

## CHAPTER 58—S. F. No. 159.

*An act entitled "An act to authorize and empower the governing body of cities of this state now or hereafter having a population of more than fifty thousand inhabitants, owning a hospital, to levy annually a tax of not exceeding one mill for the purpose of operating and maintaining such hospital."*

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

Section 1. **One mill tax for hospital purposes.**—The governing body of any city of this state now or hereafter having a population of more than fifty thousand inhabitants, owning a hospital, is hereby authorized to annually levy and collect a tax not to exceed one mill on each dollar of the taxable property of such city for the purpose of operating and maintaining such hospital.

Sec. 2. **To constitute a special fund.**—The proceeds of such tax shall be placed in the city treasury of the city levying the same and shall constitute a special fund and shall be kept distinct from all other funds of the city and shall be used only for the purpose of operating and maintaining such hospital.

Sec. 3. **Application.**—This act shall apply only to such cities as are or may hereafter be governed by a charter adopted pursuant to section 36, article 4, of the Constitution of this state.

Sec. 4. **Tax levy authorized in addition to existing powers.**—The power of levying the tax in this act provided for shall be and is in addition to all existing powers and taxes that may now be levied by such cities.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1919.

## CHAPTER 59—S. F. No. 212.

*An act authorizing cities of this state having over 50,000 inhabitants and governed by and under a charter adopted pursuant to Article IV, Section 36, of the State Constitution, to reimburse and pay the actual loss sustained by any person or corporation in the performance of any contract with such city, or any board, department or agency thereof, made and entered into within four months prior to April 6, 1917, and vesting in the district court of this state jurisdiction to determine the amount of such loss.*

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

Section 1. **Reimbursement of contractors for losses sustained during the war, authorized.**—That any city of this state having over 50,000 inhabitants and governed by and under a charter adopted pursuant to article IV, section 36, of the Constitution of this state, shall have the power and authority, by appropriate enactment of its council or other legislative body, to reimburse and pay

to any person or corporation (hereinafter called the contractor) the actual loss sustained by such contractor in the performance of any contract with such city, or any board, department or agency thereof, entered into within four months prior to April 6, 1917, and not completed prior to said date, notwithstanding any provision to the contrary in any such charter or contract or any law of this state, upon the amount of such loss being determined by the district court, as provided in section 3 of this act.

It is the intent and purpose hereof to authorize such city, if it shall so determine, to indemnify the contractor against actual loss (but without profit) due to increase in the cost of labor and material incident to the declaration of war between the United States of America and the Imperial German government, which increase in cost could not, in the exercise of ordinary prudence, have been foreseen.

**Sec. 2. Determination to be made by district court.**—Nothing in this act contained shall, however, be construed as authorizing such council or other legislative body by such enactment to determine the actual amount and extent of such loss under such contract, but such enactment shall provide merely for the payment of such loss, and shall provide further that the actual amount and extent of such loss shall be thereafter determined by the district court pursuant to section 3 hereof; and such loss shall not be paid by such city until and unless, after the passage of such enactment, the amount and extent thereof shall be so determined by the district court and judgment entered in said court determining the amount.

**Sec. 3. Court given jurisdiction.**—Upon and after the passage of any such enactment, providing for the payment of such loss, such contractor may bring a civil action against such city praying only for an adjudication and determination of the extent and amount of such loss under such contract. Such action is hereby authorized, and the district court of this state is hereby vested with jurisdiction and it shall be its duty, to hear and determine such action and enter judgment determining the amount of such loss. Such action shall be brought in the county in which such city is located, and any issue of fact as to the amount of such contractor's loss under such contract shall be tried by jury in accordance with the laws and statutes of this state. Except as herein otherwise expressly stated, the pleadings, procedure, practice and trial of said action shall be governed by the general laws, statutes and constitutional provisions of this state with respect to civil actions. All orders, judgments and decrees of such district court in such action shall be subject to review by the supreme court in manner provided by law.

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

Approved March 11, 1919.