

in relation to such foreclosure have been had and taken, pursuant to law, except that the power of attorney therein authorizing an attorney to foreclose such mortgage, was executed by a person holding power of attorney from the mortgagee, authorizing him to assign, satisfy or release said mortgage, but containing no provision authorizing him to foreclose the same, but where an additional power of attorney, made by such mortgagee, subsequent to such foreclosure and prior to the passage of this act, has been duly made and filed in the office of the proper register of deeds authorizing such foreclosure and confirming and ratifying all proceedings had therein, under the previous power of attorney, the said mortgage foreclosure sale and the record thereof in the office of the register of deeds of the county where the foreclosure was had, and all powers of attorney relative thereto, and the recording thereof, and each of the same shall be and the same hereby are validated and declared to be valid and sufficient for all purposes; provided, however, that this act shall not affect any action at law or in equity now pending in any of the courts in this state, affecting any foreclosure or foreclosure sale.

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

Approved April 19, 1913.

CHAPTER 361—H. F. No. 734.

An Act to establish and create a public park to be known and designated as "the Horace Austin state park," and authorizing the purchase and condemnation of land for park purposes.

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

Section 1. **State public park at Austin.**—That the following described premises situated in the county of Mower and state of Minnesota, shall be and hereby are set apart to be used perpetually as a public park, to-wit: All that part of the northeast quarter (N. E. $\frac{1}{4}$) of section three (3), township one hundred two (102) north of range eighteen (18) west; north of a line running east and west 182 feet north of the north boundary of Water street in the city of Austin, Minnesota, as per the recorded plat thereof, except that portion east of the extension of the west line of lot eight (8), block thirty-three (33) in the original village of Austin, Minnesota; also except a piece of land described as follows: Commencing at the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, running thence north on a continuation of the west line of said lot twenty-five (25) above described 260 feet, thence southeasterly to a point fifty (50) feet

north of the northeast corner of lot nineteen (19) of said block thirty-three (33) thence south fifty (50) feet to the north line of block thirty-three of the original village of Austin, Minnesota, thence west along the north line of block thirty-three (33) to the place of beginning. Also all that portion of the northwest quarter (N. W. $\frac{1}{4}$) of the northeast quarter (N. E. $\frac{1}{4}$) of Section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of a line drawn from the southeast corner of lot one (1), block fourteen (14) Morgan's Addition to Austin, Minnesota, to a point 260 feet north of the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, and east of the easterly line of block fourteen (14) Morgan's Addition to Austin, Minnesota, except a piece of land 132 feet wide east of and adjoining lots seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16) of block fourteen (14) of Morgan's Addition to Austin, Minnesota, as per the recorded plat thereof. Also all of the south half (S. $\frac{1}{2}$) of the southeast quarter (S. E. $\frac{1}{4}$) of Section thirty-four (34), township one hundred three (103) north of range eighteen (18) west, south of the main channel of the Cedar river as it flows southwesterly, except the easterly 200 feet thereof. Also all that part of the northeast quarter (N. E. $\frac{1}{4}$) of the northeast quarter (N. E. $\frac{1}{4}$) of section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of the main channel of the Cedar river except the easterly 200 feet thereof.

Sec. 2. The Horace Austin state park.—The name of said park shall be "the Horace Austin state park," and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota, under the restrictions herein provided or which may hereafter be provided by law.

Sec. 3. Care vested in state auditor.—The general care and supervision of the Horace Austin state park, until otherwise provided for, shall be vested in the state auditor acting as state land commissioner.

Sec. 4. Attorney general to secure land.—The attorney general is hereby authorized and directed to take all reasonable necessary steps to procure from the parties owning land within limits of said park, concessions to the state of Minnesota or conveyances thereto for park purposes and for such reasonable consideration as may be agreed upon, subject to the approval of the governor. In case any tract or parcel of land within the limits of said park cannot be secured upon satisfactory terms, the attorney general is hereby authorized to institute for and in behalf of the state proceedings in condemnation, as now provided by law, for condemning and converting private property within this state to public use. Whenever any proceedings in condemna-

tion are had and taken for the condemnation and conversion of any of said lands, all of the provisions of an act approved March 9th, 1874, and entitled "An Act to provide for obtaining title to land, by the state of Minnesota for the use of the state" and all amendments thereto shall be applicable to all such proceedings, and all other provisions of law properly applicable, shall also be applicable to such proceedings.

Sec. 5. Mutilation a misdemeanor.—Any person who shall willfully cut, destroy or mutilate, or cause to be willfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor and upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Mower county, Minnesota, for not less than ten days or more than ninety days for each and every offense.

Sec. 6. \$5,000 appropriated.—For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of the treasury of the state of Minnesota, payable out of any moneys not otherwise appropriated, the sum of \$5,000 or so much thereof as may be necessary to acquire the property hereinbefore described and carry into effect the provisions of this act, and that any portion of said sum hereby appropriated, not used for the purpose of acquiring said land, shall at the option of said state auditor, be used for the purpose of improving said park.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 19, 1913.

CHAPTER 362—H. F. No. 776.

An Act to establish an additional normal school in northern Minnesota, and to provide for a commission to locate the same.

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

Section 1. Normal school for northern part of state.—The commission hereinafter provided for is hereby authorized and required, before October 1st, 1913, to select a location in the northern part of the state for an additional normal school, and when such location shall be decided upon by said commission as herein provided, such additional normal school is hereby established at such location. The community in which such normal school shall be located shall provide and donate to the