

vided that nothing herein shall be deemed to permit the issuance of bonds by any county in an amount which would cause its net indebtedness to exceed the limitations prescribed by law, and all bonds so issued shall be sold and provision shall be made for the security and payment thereof in the manner provided by Minnesota Statutes, Sections 475.60 to 475.66, inclusive; and the average annual net interest cost to the county on such bonds shall not exceed the rate of interest payable on the obligations so funded.

Sec. 2. **Remedial.** It is expressly found and determined that this act is remedial in nature, being necessary to protect the financial credit of such counties, and this act shall be in full force and effect from and after its passage and approval.

Sec. 3. **Application.** This act shall not apply to or affect any action or appeal now pending in which the validity of any such proceedings or of any such bonds or other obligations is called in question.

Approved February 5, 1953.

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#### CHAPTER 7—S. F. No. 95

*An act relating to separation of villages and townships; amending Minnesota Statutes 1949, Section 412.081, Subdivision 3.*

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

Section 1. Minnesota Statutes 1949, Section 412.081, Subdivision 3, is amended to read:

Subd. 3. **Distribution of assets; tax levy; joint property.** Upon separation of an existing village from the township or upon incorporation of a village hereafter, if there is any money in the town treasury in excess of its then floating indebtedness, such proportion of the excess as the total assessed valuation of the real and personal property within the village bears to the entire valuation of the town, including the village, shall belong to the village and shall be paid to the village treasurer by the town treasurer. All town taxes levied upon property within the village before separation and not yet collected or not yet distributed by the county treasurer shall be paid to the village when so distributed. If the town has any bonded debt, the property within the village shall continue to be taxed to retire the bonds and to pay the interest thereon until the bonds are fully paid. If there is within the village at the time of separa-

tion any real estate purchased or improved by the town, it shall remain the joint property of the village and town; but the village may purchase the interest of the town in the real estate and become its sole owner, *or the town may purchase the interest of the village in the real estate and become its sole owner.* Personal property belonging to the town at the time of separation shall remain the joint property of the village and town. Meetings and elections of the town may be held in the village and any town officer may maintain his offices in the village notwithstanding such separation.

Approved February 5, 1953.

#### CHAPTER 8—S. F. No. 79

*An act relating to the distraint of animals doing damage; amending Minnesota Statutes 1949, Section 346.09.*

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

Section 1. Minnesota Statutes 1949, Section 346.09, is amended to read:

**346.09 Animals doing damage. Subdivision 1. Notice, appraisers.** The person distraining shall give notice to the owner of such beast, if known to him, within 24 hours if he resides in the same town, and within 48 hours if he resides in another town in the same county, Sundays excepted; specifying in the notice the time when and the place where distrained, the number of beasts, and the place of their detention, and that at a time and place stated therein, which shall not be less than 12 hours after the service of the notice, nor more than three days after such distress, he will apply to a designated justice of the peace of the county for the appointment of appraisers to appraise the damages. If the owner be unknown, or does not reside in the county, *the distraining person* shall apply for the appointment of such appraisers within 24 hours after such distress without notice. Upon such application the justice shall appoint in writing three disinterested freeholders of such town to appraise the damages, for which *the justice* shall receive a fee of 50 cents.

**Subd. 2. Owners right to appraisal.** *If the distraining person fails to apply for appointment of appraisers within the time designated in subdivision 1, the owner of the beasts distrained may in the same manner apply for appointment of appraisers.*

Approved February 6, 1953.