

event, such commissioner shall be paid by said county only the stenographic fees herein specified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1903.

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CHAPTER 283.

S. F. No. 427.

*An act preventing and restraining the exposure of clipped animals.*

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

SECTION 1. Every person in custody of a horse, mule or other animal which has been clipped or sheared by having its hair removed from its body by the use of clippers or shears, who causes or permits such horse, mule or animal to stand on the highways, streets or other places not sheltered, within sixty days after the date of such clipping or shearing, without being blanketed, between the first of November and the first day of May, shall be guilty of a misdemeanor.

Regulating  
clipping  
of horses.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1903.

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CHAPTER 284.

S. F. No. 330.

*An act to authorize and empower cities in the State of Minnesota having a population of ten thousand inhabitants or less to acquire by condemnation proceedings waterworks plants and issue bonds in payment therefor.*

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

SECTION 1. All cities in the State of Minnesota having a population of ten thousand inhabitants or less are hereby authorized and empowered to acquire(d) by condemnation proceedings for the public use, free from all liens and encumbrances whatsoever, all or any waterworks, including all machinery, pipes, reservoirs, franchises, lands and buildings and everything necessary to the use and operation of said works and plants or any part thereof in the manner hereinafter provided.

Condemnation  
proceedings  
for water  
works plants.

Presentation  
of petition.

Description  
of property.

For public  
use.

Notice to  
owners.

Service of  
notice.

Publication  
of notice.

SEC. 2. The proceedings to condemn such property and franchises, or any and all thereof, shall be instituted by the presentation of a petition in the name of the city by the city attorney of such city when directed so to do by a resolution of the common council of such city, passed by a majority vote of all members elected to such council, to the district court of the judicial district in which such city shall be situated, setting forth a description of the property and franchises to be condemned with reasonable certainty and the names of the owners thereof and of all persons or corporations having or claiming any right, title, or interest therein as owners or lienors or otherwise so far as the same appears of record in any county in which said city or any part thereof may be situated and praying that such city may be authorized to take and hold said property and franchises forever for the public use, free from all liens or encumbrances whatever, upon making just compensation therefor, and that commissioners of appraisal be appointed to ascertain the just compensation to be made to any person or corporation in any manner interested therein.

SEC. 3. There must be annexed to such petition a notice addressed to the owners, lienors and other persons interested specifically named in the petition and generally to all other persons and corporation having or claiming any right, title or interest in the property and franchises described in said petition and sought to be condemned, whether as owner, lienor or otherwise, specifying the time and place at which such petition will be presented to the court.

SEC. 4. Such petition and notice shall be served at least eight days before the day named in such notice for the presentation of such petition to the court upon such of the owners and lienors specifically named in the petition as can with reasonable diligence be found within the state in the same manner as personal service of the summons in civil action in the district court is by law required to be made, and upon such as cannot be found within the state, and upon all other persons and corporations having or claiming any right, title or interest in or lien upon the property and franchises described in said petition, whether as owner, lienor or otherwise, by the publication of such petition and notice in a daily newspaper published in such city, if such there be, for ten con-

secutive days excluding Sunday, ending at least eight days before the day named in such notice for the presentation of such petition and, in case there shall be no such daily newspaper published in such city, the term "daily newspaper" being deemed and taken to mean a newspaper published on each day of the week, excepting Sunday, then the same shall be published for two consecutive weeks in some weekly newspaper published in said city, the last publication to be at least eight days before the day named in such notice for the presentation of such petition and, in case there shall be no daily or weekly newspaper published in such city, then such notice and petition shall be published in the manner provided by law for the publication of a summons in a civil action and, in such case, the last publication shall be at least eight days before the day named in such notice for the presentation of such petition.

SEC. 5. Upon the presentation of said petition and notice and proof satisfactory to the court of the service thereof as hereinbefore required the court at the time specified in the notice or at any time to which the hearing shall be adjourned or continued by the court, shall make an order authorizing the city presenting such petition to take and hold the property and franchises described in such petition forever for the public use free of all liens and encumbrances whatsoever upon making just compensation therefor, *provided* the property and franchises described in such petition are such as the condemnation thereof is by this act authorized, and, in case any property, or franchises are attempted to be described in said petition, the condemnation of which is not herein authorized, the said court shall at the time of making of such order specify the same in such order and the same shall thereupon be deemed and taken to be stricken out of such petition and shall not be further considered in such proceeding, and the court shall further appoint in and by such order three disinterested freeholders, residents of the State of Minnesota, commissioners to ascertain the just compensation to be made to any person or corporation in any manner interested therein and the court shall by such order fix the time and place for the first meeting of the commissioners and any person or corporation having or claiming any interest whatsoever in the said property or franchises shall have a right to be

For the  
public use.

