

the last preceding federal or state census, the salary of the register of deeds *shall be* \$2,500 per annum. *Such* register of deeds shall charge and collect the same fees as are now provided by law for entering and recording any deed or other instrument and for making abstracts of title except that for making abstracts of title he shall charge the sum of twenty cents for each necessary entry."

Sec. 2. **Law amended.**—Laws 1929, Chapter 87, Section 2, is hereby amended to read as follows:

"**Section 2. Clerk hire for register of deeds in certain counties.**—In any such county the county commissioners may allow a sum not to exceed \$5,000 per annum for clerk hire in said register of deeds office. At the end of each month the register of deeds shall furnish each of the clerks and deputies employed in his office with a certificate showing the compensation such clerk or deputy is entitled to for such month and upon the presentation of such certificate the county auditor shall issue to such clerk or deputy his warrant upon the county treasurer for the amount thereof. The allowance for clerk hire shall in all cases be for actual services rendered. At the first meeting in January and annually thereafter the county commissioners shall fix the amount to be allowed for such clerk hire during said year."

Sec. 3. **Law amended.**—Laws 1929, Chapter 87, Section 3, is hereby amended to read as follows:

"**Section 3. Fees to be turned into county treasury.**—All fees collected by the register of deeds of such counties shall be turned into the county treasury of said counties."

Sec. 4. **Law repealed.**—Laws 1929, Chapter 87, Section 4, is hereby repealed.

Approved April 25, 1941.

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#### CHAPTER 456—H. F. No. 61

An act relating to waiver of immunity by the state from suit in connection with the construction or repair of state highways and conferring jurisdiction on the district court of the State of Minnesota to try such issues; providing for the service of process; fixing the venue of such actions; authorizing an appeal from the judgment of such action and

*repealing Mason's Minnesota Statutes of 1927, Section 2554, Subsection 17, as to actions or proceedings not now pending.*

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

**Section 1. State may waive immunity from suit.**—Whenever a controversy arises out of any contract for the construction or repair of state trunk highways entered into by the commissioner of highways or by his authority, in respect to which controversy the party would be entitled to redress against the state, either in a court of law or equity, if the state were suable, where no claim against the state has heretofore been made under Mason's Minnesota Statutes 1927, Section 2554, Subsection 17, the state hereby waives immunity from suit in connection with such controversy and hereby confers jurisdiction on the district courts of the state to hear and try out such controversy in the manner provided for the trial of causes in said district courts.

**Sec. 2. Action to be commenced within 90 days.**—No such action shall be maintained under Section 1 hereof unless commenced within 90 days after the plaintiff has been furnished by the state with a final estimate under his contract, or, at the election of the plaintiff, within six months after the work provided for in said contract shall have been in all things completed.

**Sec. 3. To be brought in Ramsey County.**—Such action shall be brought, at the election of the plaintiff, in the district court of Ramsey county, or in the district court of the county where a major portion of the contract is performed, or in the district court of the county in which the plaintiff resides, or, if there be several plaintiffs residing in different counties, then in the district court of the county of the residence of any one of them. The action shall be commenced by filing a complaint with the clerk of said court and serving summons and copy of said complaint upon the attorney general of the state at the state capitol at St. Paul. The state shall have 40 days from the date of such service within which to serve an answer upon the plaintiff; and thereafter the case shall proceed in the same manner as other actions at law in said court.

**Sec. 4. May appeal to the Supreme Court.**—An appeal from any final order of judgment in such action shall lie to the Supreme Court of the state in the same manner as appeals in ordinary civil actions.

**Sec. 5. Law repealed—not to apply to pending actions.**—That Mason's Minnesota Statutes of 1927, Section 2554, Subsection 17, is hereby repealed, subject to the right of persons

having actions or proceedings now pending thereunder, to have such actions and proceedings heard, considered and decided in accordance therewith.

**Sec. 6. Not to apply to pending actions.**—This act shall not apply to or affect any action or proceeding heretofore duly commenced under Mason's Minnesota Statutes of 1927, Section 2554, Subsection 17, and pending at the date of the passage of this act.

Approved April 26, 1941.

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#### CHAPTER 457—H. F. No. 80

*An act relating to wild animals, amending Mason's Supplement 1940, Section 5505.*

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

**Section 1. Transportation and exportation of saleable fish and game.**—Mason's Supplement 1940, Section 5505, is hereby amended to read as follows:

"5505. *Subdivision 1.* Any person may transport within this state or from a point within to a point without this state during the open season any wild animals or parts thereof, which may be lawfully sold, except as specifically prohibited by this chapter.

"*Subdivision 2.* Any person, except agents or employees of a common carrier while engaged in the performance of their duties, may transport in a vehicle, boat, or other means of transportation otherwise than by common carrier, or may carry with him as baggage on a common carrier to any place within the state any wild animals, including fish, which may be legally in his possession, and common carriers are hereby permitted to carry such wild animals as baggage within the limits herein prescribed. If any such wild animal is carried as baggage and is contained in any package, sack, crate or other container there shall be attached to the outside thereof a tag signed by the licensee, written or printed, showing the name and address and license number of such licensee and the number and kind of wild animals or parts thereof contained in the same.

"*Subdivision 3.* Any resident of this state may ship or transport by common carrier to any point in the county in