

to the water from which they are taken with as little injury as possible.

No person shall take, kill, have in possession, for sale or with intent to sell, offer or expose for sale, or have in possession or under control, for any purpose whatever, any lake trout caught in international waters, of less than two pounds, round or undressed weight, or one and one-half pounds, dressed weight with head, tail, fins and collar bone removed or any whitefish of less than sixteen inches in length or any sturgeon less than fifteen pounds dressed weight, or any wall-eyed pike of less than fourteen inches in length or one pound round or undressed weight, or any muscallonge less than thirty inches in length, or any blue pipe or saugers of less than ten inches in length. Measurement in each case to be made from tip of the snout to the fork of the tail. Any such fish when caught shall be immediately returned to the water.

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

Approved April 20, 1917.

CHAPTER 469—H. F. No. 689.

An act amending Chapter 36, General Statutes 1913, relating to proceedings for the demolition or repair of buildings and structures creating a fire hazard and prescribing the punishment for disobedience of the order of the state fire marshal directing the removal and destruction of inflammable materials.

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

Section 1. **Extension of powers of state fire marshal over certain structures.**—That chapter 36, General Statutes 1913, relating to protection against fire, is hereby amended by striking out and eliminating therefrom all of sections 5140 to 5146, both inclusive, and inserting in lieu thereof the following:

5140. The state fire marshal may condemn and by order direct the destruction, repair or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus or other defect, is especially liable to fire and which building or structure, in the judgment of said state fire marshal, is so situated as to endanger life or limb or other buildings or property in the vicinity. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served, shall make such repairs as thereby directed, and the order may direct that the structure be closed and

not further used or occupied until such repairs are made. Any person who shall wilfully disobey the order directing the closing of such building pending the making of such repairs shall be guilty of a misdemeanor.

5140-A. Whenever the state fire marshal, upon inspection, shall find a building of such construction and use that the exits and means of egress already provided do not afford reasonably safe escape in case of fire for the number of people customarily within, he may order such exits to be opened and such means of escape to be provided as, in his judgment, are reasonably necessary to eliminate the danger arising therefrom.

5141. The order shall be in writing, shall recite the grounds therefor and shall be filed in the office of the clerk of the district court of the county in which the building or structure so ordered to be altered, repaired or demolished is situated, and thereupon all further proceedings for the enforcement thereof shall be had in said court.

5142. A copy of the order filed in accordance with the preceding section, together with a written notice that the same has been so filed and will be put in force unless the owner or occupying tenant shall file with the clerk of said court his objections and answer thereto within the time specified in the next succeeding section, shall be served upon the owner of the building or structure so directed to be altered, repaired or demolished, and if there be a tenant occupying the building, then also upon such occupant, which service shall be made upon such owner, and tenant if there be one, personally, either within or without the state; but if the whereabouts of such owner is unknown and the same cannot be ascertained by the state fire marshal in the exercise of reasonable diligence, then upon his filing in the office of the clerk of the district court his affidavit to this effect, service of said notice upon such owner may be made by publishing the same once in each week for three successive weeks in a newspaper printed and published in the county in which such building or structure is located and by posting a copy thereof in a conspicuous place upon said building or structure, and the service so made shall be deemed to be complete upon the expiration of said publication period. Proof of service of said notice shall be filed in the office of the clerk of the district court within five days after the service thereof.

5143. The owner of any building so condemned or any lessee upon whom such notice and order are served, within twenty days from the date of such service as herein provided, may file with the clerk of the court and serve upon the state fire marshal by registered mail written objections to said order in the form of an answer denying the existence of any of the facts therein recited which he desires to controvert. If no answer is so filed

and served, the owner and all other persons in interest shall be deemed to be in default, and thereupon the court shall affirm the order of condemnation and direct the state fire marshal to proceed with the enforcement thereof; but if an answer be filed and served as herein provided, the court shall hear and determine the issues so raised and give judgment thereon as herein provided.

§144. The court, upon application of the state fire marshal, shall make its order fixing a time and place for such hearing, which place may be at any convenient point within the judicial district and which time shall be within ten days from the date of the filing of the answer, or as soon thereafter as may be; and upon such trial the order of condemnation shall be prima facie evidence of the existence of the facts therein recited. If upon such trial the order shall be sustained, judgment shall be given accordingly and fixing a time within which the building shall be altered, destroyed or repaired, as the case may be, in compliance with such order, but otherwise the court shall annul and set aside the order of condemnation.

§145. If the owner or other party in interest shall fail to comply with the order of condemnation of a structure as hereinbefore provided, within the time fixed thereby, or within the time fixed by the court in case a trial is had therein, then the state fire marshal shall proceed to cause such building or structure to be demolished, or repaired, in accordance with the direction contained in such order, and where a building is demolished in accordance with such order he may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. He shall keep an accurate account of the expenses incurred in carrying out the order, and shall credit thereon the proceeds of such salvage sale, if any, and shall report his action thereon with a statement of said expenses or the balance thereof, the expense incurred by him and the amount, if any, received from such salvage sale, to the court for approval and allowance, and thereupon the court shall examine, correct if necessary and allow said expense account, and by its order shall certify the amount so allowed to the county auditor for collection; and the owner or other party in interest shall pay the same within thirty days thereafter with twenty-five per cent penalty added thereon, and in default of such payment the auditor shall enter said expense on the tax lists of said county as a special charge against the real estate on which said building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state treasury and credited to the fund of the state fire marshal; if the amount received as salvage shall exceed the expense incurred by the state fire marshal, the

court shall direct the payment of the surplus to the owner or the payment of the same into court for its use and benefit.

5146. The state fire marshal, the chief assistant fire marshal or any deputy fire marshal who finds any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable matter of any kind endangering the safety of such building or property or the occupants thereof or the occupants of adjoining buildings, shall order such materials removed or such dangerous condition corrected forthwith. Such order shall be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises, and any such owner, lessee, agent or occupant upon whom such notice shall be served who shall fail to comply therewith within twenty-four hours thereafter, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition corrected, at the expense of the owner of such building and premises or the person upon whom such service is so made, or both, and said state fire marshal may maintain all necessary actions for the recovery thereof.

Approved April 21, 1917.

CHAPTER 470—H. F. No. 1141.

An act to amend Section 3 of Chapter 238, General Laws of Minnesota, 1915, relating to the formation of consolidated school districts.

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

Section 1. **Pétition for formation of consolidated school districts to contain signatures of at least 25% of free holders who have been residents of districts for thirty days prior to signing.**—That section 3 of chapter 238, General Laws of Minnesota, be and the same is hereby amended so as to read as follows:

Section 3. After approval by the superintendent of education of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each school district or area affected, qualified to vote at school meetings, *who have been such freeholders for at least thirty (30) days immediately preceding the signing and acknowledging of the petition*, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of education, the county superintendent shall, within ten days, cause ten days posted notice to be given in each district affected and one week's published notice, if there be a newspaper published in such dis-