

—General Laws 1929, Chapter 42, Section 1, is hereby amended so as to read as follows:

"Section 1. The commissioner of drainage and waters is hereby authorized and directed, *in accordance with the provisions of General Statutes 1923, Chapter 44, relating to the establishment and construction of state ditches*, to reconstruct as expeditiously as may be the outlet in the Tamarack river of state ditch number 2, Marshall county, Minnesota, of a capacity to receive and discharge all the waters collected in said state ditch and discharged therein by state ditches numbers 47 and 90 and other ditches, and thereby abate the public nuisance created by the flooding of such waters over the banks of said state ditch number 2 onto the lands adjacent thereto and thus prevent injury to the lands so overflowed, *some of which are owned by the state*, and protect the health of the inhabitants of the vicinity of said ditch."

Approved March 18, 1929.

CHAPTER 75—S. F. No. 148

An act to establish and dedicate a state memorial park and soldiers' and sailors' rest, to be known as "Birch Cooley Battle Field State Memorial Park," and appropriating money therefor.

WHEREAS, on September 2 and 3, 1862, on the Birch Cooley Battle Field in Renville County, Minnesota, soldiers and pioneer citizens of Minnesota laid down their lives, heroically fighting against overwhelming odds in defense of all the homes of Minnesota, in a battle which in its historical significance is second to none in the annals of the state; and

WHEREAS, the heroic deeds and sacrifices of the noble defenders in the battle of Birch Cooley contributed in a large measure to the wonderful history and development of this great state, and made sacred forever the ground which they watered with their life blood; and

WHEREAS, little has been done by the state to consecrate the ground on which these heroic men so nobly fought, or to commemorate for future generations their hardships and sacrifices; and

WHEREAS, the Birch Cooley Battle Field and vicinity is unsurpassed in natural beauty and is situated most advantageously for use as a public park; and

WHEREAS, the creation and dedication of the battle field as a public park will commemorate and perpetrate the memory of all our nation's defenders; and

WHEREAS, there is actual and urgent need for the setting aside and establishing of a cemetery for Minnesota's soldier and sailor dead of all wars; and

WHEREAS, the Birch Cooley Battle Field and vicinity constitutes a most fitting and proper resting place for Minnesota's soldier and sailor dead; therefore

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

Section 1. **Memorial Park established.**—That the northeast quarter (NE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section nineteen (19) and the northwest quarter (NW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section twenty (20), all in Township one hundred thirteen (113) of Range thirty-four (34), in the county of Renville, be and the same hereby is set apart and established as a state memorial park in commemoration of the heroic deeds and sacrifices of Minnesota's pioneer citizens and her soldiers and sailors of all wars.

Sec. 2. **Name.**—That the name of said park shall be "Birch Cooley Battle Field State Memorial Park," and the same by this act hereby is dedicated to the perpetual use of the people as a public park as a resting place for Minnesota's soldier and sailor dead of all wars, under the restrictions herein contained or which may hereafter be provided by law.

Sec. 3. **Commission to be appointed by governor.**—That a commission to be known as the Birch Cooley State Memorial Park Commission, comprised of three persons to be appointed by the governor forthwith upon the passage of this act, hereby is created. Upon appointment the commission shall proceed to acquire by gift/or purchase and/or exercise of the power of eminent domain that part of the lands described in Section 1 hereof not now owned by the state, and to pay therefor such reasonable compensation as may be agreed upon, subject to the approval of the governor. In case said lands or any part thereof cannot be secured for a price which is satisfactory to the commission and the governor, the attorney general hereby is authorized, and fully empowered, upon written request of the commission, to institute and carry on, for and in behalf of and in the name of the state, proceedings for the acquisition of the title in fee to said lands or such part thereof, by exercise of the power of eminent domain, in the manner provided by law therefor.

Sec. 4. **Part of park to be cemetery.**—That upon final acquisition by the state of the title to said lands and premises the commission shall cause a plat thereof to be made, and a part thereof, suitably located and so situated that its boundaries may be extended as from time to time may be necessary, to be set aside, marked and platted as a cemetery for the burial of Minnesota's soldier and sailor

dead of all wars, and the plat.or plats thereof to be duly recorded in the office of the register of deeds of Renville county. The portion of said park so set aside, marked and platted as a cemetery shall be known as the "Minnesota Soldiers' and Sailors' Rest."

Sec. 5. **Commission to serve without compensation.**—That the members of the commission shall serve without compensation or expenses. The commission shall make full report to the 1931 legislature of its acts and doings hereunder, and following the acquisition of the lands and the completed performance by the commission of its duties as herein prescribed, the department of conservation shall have the care, improvement, supervision, control and management of said park.

Sec. 6. **Appropriation.**—That the sum of \$7,500.00 or so much thereof as may be necessary, available immediately and until the end of the fiscal year ending June 30, 1931, hereby is appropriated out of any moneys in the treasury not otherwise appropriated, to the use of the commission for carrying out the purposes of this act, payable upon itemized vouchers of expenditures approved by the commission.

Approved March 19, 1929.

CHAPTER 76—S. F. No. 253

An act to amend General Statutes 1923, Section 2836 as amended by Chapter 118, Laws 1927, relating to the designation of depositories for school funds.

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

Section 1. **Depository of funds in common and independent school districts.**—That General Statutes 1923, section 2836, as amended by Chapter 118, Laws 1927, be amended to read as follows:

"2836. The *governing board, by whatever name known*, of the several common, independent *and special* school districts in this state may in their discretion, select and designate as a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years on the execution by such bank or banks of a sufficient bond to the school district in double the sum deposited, except in cases where the bond furnished is that of a surety company authorized to do business in the state of Minnesota, and in such cases the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the board and filed in the office of the county auditor of the county wherein