Commissioners  
to ascertain  
just com-  
pensation.

heard in person or by attorney upon any subsequent application to the court and to be so heard and present his proofs upon any hearing before the commissioners.

SEC. 6. No person or corporation shall be entitled to any notice of proceedings subsequent to the making of the order provided for by the last section other than notice by publication as hereinafter required unless he shall serve upon the attorney of the petitioner a written notice of his appearance naming a place where notices may be served upon him within the state, in which case eight days written notice of such subsequent proceedings shall be given him by leaving the same at the place so named.

Written  
notice of  
appearance.

SEC. 7. The commissioners shall cause to be published in a daily newspaper published in said city, if there be one, for ten consecutive days exclusive of Sunday, a notice setting forth a time and place at which they will hold a public meetings at which they will hear the proofs and allegations of the parties interested which shall be the time and place fixed by the order as hereinbefore required, such hearing may be adjourned from time to time as the commissioners may deem proper.

Publication  
in daily  
newspaper.

In case there shall be no daily newspaper published in said city, the notice provided for in this section shall be published in some weekly newspaper published in said city for at least two consecutive weeks prior to the date of such hearing and, in case there shall be no such newspaper published in such city then a copy of such notice shall be posted in three (3) public places in said city one of which shall be the United States postoffice.

Proof of the publication or posting of all notices provided for in this act shall be made as provided by law for the proof of the publication of a summons in a civil action in the district court and by the affidavit of the person posting such notice filed with the clerk of the district court of the county in which the proceedings herein provided for shall be pending. In case said commissioners shall fail to meet at the time and place appointed in such order or in case notice of such meeting shall not have been given as herein required said court may without notice make and file with the clerk of said court in which such proceeding shall be pending another order of like import as the first fixing another time and place for the meeting of said commissioners in which case like

Proof of  
notice.

Failure to  
meet at  
time.

proceedings shall be had as are herein provided for on the filing of the original order fixing such time and place.

SEC. 8. Before proceeding the commissioners shall take and subscribe the oath of office, provided by law for referees. Any of them may issue subpoenas and administer oaths. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall view the property described in the petition and shall hear the proofs and allegations of all persons interested and reduce the testimony taken by them, if any, to writing, and after the testimony is closed, they, or a majority of them all, being present without unnecessary delay shall ascertain and determine the compensation which ought justly to be made by said city to each person or corporation having any interest in or lien upon the property and franchises condemned.

Majority  
may adjourn  
proceedings.

SEC. 9. The commissioners shall make a report of their proceedings and determination to the district court by filing the same in the office of the clerk of the court in which the proceedings are pending with the minutes of the testimony taken by them, if any. They shall be entitled to five dollars (\$5) for service for every day they are actually engaged in the performance of their duties and their necessary expenses to be paid by the petitioner.

To report  
proceedings.

SEC. 10. Upon filing the report of the commissioners the petitioner shall apply for its confirmation at any general or special term of the district court held in the county where such proceedings are pending. Notice of such application stating that the report has been filed in the office of the clerk of such court and is open for inspection free of charge, shall be given in the same manner as is herein provided for giving notice of the meeting of such commissioners, at least, eight days before the day specified for the making of such application. Upon such application the court may confirm the report or may set it aside for irregularity or for error of law on the proceedings before the commissioners or upon the ground that the award in whole or in part is excessive or is insufficient. If the report is set aside, the court may direct a rehearing before the same commissioners or may appoint new commissioners for that purpose and the proceedings upon such rehearing shall be conducted in the same manner and upon the same notice as is provided

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Court may  
confirm report.

for the original hearing and the same proceedings shall be had for the confirmation of the second report as are herein prescribed for the confirmation of the first report. The petitioner, or the owner of said property and franchises, or any person or corporation having a lien or interest as aforesaid, feeling aggrieved by said report of the commissioners may appeal from the order confirming or refusing to confirm or modifying the same to the supreme court. Said appeal shall be heard as other appeals and the supreme court may affirm, reverse, or modify the order appealed from. If the supreme court reverse or modify said order, the said proceedings shall be remanded to said district court with directions to appoint new commissioners or order a rehearing or take such other steps as said supreme court may direct and if new commissioners are appointed or a rehearing is had the proceedings on such rehearing shall be conducted in the same manner and upon the same notice as provided herein for the original hearing.

May appeal  
from order.

