

be held to apply to the fees received by the clerk of the district court from the federal government, then the salary of such clerk shall be \$4,000; court commissioner, \$5,000, and in addition thereto the court commissioner may retain fees received for performing marriage ceremonies without accounting for the same or turning them in to the county treasury; sheriff, \$6,750; county surveyor, \$4,500; and each member of the board of county commissioners, \$4,150 and such traveling expenses as are now allowed by law.

Sec. 2. Effective until January 1, 1949. This act shall remain in full force and effect until January 1, 1949; thereafter the officers covered by this act shall receive the salaries provided for by Laws 1945, Chapter 608, Section 1.

Approved April 26, 1947.

CHAPTER 584—S. F. No. 1418

[Not Coded]

An act to appropriate money for the payment of claims against the State of Minnesota; to provide for tax and other refundments; to provide for the reimbursement and compensation of certain employees of the state having claims for personal injuries sustained or for loss or damage of property incurred while employees were engaged in the performance of their duties and for the relief of dependents of certain employees of the state for the death of such employees while engaged in the performance of their duties; to provide for the reimbursement and compensation of persons for injuries sustained or for loss or damage to property by certain employees of the state while engaged in the performance of their duties; and by inmates of state institutions; and to provide payments to certain persons for services performed in the state; to authorize the state auditor to cancel certain land and other contracts heretofore entered into by certain persons with the state and to credit payments heretofore made upon other purchases or to refund same; to provide money for carrying on certain state activities as authorized by law; to authorize and direct certain claims to be paid out of game and fish department funds; to authorize and direct certain claims to be paid out of department of agriculture funds; and for other purposes out of other funds; and re-appropriating certain balances.

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

Claims

Section 1. Appropriated for miscellaneous claims. The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated from any moneys in the state treasury not otherwise appropriated for the purposes specified in the following sections of this act to be available for the year ending June 30, 1947, unless otherwise specified.

Sec. 2. To reimburse Independent School District No. 45, Lyon County, Minnesota, for use of its classrooms and equipment by the State in July and August, 1946.....\$ 40.00

Sec. 3. To compensate Kenneth Larson, formerly of Company "G", 205th Infantry, Windom, Minnesota, who was totally disabled in line of duty while in the military service of the State, such compensation to be paid monthly to the said Kenneth Larson on the first day of each month on the basis of \$10.67 per week. The adjutant General is hereby charged with the duty of delivering the warrants for payment\$2,219.36

Sec. 4. To reimburse George C. Landsverk for money erroneously paid the State, such reimbursement to be made from the funds of the Seed Potato Certification Division of the Department of Agriculture\$ 54.00

Sec. 5. To reimburse John Hines for money erroneously paid the State for a Wholesale Dealers License and Truck plate.....\$ 13.50

Sec. 6. To reimburse Martin Richards, Anoka, Minnesota, for services performed for the State between the period October, 1942, and May, 1943, for which he was never compensated.....\$ 717.60

Sec. 7. To reimburse the following persons for examination fees erroneously paid the State, such reimbursement to be paid from funds of the Minnesota State Board of Examiners in the Basic Sciences:

- Dr. Robert Lake.....\$ 15.00
- Dr. Miles J. O. Gullingsrud.....\$ 15.00
- Dr. Maurice Garrison.....\$ 15.00

Sec. 8. To reimburse Sam W. Borten for damages to his automobile while engaged in the performance of his duties as an employee of the State. . . . \$ 198.89

Sec. 9. To reimburse the following for unsold hunting, fishing, and trapping licenses and for unsold fish shipping coupons for the years 1938, 1940, 1942, 1943, 1944, and 1945; such reimbursement to be paid from Game and Fish Department Funds:

Roy F. Johnson.	\$	40.05
William Lincoln	\$	5.40
Al P. Erickson.	\$	59.40
E. J. Lundquist.	\$	32.40
L. C. Peterson.	\$	24.30
Richard Schoonover	\$	15.30
Paul W. Nelson.	\$	25.65
George Hannula	\$	9.00
Walter H. Borgen.	\$	41.40

