

vided, further, that if there be but one newspaper published in any county the foregoing requirements as to age and number of copies circulated shall not apply.

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

Approved Jan. 18, 1907.

CHAPTER 4—S. F. No. 26.

An Act to legalize certain newspaper publications.

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

Certain publications legalized.—Section 1. All newspaper publications of notices required by law to be published in legal newspapers which have been published in newspapers which conformed in all respects to the statutes defining legal newspapers except that they were not issued or published on legal holidays or Thanksgiving day, or upon any day or days generally observed as holidays, or the day following either thereof be, and the same are, hereby legalized, and declared to be valid and sufficient for all purposes.

Sec. 2. The provisions of this act shall not apply to or affect any action or proceeding now pending in any court in this state.

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

Approved Jan. 18, 1907.

CHAPTER 5—S. F. No. 125.

An Act to regulate the composition and proceedings of boards of county commissioners of counties from which territory has been detached by change of boundaries.

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

Abolishment of commissioner district by change in boundaries; vacancy; Governor to appoint. Section 1. That in all cases when a change in the boundaries of any

county shall have heretofore resulted or shall hereafter result in the abolishment of any commissioner's district or districts in said county, by the removal of all the territory of such district or districts from the original county or otherwise, or in a vacancy or vacancies in the board of county commissioners of said original county, for the filling of which provision is not otherwise made by law, and when in such case said board of county commissioners shall be left with less than five members or with an even number of members, the governor may, and shall forthwith, upon the passage and approval of this act, in existing cases, and upon the issuance of his proclamation declaring such change in future cases, appoint a member or members of sufficient number to complete a board of five commissioners for said county, or, if said board after the change of boundaries shall have been left with more than five members, to complete a board consisting of an odd number of members, and shall designate in his appointment the name of the retiring commissioner succeeded by each commissioner appointed by him.

Communicated to county auditor; failure to qualify.—

Sec. 2. Each commissioner so appointed by the governor shall be chosen from the county for which he is appointed, shall not be a resident of any township which already has a member on the board, and shall be known as a "commissioner at large." The appointment shall at once be communicated to the county auditor of said county, who shall immediately notify the appointee; and the latter may and shall qualify as such commissioner, in the manner required as to other commissioners in the same county, at any time within five days after notice of his appointment. His failure so to do shall be deemed a refusal of the office, and the governor may and shall thereupon appoint another commissioner at large in his stead, and similar proceedings shall be had as before until the vacancy shall be filled.

Duties of Auditor.—Sec. 3. Immediately upon the appointment and qualification of such commissioner or commissioners at large the county auditor shall give notice in writing, delivered personally or by mail, to each of the commissioners in said county, including such commissioner or commissioners at large, of a meeting of the board, which shall be held not less than five or more than ten days thereafter, and, together with such other business as may then come up for attention, any business which may have been required by

law, or by previous proceedings, to be transacted by the board of said county at a meeting held after such change of boundaries became effective and before the vacancies thereby caused were filled, and which shall not have been then transacted, may and shall be disposed of at the meeting so held after the qualification of such commissioner or commissioners at large, and shall have like effect and validity as if accomplished at the prior meeting referred to; and further proceedings required to follow the commissioners' action on such matters shall be taken within the times or on the dates provided by law, or within such reasonable time thereafter as will permit of the notice required by law and of the earliest possible adjustment of affairs to the usual routine.

Six months before the general election number 1 to 5; term of four years.—Sec. 4. That at least six months before the general election in said county held next after the appointment and qualification of the said commissioner or commissioners at large, unless less time shall intervene between such appointment and qualification and said election, in which event the action herein provided for shall be taken at the first meeting after such commissioners shall have qualified, the board shall proceed to redivide their county into commissioners' districts, five in number, and to be numbered from "1" to "5", unless otherwise provided by law: and at the next general election held in said county after such redistricting, commissioners shall be elected from each of said districts, the member from each odd numbered district to hold for the term of two years, and the member from each even numbered district to hold for the term of four years, and thereafter all commissioners, except those elected or appointed to fill vacancies for unexpired terms, shall be elected for the term of four years. *Provided*, that if, upon such redistricting, any new district shall cover the same territory as any one of the old districts, the commissioner elected from such old district shall continue to act as commissioner from the new district for the remainder of the term for which he was elected; *provided further* that, in case a contest or other litigation shall be pending involving the legality of the change of boundaries of said county, the redistricting herein provided for shall not be made until after such contest or other litigation has been finally determined in favor of such change of boundaries. *And in such event, if the term of any commissioner*

at large shall expire before the county is redistricted, his successor shall be elected by the voters of the entire county, whose term shall be four years, unless sooner ended, as in this act provided for or otherwise.

Election and qualification.—Sec. 5. That if, as the result of a contest or other litigation involving the change of boundaries of any such county, it shall follow, after the appointment or election of any commissioner or commissioners at large, that the territory detached from said county by the change of boundaries shall, by final determination of the courts, be restored to it, the term of office of all such commissioners at large shall at once terminate upon the election or appointment and qualification of a commissioner for the district of the former commissioner whose place on the board is occupied by him; and, if the term for which such former commissioner was elected shall not have expired, he may and shall, within thirty days after the final determination restoring his district to the county, qualify as required by law and hold his office for the remainder of his term, otherwise the vacancy shall be filled by appointment as in other cases.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved Jan. 29, 1907.

CHAPTER 6—S. F. No. 116.

An Act to legalize bonds heretofore voted or issued by cities of the fourth-class under a "Home Rule Charter," and purporting to have been issued or voted pursuant to the provisions of said charter.

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

Cities of fourth-class; home rule charter; legalize bonds.—Section 1. That in case where the electors of any incorporated city of the fourth-class in this state, governed by a "Home Rule Charter," shall have heretofore voted for an ordinance or ordinances providing for the issuance of bonds, or has issued bonds of the city to raise money for the purpose of constructing and improving a sewerage and