper re-adjustment of the boundaries thereof as provided by law. "*Provided* that no license for the sale of intoxicating liquors in such territory so annexed to any such city shall ever be granted, unless the question of issuing the same shall be first submitted to the electors residing therein and shall be authorized by a majority vote of the electors voting at such election on such question."

Sec. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 12, 1907.

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## CHAPTER 169—H. F. No. 801.

### *An Act to legalize certain town proceedings.*

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

**Certain town roads legalized.**—Section 1. That, when any board of supervisors in any township in this state has by their order established or vacated any highway, and the proceedings had therein are in all respects valid except that the notice for the hearing on petition to establish or vacate such highway was posted in three public places in such town, where such highway is so established or vacated, instead of the places designated at the annual town meeting for the posting of notices, and no appeal has been taken from such order within the time prescribed by law, such order is hereby