

seaman, \$1.50. *Provided*, that a deduction of fifty cents per day, or so much thereof as may be necessary, from the pay of each petty or warrant officer and each enlisted man shall be made for subsistence if furnished by the state. Each and every officer of the naval militia while in any service under the orders of the governor shall receive the same rate of compensation and the same allowance or commutation as is paid or allowed officers of similar rank in the United States navy for sea duty. *Provided, further*, that there shall be allowed annually to the battalion commander and staff and to each division or company of the naval militia the same inspection allowance and the same allowance for incidental expenses as is now paid commanding officers and men of the Minnesota national guard, said allowances to be paid under the same regulations as govern the payment of the like allowances to a regiment or company of infantry of the Minnesota national guard."

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 All acts and parts of acts inconsistent with this act are hereby repealed.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 22, 1909.

CHAPTER 390—S. F. No. 459.

An Act to amend section 1228, Revised Laws, 1905, relating to road taxes and working same.

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

Powers of town boards respecting road districts.—Section 1. That section 1228, Revised Laws, 1905, be and the same is hereby amended so as to read as follows:

"1228. Notice to work—Commutation—The overseer shall give at least three days' notice to all persons assessed for road labor, of the time and place when and where they shall appear for work, and with what teams or tools. Such persons may appear personally or by able-bodied substitutes, or they may elect to commute for the same or some part thereof. Commutation for labor shall be at the rate of one dollar and fifty cents per day, to be paid to the overseer within two days after notice to appear for work. Each able-bodied man shall be allowed for labor one dollar and fifty cents per day, and the like amount for the use of a team and a wagon, plow or scraper. *Provided*, that the town board may, in its discretion, at the meeting provided for in section 1227 pass a resolution authorizing the overseers of roads in the town to divide all the roads in their respective road

districts into sections of not less than one mile in length, and to make contracts with persons assessed for road tax in their respective districts to maintain and keep in general repair one or more of said sections from the first day of May to the first day of October in each year upon such terms as said road overseer shall deem best. From time to time such road overseer shall inspect the sections of road under contract as above specified, to see that the work of repair and maintenance is properly done and that the contract is fulfilled, and on the first day of October in each year he shall file with the town clerk a certificate in writing stating which of the contracts made by him have been complied with by the persons liable thereunder, and he shall credit on the road tax list the persons who have performed the obligations under their contracts with the amounts agreed upon in the contracts. In all cases where the contract has not been fulfilled he shall return the road taxes against such person delinquent, as provided in section 1230 of the General Laws of 1905."

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

Approved April 22, 1909.

CHAPTER 391—S. F. No. 480.

An Act authorizing courts of record of this state having criminal jurisdiction to suspend sentence and place on probation persons convicted in certain cases, and providing for the control and disposition of such persons.

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

Right of suspension of sentence given.—Section 1. That the several courts of record of this state having jurisdiction to try criminal causes shall have power, upon the imposition of sentence against any person who has been convicted of the violation of a municipal ordinance or by-law, or of any crime for which the maximum penalty provided by law does not exceed imprisonment in the state prison for five years, to stay the execution of such sentence whenever the court shall be of the opinion that by reason of the character of such person, or the facts and circumstances of his case, the welfare of society does not require that he shall suffer the penalty imposed by law for such offense so long as he shall thereafter be of good behavior.

Stay to be for a definite time.—Sec. 2. Such stay shall originally be for a definite time; and during such time the person so sentenced may be placed upon probation under the super-