

person or persons to whom the same was assigned by such former decree, according to the terms of such former decree.

Sec. 2. Public notice and hearing.—Upon the filing of such petition, the court shall by order or citation appoint a time for hearing said petition; notice of which shall be given by three weeks' publication of a copy of said order in the manner provided by law for the publication of other notices of proceedings in the probate court. The court in its discretion may require other or further notice of such hearing to be given to such persons as it may deem proper.

Sec. 3. Order of court.—If upon such hearing the court shall be satisfied that the person or persons to whom such property was assigned by such former decree were in fact the persons entitled thereto, it shall enter a new decree assigning such property to the persons to whom the same was assigned by such former decree, in the proportions and upon the conditions specified therein; subject, however, to the rights of all persons claiming under any person named in such former decree, as owner, mortgagee, or otherwise. Such former decree shall be prima facie evidence of the truth of the recitals contained therein, and of the fact that the persons named therein were entitled to the property therein mentioned, in the proportions and upon the conditions therein specified. Provided, however, that this act shall not be construed to authorize the entry of a new and confirmatory decree in any case where it shall be made to appear that the dispositions made by such former decree were erroneous in fact or in law.

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

Approved April 9, 1913.

CHAPTER 234—S. F. No. 668.

An Act regulating the pleading and practice in the municipal court of the city of Stillwater, Minnesota, in reference to offers of judgment and the effect thereof.

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

Section 1. Offer and acceptance of judgment in Stillwater municipal court.—At least five (5) days before the first day of the term at which any civil case shall stand for trial in the municipal court of the city of Stillwater, the defendant may serve on the adverse party an offer to allow judgment to be taken against him for the sum or property, or to the effect therein specified, with costs then accrued. If on or before the second day of said term such party shall give notice that the offer is accepted he may file the same with proof of such notice and thereupon

the clerk shall enter judgment accordingly. Otherwise the offer shall be deemed withdrawn and evidence thereof shall not be given; and if a more favorable judgment be not recovered no costs shall be allowed, but those of the defendant shall be taxed in his favor.

Sec. 2. This act shall take effect and be in force from and after May 1, 1913.

Approved April 9, 1913.

CHAPTER 235—H. F. No. 571.

An Act relating to public highways; the powers and duties of counties, towns, villages and cities in relation thereto; the creation of a state highway commission, prescribing its powers and duties, appropriating money therefor, and providing for the payment of state aid for the construction and improvement of roads, and authorizing and directing the levy of taxes for highway purposes.

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

Scope of act and definitions: powers and duties of counties, towns and other municipalities.

Section 1. **Scope of act.**—The provisions of this act shall be construed as relating solely to roads, cartways and bridges thereon, not included within the limits of any city, village, or borough, except when highways within villages or cities are specifically specified.

The roads of this state shall for the purposes of this act, be designated and referred to as "State Roads," "County Roads" and "Town Roads," and shall be laid out, constructed, improved, repaired and maintained by the authorities hereinafter set forth, as herein provided.

Subdivision (1). The words "State Roads" shall be construed to include all roads which have heretofore been designated, or which may hereafter be designated as state roads.

Subdivision (2). The words "County Roads" shall be construed to include those established, constructed or improved under the authority of the several county boards, as hereinafter provided, and also all roads lying within the county, established by judicial proceedings.

Subdivision (3). The words "Town Roads" shall be construed to include those roads and cartways established, constructed and improved under the authority of the several town boards as hereinafter provided.

Sec. 2. Subdivision (1). **"Road" and "highway" defined.**—The words "road" or "highway" whenever used in this act