

the year 1913 or any other section or act relating to proceedings to lay out or construct any drainage system under or pursuant to the laws of this state and there shall be no cash in the fund therein mentioned to pay said warrant when the same is presented, and the county treasurer shall endorse said warrant "not paid for want of funds", and shall date and sign said endorsement as in said act provided, then and in that event the interest on said warrant therein provided shall be paid on said warrant annually on the 1st day of July in each year until said warrant is called in and paid by said treasurer, or bonds are issued by the county to care for said warrants. Provided that in all cases where such warrants are issued and no cash is available in the fund upon which said warrant is drawn to pay the same, then the limitation of the right of action upon such warrant shall not begin to run as provided in Section 7701 of the General Statutes of 1913 until cash is available in such fund for the payment of such warrant.

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

Approved April 19, 1923.

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CHAPTER 363—S. F. No. 339.

*An act to subject to garnishment money due and owing by the State on account of any employment by or contract with the State Highway Commissioner.*

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

Section 1. Money due employees of State highway department subject to garnishment.—Money due or owing any corporation or person by the State on account of any employment, work or contract with the State Highway Commissioner shall be liable to garnishment, except as exempted by law. The garnishee summons may be served upon the highway commissioner by registered mail: and the disclosure shall be made by the commissioner or by some person having knowledge of the facts designated by him. Provided, that the commissioner may in lieu of an appearance transmit, before the day of hearing, to the court or officer before whom such disclosure is to be made a duly verified and authenticated statement of the moneys due and owing the defendant, if any, which statement shall constitute the disclosure, unless the court or justice otherwise orders and by such order appoints a referee to take the disclosure at a time and place specified in such order upon six days notice to the garnishee and the defendant. The examination may proceed without notice to the defendant if it be made to appear to the referee by affidavit that the defendant is not a resident of the State and cannot be found therein. When payment is made pursuant to judgment against said commissioner as garnishee

a certified copy of the judgment with a certificate of satisfaction to the extent of such payment endorsed thereon shall be delivered to the commissioner as his voucher for such payment.

Approved April 19, 1923.

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CHAPTER 364—S. F. No. 360.

*An act to amend Section 1, Chapter 217, Laws of Minnesota for 1921, entitled "An act to authorize the regulation of the location, size and use of building in cities of the state of Minnesota now or hereafter having 50,000 inhabitants or over, and the adoption of comprehensive plans pursuant to such regulations."*

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

Section 1. Height of buildings in cities regulated.—That Section 1, Chapter 217 Laws of Minnesota for 1921, be and the same is hereby amended so as to read as follows:

Section 1. That for the purpose of promoting the public health safety, order, convenience, prosperity and general welfare, any city in the State of Minnesota now or hereafter having 50,000 inhabitants or over, acting by and through the governing body of such city, may by ordinance regulate the location, size and use of buildings, *the height of buildings, the arrangement of buildings on lots, and the density of population* therein, may make different regulations for different districts thereof, and may acquire or prepare and adopt a comprehensive city plan for such city or any portion thereof for the future physical development and improvement of the city, in accordance with the regulations made as aforesaid, and may thereafter alter said regulations or plan, such alterations, however, to be made only after two-thirds of the property owners within the 100 feet of the real estate affected acquiesced therein and after the affirmative vote in favor thereof of *two-thirds* of the members of the governing body of such city.

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

Approved April 19, 1923.

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CHAPTER 365—S. F. No. 435.

*An act making it a felony to abduct, entice or carry away, from the state school for the feeble-minded and colony for epileptics, any inmate thereof who has not been legally discharged therefrom.*

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

Section 1. Abduction a felony in certain cases.—Every person who shall abduct, entice or carry away, from the State School for the Feeble-minded and Colony for epileptics, any inmate there-