Sec. 10. To reimburse John Alich, Border, Minnesota, for loss of indemnity for four cows tested for Bang's disease. \$ 100.00

Sec. 11. To reimburse the City of Detroit Lakes, Minnesota, for expenses incurred in caring for Harry Weldon, a parolee of the State Board of Parole. . . . \$ 670.95

Sec. 12. To reimburse the Cleveland-Cliffs Dock Company, a Minnesota Corporation, for weighting charges erroneously paid the State from May 20, 1939, to October 31, 1946, inclusive. \$1,622.90

Sec. 13. To reimburse Anton Rechtzigel of South St. Paul for hearing fee erroneously paid the Railroad and Warehouse Commission in 1946. \$ 50.00

Sec. 14. To reimburse H. H. Clausen as refundment of truck permit fee erroneously paid the Railroad and Warehouse Commission. \$ 15.00

Sec. 15. To reimburse St. Louis County for bear bounties paid for the fiscal year ending June 30, 1946, pursuant to Minnesota Statutes 1945, Section 348.073, Subdivision 1. \$1,995.00

Sec. 16. To reimburse Norman County, Minnesota, for unpaid installments of special assessments for the construction of a county ditch and a judicial

ditch; which special assessments are against the northwest quarter and the southeast quarter of Section 36, township 143, range 46; two tracts of trust fund lands, which were sold by the state and reverted after sale to the state and have now been resold by the state.....\$2,503.02

Sec. 17. To reimburse Renville County for unpaid installments of special assessments for the construction of a county ditch and a judicial ditch, which special assessments are against the following described lands: Southwest Quarter of Southwest Quarter of Section 7, Township 114, Range 32; Southwest Quarter of Northeast Quarter of Section 36, Township 115, Range 33; Southeast Quarter of the Northeast Quarter of Section 36, Township 115, Range 33; Northwest Quarter of Northwest Quarter of Section 36, Township 115, Range 33; South Half of Southeast Quarter of the Northwest Quarter of Section 22, Township 114, Range 34; Southwest Quarter of Southeast Quarter of Section 23, Township 115, Range 34; six tracts of state fund lands, which were sold by the state and reverted after sale to the state and are now held or have now been resold by the state.....\$9,938.31

Sec. 18. To reimburse Beltrami County for bear bounties paid by said county previous to July 1, 1946\$ 855.00

Sec. 19. To reimburse the following persons in payment of Minnesota Soldiers' Bonus, World War I:

Harry Osterman	\$ 120.00
Axel Winther	\$ 180.00
Mrs. Emma Ruth Erman, widow of Jacob W. Erman.....	\$ 255.00
Robert Fletcher McCutcheon.....	\$ 75.00

Sec. 20. To reimburse Mary Lupient for damages to her automobile caused by the negligence of a state employee.....\$ 27.15

Sec. 21. To reimburse Anna Miller for fee erroneously paid the State of Minnesota.....\$ 15.00

Sec. 22. To reimburse the Village of Blackduck, Minnesota, for money erroneously paid the Division of Lands and Minerals for a lease to remove gravel from a pit unsuitable for use.....\$ 50.00

Sec. 23. To reimburse the following persons for damages to real property by flooding due to alleged negligent operation of certain dams in Faribault County, of the Department of Conservation, in not more than the following amounts:

A. C. Brummer.....	\$ 500.00
Henry Schmidt	\$ 500.00
J. A. Kelly.....	\$ 750.00

Provided, however, that the attorney general may settle and compromise said claims, and in the event of such refusal to pay or settle, any of the claimants named in this section may bring suit against the State of Minnesota within six months from the date hereof by service of process upon the attorney general, and in any action brought thereon the state shall be entitled to interpose any legal or equitable defenses thereto, and shall not be required to pay such claims, nor any part thereof, except as may be duly adjudged in said action, with the right of appeal as in other cases.

