

Section 1. Certain options for mining leases given by any county of the State of Minnesota validated.—That in all cases where an option for a mining lease without the required publication in the official proceedings of the county commissioners, of a resolution fixing the time for considering the same, and setting out the terms and conditions thereof, has since December 1st, 1914, been granted by any county of the State of Minnesota, calling for a mining lease on a royalty basis of twenty cents a ton of 2,240 pounds, with the provision, however, that if such lessee should receive by an assignment or sub-lease thereof a greater royalty than twenty-five cents per ton, such county to receive one-half of such excess over said twenty-five cents per ton, such options and leases thereto attached and made a part thereof are hereby declared legal and valid, provided that nothing herein contained shall be considered to apply to actions now pending which involve the validity of any such options.

Approved April 15, 1915.

CHAPTER 123—H. F. No. 733.

An Act to legalize mortgage foreclosures by advertisement upon real estate in certain cases.

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

Section 1. Certain mortgage foreclosures legalized.—All mortgage foreclosures upon real estate situated in this state, heretofore made by advertisement where the notice of sale as published gives the month incorrectly in the dating of such notice, but the sale was duly and regularly made at the time and place specified and appointed in such notice, as shown by the sheriff's certificate of such sale, together with the record of such sale, shall be sufficient for all purposes as against such erroneous date and the foreclosure based thereon together with the record thereof shall not be affected by reason thereof.

Sec. 2. Not to affect pending actions.—The provisions of this act shall not affect any action now pending in any court of this state.

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

Approved April 15, 1915.

CHAPTER 124—H. F. No. 943.

An Act to authorize the city council or other governing body of any city now or hereafter having a population of more than fifty thousand inhabitants not operating under Section 36 Article 4 of the constitution of this state, to grant a franchise for the

construction, extension, maintenance and operation of street railways in and upon the streets, highways and public grounds thereof as well as in parks and parkways of the city inside or outside its boundaries and authorizing the issuance of bonds to carry out the provisions of the act.

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

Section 1. Thirty year franchise for street railway company in city of Minneapolis.—The council of any city now or hereafter having a population of more than fifty thousand inhabitants, not operating under Section 36, Article 4 of the Constitution of this State, is hereby authorized, unrestricted by any provision of statute or charter, to grant a franchise for the construction, extension, maintenance and operation of street railways in and upon the streets, highways and public grounds within the city, and within any park or parkway heretofore or hereafter acquired by the city within or without the corporate boundaries. But no street railway shall be laid in any park or parkway without the consent of the board of park commissioners or other body charged with the care and maintenance of the park or parkway. No franchise shall be granted under this act except to a corporation organized under the laws of this state and having power to construct, maintain and operate street railways for the common carriage of passengers, nor shall the same, or any interest in the same, ever, for purposes of operation, be assigned or transferred to or owned by any person or corporation except a corporation organized under the laws of this state having the powers aforesaid. And in case of any assignment or transfer to, or ownership by, any such domestic corporation, all privileges and immunities contained in such franchise, as well as all obligations imposed thereby, shall pass to and be enjoyed by and be binding upon such assignee, transferee or owner. The city shall reserve the right to authorize any existing or future suburban railway company the joint use of tracks, poles, wires, appliances, power and electric current, of any company to which a franchise is granted under this act, and the franchise shall contain provisions for determining the compensation to be paid for such joint use. This act shall not be construed to authorize the extension of any existing contract or franchise.

Any such franchise shall not be granted hereunder for more than thirty (30) years in the first instance, and shall contain an option on the part of any such city to purchase the entire street railway property at the end of each five (5) or ten (10) year period of such term and at the expiration of such term of the franchise, and thereafter at the expiration of any five year period, upon giving one (1) year's written notice to the owners of said railway of the city's intention to purchase said street railway property. The franchise may provide that upon failure

of any such city to condemn or exercise such option to purchase at or before the expiration of the franchise said franchise shall without further act continue until terminated by purchase or condemnation of the property, but not exceeding thirty (30) years or such lesser period as the franchise may fix. The term of any such franchise may begin at the expiration of a now existing franchise, and the new franchise may, in the discretion of the council, be granted to the holder of an old or existing franchise, provided such holder is a Minnesota corporation having the powers aforesaid. The reservation of any such option to purchase on the part of any such city shall not prevent resort to eminent domain. The franchise shall terminate at time of purchase or condemnation of the entire plant and properties.

The term "council" as used in this act, shall include the chief governing body of the city by whatever name known. The word "may" shall nowhere in this act be construed as "shall."

