

amount which shall be paid out under the provisions of this act by any one county shall not exceed the sum of ten thousand dollars.

Sec. 2. Tax levy.—That such county board may, for the purpose aforesaid and for the further purpose of making repairs or improvements to the same annually levy, in addition to all other taxes, taxes in an amount not exceeding three mills on each dollar of the taxable valuation of such county.

Approved April 8, 1925.

CHAPTER 161—H. F. No. 951.

An act to amend Sections 4274, 4275 4293, 4295 and 4324 of Chapter 23-A, General Statutes of 1923, commonly known as the Workmen's Compensation Act.

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

Section 1. Rates of compensation.—That subsection (d) of Section 4274, General Statutes 1923, be amended to read as follows:

(d) For permanent total disability as defined in subsection (e) below, sixty-six and two-thirds per centum of the daily wage at the time of the injury, subject to a maximum compensation of twenty (\$20.00) dollars per week, and a minimum compensation of eight (\$8.00) dollars per week, provided that if at the time of the injury the employe was receiving wages of eight (\$8.00) dollars or less per week, then he shall receive the full amount of his wages per week. This compensation shall be paid during the permanent total disability of the injured person, but the total amount payable under this subsection shall not exceed ten thousand (\$10,000) dollars in any case, payments to be made at the intervals when the wage was payable as nearly as may be. Provided, however, that in case an employe who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable during the period of his confinement in such institution, unless he has wholly dependent on him for support a person or persons named in subsections (1), (2) and (3) of section 15 (whose dependency shall be determined as if the employe were deceased), in which case the compensation provided for in *said section 15* shall during the period of such employe's confinement, as aforesaid, be paid for the benefit of said persons so dependent during dependency.

Sec. 2. Payments made before death to be deducted from death benefits.—That subsection (f) of Section 4274, General Statutes 1923, be amended so as to read as follows:

(f) In case a workman sustains an injury due to an accident arising out of and in the course of his employment, and

during the period of disability caused thereby, death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of the death. Accrued compensation due to the deceased prior to death, but not paid, shall be payable to such dependent persons, or *legal heirs*, as the Industrial Commission may order without probate administration.

Sec. 3. Who may receive compensation.—That paragraph (5) of Section 4275, General Statutes 1923, be amended to read as follows:

(5) In death cases, compensation payable to dependents shall be computed on the following basis, and shall be paid to the persons entitled thereto, or to a guardian or such other person as the Industrial Commission may direct, for the use and benefit of the person entitled thereto.

Sec. 4. Percentage to be paid to dependents in certain cases.—That paragraph (8) of Section 4275, General Statutes 1923, be amended to read as follows:

(8) If the deceased employe leave a widow or widower and two dependent children, there shall be paid to the widow or widower for the benefit of herself or himself and such children, sixty per centum of the daily wage at the time of injury of the deceased.

Sec. 5. Same.—That paragraph (9) of Section 4275, General Statutes 1923, be amended to read as follows:

(9) If the deceased employe leave a widow or widower and *three* or more dependent children, there shall be paid to the widow or widower for the benefit of herself or himself and such children, sixty-six and two-thirds per centum of the daily wage at the time of injury of the deceased.

Sec. 6. Widow to receive lump sum settlement in case of remarriage.—That paragraph (11) of Section 4275, General Statutes 1923, be amended to read as follows:

(11) In the case of remarriage of a widow without dependent children, she shall receive a lump sum settlement equal to one-half of the amount of the compensation remaining unpaid, *without deduction for interest, but not to exceed two full years compensation.* In case of remarriage of a widow who has dependent children, the unpaid balance of compensation which would otherwise become her due shall be payable to the mother, guardian, or such other person as the Industrial Commission may order, for the use and benefit of such children, during dependency; provided, that if the dependency of the children ceases before the equivalent of two years of the mother's compensation has been paid to the children, the remainder of the two years compensation shall be payable in a lump sum to the

mother, *without deduction for interest.* The payments as provided herein shall be paid within sixty (60) days after written notice to the employer of such remarriage, or that dependency of children has ceased.

Sec. 7. Parents to receive compensation.—That paragraph (14) of Section 4275, General Statutes 1923, be amended to read as follows:

(14) *If the deceased employe leaves no widow or child or husband entitled to any payment hereunder, but leaves both parents wholly dependent on deceased, there shall be paid to such parents jointly forty-five per centum of the weekly wage at the time of the injury of the deceased; provided, that in case of the death of either of the wholly dependent parents the survivor shall receive thirty-five per centum of the weekly wage thereafter. If the deceased employee leaves one parent wholly dependent on said deceased, there shall be paid to such parent thirty-five per centum of the weekly wage at the time of the injury of the deceased; provided, that the compensation payable under this paragraph shall not exceed the actual contributions made by the deceased to the support of such parent or parents, for a reasonable time immediately prior to the injury which caused the death of the said decedent.*

Sec. 8. Medical reports to be filed with Industrial Commission.—That Section 4293, General Statutes 1923, be amended by adding at the end of said section a paragraph to read as follows:

“Any employer or insurer or injured employees shall, upon request of the Industrial Commission, file with said Commission all medical reports in the possession of such employer or insurer having any bearing upon the case or showing the nature and extent of disability; provided that duly verified copies of such reports may be filed with the Industrial Commission in lieu of the originals.”