Sec. 24. To reimburse Joseph T. Glascock for moneys paid in satisfaction of judgments entered against him in the District Court of Ramsey County, and expenses incurred in the defense of actions brought by A. J. Kleidan and Florella Kleidan for false arrest while performing his duties as a deputy fire marshal\$ 567.90

Provided, however, the attorney general is authorized to direct settlement of the aforesaid claim upon receipt of a satisfaction of judgment of A. J. Kleidan in the sum of \$180.70, the receipt of a satisfaction of judgment of Florella Kleidan in the sum of \$337.20, and upon the receipt of a release from Joseph T. Glascock of the balance of the sum appropriated in this section.

Sec. 25. To compensate Dr. Ralph Rossen, Hastings, Minnesota, for vacation pay earned while in the military service, resulting from the failure of the Director of Public Institutions to reinstate the claimant to his duties as Superintendent of the Hastings State Hospital prior to the time his services were required at said institution.....\$ 581.25

Sec. 26. To reimburse Paul Sallin for money expended in improving a dike on the Minnesota

River below Ortonville, in order to protect his adjoining real estate from flooding by waters in the river, resulting from the operation and control of the dam at the outlet of Big Stone Lake by the Department of Conservation.....\$ 435.00

Sec. 27. To reimburse Glenn Miller, Winton, Minnesota, for monies paid in satisfaction of a judgment of the Municipal Court of International Falls, resulting from a civil action for the shooting of two dogs, in the performance of his duties as a game warden, such reimbursement to be made from the Game and Fish Fund.....\$ 216.30

Sec. 28. To reimburse E. G. Steinhilber, Oshkosh, Wisconsin, for frogs seized by the State of Minnesota, such reimbursement to be made from the Game and Fish Fund, and not to exceed.....\$2,649.50

Provided, however, that the attorney general may settle and compromise such claim or may refuse to pay the same, and in the event of such refusal to pay or settle, the claimant named in this section may bring suit against the State of Minnesota within six months from the date hereof by service of process upon the attorney general, and the state shall be entitled to interpose any legal or equitable defenses thereto, and shall not be required to pay such claim, nor any part thereof, except as may be duly adjudged in said action, with the right of appeal, as in other cases.

Sec. 29. To reimburse Anthony E. Kanis for his payment of a fine and costs paid to a justice of the peace as a result of an arrest for keeping a live deer, after notifying a game warden of his possession of the deer, and his request for permission to keep the same, said reimbursement to be made from the Game and Fish Fund.....\$ 55.25

Sec. 30. To reimburse Joe Stella and Angeline Stella for money paid to Hennepin County Treasurer for purchase of real estate erroneously advertised by the Hennepin County Auditor, such reimbursement to be made from the Tax Forfeited Land Sale fund of Hennepin County.....\$ 159.00

Sec. 31. To Doniven Decko to reimburse him for personal injuries sustained by reason of an assault committed by an inmate of Rochester State

Hospital, said amount to be paid to the legally appointed guardian of said Doniven Decko for his use and benefit and is to be withdrawable during his minority only upon order of the Probate Court. Attorney's fees for services rendered prior to appointment of guardian are to be limited to \$300.00. . \$5,000.00

Sec. 32. To reimburse Continental Machine Company for premium paid on performance bond under contract between the State of Minnesota through the Iron Range Resources and Rehabilitation Commission and the Continental Machine Company, said reimbursement to be paid out of the contract price and not in addition thereto. \$6,000.00

Sec. 33. To reimburse the following agricultural societies for premiums paid in 1945 and 1946, the amounts set opposite each association being the maximum amount such association is to be reimbursed for premiums paid only:

Wilkin County Agricultural Society, Breckenridge.	\$ 738.00
Lac Qui Parle County Agricultural Society, Madison	\$ 502.15
Farmers Cooperative Agricultural Society of Carver County, Waconia.	\$ 273.20
Cass County Agricultural Association, Pine River.	\$ 40.00
The Fair Association of Jackson County, Jackson.	\$ 165.75
Watonwan County Agricultural Association.	\$ 616.25

