

benefits to be derived from the construction thereof are greater than the total cost, including damages awarded, and such ditch, drain or water course has been actually constructed, in accordance with the plans and specifications filed by the engineer therein, or of the contract made in accordance with such plans and specifications, or the county has entered into a contract or contracts for the construction thereof, and the county auditor has, or the county auditors, as the case may be, or any of them, have executed and filed in the office of the register of deeds, the tabular statement provided for in said act, making assessments for the cost of the location, establishment and construction of the same within such county against the lands, corporations and roads benefited thereby, and the time for appeals has expired and no appeals have been taken therefrom or from any such proceedings, or if such appeals have been taken that the same have been determined before the passage of this act, then the said proceedings and all assessments or liens so levied or attempted to be assessed or levied for the actual cost of such work, including damages awarded, and the county bonds, if any, which have been issued and sold to defray the expenses incurred in connection therewith, are hereby legalized and declared to be valid and in full force and effect until paid, in the time and manner set forth in said act and amendments thereto.

Sec. 2. This act shall not apply to or affect the right of appeal from such proceedings, as now provided by law, or any actions or appeals now pending in which the validity of said proceedings is called in question.

Approved April 4, 1919.

CHAPTER 183—H. F. No. 609.

An act to amend Sections 9, 10, 12, 20, 21 and 24 of Chapter 152, General Laws 1915, relating to telephones and telephone companies.

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

Section 1. **Inspection of books of telephone companies in case of failure to make reports.**—That section 9, chapter 152, General Laws 1915, be amended to read as follows:

Every telephone company subject to the provisions of this act, wherever organized, shall keep an office in this state, and shall make such reports to the commission as it shall from time to time require. All books, records and files and all of its property shall be at all times subject to inspection by the commission it shall close its accounts and take therefrom a balance sheet on December 31st each year, and on or before March 1st following, such balance sheet, together with such other information as the commission shall require, verified by an officer of the telephone company, shall be filed with the commission.

In the event that any telephone company shall fail to file its annual report, as provided by this section, the commission is authorized to make such an examination of the books, records and vouchers of said company as is necessary to procure the necessary data for said annual report and cause the same prepared. The expense of procuring said data and preparing said report shall be paid by the telephone company failing to report, and the amount paid shall be credited by the state treasurer to funds in his hands appropriated for the expense of the Railroad and Warehouse Commission.

The commission is authorized to force collection of such sum by an action at law in the name of said commission.

Sec. 2. Connections between telephone companies not to be discontinued without order from commission.—That section 10, chapter 152, General Laws 1915, be amended to read as follows:

Whenever public convenience requires the same, every telephone company shall, for a reasonable compensation, permit a physical connection or connections to be made, and telephone service to be furnished between any telephone exchange system operated by it, and the telephone toll line or lines operated by another company, or between its telephone toll line or lines and the telephone exchange system of another telephone company, or between its toll line and the toll line of another company, whenever such physical connection or connections are practicable and will not result in irreparable injury to the telephone system so compelled to be connected. The term "physical connection" as used in this section, shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonable and adequate service between such telephone lines and exchanges and shall not be deemed to provide for any connection whereby one line or circuit is to be bridged upon another line or circuit. In case of failure of the telephone companies concerned to allow or agree upon such physical connection or connections, or the terms and conditions upon which the same shall be made, application may be made to the commission for an order requiring such connection and fixing the compensation, terms and conditions thereof, and if after investigation and hearing the commission shall find that such physical connections will not result in irreparable injury to such telephone properties, it shall by order direct that such connections be made, and prescribe reasonable conditions and compensation therefor and for the joint use thereof, and by whom the expense of making and maintaining such connection or connections shall be paid. Whenever application is made to the commission requesting physical connection it shall be presumed that such connection is necessary, and that the public convenience will be promoted thereby, and the burden of overcoming such presumption shall be upon the part resisting such application. The telephone companies so connecting shall give service over the connecting line or lines without preference to or discrimination against any service or telephone company whatever.

