

CHAPTER 297—S. F. No. 817.

An act to amend Chapter 128, Session Laws of Minnesota for 1915, entitled: "An act authorizing cities of the first class to designate and establish restricted residence districts and to prohibit the erection, alteration and repair of buildings thereon for certain prohibited purposes."

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

Section 1. **Certain expenses to be added to assessed amount.**
—The fifth subdivision of section 3 of said chapter 128 is hereby amended so as to read as follows:

Fifth. At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and may hear the evidence or proof offered by the parties interested, and may adjourn from time to time for the purposes aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land of which each piece or parcel of land in the district is a part. They shall also determine the amount of benefits, if any, to each such piece or parcel of land. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but *the costs of the proceedings, including printers' fees, appraisers' fees, cost of serving notices and other expenses, shall be added to the amount to be assessed.* The total assessments for benefits, however, shall not be greater than the aggregate net award of damages, *including the costs of the proceedings as above provided;* and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual benefits after deducting the damages, if any.

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

Approved April 17, 1919.

CHAPTER 298—S. F. No. 999.

An act making the continuance on record of instruments conveying real estate or an interest therein, where such conveyance does not affirmatively show that the grantors were married, for 20 years prima facie evidence that such grantors were unmarried unless persons claiming by virtue of such marriage commence action to determine their rights prior to January 1st, 1920, and file lis pendens in office of register of deeds in county where such land lies.

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

Section 1. **To constitute prima facie evidence in certain cases.**—That whenever a deed, assignment, or other instrument affecting the title to real estate shall have been filed or recorded in

the office of the register of deeds of any county, or in any public office authorized to receive such instrument for filing or recording, and shall have continued on record for twenty years and such instrument does not affirmatively show whether the grantor or assignor or person who executed the instrument was married, such filing or recording and continuance thereof for such twenty year period shall be prima facie evidence that such grantor or assignor or person who executed the instrument was an unmarried person at the time of the making and delivery of such instrument, unless prior to January 1, 1920, any person claiming any estate in the land affected by such instrument, by, through or under such person or his or her spouse, heirs, or devisees, shall commence an action to recover such estate and shall file a notice of lis pendens at the time of the commencement of the action in the office of the register of deeds in the county where such land is situated.

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

Approved April 17, 1919.

CHAPTER 299—S. F. No. 1045.

An act to legalize decrees of distribution of probate courts in certain cases.

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

Section 1. **Certain probate proceedings legalized.**—That in any case where a probate court, which has had proper jurisdiction of the estate of any decedent, affecting real estate in this state, and such proceedings have been regularly taken, excepting only that the court, in making its decree under the provisions of sections 7390 and 7391 of the General Statutes of 1913, the judge thereof took into consideration the transfer or agreement by the widow, or by any heir interested in said estate to another heir or heirs, and decreed the real estate in accordance with such agreement, deed or transfer, and such decree has been acted upon by the heirs receiving the real estate thereunder and thereby, in accordance with such decree, transfer or agreement, for more than five (5) years prior to the passage of this act; then and in every such case, the decree of the probate court is hereby legalized and declared valid, and of the same effect, in all respects as if said decree had been made in accordance with the provisions of said sections 7390 and 7391 of the General Statutes of 1913.

Sec. 2. **Application.**—This act shall not apply to or affect any contest, action or appeal now pending, in which the validity of any such decree of distribution is called in question.

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

Approved April 17, 1919.