Sec. 34. To reimburse Thomas Stapel in payment of Minnesota Soldiers' Bonus, Spanish American War \$ 480.00

Sec. 35. To compensate Louis Boucher for disability suffered by reason of his contracting tuberculosis while employed at the Feeble Minded School at Faribault, to be paid in the following manner: \$400 in cash and \$14.08 per week for 60 weeks, such weekly compensation to be paid said Louis Boucher on the first day of each month on the basis of \$14.08 per week, and to be in addition to Sanatorium care by the state. The director of the Division of Public Institutions is hereby charged with the duty of delivering the warrants for payment. \$1,244.80

Sec. 36. To compensate Alvin Wright for injuries sustained while an inmate of the State Reformatory for Men, such compensation to be paid as

follows: \$1,500 in cash and \$15 per week for 200 weeks, such weekly compensation to be paid said Alvin Wright on the first day of each month on the basis of \$15 per week. The Director of the Division of Public Institutions is hereby charged with the duty of delivering the warrants for payment.....\$4,500.00

Sec. 37. To compensate Conrad and Agnes Berg, parents of Marvin Berg, for the death of their son as the result of an injury sustained while an inmate of the State Reformatory for Men, and to reimburse them for funeral expenses incurred.....\$1,000.00

Sec. 38. To compensate Earl Kurtz and Irene Kurtz, parents of George W. Kurtz, for the death of their son as the result of an injury sustained while an inmate of the State Reformatory for Men, and to reimburse them for funeral expenses incurred..\$1,000.00

Sec. 39. To reimburse Syndicate Printing Company of Minneapolis, Minnesota, for loss sustained in connection with four state printing contracts from the period of July 1, 1945, through June 30, 1947, due to unstable labor and material costs which could not reasonably be anticipated, such reimbursement to be in full and final payment of said claim against the State of Minnesota.....\$20,000.00

Sec. 40. To compensate Peter Martin for injury sustained while an inmate of the State Prison at Stillwater, Minnesota, in June, 1944, said compensation to be paid on the basis of \$10 per week for 150 weeks to be paid monthly to said Peter Martin. The Director of the Division of Public Institutions is hereby charged with the duty of delivering the warrants for payment.....\$1,500.00

Sec. 41. To compensate John E. Heintz in full and final payment for injuries sustained while an inmate of the State Prison at Stillwater.....\$ 375.00

Sec. 42. To reimburse Alonzo J. Snell for services performed for the State for a period of eight months from January 1, 1942, to September 1, 1942, for which he was never compensated, such reimbursement to be in full and final payment of such services\$ 600.00

Sec. 43. To reimburse Vader G. Slyke for services performed for the State during the years

- 1942, 1943, and 1944, for which he was never compensated, such reimbursement to be in full and final payment of such services.....\$ 180.00
- Sec. 44. To reimburse Judith Porter for services performed for the State for which she was never compensated, such reimbursement to be in full and final payment of such services.....\$ 159.84
- Sec. 45. To reimburse Anker Nelsen for services performed for the State for which he was never compensated such reimbursement to be in full and final payment of such services.....\$ 193.90
- Sec. 46. To reimburse Leo S. Bednarek as refundment on timber permit No. 8620.....\$200.00
- Sec. 47. To reimburse William A. Syreen of Deerwood, Minnesota, for use of property by the State\$ 100.00
- Sec. 48. To reimburse Erling Swenson as refundment of filing fee erroneously paid the Secretary of State on April 15, 1946.....\$ 90.00
- Sec. 49. To reimburse Albert Falk as refundment of filing fee erroneously paid the Secretary of State\$ 40.00
- Sec. 50. To reimburse John P. Somers as refundment of filing fee erroneously paid the Secretary of State\$ 90.00
- Sec. 51. To reimburse Jacob J. Weinstein for damages to his automobile in collision with state owned truck, such reimbursement to be made from the State Parks Revolving Fund.....\$ 35.00
- Sec. 52. Olaus Rudd and Carl Fuglestad as administrator of the estate of Christian C. Fuglestad, or their heirs, representatives, successors and assigns, may bring an action against the state upon the claims submitted and allowed at the fifty-third session of the state legislature, Section 101, Chapter 631, Laws of 1943, for damage to real property by flooding due to alleged negligent operation of a certain dam, in the district court of the county wherein the land, or any part thereof is situated, subject to the conditions herein prescribed; provided that each such action shall be commenced within six months after the passage of this act.

