

Sec. 6. This act shall take effect and be in force from and after its passage and all acts and parts of acts inconsistent herewith are hereby repealed and declared of no effect insofar as they may be inconsistent with this act.

Approved April 16, 1929.

CHAPTER 209—H. F. No. 534

An act for the organization of corporations to create and maintain parks, playgrounds, drives and boulevards, and hold the same in trust for certain classes of cities, and to receive gifts and grants therefor, and to enable such cities to take, hold and manage property for similar purposes.

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

Section 1. **Corporations may be organized for certain purposes.**—Any number of adult persons, not less than five in number, residing in any city, in the state, whether incorporated by general law or special act, excepting cities of the first class, may organize a public corporation for the purpose of acquiring, holding, governing, managing, controlling and improving parks, playgrounds, boulevards and pleasure drives within and in the vicinity of the city in which they reside. Such corporation shall be without capital stock and shall be governed by a Board of Directors. It shall have all of the powers and privileges conferred by this act.

Sec. 2. **Certificate of incorporation.**—They shall adopt and sign a certificate of incorporation containing:

1. The name of the corporation; its general purpose; and its location.
2. The terms for admission to membership.
3. The names and places of residence of the incorporators.
4. The number of members constituting its board of directors; the date of the annual meeting at which they shall be elected; and the names and addresses of those composing the board until the first election.

Such certificate shall be acknowledged, and recorded in the office of the Secretary of State and in the office of the Register of Deeds in the county where the corporation is located. Any such corporation may amend its certificate of incorporation as provided in the case of other corporations. Neither the original certificate of incorporation or any amendment thereto need be published.

Sec. 3. Powers of corporation.—Corporations authorized by this act shall have full power to acquire, hold, govern, manage, control and improve parks, playgrounds, boulevards and pleasure drives over which their powers and jurisdiction extend under the provisions of this act, and to lay out the same, and shall have the power to take and hold by gift or bequest for such purposes, personal property and to take and hold by purchase, gift, grant, dedication or devise, real property for such purposes, located within the limits as fixed by Section 4 of this act, but shall take and hold such property and exercise said powers in trust for the city in connection with which said parks, playgrounds, boulevards or pleasure drives shall be laid out and maintained.

Sec. 4. May accept gifts or acquire in any manner.—Any city of the class mentioned in Section 1 of this act shall have power to take by gift or bequest any personal property for the purpose of securing, constructing or maintaining parks, playgrounds, boulevards or pleasure drives, and may also take and hold by grant, devise or dedication, or by purchase, any real property within the county in which said city is located for like purposes, and cities situated in two or more counties shall have like power to acquire real estate for such purposes in any or either of said counties. Any such city located upon or within one mile of the county boundary line may take real property by grant, devise or dedication for the purposes aforesaid, either in the county in which it is located or in such other county or counties. Provided further however, that no city of the class mentioned in section one of this act nor any corporation organized under the provisions of this act shall have power to take by gift, bequest or acquire in any other manner any lands within the confines of any city of the first class.

Sec. 5. Gifts shall be legal and valid.—All gifts, grants, bequests, devises or dedications for the benefit or advantage of any such corporation in its trust capacity as aforesaid, or for the benefit or advantage of any such city for the purposes aforesaid, whether made to trustees for or directly to any such corporation or city, shall be legal and valid, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents or profits of any real estate, and shall be

executed and enforced and exclusively devoted to the specific objects for which they shall have been designed according to the provisions of the instrument making the same, without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than 20 times as great as that originally given.

Sec. 6. Cities may transfer management of property to corporation.—Any such city may, by a vote of its common council, vest in and transfer to any such corporation, but in trust as hereinbefore provided, the management and control of any real property held by it for parks, playgrounds, boulevards or pleasure drives, in whatsoever manner the same were acquired by said city; but any such city may, by a like vote, revoke such transfer to said corporation and reinvest the management and control of said property in its own officers at any time that it may deem it for the public interest so to do.

Sec. 7. Cities may appropriate money.—It shall be lawful for any such city to appropriate to any such corporation, moneys not to exceed \$1,500.00 a year for the uses and purposes of such corporation, when expressly authorized by a two-thirds vote of the common council and approved by the mayor.

