

estate affected, and after the affirmative vote in favor thereof a majority of the members of the governing body of such city; provided, however, that notwithstanding any resolution, ordinance or law conflicting herewith, the governing body of any such city, by an affirmative two-thirds vote in favor thereof, may by resolution grant a permit for the construction of additions, extensions or improvements to any hospital which is being actually operated and maintained on the premises which it occupies on the date of the passage of this act."

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

Approved April 20, 1925.

CHAPTER 285—S. F. No. 1181.

An act declaring a nuisance the business (and engagement or participation therein) of regularly or customarily producing, publishing or circulating an obscene, lewd, and lascivious newspaper, magazine, or other periodical, or a malicious, scandalous and defamatory newspaper, magazine or other periodical, and providing for injunction and other remedies and proceedings.

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

Section 1. Publication of certain newspapers declared nuisance.—Any person who, as an individual, or as a member or employee of a firm, or association or organization, or as an officer, director, member or employee of a corporation, shall be engaged in the business of regularly or customarily producing, publishing or circulating, having in possession, selling or giving away.

(a) an obscene, lewd and lascivious newspaper, magazine, or other periodical, or

(b) a malicious, scandalous and defamatory newspaper, magazine or other periodical,

is guilty of a nuisance, and all persons guilty of such nuisance may be enjoined, as hereinafter provided.

Participation in such business shall constitute a commission of such nuisance and render the participant liable and subject to the proceedings, orders and judgments provided for in this Act. Ownership, in whole or in part, directly or indirectly, of any such periodical, or of any stock or interest in any corporation or organization which owns the same in whole or in part, or which publishes the same, shall constitute such participation.

In actions brought under (b) above, there shall be available the defense that the truth was published with good motives and for justifiable ends and in such actions the plaintiff shall not have the

right to report to issues or editions of periodicals taking place more than three months before the commencement of the action.

Sec. 2. County Attorney or Attorney General to begin action.—Whenever any such nuisance is committed or is kept, maintained, or exists, as above provided for, the County Attorney of any county where any such periodical is published or circulated, —or (in the event of such County Attorney's failure or refusal to proceed upon written request in good faith of a reputable citizen of the State) the Attorney General, —or (in the event of such Attorney General's failure or refusal to proceed upon written request in good faith of a reputable citizen of the state), any citizen of such county, —may commence and maintain in the District Court of said county, an action in the name of the State of Minnesota, upon the relation of such County Attorney or Attorney General or citizen, as the case may be, to perpetually enjoin the person or persons committing, conducting or maintaining any such nuisance, from further committing, conducting, or maintaining any such nuisance. In any such action, the court, or a judge thereof in vacation, may, upon such evidence as the court shall deem sufficient, taken in such form as the court shall require, grant a Writ of Temporary Injunction.

The defendant or defendants shall be served therein as in other actions, and the statutory provisions as to service by publication shall be applicable as in other cases. In the case of unknown persons having or claiming any ownership, right, title or interest in any such periodical, or who may be participants in committing or maintaining such nuisance, such persons may be made parties to the action by designating them in the summons and complain as "all other persons unknown claiming any ownership, right, title or interest in the periodical affected by this action or participating in the commission or maintenance of any nuisance affected by this action," and services on such persons may be made by publishing the summons in the manner prescribed in Section 7737 of the General Statutes for 1913.

The defendant or defendants shall have the right to plead by demurrer or answer, and the plaintiff shall have the right to demur or reply as in other cases.

Sec. 3. Trial—penalties.—The action may be brought to trial and tried as in the case of other actions in such District Court, and shall be governed by the practice and procedure applicable to civil actions for injunctions.

After trial the court may make its order and judgment permanently enjoining any and all defendants found guilty of violating this act from further committing or continuing the acts prohibited hereby, and in and by such judgment, such nuisance may be wholly abated.

The court may, as in other cases of contempt, at any time punish,

by fine of not more than \$1,000, or by imprisonment in the county jail for not more than twelve months, any person or persons violating any injunction, temporary or permanent, made or issued pursuant to this act.

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

Approved April 20, 1925.

CHAPTER 286—S. F. No. 1278.

An act to authorize any school district to acquire for school purposes, under the right of eminent domain, any tract of land dedicated, attempted to be dedicated or designated as a public square in any town plat of lands within, or partly within, such school district and not within the limits of any incorporated village, borough or city.

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

Section 1. **School districts may exercise right of eminent domain.**—That any school district is hereby authorized and empowered to acquire, for school purposes, under the right of eminent domain, any tract of land dedicated, attempted to be dedicated, or designated as a public square in any town plat of land within, or partly within, such school district and not within the limits of any incorporated village, borough or city.

Approved April 20, 1925.

CHAPTER 287—S. F. No. 389.

An act to amend Section 2866, General Statutes of Minnesota for 1923, relating to debts and obligations of any school district which has been dissolved and become a part of unorganized school territory, so as to provide a method for the payment of incurred and outstanding obligations of any such district in counties having an assessed valuation of all taxable property exclusive of money and credits of more than \$300,000,000, and an area of over 5,000 square miles.

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

Section 1. **Debts and obligation to remain charge on territory.**—That Section 2866, General Statutes of Minnesota for 1923, be and the same hereby is amended so as to read as follows:

2866. Debts and obligations to remain charge on territory. All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property form-