Sec. 2. What franchise may contain.—The franchise may embrace an agreement fixing fares and shall provide for compensation to the city in the form of a division of surplus earnings, amortization or otherwise. The council shall have power to regulate reasonably construction and operation and may, from time to time require reasonable improvements and service. The council shall have power to fix in said franchise, the terms and conditions upon which it may require extension. Any agreement fixing fares shall not exceed the period of thirty (30) years. Any agreement fixing fares may provide for different fares at different times or under varying circumstances. In the absence of an agreement fixing fares and upon the expiration of any agreement fixing fares, the council shall have power to fix a reasonable fare. The power of regulation herein granted shall not be contracted away. The power of regulation may be exercised by ordinance, with penalty by fine and imprisonment in case of violation and regulations may be enforced by mandamus, injunction or other appropriate civil action.

Sec. 3. Provisions for purchase of property by the city.—For the purpose of fixing a basis for the purchase price of the property and for a division of surplus earnings, a physical valuation of the property shall, in case of a grant to a company already having a street railway property, be made either before the granting of the franchise and incorporated therein, or at the beginning of the term of the franchise. The valuation may include a fair going concern value but shall not include any franchise or good-will value. The franchise may provide for increasing such valuation by additions and improvements and decreasing it by depreciation, alienation and loss of properties. Additional provisions may be made in the franchise for making the valuation.

Sec. 4. Annual reports to be filed with city clerk.—The holder of the franchise shall file with the city clerk annual reports by the corporation, from the beginning of the franchise until its termination, of receipts and disbursements, inventories, stock and bond issues, and there shall be an annual inspection by the city of all property, books, accounts, records, checks, vouchers, contracts and documents of the corporation, and such further inspection thereof by the city as the franchise may provide.

Sec. 5. Valuation of stock.—The holder of the franchise shall not sell, dispose of or pledge any shares of its capital stock, or issue any certificates therefor, for less than ninety-five per cent (95%) of their par value nor until such shares shall have been paid for in money, nor issue any bonds, except for money to the market value of the bonds, not, however, less than ninety per cent (90%) of the par value thereof. The proceeds of all stocks and bonds shall be devoted to the lawful purposes of the holder under such franchise.

Sec. 6. Franchise to be granted only after ordinance is adopted by city council.—The power to grant a franchise under this act shall be exercised only by ordinance adopted by a majority of all the members of the council at a regular meeting, and the ayes and nays shall be entered in the minutes. The vote on the final passage of the ordinance shall not be taken until the expiration of at least fourteen (14) days after the publication of the proposed ordinance in its final form in the official newspaper of the city. The corporation shall have such time as may be fixed by the ordinance, not less than thirty (30) days after final passage and publication, in which to accept. Acceptance shall be first authorized by the board of directors of the corporation and a copy of the resolution authorizing such acceptance shall be filed with the acceptance in the office of the city clerk. The grant shall be fully effective when made and accepted as aforesaid, and ratified as provided in the next section.

Sec. 7. To be ratified by a majority of the votes of the city.—No such franchise shall be effective until it shall have been ratified by a majority of the votes of the electors of the city cast upon the question at a general or special election not less than ninety (90) days after the filing of the acceptance of the franchise. The franchise shall provide for such submission.

Sec. 8. \$50,000 bond issue authorized for valuation of street railway.—For the purpose of raising funds for making the valuation provided for in Section 3, the council is hereby authorized to issue and sell bonds of the city to an amount not exceeding fifty thousand (\$50,000) dollars in par value. Said bonds shall be issued only in pursuance of a resolution adopted by the affirmative vote of a majority of all the members of a city council or other governing body of such city. The faith and credit of

the city shall be pledged to the payment of said bonds and the interest thereon. The council or governing body aforesaid shall include in the tax levy of each year an amount sufficient to pay the current interest on such bonds, and the sinking fund of the city shall be pledged to their redemption at maturity.

Bonds issued under this act shall not run for a term longer than thirty years or bear a rate of interest higher than four per cent per annum, payable semi-annually. The place of payment of principal and interest, and the denominations of said bonds, shall be fixed by the resolution authorizing their issue, and all or any of them may be in the form of coupon bonds or of registered certificates, so-called as the purchaser may prefer.

All bonds or certificates so issued shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of such city, and be sealed with the city seal, except that the signatures to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold at less than ninety-five per cent (95%) of their par value and accrued interest, or to any but the highest responsible bidder therefor.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 15, 1915.

CHAPTER 125—S. F. No. 290.

An Act to create in cities of the State of Minnesota which now have or hereafter may have no more than 50,000 and not less than 20,000 inhabitants, a board of fire and police commissioners and to define its duties and powers.

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

Section 1. **Board of fire and police commissioners for Winona.**—That in each city in the State of Minnesota, which now has or hereafter may have no more than 50,000 and not less than 20,000 inhabitants, there be and hereby is created and established a board of fire and police commissioners which shall have the control and management of the fire and police departments of such city with the powers and duties hereinafter designated.

For the purposes of this act the population of each city of this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the State of Minnesota.

Sec. 2. **Five commissioners to be appointed by mayor.**—That all authority under this act in each such city shall be exercised by a board of five commissioners, to be known and designated as the "Board of Fire and Police Commissioners" who