

174 of the laws of 1885, chapters 51 and 52 of the laws of 1891, being sections 2952 to 2969, both inclusive, of the General Statutes of 1894, chapter 225 of the laws of 1897 and chapter 304 of the laws of 1899 are hereby repealed.

Laws
repealed.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved April 3, 1903.

CHAPTER 127.

H. F. No. 20.

An act to provide for the payment of expenses incurred in the control of infectious or contagious diseases.

Payment of
expenses in
control of
contagious
diseases.

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

SECTION 1. All necessary expenses hereafter incurred by the board of health or health officer of any town, borough, village, or city, in the general control of infectious or contagious diseases, shall in the first instance be a charge against the town, borough, village, or city, in which such expenses were incurred, and shall be allowed in the same manner that other claims are allowed. Whenever any town, borough, village, or city, has allowed any claims incurred in the control of infectious or contagious diseases, the town clerk of such town, or the recorder, or like officer, of such borough, village, or city, shall send a certified statement to the county auditor of the county in which such expenses were incurred; such statement shall contain the date upon which such claims were allowed, to whom allowed, for what purpose, and the amount of each claim as allowed. Upon receipt of such statement the county auditor shall thereupon place the same before the board of county commissioners of his county at their first meeting thereafter, and it shall be the duty of said board of county commissioners to audit one-half ($\frac{1}{2}$) the amount allowed by such town, borough, village, or city, or so much thereof not exceeding one-half as such board of county commissioners shall determine to be just and proper. Whenever any board of county commissioners shall disallow the one-half of any such statement or any part thereof it shall be the duty of the county auditor of such county within ten days thereafter, to notify, in writing the town clerk or the re-

In first in-
stance, a
charge
against
municipality.

Certified
statement to
county
auditor.

County com-
missioners to
audit not
to exceed
one-half of
amount.

When dis-
allowed.

corder or like officer of such borough, village or city, as the case may be of such disallowance and such town clerk, village recorder or like officer of such borough, city or village may thereupon, within thirty days after the receipt of such notice, file with the clerk of the district court a notice of appeal from the action of said board to the district court. When such notice of appeal shall have been filed with the clerk of the court as aforesaid, the said clerk shall, upon eight days' notice by either party place the appeal upon the calendar of actions for the ensuing term of the district court. The court shall on such terms on or before the second day thereof order pleadings to be made up and certified. The appellant may appear in person or by counsel at the trial thereof. Unless the parties otherwise agree, the matter shall be submitted to a jury trial, and tried as other appeal cases are tried, and the court or jury, as the case may be, shall assess the amount the appellant is entitled to recover, if any, and make the verdict conform to the justice and facts in the case. If the determination of the board of county commissioners appealed from be affirmed, or if the amount claimed by the statement of said town, borough, village or city be reduced in said district court, the party appealing shall pay all costs and disbursements incurred in said court, but if the amount so claimed by the appellant be sustained in said court said appellant shall recover all costs and disbursements, said costs and disbursements to be taxed and adjusted as in other cases in said district court, and judgment entered therefor in like manner. No bond shall be required of appellant taking the appeal herein required. When the board of county commissioners shall audit the one-half of such statement, or any part thereof, the same shall be paid out of the county treasury by orders on the treasurer, drawn by the county auditor, and paid out of the general revenue fund of the county as other claims against the county are paid. For the purpose of carrying out the provisions of this act, towns, boroughs, villages and cities are authorized to levy in addition to all taxes now authorized by law, a tax not to exceed one (1) mill on the dollar of taxable property in any one year; or such claims may be paid out of the general fund of such town, borough, [village] or city.

Notice of appeal.

Pleadings, appellant, stipulation, jury trial.

Costs.

Appellant not required to give bond.

Amount audited paid out of county treasury.

One-mill tax may be levied.

Provided, That this act shall not apply to cases where

the person having infectious or contagious disease is not a legal resident of such town, borough, village or city.

Not to apply to non-resident cases.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1903.

CHAPTER 128.

H. F. No. 581.

An act authorizing the building and maintenance of dams in rivers, streams and water courses, where the same are only floatable for logs, and the exercise of the right of eminent domain in certain cases.

Dams in streams for floating logs, eminent domain in certain cases.

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

SECTION 1. Any owner of land bounded upon that portion of any river, stream or water course, which river, stream or water course wholly or in part lies within this state, or wholly or in part lies between or forms the boundary line between this state and an adjoining state or country, which portion is not navigable, for steamboat navigation and is only floatable for logs and lumber, may build and maintain on or across the bed of such portion of such river, stream or water course a dam, and, in connection therewith, such raceways or other structures as may be necessary for the development of water power for one or more of the following purposes, namely: To improve navigation; to develop or improve water power for manufacturing purposes, including the development of electricity and electrical power; to supply water to municipalities; or for any lawful purpose whatever. *Provided*, that such consent, if any, as may be required by law, treaty convention or otherwise be first obtained from the owner or owners of the opposite bank where such dam may abut, from the adjoining state or country, and from the United States to the building and maintenance of such dam.

For what purposes.

Consent to be obtained, in certain cases.

SEC. 2. Every dam constructed under authority of this act shall have connected therewith a sluiceway, lock or other fixtures sufficient and so arranged as to permit logs, timber and lumber to pass through, over or around

Sluiceways, locks, etc.