Enter  
final order.

When the report is confirmed, the court shall enter a final order in the proceedings which shall be binding upon all persons having any interest in the property and franchises condemned, directing that compensation be made pursuant to the determination of the commissioners and that the petitioner shall thereupon be entitled to take and hold forever the property and franchises condemned for the public use. Payment of the compensation to the clerk of said district court to the credit of any person or corporation mentioned in said order, shall be deemed a payment within the provisions of this act.

Possession  
after pay-  
ment.

SEC. 11. Immediately upon payment being made as hereinbefore provided, the said city shall be entitled to enter into the possession of the condemned property and franchises and hold the same in fee for the public use.

Bonds \*  
sufficient  
to pay  
amount.

SEC. 12. The proper officers of such city are hereby authorized and directed to issue and sell in the same form and manner as is now provided for issuing and for selling duly authorized bonds of such city, bonds sufficient to pay the amount or amounts directed by the final order to be paid. Such bonds may be issued by a vote of the members elect of the common council of such city without the submission of the question to a vote of the people and without regard to the amount of the indebtedness of said city and no bonds issued pursuant to the pro-

visions of this act shall be deemed or taken to be a part of the indebtedness of any such city within the purview of any statute limiting the amount of the indebtedness to be incurred by any such city, and the authority herein given to issue bonds shall be deemed and taken to be in addition to all other acts authorizing the issuance of bonds and shall not be construed in any manner to modify or limit the right of any such city to issue bonds in any other act, *provided* the bonds so issued shall be payable in thirty years from the date of issue and shall bear interest at a rate not to exceed five per cent (5 per cent) per annum and shall not be sold for less than par and shall be payable at such place as the common council of such city may designate.

Bonds payable in thirty years.

The proceeds of said bonds shall not be used for any purposes other than such as are herein provided, and the expenses of the proceedings herein provided for, and any member of the common council or officer of said city who shall vote for or in any manner participate in the appropriation or expenditure of any of the proceeds of any such bonds for any other purpose, shall be deemed guilty of a misdemeanor and punished as by law provided. All necessary expenses of the proceedings herein authorized shall be audited and paid by said city as other claims against said city are audited and paid.

Failure to use bonds as provided a misdemeanor.

SEC. 13. No condemnation shall be instituted under the provisions of this act until the same shall have been authorized by the legal voters of such city at a general or special election called for that purpose; such elections shall be called and conducted in the manner prescribed for municipals elections in such city and the notices of election shall contain a statement of the purpose for which the election is held, viz.: to acquire waterworks by condemnation proceedings and issuing bonds to pay for the same which election may be called by resolution of the common council passed by a majority vote of all members elected thereto, which resolution shall distinctly state the purpose of the election and the question to be submitted to the legal voters of such city. The ballot to be voted on under this act may read as follows: "In favor of the proposition to condemn waterworks and issue bonds in payment therefor." "Yes." "No."

Authorized by legal voters.

Form of ballot.

The voters voting in favor of such proposition shall mark a cross (x) opposite the word "Yes;" and those

voting against such proposition shall mark a cross (x) opposite the word "No," on said ballot in a space provided for that purpose. If a majority of the voters voting on said proposition shall vote in favor thereof then and in such case, the proceedings for condemnation therein provided for shall be taken. The votes cast at such election shall be counted, returned and canvassed the same as at other municipal elections and the result certified to the clerk or recorder by the canvassing board.

Not apply  
to water  
works operated  
with light  
plant.

SEC. 14. This act shall in no wise apply to water-works plants which are used or operated in connection with any electric light plant, nor to cities now having and owning a system of waterworks.

SEC. 15. Any proceedings by this act authorized must be instituted within one year from the approval of this act, and if such proceedings are not so instituted by any city within such period, it shall thereafter have no power or authority to proceed as in this act provided.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 18, 1903.

H. F. No. 008.

## CHAPTER 285.

*An act to appropriate money for the general expense of the state government and for other purposes.*

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

Money for  
state gov-  
ernment.

SECTION 1. That the sums of money 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 named in the following sections of this act:

SEC. 2. Miscellaneous appropriations for the fiscal year ending July thirty-first (31st), nineteen hundred and three (1903), and for the fiscal year ending July thirty-first (31st), nineteen hundred and four (1904), and for the fiscal year ending July thirty-first (31st), nineteen hundred and five (1905).

Appraising  
and selling  
state lands.

First: For expenses examining, appraising and selling state lands, estimating and scaling pine timber, detecting trespass upon and caring for the public lands belonging to the state; for inspecting the output of iron