

Sec. 111. This act shall take effect and be in force from and after its passage.

Approved April 22, 1939.

CHAPTER 420—S. F. No. 1462

An act providing for the determination and payment of certain claims out of the Trunk Highway Fund or funds accredited thereto from highway patrol fines or other sources. Be it enacted by the Legislature of the State of Minnesota:

Section 1. Waiver of immunity of estate.—That the State of Minnesota hereby waives immunity from suit for any damages for personal injuries and property damaged, caused by the location, relocation, construction, reconstruction, improvement, maintenance and supervision of the trunk highway system, to the claimants and in the amounts hereinafter designated.

Sec. 2. Claimants may bring action within six months.—That said claimants may severally bring action against the State within six months from the date of enactment of this statute, notwithstanding any other statute of this State. Such actions shall be brought in the District Court in the county wherein such damage occurred. Service of summons shall be in accordance with Section 9230, Mason's Minnesota Statutes of 1927. In case a judgment is rendered against the State, the Commissioner of Highways is requested and directed, upon receiving receipt and discharge of such judgment in full, to pay to the judgment creditor the amount of such judgment out of the trunk highway fund or out of funds accredited thereto from highway patrol fines or other sources.

Sec. 3. Commissioner of highways 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 out of funds accredited thereto from highway patrol fines or other sources.

Sec. 4. Names of claimants.—The respective names of each of said claimants and the amounts of said respective claims are as follows, to-wit:

1. Otto F. Wilke, reimbursement for damages to Lots 4 and 5 and 16 and 17 in Block 45 in the City of Hastings, Dakota County, Minnesota, on account of construction and maintenance of Trunk Highway No. 55, and the flooding of the lands carried thereby \$1,000.00
2. A. J. Dahle, reimbursement for injury and damage to land and crops caused by the flooding of said land and crops by reason of the negligence of the Highway Department in the location, construction and maintenance of Trunk Highway No. 71, in Koochiching County, Minnesota \$ 700.00
3. The Kelliher Telephone Company, reimbursement for expense of moving telephone lines on account of construction of Trunk Highway No. 72 in Beltrami County, Minnesota \$1,800.00
4. Bessie E. Sugg, reimbursement for damages to her buildings and premises caused by the relocation and reconstruction of Trunk Highway No. 60 and change of its grade line, in the City of Zumbro Falls, Wabasha County, Minnesota \$2,000.00
5. Paul Reckman, reimbursement for damages to his buildings and premises caused by the relocation and reconstruction of Trunk Highway No. 60 and change of its grade line, in the City of Zumbro Falls, Wabasha County, Minnesota \$2,000.00
6. Mathias Andert, reimbursement for damages to land and crops on account of diversion of drainage waters caused by the construction and maintenance of Trunk Highway No. 36, in Ramsey County, Minnesota \$1,500.00
7. The Moorhead News Company, reimbursement for damages to Lots 13 and 14 in Block 50, Original City of Moorhead, and improvements thereon, by reason of the driving of piling and the doing of bridge construction work across the Red River of the North on Trunk Highway No. 10, in Clay County, Minnesota \$ 567.65

- | | | |
|-----|---|------------|
| 8. | Charles L. Eans, reimbursement for damages caused by blasting in the location, construction, re-construction, improvement and maintenance of Trunk Highway Nos. 12 and 61, in Ramsey County, Minnesota | \$ 250.00 |
| 9. | Herman A. Gallow, reimbursement for damages caused by blasting in the location, construction, re-construction, improvement and maintenance of Trunk Highway Nos. 12 and 61, in Ramsey County, Minnesota | \$ 75.00 |
| 10. | Linden J. Umberger, reimbursement for damages caused by blasting in the location, construction, re-construction, improvement and maintenance of Trunk Highway Nos. 12 and 61, in Ramsey County, Minnesota . . . | \$ 100.00 |
| 11. | Stanley M. Griffin, reimbursement for damages caused by blasting in the location, construction, re-construction, improvement and maintenance of Trunk Highway Nos. 12 and 61, in Ramsey County, Minnesota | \$ 200.00 |
| 12. | Ernest Westerson, reimbursement for damages suffered to crops during the years 1937 and 1938 by flood waters caused by the negligence of the Highway Department in not providing sufficient and adequate outlet ditches to handle the water carried by ditches alongside Trunk Highway No. 75, in Kittson County, Minnesota | \$ 580.00 |
| 13. | Lewis Arnold, reimbursement for loss of truck garden caused by flood waters backing up along Trunk Highway No. 75 due to negligence of the Highway Department in not keeping drain open, and in failing to open same after being notified | \$ 700.00 |
| 14. | F. E. Donaldson, reimbursement for damages caused to, and the loss of personal effects, livestock and real estate by the flooding of the same in the spring of 1936 and the spring of 1937 due to negligent construction of, and inadequate provisions for drainage on Trunk Highway No. 47, in Pipestone County, Minnesota | \$1,177.00 |

