

CHAPTER 24—H. F. No. 183

An act to legalize the vacation of town roads in certain cases in certain counties.

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

Section 1. Vacation of town roads in certain counties legalized.—In all counties of this state now or hereafter having a land area of more than 380 square miles and less than 400 square miles and a population of more than 20,000 according to the last federal census, in all cases where proceedings have heretofore been commenced for the vacation of a town road pursuant to the Laws of Minnesota 1921, Chapter 323, Section 43 (Mason's Minnesota Statutes 1927, Section 2583), where it appears from the minutes of the town board of the town in which said road or a portion thereof is situate that a petition for such vacation in proper order was presented to said board and considered and an order made thereon vacating said road, or a portion thereof, as the case may be, whether or not the records of the town clerk indicate the filing of said order with the clerk and whether or not said order was filed in the office of the county auditor as provided by existing law, nevertheless said order shall be for all purposes effectual if within ninety days after the passage and approval of this act a certified copy of the minutes of said board for the meeting at which said petition was first presented and also for the meeting at which said petition was acted upon, together with a certified copy of the notice of hearing on said petition with proof of posting, shall be filed with the county auditor.

Sec. 2. May appeal from order.—If in such case the records of the town clerk do not show that such order was filed with said clerk previous to the passage of this act, and if it does not appear from the records of said clerk or of the county auditor that such order was, prior to the passage of this act, recorded and filed with said auditor, any person aggrieved by such order or, if damages were awarded in connection therewith, by such award, may appeal therefrom within thirty days after the filing with the county auditor of said certified copies as hereinbefore provided, and such appeal shall be taken in the manner provided by Laws of Minnesota 1921, Chapter 323, Section 48 (Mason's Minnesota Statutes 1927, Section 2588), but said appeal shall not be for any purpose effectual unless within such time a copy of the notice of appeal is filed with the county auditor. Upon final judgment being rendered on such appeal the clerk shall file a certified copy thereof with the county auditor, as well as with the clerk of the town board.

Sec. 3. Limit of appeal.—After thirty days has expired from the time said certified copies are filed with the county auditor, as provided in Section 1 of this act, and in case no appeal has been

taken, the certificate of the auditor as to the filing of said certified copies and as to the taking of no appeal shall be *prima facie* evidence of the regularity of the proceedings prior to the making of such order and of the order itself. In case of appeal and an affirmance of the order or award, the auditor may likewise certify as to the filing of said certified copies and the affirmance of said order or award, and the auditor's certificate in such case shall have like effect.

Sec. 4. Not to effect pending action.—The provisions of this act shall not affect any action or proceeding now pending in the courts of this state.

Approved July 14, 1937.

CHAPTER 25—H. F. No. 184

An act amending Section 1 of Chapter 242 Laws 1937, authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of such corporations made or done and performed subsequent to the expiration of the original period of existence of such corporations, and providing for the rights and remedies of non-assenting stockholders.

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

Section 1. Law amended.—Section 1 of Chapter 242, Laws 1937, is hereby amended so as to read as follows:

“Section 1. **Renewal of corporate existence of certain corporations.**—Any corporation heretofore organized under the laws of this state, for pecuniary profit, and social corporations, and corporations created under General Statutes of 1894, Chapter 34, Title 3, whose period of duration has expired less than twenty years prior to the passage of this act and the same has not been renewed and such corporation has continued to transact its business, may by a majority vote of the voting power of the share-holders of such corporation, renew its corporate existence from the date of the expiration with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury the same incorporation fees as now provided by law for the renewal of the corporate existence of such corporations in cases where such renewal is made before the end of its period of duration, provided that in so doing every corporation of the kind which might be formed under or accept and come under the Laws