

in any such crossing hereafter built, shall be suitably faced or otherwise protected with metal, and whenever any existing crossing is rebuilt or the flangeway planks thereof are renewed, the flangeway edge of such planks shall be similarly faced or protected by metal.

3. In municipalities such grades and planking shall extend the full width of the street, or of that part thereof graded or used for travel, and like planking shall be placed between all tracks which are not more than fifteen feet apart, and a suitable sidewalk shall be constructed by said company to connect with and correspond to said walks constructed and installed by the municipality or by owners of abutting property, but cement or concrete construction shall not be required in track space actually occupied by the railroad ties if some substantial and suitable sidewalk material is used in lieu thereof. In case of roads newly established, such crossings shall be constructed within thirty days after the service on the nearest station agent or section foreman of such company of a notice, signed by the proper officer or officers having charge of such road, that such crossing is required.

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

Approved April 25, 1919.

CHAPTER 469—S. F. No. 156.

An act to empower any cities of the third and fourth classes in the state of Minnesota, whether existing under a special or general law, or under a home rule charter, to prescribe reasonable rates under which public service corporations supplying gas or current for electric lighting or power purposes and occupying the streets and public places of any such city may operate within any such city.

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

Section 1. Rates for gas or electric current to be prescribed by city council.—That in addition to all other powers now conferred upon any cities of the third and fourth classes in the state of Minnesota, whether existing under a general or special law or under a home rule charter, any such city is hereby authorized and empowered, through its city council or like governing body, by ordinance, to prescribe from time to time the rates which any public service corporation supplying gas or electric current for lighting or power purposes within said city may charge for such service. Provided, that nothing herein shall be construed to impair the obligation of any contract or franchise provision now existing between any such city and any such public service corporation. It shall be the right and duty of any such council or governing body to prescribe a rate which shall permit any such corporation to make a reasonable return on the

capital investment in the business, under an economical and efficient management of the same; and for the purpose of making such determination it shall be the duty of any such corporation, upon request by said council or other governing body, to give to any such council or other governing body or any authorized agent of such council or other governing body access to the books of any such corporation for the obtaining of such information as may be necessary and proper in the making of such determination. Provided, that in any case where any such corporation supplies gas or current for lighting or power purposes to customers outside the limits of any such city, any such city council in fixing the rates to be charged shall take into consideration the effect of such rates, if any, upon the rates to be charged to such customers living outside the limits of such city, but said city council shall not have power to fix the rates of customers supplied outside of the city limits.

Sec. 2. Hearing ordered.—Such rates shall be prescribed only after hearing and twenty days' notice of the time and place of such hearing shall have been given to such public service corporation, which notice shall be served in the manner prescribed by law for the service of summons in district court. Such proceedings may be instituted by the council or other governing body of said city or upon petition of any such public service corporation, or upon petition of twenty-five per cent of the customers served by such corporation within such city, and failure on the part of such council or other governing body to make a determination as to such rates within sixty days after such petition is filed with the clerk of said city shall be deemed a denial of such petition and a determination adverse to such petitioners, provided, however, that such council or other governing body of such city shall not be required to act upon the petition of any such public service corporation which shall refuse to give such council or other governing body access to the books of such corporation and other information relative to the operation of the business of such corporation necessary and proper to the determination of such rates. In case of the failure or refusal of any such public service corporation to give to such council or other governing body access to the books of such corporation or other information relative to the business of such corporation necessary and proper for such a determination, such council or other governing body may proceed to determine and prescribe such rates upon such information and evidence as may be adduced at such hearing. The words "public service corporation" as used in this act shall be construed to include any person, co-partnership or corporation supplying gas or electric current for lighting or power purposes to the public within any such city.

Sec. 3. Right of appeal.—Any such city, public service corporation or person aggrieved by any such determination of rates shall have the right of appeal from such determination to the district court of the county in which such city, or any part thereof, is situate, at any time within twenty days after the filing of determination with the clerk of such city. Said appeal shall be made by filing with the clerk of such city a written notice of appeal specifying the determination of such council or other governing body from which the appeal is taken. Thereupon such city clerk shall make out and file with the clerk of such district court a copy of the determination of the council or other governing body from which such appeal is taken and of the notice of appeal, certified by such clerk to be true copies thereof, and shall transmit and file with the clerk of said court all papers in the case upon which such determination was made. There shall be no pleadings upon such appeal and the only question that shall be passed upon or considered shall be whether the rates prescribed by the determination of such council or other governing body of such city were fair and just to such public service corporation and the consumers and would permit such public service corporation a fair and reasonable return on the capital investment in the business under an economical and efficient management of the same. Such appeals shall have precedence over all other civil cases, except tax cases, and during the pendency of such appeal and until final determination of such appeal by the courts, the rates fixed and prescribed by such council or other governing body shall be and remain in force.

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

Approved April 25, 1919.

CHAPTER 470—S. F. No. 188.

An act to amend Section 2148, General Statutes 1913, relating to notice of expiration of redemption from tax sale.

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

Section 1. Notice of expiration of redemption to be given to various parties and sheriff's return.—That section 2148, General Statutes 1913, be amended so as to read as follows:

2148. Every person holding a tax certificate after expiration of three years after the date of the tax sale under which the same was issued, may present such certificate to the county auditor; and there upon the auditor shall prepare, under his hand and official seal, a notice, directed to the person in whose name such lands are assessed, *and to all owners, mortgagees, lien holders and persons interested in the land as hereinafter provided*, specifying the description there-