

any apportionment. The state superintendent shall certify to the state auditor a list of districts of each class to which such aid is apportioned, and the amount apportioned to each. Such amount shall be paid in the same manner as state aid to high schools.

Sec. 2. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

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

Approved April 21, 1909.

CHAPTER 335—S. F. No. 275.

An Act fixing the salaries of clerks of the district court of certain counties, in lieu of fees for services rendered to and paid for by such counties except in real estate tax proceedings, and the manner of payment thereof.

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

Limitation.—Section 1. In all counties of the state of Minnesota having a population of less than forty-five thousand (45,000) inhabitants, the clerks of the district court thereof shall receive an annual salary in lieu of all fees as provided by law for official services rendered by them for their counties, as hereinafter provided.

Classification.—Sec. 2. For the purpose of fixing said salary the several counties of the state of Minnesota having a population of less than forty-five thousand (45,000) inhabitants, are hereby classed as follows:

Such counties having a population of less than seven thousand and five hundred (7,500) shall be known as class "A"; those counties having a population of seven thousand five hundred (7,500) and less than twelve thousand five hundred (12,500) shall be known as class "B"; those counties having a population of twelve thousand five hundred (12,500) and less than twenty thousand (20,000) shall be known as class "C"; those counties having a population of twenty thousand (20,000) and less than thirty thousand (30,000) inhabitants shall be known as class "D"; those counties having a population of thirty thousand (30,000) and less than forty thousand (40,000) inhabitants shall be known as class "E"; those counties having a population of forty thousand (40,000) and less than fifty thousand (50,000) inhabitants shall be known as class "F."

The county auditor in determining the population of any county for the purpose of ascertaining the compensation to be paid to the clerk of the district court as herein provided, shall

take the census taken by the state of Minnesota for the year 1905, or any census thereafter taken by the United States or the state of Minnesota, and add two (2) per cent to the population as shown by the census last taken for each year expiring after the year in which such census was taken unless the last census shall show a decrease in population from the preceding census.

Salary, how fixed.—Sec. 3. The several clerks of the district court, as aforesaid, shall receive in full compensation for all services rendered by them for their respective counties, except in real estate tax proceedings, in lieu of the fees now provided by law, a yearly salary, payable monthly out of the county revenue fund by the treasurer of the county upon the warrant of the county auditor, as follows: Clerks of court of counties of class "A," six hundred and fifty dollars (\$650.00); of class "B," seven hundred and fifty dollars (\$750.00); of class "C," eight hundred dollars (\$800.00); of class "D," nine hundred dollars (\$900.00); of class "E," one thousand dollars (\$1,000.00); of class "F," or any counties with a taxable valuation of more than six million dollars wherein during the preceding year the grand jury returned indictments against at least twenty (20) separate defendants, or wherein the district court shall have been held for forty (40) days or more, eleven hundred dollars (\$1,100.00). For all services rendered by such clerks except as included in this act, the clerk shall receive the same fees and compensation as now provided by law.

Provided, that in counties having a taxable valuation of less than six million dollars, or counties having less than fifteen thousand inhabitants the salary shall be one hundred dollars less than the sum fixed herein. Whenever it shall appear to the county board of any county containing such valuation or population, upon a showing made by the clerk thereof that the salary herein provided is inadequate for the services performed by such clerk for such county, the county board may increase such salary at any regular meeting of such board to a just and reasonable salary for the services of such clerk.

If dissatisfied with the action of the county board any clerk may appeal to the district court within thirty days by filing with the auditor, a notice thereof. The court either in term or vacation and upon eight days' notice to the chairman of the county board, shall hear such appeal and summarily determine the amount of such salary for the term of office by an order, a copy of which shall be filed with the county auditor.

Provided, that in counties with a taxable valuation of less than six million (6,000,000) dollars, the clerk shall be allowed no fees in excess of one thousand* (1,000) descriptions for entering the annual real estate judgments, but such fees shall nevertheless be included in every case in entering said judgments.

Sec. 4. All acts and parts of acts either general or special, except chapter 423 and 424 of the Special Laws of Minnesota for the year 1891 and except subdivision 49 of section 2694 Revised Laws 1905, inconsistent herewith are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1909.

CHAPTER 336—S. F. No. 514.

An Act authorizing and directing the state drainage commission to construct a dyke and canal for the purpose of controlling and impounding the waters of Big Stone Lake and the Minnesota and Whetstone rivers so as to prevent the flooding of lands in the Minnesota Valley.

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

To control water of Big Stone Lake.—Section 1. The state drainage commission is hereby authorized to use moneys appropriated by this act in constructing such dykes, dams, canals, locks and gates as they may deem necessary and advisable to control the waters of Big Stone Lake and hold and impound therein the waters of the Whetstone river and the Minnesota river so far as is practicable, and in order to carry into effect the purpose of this act, may to the extent that it may become necessary, expend portions of said money in the vicinity of the south end of said Big Stone lake without the limits of the state of Minnesota when such expenditure is made with the consent and approval of all parties whose property is directly affected thereby.

Provided, that said commission is not hereby authorized to so construct such dyke, gate or dam or reservoir as to raise the waters of said lake at any time beyond the high water mark, and such dykes, canals, gates or dams shall be so constructed as to provide proper facilities for the escape of the waters from said lake so as to protect the lands in that vicinity and to keep the waters of said lake within high water mark and to let out such waters through the natural channel of the Minnesota river during seasons of the year other than the flood stage, so as to keep said lake in normal condition.

Chapter 470, General Laws 1907, to apply.—Sec. 2. Said state drainage commission are hereby authorized to use all powers, authorities and privileges granted them by chapter 470 of the Laws of 1907, in carrying into effect the provisions of this act.