The summons and complaint in each action shall be served on the attorney general who shall defend the action.

Such actions shall be heard and determined as other civil actions and shall be subject to all applicable laws and rules. In case judgment is rendered against the state, the commissioner of conservation is requested and directed, upon receiving receipt and discharge in full, to pay the judgment creditor the amount of such judgment out of the game and fish fund, provided the amount of the judgment entered in each case shall not exceed the amount of, and shall be payable only from the appropriation therefor, as herein provided; and provided further that the commissioner of conservation shall not pay any such judgment unless the claimants, their executors, administrators, heirs, successors or assigns shall convey or cause to be conveyed to the state such flowage easement upon or other interest in the lands affected as the commissioner may require, with the approval of the attorney general, to avoid any future claims for damage thereto.

The commissioner of conservation may acquire any flowage easement upon or other interest in said lands, by purchase or condemnation, necessary for the maintenance of water levels in Pine Lake, in Clearwater County, and the taking of such easement or interest by condemnation may be defined so as to include past damages, if any, to such extent as the commissioner may deem proper; provided that the amount to be paid for such easement and past damages shall not exceed the amount of and shall be payable only from the amounts hereinafter appropriated.

The commissioner of conservation is hereby authorized in his discretion, to compromise, adjust, settle and pay out of the game and fish fund the claims herein referred to; provided that as a condition to any settlement or payment of such claims the state shall acquire such flowage easement over the lands affected as he may require; and provided the amount paid on such claim for damages to real property and for the acquisition of flowage easement over the land affected, shall not exceed the amounts appropriated herein.

There is hereby appropriated out of the game and fish fund for the payment of said claims for damage, or judgments entered therefor, and for the acquisition of such easements, the amounts hereinafter specified, to-wit:

a. To Olaus Rudd, his heirs, executors, administrators, or assigns:\$1,500.00

b. To Carl Fuglestad, administrator of the estate of Christian Fuglestad, deceased, his successors

or assigns, or the heirs of Christian Fuglestad, their heirs, executors, administrators or assigns:\$ 900.00

Sec. 53. To reimburse C. F. Hellstrom, Consul General for Sweden at Minneapolis, Minnesota, for and on behalf of August Wilhelm Gustafsson, Albertain Vilhelmina Gustafsson, Karl Johan Ahlstorm, Gustaf Oskar Johansson, Frans Linus Gustafsson, Hilma Josefina Persson, nee Gustafsson, Anna Sofia Johansson, nee Gustafsson, Alma Amalia Gustafsson, nee Johansson, Anna Natalia Larsson, nee Johansson, Alin Albertina Andersson, Augusta Kristina Johansson, all of whom are residents and nationals of the Kingdom of Sweden and the rightful heirs in the matter of the escheated estate of Mathilda Holmin, decedent of Washington County, Minnesota, as per Order of the Probate Court of Washington County dated February 3, 1947.....\$5,316.53

Sec. 54. To reimburse Clyde N. Miller for loss of personal property while employed by the state, to be reimbursed from Game and Fish Fund.....\$ 72.85

Sec. 55. To reimburse Ivan Hanson for damages to his automobile in collision with a state owned truck\$ 57.30

Sec. 56. To reimburse the following persons for refundments of license fees erroneously paid the State Hotel Inspection division, in the respective amounts, for licenses issued as follows:

