

action shall be binding upon them, whether they be of age or minors; but, if they be minors when judgment is rendered, they may be allowed to defend at any time within two years after becoming of age.

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

Approved April 21, 1919.

CHAPTER 345—H. F. No. 1229.

An act permitting certain cities of the fourth class to acquire lands for park and fair ground purposes.

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

Section 1. Fourth class cities permitted to acquire land for park and fair ground purposes.—Any city of the fourth class, operating under a home rule charter, may acquire by purchase or condemnation a tract of land not exceeding twenty-five acres; lying within the corporate limits of such city, and devote the same to the uses of a public park and incidentally may grant to the county agricultural society of the county in which such city is situated the right to hold the annual county fair in such part of such park as shall not interfere with its general usefulness for park purposes.

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

Approved April 21, 1919.

CHAPTER 346—H. F. No. 1232.

An act to authorize the pledge of United States Liberty or Victory Loan Bonds as security for the performance of any public work.

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

Section 1. Liberty or victory loan bonds security for performance of public work.—Any person or corporation who may make a contract with the state, or with any municipal corporation, or any public board or department thereof, for the doing of any public work, including construction of any drainage ditch, may, in lieu of giving the usual bond or undertaking, pledge United States liberty or victory loan bonds, now or hereafter issued, as security for the protection of the state, or such corporation, board or department with which such contract is made, and of all persons doing work or furnishing skill, tools, machinery, or materials under or for the purpose of executing such contract. Such bonds so pledged shall be security for the payment, as they become due, of all just claims for work, tools, machinery,

skill and materials, and for the performance and completion of the contract in accordance with its terms, and as security for all costs and charges that may accrue on account of the doing of the work specified and compliance with the laws relating thereto.

Sec. 2. How deposited.—Said bonds so pledged shall be delivered to the officer or department required by law to receive the bonds of public contractors, or who may be designated by the state or other municipal corporation or department with which the contract may be made. The deposit of said securities shall be in lieu of and substitution for the bonds required by law to be given by such contractors.

Sec. 3. Market value.—The market value of the bonds so pledged shall not be less than the contract price.

Sec. 4. Protection of pledge on commencing action.—Any person entitled to the protection of such pledge, wishing to avail himself of its benefits at the time of commencing any action against either the contractor or any subcontractor engaged in said work, shall notify in writing the state or corporation or department with which such pledge is made, of the commencement of such suit, giving the names of the parties and the amount and nature of his claim. No judgment shall be entered within 30 days after the giving of such notice and the state or other corporation or department with which such bonds are pledged and any other person entitled to the protection of such pledge may be admitted on its or his motion as a party to said action, and the court shall determine the rights of all parties in the premises. In such suit or other appropriate action in which the corporation or department holding said bonds is a party, the court may order the bonds, or a part of them sufficient to pay the unpaid claims, sold at public auction or private sale or on the New York Stock Exchange and from the proceeds, after deducting the costs of sale, make payments among the parties to the suit entitled thereto; if the proceeds are insufficient to pay said claims in full, they may be paid pro-rata. If the state or other corporation or department does not appear and defend, it may after entry of judgment in favor of such claimants, enforce said pledge and sell the securities at public or private sale or upon the New York Stock Exchange, and it shall have in addition any and all rights and remedies given pledgees by law for the enforcement of their securities, but it shall not be required to sell such security until 90 days after completion of contract and acceptance of the work done as provided in the succeeding section, or until the work is completed at the instance of the corporation if abandoned by the contractor.

Sec. 5. Additional security.—Whenever in its judgment other or further security is required, the state or such other corporation or department may require the contractor to furnish

other or further security of the same nature within ten days, and thereupon if so ordered, the work on such contract shall cease until such other or further security is furnished. If such other or further security is not furnished within such time, the pledgee may at its option terminate the contract and complete the same as the agent and at the expense of such contractor.

Sec. 6. **Notice of claim.**—No action shall be maintained by any person seeking to avail himself of the benefit of such pledge, unless within 90 days after the completion of the contract and acceptance by the proper public authorities of the work done, the plaintiff shall serve upon the contractor and upon the state or such corporation or department a written notice specifying the nature and amount of his claim and the date of furnishing the last item thereof, nor unless the action is begun within one year after the service of such notice.

Sec. 7. This act shall take effect from and after its passage.
Approved April 21, 1919.

CHAPTER 347—H. F. No. 1234.

An act to validate the sale of school sites in certain cases.

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

Section 1. **Sale of school site in certain district validated.**—The action of the board of education of any independent school district in the state, in selling at public sale after advertisement of such sale any school site in the month of February, 1919, the school house upon which site was destroyed by fire within six months previous to such sale, although such sale was not previously authorized by the voters of the district as required by section 2746, General Statutes Minnesota 1913, as amended, is hereby validated, notwithstanding the omission of such requirement.

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

Approved April 21, 1919.

CHAPTER 348—S. F. No. 108.

An act to regulate the sale of cigarettes and cigarette paper and providing for licensing the manufacture and sale of same, and providing penalties for the violation thereof.

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

Section 1. **Sale of cigarettes, etc., to person under 18 years prohibited.**—That it shall be unlawful for any person and any clerk, servant, employe or agent of any person, directly or indirectly upon any pretense, or by any device to sell, exchange, barter, dis-