

paper in each county in the state to be designated by him, for a period of one in each week for three (3) successive weeks immediately preceding such election. *Provided*, that when more than one (1) amendment is proposed the same shall not be published separately, but shall be published in one article.

Printed in bill form.

SEC. 3. The secretary of state shall also cause to be printed in bill form such number of copies of said synopsis of the proposed constitutional amendment or amendments provided for in section one (1) as shall be sufficient to furnish at least six (6) copies for each voting precinct in the state, and shall forward the same to each county auditor at least six (6) weeks preceding any such election.

Distribution to towns.

SEC. 4. It shall be the duty of the county auditor of each county, immediately upon the receipt of the bills provided for in section three (3) to forward to each of the town clerk in the county the number thereof provided for in this act.

Notices to be posted.

SEC. 5. It shall be the duty of each town clerk to post said notices at least twenty (20) days before the election in the same manner as the register lists of voters are required to be posted; *provided*, that there shall be at least one (1) of said notices posted at each polling place at the day of the election.

Penalty for neglect.

SEC. 6. If any of the officers named in this act wilfully or negligently fail to perform by its provisions, he or they or either one of them shall, upon conviction, be fined in a sum not exceeding one hundred (100) dollars nor less than twenty-five (25) dollars and in default of payment shall be committed in the county jail until such fine is paid, not exceeding thirty (30) days.

SEC. 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

When act to take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3d, 1887.

CHAPTER 158.

[H. F. No. 247.]

AN ACT PROVIDING FOR THE JUDICIAL DETERMINATION AND ADJUSTMENT OF TWO ALLEGED CLAIMS OF W. H. DYKE.

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Whereas, W. H. Dyke represents that under the provisions of the act entitled "an act for the adjustment of certain alleged claims against the state," approved November

fourth, (4) eighteen hundred and eighty-one (1881) he duly presented two claims one for seven thousand and one hundred (7,100) dollars and the other for four hundred and sixty (460) dollars with interest on each according to said act; and that full, distinct, complete and perfect proof, was made before the commission established by said act, showing that both said claims were just, valid, and bona fide claims of the character and description provided for by the fourth (4) section of said act; and that although there was no conflict of evidence in that behalf, yet said commission, not having time sufficient to properly discharge the duties imposed upon it, through mere forgetfulness as to when said proofs had been, disallowed both said claims, under the erroneous impression that the consideration of them was money lent or advanced to one of the railroad companies referred to in said act; and

Whereas, it is further represented that said mistake so made was not discovered until the computations necessary for the adjustment contemplated by said act had proceeded so far that said mistake could not be and was not corrected merely for want of time sufficient to revise said computations, and that in consequence thereof, said claimant, without any fault on his part whatever, failed to obtain any relief under said act touching his said claims; therefore,

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

SEC. 1. That said W. H. Dyke, or his legal representatives may, within thirty days after the passage of this act, appeal to any district court of this state from the said disallowance of his said alleged claims; that the notice of such appeal shall be served on the state auditor, and a copy thereof, with proof of such service, shall be filed in the office of the clerk of the district court to which such appeal shall have been taken; that thereupon that court shall have jurisdiction to hear, try and determine whether said alleged claims, or either of them, were, in point of fact, just, valid and bona fide claims of the character and description provided for by the fourth (4) section of the act entitled "an act to provide for the adjustment of certain alleged claims against the state," approved November fourth (4th) eighteen hundred and eighty-one (1881) that within thirty days after the such appeal shall have been perfected, as aforesaid, said alleged claims shall be pleaded as required by this act; that the attorney general of said state shall have charge of the defense against the same, and within thirty days after said claims shall have been pleaded, as aforesaid, may plead thereto any defense which would have warranted disallowance of said alleged claims, or either of them under said; that the issues so framed shall be brought to trial and be tried and deter-

Claims of W.
H. Dyke.

Appeal may be
had.

mined as in ordinary civil action, provided that the same shall be tried before the court or a jury, as said attorney general shall elect, and the place of trial thereof shall be changed to such county as said attorney general shall designate at any time within thirty (30) days after issue joined. In said proceeding said W. H. Dyke shall be known as the appellant, and said state as the respondent.

Judgment.

SEC. 2. That if after the trial of said cause upon its merits, said claims, or either of them shall be found to be just, valid and bona fide claims of the character and description provided for by the fourth (4) section of said act, then judgment shall be rendered in favor of said appellant against said respondent, for the same amount that should have been reported thereon, by said commission, under and according to said act; that is to say, for the amount actually due thereon for principal and interest up to the first (1) day of December, A. D., eighteen hundred and eighty-one (1881) but if said appellant shall fail to establish his said claim as aforesaid, then his said appeal shall be dismissed with costs and disbursements to said respondent, as in an ordinary civil action. Either party claiming to be aggrieved by the judgment in said cause, may appeal to the supreme court of said state as in any ordinary civil action.

Judgment—
how paid.

SEC. 3. That the judgment, if any, rendered in said proceeding in favor of said appellant, or his legal representatives, shall draw no interest; but upon filing a duly certified copy thereof with the auditor of said state, he shall issue to said claimant, or his legal representatives, as the case may be, his warrant on the state treasurer for the same percentage thereof as was paid under said act upon claims of the class, character and description to which said claims of W. H. Dyke belonged, and such warrant shall be paid by the state treasurer out of any moneys now or hereafter in the state treasury not otherwise appropriated.

Proviso.

Provided. That before issuance of said warrant, said claimant, or his legal representatives, shall make, acknowledge and file with said state auditor duplicate satisfaction pieces of said judgment, one of which shall be filed in the district court wherein such judgment was rendered, and the other shall remain on file in the office of said state auditor. If the judgment rendered in said cause shall be in favor of the respondent the same shall operate to terminate and extinguish said alleged claims forever.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.