

issued or may be issued for certain purposes or improvements, no part of the proceeds of such bonds shall be used until the governing body of the county has by resolution determined the projects and the amount of the proceeds of such bonds for such project under each bond issue, provided that where one of the said projects was intended to provide a better connection between a section of a city located in such county and the downtown district of said city the plan of such improvement may be changed when in the judgment of the Board of County Commissioners of such county a connection substantially as good can be made by an improvement shorter in length. It is further provided that when any such project is for the improvement of a street which improvement is to terminate within a distance of 500 feet of any state owned property, the said street improvement may be extended so as to connect with, and conform to the development of such state owned property, and upon completion of said street improvement, the governing body of said county may extend the said improvement by opening and improving the approaches to such state owned property, and may for such purpose appropriate the money necessary therefore from any unexpended balances in said improvement program, provided however that the State of Minnesota appropriate for such purpose one-half ($\frac{1}{2}$) the cost of such additional improvement.

It is further provided that upon the completion of each of such projects in such improvement program that the unexpended balance of the appropriation for such project shall be transferred to the sinking fund of such county and be used for the purpose of retiring the bonds issued for such purposes."

Approved April 15, 1933.

CHAPTER 286—H. F. No. 271

An act providing for construing rights under conveyances, contracts, statutes, ordinances and other laws and writings, and concerning declaratory judgments and decrees and to make uniform the law relating thereto.

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

Section 1. Courts to construe rights.—Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open

to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

Sec. 2. May have instruments construed.—Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.

Sec. 3. Contract may be construed—when.—A contract may be construed either before or after there has been a breach thereof.

Sec. 4. Who may ask for construction.—Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:

- (a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or other; or
- (b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or
- (c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

Sec. 5. Not restricted.—The enumeration in Sections 2, 3, and 4 does not limit or restrict the exercise of the general powers conferred in Section 1, in any proceeding where declaratory relief is sought, in which judgment or decree will terminate the controversy or remove an uncertainty.

Sec. 6. Court may refuse to enter decree.—The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

Sec. 7. Orders, judgments and decrees may be reviewed.—All orders, judgments and decrees under this Act may be reviewed as other orders, judgments and decrees.

Sec. 8. **Application to court for relief.**—Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

Sec. 9. **Issues of fact may be tried.**—When a proceeding under this Act involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

Sec. 10. **Costs.**—In any proceeding under this Act the court may make such award of costs as may seem equitable and just.

Sec. 11. **Parties.**—When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the Attorney-General of the State shall also be served with a copy of the proceeding and be entitled to be heard.

Sec. 12. **Act to be remedial.**—This Act is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.

Sec. 13. **Definition.**—The word “person” wherever used in this Act, shall be construed to mean any person, partnership, joint stock company, unincorporated association, or society, or municipal or other corporation of any character whatsoever.

Sec. 14. **Provisions separable.**—The several sections and provisions of this Act except sections 1 and 2, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not effect or render the remainder of the Act invalid or inoperative.

Sec. 15. **To make law uniform.**—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

Sec. 16. **Uniform declaratory judgments act.**—This Act may be cited as the Uniform Declaratory Judgments Act.

Sec. 17. This Act shall take effect from and after its passage.
Approved April 17, 1933.

CHAPTER 287—S. F. No. 731

An act authorizing state treasurer to designate depository for securities deposited with state treasurer by banks and trust companies.

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

Section 1. **State Treasurer to designate depositories.**—Where any statute of this State requires or permits a Bank or Trust Company to deposit securities with the State Treasurer, the latter, on the request of such depositor, may designate some other Bank or Trust Company as the depository of such securities under such depository agreement, as may be prescribed and approved by him, and which will not deprive the State Treasurer of the control thereof and the charges of such depository shall be paid by the depositing Bank or Trust Company. If such depositing Bank or Trust Company is a member of the Federal Reserve system, the Federal Reserve Bank in this State may be the depository designated by the State Treasurer.

Approved April 17, 1933.

CHAPTER 288—H. F. No. 766

An act to provide relief for poor persons in cities of the fourth class, operating under a home rule charter, and now or hereafter having an assessed valuation in excess of \$10,000,000 and a population of less than 9,000 inhabitants.

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

Section 1. **Appropriation for poor relief in certain cases.**—That the governing body of any city of the fourth class, operating under a home rule charter, and now or hereafter having an assessed