Wherever a physical connection or connections exist between any telephone exchange system operated by a telephone company and the toll line or lines operated by another telephone company, or between its toll line or lines and the telephone exchange system of another telephone company, or between its toll line and the toll line of another telephone company, neither of said companies shall cause such connection to be severed or the service between said companies to be discontinued without first obtaining an order from the commission upon an application for permission to discontinue such physical connection. Upon the filing of an application for discontinuance of such a connection, the commission shall investigate and ascertain whether public convenience requires the continuance of such physical connection, and if the commission so finds, shall fix the compensation, terms and conditions of the continuance of said physical connection and service between said telephone companies.

Sec. 3. Commission given power to delegate authority to employes.—That section 12, chapter 152, General Laws 1915, be amended to read as follows:

The commission shall, whenever it deems the same necessary, determine the value of all the property of any telephone company devoted to the public use, and in so doing it shall, after notice to the telephone company, hold such public hearing as will give all interested parties a chance to furnish evidence and be heard. For the purpose of this act the commission is authorized to appoint engineers, examiners, experts, clerks, accountants and other assistants as it may deem necessary at such rates of compensation as it may prescribe.

In the discharge of their duties such appointees shall have every power, of any inquisitorial nature granted in this act to the commission. The commission may conduct any number of investigations contemporaneously through its individual members or appointees, and may delegate to its individual members *and employes* the taking of all testimony on any investigation or hearing.

Sec. 4. Companies given right to purchase property of other companies with consent of commission.—That section 20 of chapter 152 of the Laws of 1915 be amended so as to read as follows:

It shall be unlawful for any telephone company subject to the provisions of this act to purchase or *acquire* the property, capital stock, bonds, securities or other obligations, or the franchises, rights, privileges and immunities of any other telephone company doing business within the state without first obtaining the consent of the commission thereto, and *telephone companies are hereby given the right with the consent of the commission to purchase and acquire the property, capital stock, bonds, securities or other obligations, together with all franchises, rights, privileges and immunities owned or enjoyed by said companies. The owner and the proposed pur-*

chaser of said property shall both join in the application filed with the commission for the approval of such transfer, and in the case of a corporation desiring to sell all of its property it shall require a vote of a majority of its stockholders to ratify the same. Provided, however, that telephone companies may sell and dispose of any property not used by said telephone companies in the conduct of their business at the time of the sale without the consent of the commission.

Nothing herein shall be deemed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquisition of additional stock by any telephone company owning a majority of the stock of any telephone company.

Sec. 5. **Expense of furnishing transcribed copy of records.**—That section 21, chapter 152, General Laws 1915, be amended to read as follows:

A full and complete record shall be kept by the commission of all proceedings had before it upon any formal investigation or hearing and all testimony received or offered shall be taken down by the stenographer appointed by the commission and a transcribed copy of such record shall be furnished to any party to such investigation upon the payment of the expense of furnishing said transcribed copy.

Whenever an appeal is taken from any order of the commission under the provisions of this act, the commission shall forthwith cause a certified transcript of all proceedings had, of all pleadings and files, and all testimony taken or offered before it upon which such order was based, showing particularly what, if any evidence, offered was excluded, to be made and filed with the clerk of the district court where such appeal is pending.

Sec. 6. **Violation a gross misdemeanor.**—That section 24, chapter 152, General Laws 1915, be amended to read as follows:

Any telephone company, and if it be a corporation, the officers thereof, violating any provisions of this act shall be guilty of a gross misdemeanor.

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

Approved April 4, 1919.

CHAPTER 184—H. F. No. 634.

An act to amend Section 7871, General Statutes 1913, relating to default judgment against garnishee.

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

Section 1. **Appearance in garnishee proceedings to occur within 1 hour and judgment in case of default.**—That section 7871, General Statutes 1913, be amended so as to read as follows: