

fic-control device upon any highway under the jurisdiction of the commissioner except by the latter's permission."

Approved April 22, 1939.

CHAPTER 414—S. F. No. 1296

An act providing for the detachment of territory from villages and towns and the attachment of said territory to other villages and towns where the territory affected consists of an island with an area of not more than one (1) square mile, where the territory of said island is now apportioned between three or more villages and towns, and which island is situated within a county having a population of over 450,000 inhabitants.

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

Section 1. Detachment of territory from certain villages and towns.—That in any case where there is an island with an area of not more than one (1) square mile situated within a county having a population of over four hundred fifty thousand inhabitants, and the territory of said island is divided among three or more towns or villages, the owners of land in said island may petition the Board of County Commissioners in the county in which said island is situated for an order detaching all tracts of land from the towns or villages to which the same may now be attached and to attach same to the town or village in which the largest of the three or more tracts is located.

That said petition shall be signed by not less than ten (10) of the owners of land in each of the tracts desiring to be detached from a village or town and attached to the village or town in which the largest of the portions of the island is located.

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 not be less than thirty (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 names of petitioners, describe the tract or tracts of land sought to be detached and the time and place of such hearing, which said notice said petitioners shall cause to be served upon the president of the village council of such village, or the

recorder thereof as the case may be of those portions sought to be detached from such village or town, at least twenty (20) days before the date of hearing, and by posting three (3) copies of such notice in three (3) of the most public places in such village or villages, or in lieu of such posting said notice shall be published in the official paper of such village for two (2) 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 petitioners, and is part of the smaller portion of said island attached to the villages or towns in question and that the same may be so detached from said village or villages, town or towns, without unreasonably affecting the symmetry of the settled portion thereof, and the same is so conditioned as not properly to be subjected to village or town government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such village or villages, town or towns, such board of county commissioners shall make an order detaching such land from said village or villages, town or towns and thereupon said tracts of land shall become detached therefrom, and thereafter be attached to and form a part of the village or township in which the larger of the portions of the island is a part, and such order shall be filed in the office of the county auditor of such county and a duplicate of said order shall be filed in the office of the village recorders and town clerks of such villages or towns as may be affected within five (5) days after the same shall have been made.

Sec. 2. Not to release property from debts and liabilities.

—Such separation from said village or villages shall not release any such tract of land from liability on account of any outstanding indebtedness of such village or villages, town or towns, existing at the time of its separation therefrom. The county auditor of the county in which such detached lands are situated shall spread against the territory so detached such levies of taxes as are necessary to enforce the liability for indebtedness herein provided. Such levies shall be made each year at a rate equal to the rate which is levied by the village or villages, town or towns, upon the property remaining within the village or villages, town or towns for the purpose of paying off such indebtedness. The county auditor may require the village clerk or recorder to certify to him statements of the amount of indebtedness outstanding at the time of such separation and such other information as may be necessary to spread such levy and may also require the village or villages,

town or towns to separate it its tax levies the moneys levied for the purpose of paying off such indebtedness. The moneys raised from such levies, both upon territory within such village and upon the territory detached therefrom, shall be paid to the village to be held in a special fund available only for the purpose of paying off such indebtedness.

Sec. 3. Appeals to the District Court.—Any person or party aggrieved may appeal from the order of the board of county commissioners to the district court of the county upon the following grounds:

1. That the board of county commissioners has no jurisdiction to act.
2. That its action is against the best interest of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty (30) 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 and no/100 (\$100.00) Dollars, to be approved by the county auditor, conditioned for the payment 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.

Sec. 4. Not to affect pending action.—The provisions of this Act relating to appeals shall not apply to any action or proceeding now pending involving the separation of land from any village or town.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 22, 1939.

CHAPTER 415—S. F. No. 1316

An act creating a commission to be known as Minnesota Claims Commission and authorizing it to investigate, allow, adjust, compromise and pay certain claims against various departments of the state heretofore entered into without the authority of law and appropriating monies and creating a fund therefor.

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