15. Otto Linder, reimbursement for damages to the Southwest Quarter of the Northeast Quarter of Section 10, in Township 162, North, Range 35, Roseau County, Minnesota, by flowage, resulting from the construction of Trunk Highway No. 11 across County Ditch No. 20 in Loana Township, Roseau County, Minnesota\$ 337.00

16. Peter Meyers, reimbursement for damages to the Northwest Quarter of the Southeast Quarter of Section 118, in Township 162, North, Range 35, Roseau County, Minnesota, by flowage, resulting from the construction of Trunk Highway No. 11 across County Ditch No. 20 in Loana Township, Roseau County, Minnesota\$ 180.00

17. Colbern Whitstone and Lenus Landby, reimbursement for damages to the Northwest Quarter of the Southeast Quarter of Section 118, in Township 162, North, Range 35, Roseau County, Minnesota, by flowage, resulting from the construction of Trunk Highway No. 11 across County Ditch No. 20 in Loana Township, Roseau County, Minnesota\$ 312.00

18. J. J. Wolfram, reimbursement for injuries to horse used by the State Highway Department in the maintenance of Trunk Highway No. 43\$ 125.00

19. Ulysses Nelson, reimbursement for destruction of truck used by the State Highway Department in the maintenance of Trunk Highway No. 92\$ 420.00

20. Albert Guillmette and Elmer G. Guillmette, reimbursement for damages caused by the negligent spreading of calcium chloride and its mixtures on premises of Albert Guillmette and Elmer G. Guillmette in Red Lake County, by employes of the State Highway Department which resulted in the alleged poisoning and death of five milk cows owned by the said Albert Guillmette and Elmer G. Guillmette\$ 407.00

21. Clifford Gilyard, reimbursement for personal injuries and property damaged by the negligent construction and maintenance of Trunk Highway No. 23 \$4,500.00
22. K. J. Lovberg and Matilde Lovberg, reimbursement for damages to property in Sections 12 and 13, in Township 68, North, Range 26, Koochiching County, Minnesota, caused by the flooding of said property by reason of the negligence of the Highway Department in the construction of Trunk Highway No. 4 in Koochiching County, Minnesota \$1,200.00
23. William Trulen and Selma Trulen, reimbursement for damages to their land and crops in Goodhue County caused by the flooding of said land by reason of the operations of the Highway Department in the relocation and construction of Trunk Highway No. 61 in Goodhue County, Minnesota \$3,500.00
24. Walter C. Gilmore, reimbursement for damages caused by blasting in the construction of Trunk Highway No. 100, in Hennepin County, Minnesota \$ 185.00
25. Earl E. Eckert, W. McG. Beadie and B. P. Nylina, co-partners doing business as E. E. Eckert & Company, for losses sustained on account of construction of Bridge No. 5763 on State Highway No. 2 near Deer River, Minnesota, by reason of misrepresentations of the soil conditions as shown on the plans submitted to said E. E. Eckert & Company for bidding and construction purposes by the State Highway Department \$7,592.28
26. August Drees, reimbursement for damages to his real property resulting from the construction of Highway No. 61 in Wabasha County, Minnesota, which runs through his land \$2,500.00
27. George H. Conzemius, for damages to a grove of trees caused by the negligence of the State Highway Department on Highway No. 61 in Dakota County \$ 400.00

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

Approved April 22, 1939.

CHAPTER 421—S. F. No. 1464

An act relating to a tax levy for free musical entertainment in certain cities of the fourth class, villages or boroughs.

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

Section 1. **Tax levy for free entertainment in certain cities.**—The governing body of any city of the fourth class, village or borough, which city, village or borough is located within a county now or hereafter containing not less than 350 nor more than 400 square miles, and having a population of not less than 13,500 nor more than 15,000 inhabitants, and having an assessed valuation, exclusive of moneys and credits, of not less than \$5,000,000 nor more than \$10,000,000, and having an area of not less than 225,000 acres nor more than 230,000 acres, is hereby authorized and empowered by unanimous vote to levy annually a tax of not more than two mills for the purpose of providing free musical entertainment for the general public, including the maintenance or employment of a municipal band, but such levies shall not exceed \$2,000 in any one year.

Approved April 22, 1939.

CHAPTER 422—S. F. No. 1466

An act to appropriate money for expenses of the state government, and salaries of officials and clerks thereof, and for other purposes, prescribing present and future regulations and limitations relative to, and expenditures of certain portions thereof, including certain appropriations from the Trunk Highway Fund, from the Game and Fish Department funds, and from certain other funds, prohibiting any funds to be expended for publicity representatives, and making it unlawful for any official in any of the state departments to use any fund or fees for any purpose not contemplated by the appropriations in this act contained and making such act of using public funds or fees for purposes other than the purposes for