

by jury to the same extent and in like manner as though charged with the commission of a crime of the same degree and nature under the statutes or laws of the State of Minnesota.

Sec. 5. **Invalidity of one part not to affect balance.**—The various provisions of this act shall be severable and if any part or provision shall be held to be invalid it shall not be held to invalidate any other part or provision hereof.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 1, 1925.

CHAPTER 121—H. F. No. 1207.

(Sec. 4334, G. S. 1923.)

An act to amend Section 5, Chapter 242, General Laws 1923, as amended by Chapter 26, General Laws 1925, relating to claims of employees of the Minnesota Highway Department for compensation under the Workmen's Compensation Act, and to provide for payment of such claims.

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

Section 1. **Application of act.**—That Section 5, Chapter 242, General Laws 1923, as amended by Chapter 26, General Laws 1925, be and the same hereby is amended so as to read as follows:

Sec. 5. *That the powers and duties vested in the Industrial Commission of Minnesota by this act shall apply to injuries to any employee of the Highway Department which arose out of and in the course of his employment since and including June 1, 1921, and which have not been settled and paid by specific appropriation of the Legislature of the State of Minnesota; provided, that all claims based on injuries resulting from accident, that occurred prior to April 12, 1923, shall be forever barred unless proceedings for the enforcement thereof are commenced prior to January 1, 1926, and any award of the Industrial Commission for such claims shall be paid out of the Trunk Highway Fund, as other awards are paid."*

Approved April 21, 1925.

CHAPTER 122—H. F. No. 786

(Secs. 1618, 1920 and 1921, G. S. 1923)

An act to amend Sections 1, 3 and 4, Chapter 128, General Laws 1915, as amended by Chapter 133, General Laws 1923, 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. Cities of the first class may establish restricted districts.—That Section 1 of Chapter 128, General Laws, 1915, amended by Chapter 133, General Laws 1923, be and the same is hereby further amended so as to read as follows :

“Section 1. Any city of the first class may, through its council, upon petition of fifty (50) per cent of the owners of the real estate in the district sought to be affected, *by resolution*, designate and establish by proceedings hereunder restricted residence districts *and in and by such resolution and proceedings prohibit the erection, alteration or repair of any building or structure for any one or more of the purposes hereinafter named, and thereafter* no building or other structure shall be erected, altered or repaired for any of the purposes, *prohibited by such resolution and proceedings, which may prohibit the following*, to-wit: hotels, restaurants, eating houses, mercantile business, stores, factories, warehouses, printing establishments, tailor shops, coal yards, ice houses, blacksmith shops, repair shops, paint shops, bakeries, dyeing, cleaning and laundering establishments, bill-boards and other advertising devices, public garages, public stables, apartment houses, tenement houses, flat buildings, any other building or structure for purposes similar to the foregoing. Public garages and public stables shall include those, and only those, operated for gain.

Nothing herein contained shall be construed to exclude double residences or duplex houses, so-called, schools, churches, or signs advertising for rent or sale the property only on which they are placed.

No building or structure erected after the creation of such district shall be used for any purpose for which its erection shall be prohibited hereunder.

The term “Council” in this act shall mean the chief governing body of the city by whatever name called.

Any district or any portion thereof created under the provisions of this act may be vacated and the restrictions thereon removed by the council upon petition of 50 per cent of the owners of the real estate in the original district sought to be vacated in the same manner herein provided for the creation of any such district, and in the vacation of any such district or any portion thereof and the removal of such restrictions each and all of the provisions of this act as to allowance of damages and benefits to property affected and as to the appointment of commissioners to appraise such damages and benefits and the duties of such commissioners of the city clerk and of each and all of the other officers upon whom duties are herein imposed shall be complied with, and when such proceedings for the vacation of any such district or portion thereof shall have been completed the property included within such district or portion

thereof so vacated shall be deemed relieved of each and all of the restrictions imposed in the proceeding creating such district."

Sec. 2. May issue bonds for improvements.—That section 3 of said Chapter 128, General Laws, 1915, be and the same is hereby amended by adding thereto the following paragraph to be designated and numbered "Thirteenth."

"Thirteenth: The city council, for the purpose of realizing the funds for making such improvements and paying such damages and the costs of such proceeding may issue and sell special certificates of indebtedness, or special restricted residence district bonds, as it may decide, which shall entitle the holder thereof to all sums realized upon any such assessment, or if deemed advisable, a series of two or more certificates or bonds against any one assessment, the principal and interest being payable at fixed dates out of the fund collected from such assessments, including interest and penalties, and the whole of such fund is hereby pledged for the pro rata payment of such certificates or bonds and the interest thereon, as they severally become due. Such certificates or bonds may be made payable to the bearer, with interest coupons attached, and the city council may bind the city to make good deficiencies in the collection up to, but not exceeding, the principal and interest at the rate fixed as hereinafter provided and for the time specified in section 4. If the city, because of any such guaranty, shall redeem any certificate or bond, it shall thereupon be subrogated to the holder's rights. For the purpose of such guaranty, penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. Such certificates of bonds shall be sold at public sale or by sealed proposals at a meeting of which at least two weeks' published notice shall be given to the purchaser who will pay the par value thereof at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed five per cent per annum, payable annually or semi-annually. The city clerk shall certify to the county auditor the rate of interest to be determined, and interest shall be computed upon the assessments at such annual rate, in accordance with the terms of section 4."