Sec. 8. Officials to be ex-officio members of the Board of Directors.—The Mayor of any such city and the members of the park committee of its common council, where such a committee is provided for by charter or otherwise, shall be ex-officio members of the board of directors of any corporation organized under this act.

Sec. 9. Lands to be held in trust.—All lands acquired by any corporation organized under this act or subject to its control and management shall be held in trust as aforesaid for public parks, playgrounds, boulevards and pleasure drives for the recreation, health, welfare and benefit of the public, and shall be free to all persons, subject to such necessary and reasonable rules and regulations as shall, from time to time, be adopted under the provisions of this act, for the well-ordering and government thereof. And all such lands and personal property so held in trust for such purposes shall be exempt from taxation. Provided, however, that such lands only as are used for parks, playgrounds, boulevards and pleasure drives shall be exempt from taxation.

Sec. 10. Powers and duties.—Such corporations shall have power to make rules and regulations for the government, man-

agement and control of such parks, playgrounds, boulevards and pleasure drives and for the preservation of order therein, to restrict traffic and prohibit heavy teaming thereon, to employ such persons and purchase such machinery and tools as may be necessary for the proper improvement, management and care thereof, and prescribe the respective duties and authority of their employes and fix the amount of their compensation. Copies of said rules and regulations shall be posted up in convenient places in and upon such parks, playgrounds, boulevards and drives, and the officers of said corporation or any superintendent thereof shall have power to summarily enforce all such regulations, and for that purpose shall have the powers of police officers. Any such officer or superintendent may also summarily arrest any person engaged in the violation of any provision of Section 13 of this act, and for that purpose shall have the same powers as a policeman within the city in connection with which any such park, playground, boulevard or drive shall be maintained, and the municipal or police courts of any such city shall have jurisdiction of any such offense and also of any offense committed under Section 14 of this act, in the same manner and to the same extent as they have jurisdiction of misdemeanors.

Sec. 11. Public liability on drives.—No city in connection with which any such park, playground, boulevard or pleasure drive shall be maintained under the provisions of this act shall be liable for any damage resulting from any want of repair or insufficiency in construction or maintenance of any parks, playgrounds, boulevards or pleasure drives, nor shall any such corporation so holding the same in trust, or its officers, agents or servants, be liable for any damage resulting from any want of repair or insufficiency therein. There shall be placed at conspicuous points along such drives, outside the city limits, at intervals of not exceeding one mile, a notice in large plain letters as follows: "Any person using this drive does so at his own risk as to defects therein."

Sec. 12. May acquire right to use public highways.—Any such corporation may procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in said town, to be used in connection with any drive or boulevard under the management and control of said corporation, and may agree with said supervisors upon the amount of compensation and damages to be paid by such corporation to the town therefor; every such agreement with the supervisors shall be in writing and be filed in the town clerk's office; and said compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of the town.

Sec. 13. **Penalties for destroying property.**—Any person who shall injure, remove, break, burn, cut down, root up, sever or carry away any tree, shrub, plant, root, vine or flower, standing or growing in or upon any such park, playground, boulevard or pleasure drive, or who shall tear down, mutilate, deface, destroy, or injure, any sign-board, mile-stone, post, guide-board, bridge, fence, walk, or railing or any part thereof, or any printed or written copy of the rules or regulations of said corporation, or of any statute relating to parks, playgrounds, boulevards or pleasure drives, posted up or being in or upon such parks, playgrounds, boulevards or pleasure drives, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding ten dollars, but upon proof that any such act was maliciously done, he shall, upon conviction thereof, be punished by a fine not exceeding 50 dollars.

Sec. 14. **Violation a misdemeanor.**—Any person who shall violate any of the rules or regulations of such corporation mentioned in Section 10 of this act, which shall be posted up as required by said Section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding ten dollars.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved April 16, 1929.

CHAPTER 210—H. F. No. 990

An act to amend General Statutes 1923, Section 3017, relating to the maintenance of public libraries by certain school districts and authorizing the levy of taxes therefor.

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

Section 1. **Tax levy for library purposes.**—That General Statutes 1923, Section 3017, be amended to read as follows:

"3017. In cities and villages of less than two thousand people, not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the dis-