

CHAPTER 250—S. F. No. 780

An act relating to the detachment of territory from certain villages amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 1120½.

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

Section 1. Detachment of territory from certain villages.

—That the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 1120½, be amended so as to read as follows:

"1120½. The owner or owners of any unplatted tract or tracts of land constituting a compact and contiguous tract of not less than 30 acres, situated within the corporate limits of any village in this state, occupied and used solely for agricultural purposes or the owner of any platted lands occupied and used solely for agricultural purposes constituting a compact and contiguous tract of not less than 10 acres not within 20 rods of the platted portion of such village and situated within its limits, may petition singly, or if there be more than one such owner, jointly, the board of county commissioners of the county in which said tract or tracts of land is situated, for an order detaching said tract or tracts from said village. Upon filing of the said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of such petition, which time shall be not less than 30 days thereafter, and shall direct a notice of such hearing to be issued and signed by the county auditor of said county on behalf of such board, which said notice shall state the name of such petitioner, or petitioners, describe the tract or tracts of land sought to be detached and the time and place of such hearing, which said notice said petitioner, or petitioners, shall cause to be served upon the president of the village council of such village, or the recorder thereof, at least 20 days before the day of hearing, and by posting three copies of such notice in three of the most public places in said village, or in lieu of such posting said notice shall be published in the official paper of such village for two successive weeks, once in each week, in case there shall be a legal newspaper printed and published in said village. Upon the hearing of said petition at the time and place so fixed, if the board of county commissioners shall find that said land is owned by the petitioner, or petitioners, and is used solely for agricultural purposes and that the same may be so detached from said village without unreasonably affecting the symmetry of the settled portion thereof, and that the same is so conditioned as not

properly to be subjected to village government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such villages, such board of county commissioners shall make an order detaching such land from said village, and thereupon said tract or tracts of land shall become detached therefrom, and shall thereafter form a part of the township in which they were originally situated, or, if such township has ceased entirely to exist or has ceased to function as a town or township for a period of 15 years next preceding the passage of this Act, the land so detached shall become a part of the township adjoining thereto, and if such land join two or more townships, the county board shall decide to which of such adjoining townships such detached tract or tracts shall be attached, or the land so detached therefrom may be by such board of county commissioners formed into and established as a new town, the name of which new town shall be determined and designated by such board of county commissioners, provided, however, that such new town shall have not less than 36 square miles of territory. If such village were organized prior to the time when the territory of Minnesota became a state and before the organization of the township in which such land was originally situated, the land so detached shall become a part of the township adjoining thereto, and if such land adjoin two or more townships the county board shall decide to which of such adjoining town or townships such detached tract or tracts shall be attached, and shall in all things be subject to the town government of such township, and not in any manner under the jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village within five days after the same shall have been made.

This Act shall apply only to the following villages, namely:

1. Villages having a population of 350 or less persons and containing more than 160 acres of land.
2. Villages having a population of more than 350 and less than 700 persons and containing more than 320 acres of land.
3. Villages having a population of more than 700 persons and containing more than 640 acres of land.

Any person or party aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board has no jurisdiction to act.

2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payments of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

The provisions of this Act relating to appeal shall not apply to any action or proceeding now pending involving the separation of land from any village."

Approved April 14, 1939.

CHAPTER 251—S. F. No. 791

An act relating to wholesale produce dealers, amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 6240-181½, and 6240-181½ a.

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

Section 1. Who are wholesale dealers.—That Laws 1931, Chapter 394, Section 1, being the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6240-181½, is hereby amended to read as follows:

"6240-181½. For the purposes of this act any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale; *provided that cooperative associations having not more than forty per cent (40%) of nonmember patrons shall not be deemed dealers at wholesale within the meaning of this Act.*"

Sec. 2. Definitions.—That Laws 1931, Chapter 394, Section 2, being the 1938 Supplement to Mason's Minnesota Stat-