

not less than 45,000 inhabitants, may hold an election on the question of establishing a municipally-owned exclusive liquor store, following as nearly as possible the procedure prescribed in the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 3200-38 to 3200-39, inclusive, except that the propositions on the ballot to be used in such election shall be 'for municipal liquor store' and 'against municipal liquor store'. If a majority of all the ballots cast at such election upon the question of establishing a municipally-owned exclusive liquor store shall be 'for municipal liquor store', the council may, regardless of the outcome of any election held under the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 3200-40 to 3200-56, inclusive, establish such a store and sell intoxicating liquor therein in the same manner as in other counties of the state; but if a majority of all the ballots cast on the question shall be 'against municipal liquor store', no intoxicating liquor shall be sold in such city or village until the establishment of a municipal liquor store is authorized at a subsequent election at which the said question is again in like manner submitted. Any city in any such county may hold such an election by following as nearly as possible the procedure prescribed in the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 3200-37 to 3200-39, inclusive. Any local authority shall have power to impose further restrictions and regulations upon the sale and possession of intoxicating liquor within its limits."

Approved April 21, 1939.

CHAPTER 396—S. F. No. 1461

An act providing for the adjudication and payment of certain claims against the State arising out of the location, construction, reconstruction, improvement and maintenance of a bridge located on Trunk Highway No. 218 in Dakota County, and authorizing the Commissioner of Highways to compromise, adjust and settle any and all of the claims hereinafter designated and authorizing an action or actions against the Commissioner of Highways for the recovery of claims, or any thereof, hereinafter designated upon the failure or refusal of the Commissioner of Highways to so pay, settle, adjust or compromise said claims or any thereof, the amounts, if any, to be paid not exceeding the amounts hereinafter specified, and appropriating money out of the Trunk Highway Fund

or fines accredited thereto from highway patrol fines or other sources therefor.

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

WHEREAS a certain bridge hereinafter described has been constructed by or under authority of the State and said bridge is under the supervision or control of the commissioner of highways and the benefits from the maintenance and operation thereof have accrued mainly to the trunk highway system, and

WHEREAS no provision for payment of damages resulting from the location, construction, reconstruction, improvement or maintenance of said bridge has been made, and various persons have submitted claims to the Legislature for such damages, and

WHEREAS the number and nature of such claims is such that it is impracticable for the Legislature to determine the merits thereof:

THEREFORE BE IT ENACTED:

Section 1. Actions may be brought against state for damages in certain cases.—Any of the persons hereinafter named, being all of the persons having submitted claims for damages upon the grounds aforesaid to the Legislature prior to the passage of this act, or their heirs, representatives or assigns, may bring an action against the State upon such claim in the district court of the county in which the bridge alleged to have caused the damage is situated, subject to the conditions and limitations herein prescribed; provided that every such action shall be commenced within six months after the passage of this act.

Sec. 2. Process to be served on Attorney General.—The summons and complaint in every such action shall be served on the attorney general who shall defend the action.

Sec. 3. To be tried as other cases.—All such actions shall be heard and determined as other civil actions and shall be subject to all applicable laws and rules so far as not inconsistent herewith. If it be determined in any such action that damages as claimed were caused by the negligent location, construction, reconstruction, improvement, maintenance or supervision of such bridge by the state or its officers or agents, judgment may be rendered against the state for the amount of such damages with costs; provided that the amount of damages allowed in any case shall not exceed the amount

heretofore claimed as herein specified; provided further, that such judgments shall be payable only from appropriations therefor, as herein provided.

Sec. 4. Appropriation for judgments.—There is hereby appropriated out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources such sums as may be necessary to pay all judgments entered in such actions, with interest as provided by law, and the expenses incurred in behalf of the state in defending such actions.

Sec. 5. Commissioner may compromise claims.—The commissioner of highways is hereby authorized to pay, compromise, adjust or settle any or all of the respective claims herein referred to in any amount not to exceed the amounts respectively authorized herein out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources.

Sec. 6. Claimants.—The names of the persons claiming damages from the negligent location, construction, reconstruction, improvement or maintenance of said bridge located on Trunk Highway No. 218 in Dakota County and the amounts of their respective claims are as follows:

E. A. Bergo	\$ 219.35
Arthur Bernier	1422.88
A. H. Flack	1422.88
C. C. Fox	462.02
Paul D. Jones	2528.52
Lewis Jurries	3315.91
Carl L. Knutson	1423.38
A. Lundstrom	1422.88
Clarence L. Miller	2032.00
Carl Nelson	399.00
Ed Nelson	1749.28
Hans Nelson	413.50
Earl M. Olinger	1255.00
Harold B. Robinson	3429.25
Marvin Smith	763.00
Claude Weseman	2655.61
Fred Weseman	3315.91
Lloyd Weseman	2360.52
Ted Weseman	2360.52
Fred Witzig	1029.00
Stanley G. Wood	837.00
Wallace M. Wood	2716.68
W. D. Young	363.31

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 21, 1939.

CHAPTER 397—S. F. No. 1463

An act requesting and directing payments to be made out of the Trunk Highway Fund, or funds accredited thereto from highway patrol fines or other sources to compensate and reimburse certain persons, firms or corporations for property damaged by the location, construction, reconstruction, improvement and maintenance of the trunk highway system, including reimbursement for services rendered and expenses incurred in highway condemnation proceeding.

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

Section 1. **Appropriation for miscellaneous claims for highway damages.**—The Commissioner of Highways is requested and directed upon receiving receipt and discharge in full from each of the persons, firms and corporations hereinafter named for property damaged in the location, construction, reconstruction, improvement, maintenance and supervision of the Trunk Highway system, including reimbursement for services rendered and expenses incurred in highway condemnation proceeding and to pay out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources to each of the persons, firms or corporations hereinafter named the sums herein set opposite the respective names of each of said persons, firms or corporations respectively as follows, to-wit :

- Sec. 2. To reimburse Victor Maki for damages to property caused by and incidental to the construction of Trunk Highway No. 55\$192.35
- Sec. 3. To reimburse the Minnesota Power and Light Company for damages to property caused by and incidental to the construction of Trunk Highway No. 55\$241.12
- Sec. 4. To reimburse Walter Makela for damages to property caused by and incidental to the construction of Trunk Highway No. 1\$284.50