

a member or members resulting in less than a total loss of such member, and which injury entitles him to compensation pursuant to Mason's Minnesota Statutes of 1927, Section 4274, paragraph (c), the employer or his insurer shall, in addition to the compensation provided for in said paragraph (c), pay to the industrial commission for the benefit of the special compensation fund a lump sum, without interest deductions, equal to two per cent of the total compensation to which the employee is entitled to under said paragraph (c) for said permanent partial disability, said sum to be paid to the industrial commission as soon as the total amount of the permanent partial disability payable for the particular injury is determined by the industrial commission, or arrived at by the agreement of the parties and such amount is approved by the industrial commission.

Such sums as are paid to the industrial commission pursuant to the provisions hereof shall be by it deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by this act. All *money* heretofore arising from the provisions of this section shall be transferred to this special compensation fund. All penalties collected for violation of any of the provisions of this act shall be credited to this special compensation fund.

The state treasurer shall be the custodian of this special fund and the industrial commission shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of paragraph A of this section, and dependency later is shown, or if deposit is or has been made pursuant to either paragraphs A or B hereof by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit upon order of the industrial commission.

Approved April 22, 1941.

CHAPTER 385—H. F. No. 1154

An act regulating the suspension or discharge of certain county employees designated pursuant to statute in counties having or which may hereafter have a population of 500,000 inhabitants or over.

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

Section 1. Suspension or discharge of certain employees.—In counties of this state now or hereafter having a population of 500,000 inhabitants or over, every person employed in the office of the sheriff under and pursuant to the provisions of any statute applicable thereto, after six months of continuous employment, shall continue in service as an employee of that office until suspended or discharged in the manner hereinafter provided for one or more of the causes specified in section 2 hereof.

Sec. 2. Cause for suspension or discharge.—(1) Conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment. (2) Neglect of duty or wilful violation or disobedience of orders or rules. (3) Inefficiency in performing duties. (4) Immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer. (5) Incapacity or partial incapacity affecting his normal ability to perform his official duties.

Sec. 3. Charges to be made in writing.—The charge or charges against any such deputy shall be made in writing and shall be signed and sworn to by the person making the same which written charge or charges shall be filed with the sheriff of the county. Upon the filing of same, if the sheriff shall be of the opinion that such charge or charges constitute a ground for suspension or discharge, he shall order a hearing to be had thereon, and fix a time for such hearing. Otherwise, he shall dismiss such charge or charges. At least ten days before the time appointed for the said hearing, written notice specifying the charge or charges filed and stating the name of the person making the charge or charges shall be served on said employee personally or by leaving a copy thereof at the usual place of abode of such employee, with some person of suitable age and discretion, then residing therein. If the said sheriff orders a hearing, he may suspend such employee pending his decision to be made after such hearing.

Sec. 4. May compel attendance of witnesses.—The said sheriff shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers and other evidence at any such hearing and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and shall be entitled to

be represented by counsel at such hearing. The sheriff within 25 days after such hearing shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such deputy is true, he may punish the offending party by reprimand, suspension without pay, or dismissal.

Sec. 5. Decision may be reviewed by district court.—Any such deputy who is suspended or dismissed may have such decision or determination of the sheriff reviewed by a writ of certiorari in the district court of the county where such employee resides; such decision or determination of the sheriff if finally rejected or modified by the court, the employee shall be reinstated in his position and the sheriff shall pay to the said deputy so suspended out of the funds of the county any salary or wages withheld from him pending the determination of the charge or charges or as may be directed by the court. If upon any such hearing the said sheriff shall find the charge or charges made against such employee are not true or shall dismiss such charges after such hearing, the said employee shall be reinstated in his position and any salary or wages withheld from such employee pending the determination or decision of the sheriff upon such charges shall be paid to the said employee by the sheriff out of county funds.

Approved April 22, 1941.

CHAPTER 386—S. F. No. 577

An act relating to aeronautics and amending Mason's Supplement 1940, Section 5494-16.

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

Section 1. Law amended—trick flying prohibited—violation a misdemeanor.—Mason's Supplement 1940, Section 5494-16, is hereby amended so as to read as follows:

"Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, or shall engage in advertising through the playing