

Sec. 4. Duties of County Attorney in certain cases.—*If at any time before sentence, or at any time after sentence but before such sentence is fully executed, it shall appear that a person convicted of a felony, or an attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of the county attorney of the county in which such conviction was had to file an information with the court wherein such conviction was had accusing such person of such previous convictions, whereupon the court shall cause the said person, whether confined in prison or otherwise, to be brought before it, either in term or in vacation, and shall inform him of the accusations contained in said information, by reading the same to him, and of his right to be tried as to the truth thereof according to law, and shall require such person to say whether he has been convicted as charged in said information or not. If he shall say that he has not been convicted as therein charged or refuses to answer, or remains silent, his plea, or the fact of his silence shall be entered of record, and the court shall make an order directing that the truth of the accusations made in said information be submitted to a jury at the then present term of court, if in term time and a jury be in attendance, or at the next ensuing term of court when a jury shall be in attendance. If the jury shall find and determine that the accused is guilty of previous convictions as charged in said information, or if the accused acknowledges or confesses in open court, after being duly cautioned as to his rights, that he has been so convicted, the court shall sentence him to the increased punishment or penalty of imprisonment to which he is liable as provided by law, and shall vacate any previous sentence if one has theretofore been imposed, provided, that any time served under the previous sentence shall be deemed to have been served under the new sentence and shall be credited thereon.*

Sec. 5. Duties of wardens, etc. in certain cases.—*Whenever it shall be come known to any warden or person in charge of the place of imprisonment wherein such person is confined, or to the Board of Punishments or to any probation or parole officer, police officer, or other peace officer that any person charged with or convicted of a felony, or attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of such person forthwith to report the facts to the county attorney of the county wherein the charge is pending or the conviction was had.*

Approved April 16, 1927.

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CHAPTER 237—H. F. No. 302.

*An act prescribing the procedure in eminent domain proceedings brought by the state or by any of its agencies or by any of*

*its political subdivisions, and providing for recovery of costs and disbursements on appeals taken therein, and repealing Section 6556 and Section 6557, General Statutes 1923.*

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

Section 1. **Eminent domain proceedings**—In eminent domain proceedings instituted by the state or by any of its agencies or political subdivisions as petitioners under the provisions of chapter 41, General Statutes 1923, the procedure shall be as follows:

(a) The report of commissioners shall be filed with the clerk of district court within 90 days from the date of the order appointing such commissioners.

(b) At any time within 30 days from the date of the filing of such report, any party to the proceeding may appeal from any award of damages embraced in said report, or from any omission to award damages, by filing with the clerk a notice of such appeal. Such notice of appeal shall specify the particular award or failure to award appealed from, the nature and amount of the claim, the land to which it relates, and the grounds of the appeal. Upon appeal the prevailing party shall recover costs and disbursements.

(c) Payment of the damages awarded may be made or tendered at any time after the filing of said report. The duty of the public officials to pay the amount of any award or final judgment upon appeal shall for all purposes be held and construed to be full and just compensation to the respective owners or the persons interested in the lands.

(d) The notice of filing of report provided for in section 6545, General Statutes 1923, shall be dispensed with; as shall also the final decree provided for in Section 6553, General Statutes 1923, provided the attorney for the petitioner make a certificate describing the land taken and the purpose or purposes for which taken, and reciting the fact of payment of all awards or judgments in relation thereto, which certificate upon approval thereof by the court shall establish the rights of the petitioner in the lands taken and shall be filed with the clerk and a certified copy thereof filed for record with the register of deeds. Such record shall be notice to all parties of the title of the state or of its agency or political subdivision to the lands therein described.

(e) The commissioner of highways may except as to lands already devoted to a public use, at any time after the filing of a petition for the condemnation of any land for a trunk highway, or for material for the construction or improvement thereof, take possession of such land; and may at any time enter upon any lands and make surveys and exam-

inations thereof in the location of trunk highways or in the acquisition of material for the construction or improvement thereof.

Sec. 2. To apply to pending proceedings.—The provisions of section 1 hereof, as far as the notice of filing of report and final decree are concerned, shall apply to proceedings now pending and brought by the state or by any of its agencies or political subdivisions under chapter 41, General Statutes 1923, and in which all awards or judgments in relation thereto have been paid.

Sec. 3. Laws repealed.—Section 6556 and section 6557, General Statutes 1923, are hereby repealed, except as to proceedings taken thereunder and now pending.

Approved April 14, 1927.

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#### CHAPTER 238—H. F. No. 200.

*An act to amend Section 3429, General Statutes 1923, relating to the qualifications for license of co-operative life and casualty companies.*

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

Section 1. **Qualifications for license for certain insurance companies.**—That Section 3429, General Statutes 1923, be and the same is hereby amended so as to read as follows:

“3429. No corporation not now authorized to transact business in this state, shall be licensed to transact the business of life or casualty insurance, or both, upon the co-operative or assessment plan until at least two hundred and fifty (250) persons eligible to membership therein have made individual applications in writing therefor; containing warranties of age, health and other required conditions of membership, and that there has been paid into the treasury of such corporation for its use and benefit the sum of at least five thousand dollars (\$5,000), which amount shall be liable only for death or indemnity claims made under its policy or membership certificate contracts, *provided however, such a corporation that confines its membership exclusively to the members of volunteer fire departments shall be required to have not less than one hundred (100) individual applications in writing from persons eligible to membership and the sum of at least one thousand dollars (\$1,000), paid into the treasury of such corporation for its use and benefit which amount shall be liable only for death or indemnity claims made under its policy or membership certificate contracts.*

Approved April 16, 1927.