

tion have been filed in the proper office, but have been lost or destroyed and there is no record of them, and said creamery association has purchased property in its corporate name and transacted the business of a creamery association from the time of the purchase of such property and is now assuming to act as such creamery association and using the property so purchased for a creamery, such attempted incorporation of such creamery association, under the name assumed, in each and every such case is hereby legalized and declared a valid and effectual incorporation of such creamery association, under the name assumed, from and after the time of the filing of such articles of incorporation, notwithstanding the omission of any matter or thing prescribed to be done or observed in such incorporation. And any and all conveyances of property, real or personal, in good faith and lawful form, made to or by such creamery association, under the corporate name so assumed, and any regulations, rules or by-laws by it adopted, are hereby legalized and declared as valid and effectual as if such creamery association had been in all things duly and legally incorporated.

Sec. 2. Association to file certificate.—Any such creamery association, shall, within one year after the passage of this act, at a meeting of the stockholders thereof, ten days, notice of the time and place of such meeting having been given by the secretary of such creamery association by posting copies of such notice in at least three public places in the town, city or village in which said creamery is situated, and by mailing a copy thereof to each stockholder at his last known address, adopt articles of incorporation containing the provisions now required by the laws governing the organization of co-operative associations, and the certificate of such formation shall be executed by the president and secretary of such creamery association and filed in the office of the Secretary of State and recorded in the office of the Register of Deeds of the proper county.

Sec. 3. Incorporation completed.—Upon the filing and recording of such articles of incorporation, said association shall become a corporation for the period of time therein set forth.

Sec. 4. Not to affect pending actions.—Nothing in this act contained shall affect any action or proceeding now pending.

Approved March 25, 1927.

CHAPTER 73—S. F. No. 742

An act to amend Section Three, Chapter 352, General Laws 1923, entitled "An act relating to villages and cities, and providing

for the detachment of territory from certain villages and cities and the annexation thereof to adjoining cities of the first class."

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

Section 1. **Annexation of territories to cities of the first class.**—That Section 3, Chapter 352, General Laws 1923, is hereby amended so as to read as follows :

"Sec. 3. Thereupon, if the council of such city of the first class finds that the territory described in such resolution is so conditioned as to properly be made a part of such city of the first class, it shall have power, by resolution duly adopted, to annex such territory and immediately upon the adoption of such resolution the territory annexed shall become a part of such city of the first class for all purposes. Thereafter the city clerk of such city of the first class shall file with the register of deeds of the county wherein such city of the first class is situate and in the office of the secretary of state a certified copy of the resolution adopted by the council of such city of the first class annexing the territory described to such city of the first class."

Sec. 2. **Councils to adopt resolution of annexation.**—Said Section three, Chapter 352, General Laws 1923, is hereby further amended by adding to said act, immediately after Section 3 thereof, the following four sections :

Sec. 3a. In case such annexed territory includes any entire village or city of the fourth class, or any school district or school districts, the city of the first class to which such territory is annexed shall assume and be charged with all the outstanding bonds and obligations of such village or city of the fourth class and of such school districts, as the case may be; and all moneys, claims and properties, including real estate, school sites, school buildings and the proceeds of all taxes levied and collected and to be collected, belonging to, owned, held or possessed by such village or city of the fourth class or school district, shall become and be the properties of such city of the first class, with full power and authority to use and dispose of the same for public purposes as the City Council of such city may deem best. In case such annexed territory shall include fractional portions of any such village or city of the fourth class or fractional portions of any school district or school districts, the governing body of such city of the first class shall have power and authority, by the resolution provided for in Section 3 hereof, to provide and determine that all or a part of the outstanding bonds and obligations of such village or city of the fourth class, and of all such school districts in such annexed territory, which have been issued or incurred for the acquisition of school sites and school buildings or other school property located within such annexed territory, shall become and

be the obligations of such city of the first class upon the conveyance and transfer to such city of the first class of such school sites, school buildings and other school property. If such city council shall fail to provide for the disposition of the school property and school obligations of such village or city of the fourth class and of such school districts as herein provided, it shall be the duty of the county board to make an equitable division of the same as hereinafter provided.

Sec. 3b. It shall be the duty of the county board to make an equitable division and apportionment of the public properties and obligations of such village or city of the fourth class and of the school districts affected by such annexation of territory, between such city of the first class and such village or city of the fourth class, and such school districts, provided that such division and apportionment of school bonds and obligations and school properties shall not be made by the county board in any case where such division and apportionment is made by the city council of such city of the first class as provided in Section 3a hercof.

Sec. 3c. In making such division and apportionment of properties and obligations of such village or city of the fourth class and of such school districts it shall be the duty of the county board to make an equitable division of the public properties of such village or city of the fourth class, and of the school districts, of which such annexed territory formed a part prior to such annexation of territory, and to apportion the properties and indebtedness if any of each thereof between such village or city of the fourth class, and such school districts and such city of the first class, in such manner as shall be just and equitable, having in view the location and value of the public buildings and real and personal property of such village or city of the fourth class and of such school districts, the amount of taxes due and taxes delinquent and the indebtedness of each such village, city of the fourth class and school districts, if any, and for what purpose the same was incurred, all in proper relation to and in view of the last assessed valuation of all the taxable property of such village or city of the fourth class and such school districts severally, and shall make such apportionment and division thereof by resolution and other appropriate proceedings, after first giving at least twenty days' notice to each such village, city of the fourth class, school districts, and city of the first class, to be affected thereby. Any such village, city of the fourth class, school district, and such city of the first class, affected by any resolution, order or proceeding of any county board as herein provided, may appeal to the district court from any such resolution, order or proceeding within twenty days after the making or completion thereof. All appeals in any such proceeding for the annexation of territory shall be tried and disposed of at the same time in one proceeding by the district

court in the same manner and in all respects as in the case of appeals from the decision of the county board on claims against the county, except that the trial thereof shall be by the court without a jury, and an appeal from the determination of the district court shall lie to the supreme court in the same manner as in civil actions.

Sec. 3d. Such annexed territory shall become parts of adjacent wards of such city of the first class, and the portions of such territory to be added to wards adjacent thereto shall be determined by the extension in straight lines of the ward lines of such adjacent wards.

Sec. 3e. This act shall apply to all cities of the first class, including cities of the first class organized and operating under a home rule charter adopted under the provisions of Section 36, Article 4, of the state constitution and the laws of the state relating thereto.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1927.

CHAPTER 74—S. F. No. 915

An act authorizing the County Board of any county of this State now or hereafter having a population of over 200,000 inhabitants and an area of over 5,000 square miles., to allow the traveling expenses of the County Surveyor, County Attorney, County Auditor and Judge of Probate, and the deputy or assistants of any such official, incurred while traveling on the official business of said county, in addition to other travel expenses now allowed by law.

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

Section 1. Expenses of certain county officers allowed.— That in any county in this state now or hereafter having a population of over 200,000 inhabitants and an area of over 5,000 square miles, the county board is hereby authorized to audit and allow the traveling expenses of the county surveyor and his deputy, the county attorney and his assistants, county auditor and his deputies and the judge of probate for necessary travel within said county on the official business of the county, whenever traveling by common carrier or by motor vehicle owned by any such official or his deputy, or assistants, and said county board may authorize any such official, where he is not now authorized by law, to travel on the official business of the county outside the limits of said county but within the limits