Sec. 3. To make plats and maps of improvements.—That section 4 of Chapter 128, General Laws, 1915, be and the same is hereby amended so as to read as follows:

"Section 4. As soon as such condemnation proceedings have been completed, it shall be the duty of such council to cause maps or plats of such restricted residence district to be made, with a list of the parcels of land within such district, and to file one of such maps and list duly certified by the president of the council and the city clerk, in each of the following offices, to-wit, the office of the city engineer, the office of the register of deeds of the county and the office of the city clerk, and the same shall be prima facie evi-

dence of the full and complete condemnation and establishment of said restricted residence district. As soon as the assessments are confirmed, the city clerk, or the clerk of the district court, as the case may be, shall transmit a copy thereof duly certified, to the county auditor of the county in which the lands lie. The county auditor shall include the same in the next general tax list for the collection of state, county and city taxes, against the several tracts or parcels of land, and said assessments shall be collected with and as a part of, and shall be subject to the same penalties, costs and interest, as the general taxes. Such assessments shall be set down in the tax books in an appropriate column to be headed "Restricted Residence District Assessments," and when collected a separate account thereof shall be kept by the county auditor, and the same shall be transmitted to the treasurer of the city and placed to the credit of the proper fund. *Provided, however, that the city council may by resolution determine that the amount of such assessments shall be collected in from one to five equal annual installments, and in such case the county auditor shall include one of said equal annual installments of assessments with and as a part of the taxes upon each parcel of land therein described for each year for the number of years into which said assessment is by the city council divided, together with annual interest as hereinafter provided. With the first installment the auditor shall include interest upon the entire assessment from the date of the assessment to the time when the tax books including the first installment are delivered by the county auditor to the county treasurer, and thereafter the auditor shall include in the taxes for each year one of such installments, together with one year's interest upon such installment, and all subsequent installments at the same rate, each of which, together with such interest, shall be collected with the annual taxes upon such land, together with like penalties and interest in case of default, all of which shall be collected with and enforced as the annual taxes and credited to the proper city fund. Any parcel assessed may be discharged from the assessment at any time after the receipt of the assessment by the county auditor by paying all installments that have gone into the hands of the county treasurer as aforesaid, with accrued interest, penalties and costs, as above provided, and by paying all subsequent installments; or any parcel assessed may be discharged from the assessment by presenting certificates or bonds sold against such assessments as herein provided sufficient in amount to cover all installments due on such parcel and accrued interest, penalties and costs, and all installments yet to accrue, by surrendering such certificates or bonds to the county treasurer for cancellation or having endorsed thereon such installments, interest, penalties and costs. Said assessment shall be a lien on the land from the time of the making thereof as against the owner and every person in any way interested in the*

land. The owner of the land and any person interested therein may defend against such assessment at the time of application for judgment in the regular proceedings for the enforcement of delinquent taxes, but such assessment shall not be deemed invalid because of any irregularity, provided the notices have been published substantially as required, and no defense shall be allowed except upon the ground that the cost of the improvement is substantially less than the amount of the assessment, and then only to the extent of the difference between the assessment and the actual cost. Assessments made under this act shall be called Restricted Residence District assessments of the city of _____ and numbered consecutively. Whenever an assessment is certified as aforesaid by the city clerk to the county auditor, a duplicate thereof shall be sent to the city comptroller, and all such assessments shall be sufficiently identified by the name and number as aforesaid."

Approved March 31, 1925.

CHAPTER 123—S. F. No. 487.

(Secs. 2645 to 2652, G. S. 1923.)

An act relating to proceedings had in counties authorizing the issuance of bonds for road purposes under the provisions of Chapter 320, Laws of 1923, and legalizing same.

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

Section 1. **Certain bond issues legalized.**—Where any County has heretofore issued \$110,000 of bonds under the provisions of Chapter 265, Laws of 1919, and the County is not entitled to be reimbursed out of the Trunk Highway Fund for expenditures made from the proceeds of such bond issue, and where prior to January 1, 1925, the County Board of such county has passed a resolution authorizing the issuance of an additional \$110,000 of bonds under the provisions of Chapter 320, Laws of 1923, and has sold such bonds, said proceedings are hereby legalized and the bonds upon completion of delivery are made legal and binding obligations of such County in accordance with the provisions of Chapter 320, Laws of 1923, and the limitation contained in said Chapter 320, Laws of 1923, as to the amount of bonds to be issued thereunder shall not apply to the issuance of such additional bonds. Said bonds and the interest thereon shall be paid out of the Trunk Highway Fund as provided in Chapter 320, Laws of 1923, to the extent that the proceeds thereof shall hereafter be expended for the purpose and in the manner prescribed by said Chapter 320, Laws of 1923.

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

Approved April 2, 1925.