

the commissioner of insurance or the county auditor in whose office the notice is filed at least two copies of said notice. The commissioner of insurance or county auditor with whom said notice is filed shall be entitled to charge a fee of \$1.00 for filing said notice and mailing the copies as herein provided; and provided further that the failure of the commissioner of insurance or the county auditor with whom said notice is filed to mail said copies as herein provided, shall in no way affect the validity of the claim or the right of the claimant to maintain an action thereon."

Sec. 4. Not to affect pending actions.—This act shall not affect any action or proceedings now pending in any of the courts of this state.

Sec. 5. Effective May 1, 1929.—This act shall take effect and be in force from and after May 1, 1929.

Approved April 25, 1929.

CHAPTER 370—S. F. No. 528

An act to amend Section 1, Chapter 173, of the Laws of the State of Minnesota for the year 1925, relating to the furnishing of security by depositories of public funds.

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

Section 1. Depository bonds.—That Section 1, Chapter 173, of the Laws of the State of Minnesota for the year 1925, be amended as follows:

“Section 1. Any bank or trust company authorized to do a banking business in this state, designated as a depository of county, city, village, borough, town or school district funds, as provided by law, may, in lieu of the corporate or personal surety bond required to be furnished to secure such funds, deposit with the treasurer of the municipality making such designations, such bonds, certificates of indebtedness or warrants, except bonds secured by real estate, as are legally authorized investments for savings banks under the laws of the state or the bonds of any of the insular possessions of the United States, or the bonds of any state, or its agency, the payment

of the principal and interest of which, or either, is provided for otherwise than by direct taxation. The total in amount of such collateral computed at its market value shall be at least ten per cent more than the limit of deposit which would be permitted if a corporate or personal surety bond was furnished. The depository may in its discretion furnish both a bond and collateral aggregating the required amount. Any collateral so deposited shall be accompanied by an assignment thereof to the municipality designating such depository, which assignment shall recite that such depository shall pay over to the treasurer, or his order, on demand, or if a time deposit when due, free of exchange or any other charges all moneys deposited therein at any time during the period such collateral shall be so deposited, and to pay the interest thereon when due at the agreed rate; and that in case of any default upon the part of the depository the governing body of the municipality making the designation shall have full power and authority to sell such collateral, or as much thereof as may be necessary to realize the full amount due the municipality and to pay over any surplus to the depository, or its assigns. A depository may in its discretion deposit collateral of a value less than the total designation and may from time to time during the period of its designation deposit additional collateral and make withdrawals of excess collateral, or substitute other collateral for that on deposit, or any part thereof. Authority is vested in the treasurer to return the collateral to the depository when the trust so created is terminated and he shall in the case of a reduction of the deposit permit the depository to withdraw the excess portion thereof. All interest on the collateral so deposited when collected shall be paid to the depository so long as it is not in default. Before any collateral is deposited with the treasurer it shall first be approved by the same authority that designated the depository but no such authority shall be necessary for the withdrawal of collateral. The closing of a depository shall be deemed a default upon the part of the depository and no demand upon the part of the municipality, or its treasurer, shall be necessary to establish such default. If a depository shall close, any time deposit placed therein shall immediately become due and payable. If both bond and collateral is furnished by a depository, all or any part of the collateral may be withdrawn without in any way impairing the full force and effect of the bond unless it shall contain a provision that the collateral shall not be withdrawn without the consent of the surety thereon. If a corporate surety bond is furnished by a depository it shall be in a penal sum not to exceed the amount designated as the limit of deposit therein notwithstanding any other provisions of law to the contrary. At no time shall the treasurer maintain a deposit in any depository against collateral in excess of ninety per cent of the market value thereof. Any provision of law authorizing any county, city, village, borough, town

or school district to designate banks as depositories shall be construed to include trust companies authorized to do a banking business. *All bonds furnished under the provisions of this act shall be approved by the governing body of the municipality making such designation and shall be filed in the office of the county auditor as provided by Chapter 118, of the Laws of the State of Minnesota for the year 1927, and all collateral deposited under the provisions of this act shall be approved by the governing body of the municipality making such designation and after such approval be deposited with the treasurer of such municipality, unless the governing body of such municipality shall by resolution fix and determine some other place for the safe keeping of such collateral. Provided such collateral shall not be re-deposited in the bank or trust company furnishing the same.*"

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

Approved April 25, 1929.

CHAPTER 371—S. F. No. 617

An act authorizing any county and any city of the first class within such county which such city shall contain taxable property having an assessed valuation of more than 95% of the assessed valuation for taxation purposes of all property in such county to create and maintain a board of public welfare, to jointly supervise and care for the poor therein, defining the powers and duties of said board of public welfare, providing the funds for operation thereof and empowering the county board to authorize and require the executive secretary of such board of public welfare to purchase supplies for any home schools for boys and girls, operating under the provisions of Section 14, Chapter 397, General Laws 1917, and repealing the act entitled "An act to authorize the County of Ramsay and the City of St. Paul to issue bonds to build an almshouse and hospital and for other purposes," approved February 29, 1872, (printed as a joint resolution and designated as Chapter 99 in extra session laws of 1902), and all amendatory and supplemental acts and other acts inconsistent herewith.

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