L. Cato, 1902 E. 8th St., Duluth.....	\$ 3.50
James T. Ramsey, 6408 Lyndale So., Minneapolis....	\$ 7.00
Mrs. Annie Byersdorff, New Richland.....	\$ 5.00
Evon Denis, 3956 Minnehaha Ave., Minneapolis....	\$ 3.50
Louis Zuckman, 1600 6th St. So., Minneapolis.....	\$ 3.50
Mrs. Carl Hanson, 989 So. Cedar, Owatonna.....	\$ 3.50
Mrs. Violet Harding City Hall, Minneapolis.....	\$ 3.50
Maude E. McCallum, 5401 31 Ave. So., Minneapolis..	\$ 3.50
Charles Rudd, Bigfork	\$ 3.50
Fred Steinke, 417 E. Main St., Ada.....	\$ 3.50
Irvin Sudbury, Odessa	\$ 3.50
Mabel Wilhelm, Easton.....	\$ 3.50
The Interstate Co., Inc., 900 E. Lake, Minneapolis...	\$ 3.50
Richard and Margaret Bergquist, Cloquet.....	\$ 3.50
Lisle L. Lewis, Claremont.....	\$ 3.50
Chester Saum, McGregor	\$ 3.50
Lola Pearson, 1529 W. Superior, Duluth.....	\$ 3.50

Pearl Tourtellott, 627 Wilson St., Winona.....	\$ 3.50
Lloyd Bowen and Andy Sjolholm, Stillwater.....	\$ 3.50
Wm. Benoe, Hwy. 12, Rt. 4, Stillwater.....	\$ 5.00
Fred A. Williams, 4233 N.E. 6th St., Minneapolis....	\$ 3.50
Arthur J. and Mary E. Peterson, Big Lake.....	\$ 3.50
Fred J. Schatz, Brownton.....	\$ 3.50
William S. Brede, St. Paul.....	\$ 3.50
Ina Forsman, St. Paul.....	\$ 3.50
Fred C. O'Neil, St. Paul.....	\$ 3.50
Martin F. Thori, St. Paul.....	\$ 3.50
Clarence M. Hanson, Secretary, Lac qui Parle County Agricultural Society, Madison.....	\$ 3.50
General Management Corporation, Metropolitan Building, Minneapolis.....	\$ 3.50
Victor Sjoblom, Larsmont.....	\$ 3.50
J. D. Fleming, Sauk Rapids.....	\$ 3.50
P. S. Byers, Fairmont.....	\$ 3.50
C. J. Huppe, Jr., 2600 27th Ave. So., Minneapolis....	\$ 5.00
St. Cloud Country Club, St. Cloud.....	\$ 5.00
Frederic E. Miles, Basswood Lake, Ely.....	\$ 5.50
Myrtle Becker, Hammon.....	\$ 3.50
Mrs. Henry Rusert, Caledonia.....	\$ 5.00
F. O. Hillman, Spicer.....	\$ 3.50
M. Seyferth, Sr., Merrifield.....	\$ 1.00
Ray W. Little, Rt. 5, Brainerd.....	\$ 3.00
John A. Johnson, Box 200, Excelsior.....	\$ 4.00
William G. Rude, 5611 Grand Ave. W., Duluth.....	\$ 3.50
Frank Beyreuther, Aitkin.....	\$ 3.50
Chester Saum, McGregor.....	\$ 3.50

Sec. 57. To reimburse East Side Beverage Company as refundment of truck permit fee erroneously paid the Railroad and Warehouse Commission.....\$ 15.00

Sec. 58. To reimburse Polk County, Minnesota, for the portion of the cost of widening, deepening, and improving of County Ditch No. 60, represented by assessments against the benefited state property bordering on said ditch, which lands are a part of the Northwest School and Experiment Station of the Department of Agriculture, University of Minnesota, and are located in Section 19, Township 150, Range 46, and in Section 24, Township 150, Range 47, Polk County, Minnesota, said payment to be made from the appropriation made to the University of Minnesota for maintenance.....\$6,110.53

Approved April 26, 1947.