Sec. 9. Industrial Commission to be notified before discontinuance of payments.—That Section 4295, General Statutes 1923, be amended so that the first paragraph of said section shall read as follows:

“Section 4295. Before discontinuing the payment of compensation in any case coming under part 2 of this act, the employer shall, if it is claimed by or on behalf of the injured person or his dependents that his right to compensation still continues, or if such employee or his dependents shall refuse to sign or object to signing a final receipt, notify the Industrial Commission, in writing, of such proposed discontinuance of payment, with the date of discontinuance and the reason therefor, and that the employee or dependent, as the case may be, objects thereto, and such employer shall also file with such notice of discontinuance any medical reports in his possession bearing upon the physical condition of the injured employee at or about the time of the discontinuance of the compensation, or duly

verified copies of such reports in lieu of the originals; and until such notice is given, and such reports filed, as aforesaid, the liability for and the making of such payments shall continue unless otherwise ordered by the Commission; provided, that the receipt of any such notice of discontinuance, together with such reports, by the Commission, as herein provided, shall operate as a suspension of payment of compensation until the right thereto can be investigated, heard and determined, as herein provided. It is hereby made the duty of the Industrial Commission forthwith, upon receipt of any such notices of discontinuance, to notify the employee of the receipt thereof and mail him a copy of the same, together with copies of the reports filed with such notice, at his last known place of residence, and to make such investigations and inquiries as may be necessary to ascertain and determine whether the right to compensation in any such case has terminated in accordance with law, and if upon investigation it shall appear that the right to compensation in any such case has not terminated or will not terminate upon the date specified in any such notice of discontinuance, the Industrial Commission shall set down for hearing before the Commission, or some commissioner or referee, the question of the right of the employee, or dependent, as the case may be, to further compensation, such hearing to be held within twenty-five (25) days of the receipt by the Commission of any such notice of discontinuance, and eight (8) days notice of such hearing shall be given by the Commission to the interested parties.

Sec. 10. **Costs.**—That Section 4324, General Statutes 1923, be amended to read as follows:

“Section 4324. No costs shall be awarded against either party in hearings before the Commission, commissioner or referee, except as especially provided by this act, but in the discretion of the Industrial Commission, commissioner, or referee conducting a hearing, or in the discretion of the Commission in an appeal to it the prevailing party may be awarded reimbursement for actual necessary disbursements, to be taxed and allowed by the Commission, commissioner, or referee on five days notice in writing to the adverse party. The Commission in affirming, or modifying and affirming, or reversing a disallowance and allowing an award may include in its award reasonable attorney’s fees incident to the review on appeal, or may fix and allow a reasonable attorney’s fee in such cases in a proceeding to tax disbursements thereon. On writs of certiorari the supreme court costs and disbursements shall be taxed the same as on civil appeals. Provided, that if upon such review by the supreme court any award in favor of the injured employee or his dependents is affirmed, or modified and affirmed, or if the disallowance is reversed, the court may allow reasonable attorney’s fees incident to such review, which shall be included as a part of the judgment order of the supreme court.

Section 11. This act shall take effect and be in force from and after its passage.

Approved April 8, 1925.

CHAPTER 162—H. F. No. 955.

An act permitting villages which have or may hereafter issue its bonds to invest moneys in the treasury held for the payment of such bonds at maturity.

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

Section 1. **Villages may invest sinking fund.**—That the treasurer of any village which has heretofore or which may hereafter issue its bonds, may invest, when directed by the governing body of such village so to do, any moneys in its treasury which were levied for the purpose of paying such bonds at maturity, or any moneys therein which have been set aside or are being held for such purpose, in any registered liberty bonds of the United States or in any bonds issued by the State of Minnesota.

Approved April 8, 1925.

CHAPTER 163—H. F. 1132.

An act to amend Section 9576, General Statutes 1923, relating to notice to terminate contracts for sale of land and the service of said notice.

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

Section 1. **Termination of contracts for sale of land.**—That Section 9576, General Statutes 1923, be and the same is hereby amended so as to read as follows :

"9576. When default is made in the conditions of any contract for the conveyance of real estate or any interest therein, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that such contract will terminate thirty days after the service of such notice unless prior thereto the purchaser shall comply with such conditions and pay the costs of service. Such notice must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of said notice or doing any other preliminary act or thing