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 125-NW 504

CHAPTER 188—H. F. No. 77.

An Act to amend section 1286, Revised Laws of 1905, relating to the change of boundary lines of school districts and the formation of new school districts.

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

Organization of districts and enlargement of boundaries—proceedings.—Section 1. That section 1286, Revised Laws of 1905, be, and the same hereby is amended so as to read as follows :

Section 1286. By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district or otherwise shall be made, so as to lease the old district without at least one school house used for school purposes, nor shall any change of districts in any way affect the liability of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of law, actions shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of not more than two thousand inhabitants is already or partly included within the boundaries of any such school district, or whenever any school district shall include within or partly within its boundaries any incorporated borough, village or city of not more than two thousand inhabitants, the boundaries of such school district may be enlarged so as to include all lands within the corporate limits of said borough, city or village, or so as to include lands within and outside of such incorporated borough, village or city, but lying contiguous to said district in the following manner, to-wit :

Whenever a majority of the legal voters residing within such school district shall petition the board of county com-

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missioners of the county wherein such district is situated for an enlargement of such district, and shall file the petition with the auditor of said county, it shall be the duty of the board of county commissioners, at its next regular or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by such proposed change and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and

Upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall, at the time and place fixed, proceed with the consideration of such matter and shall hear all evidence offered by any person interested tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; *provided, further*, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court.

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

Approved April 15, 1907.

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CHAPTER 189—H. F. No. 466.

An Act to legalize village warrants heretofore issued in excess of the legal limitations of indebtedness.

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

Certain warrants legalized.—Section 1. In all villages where the village council have heretofore ordered and there has been issued and delivered to third parties who have given value therefor warrants in excess of the legal limitation therein, for the purpose of building bridges costing not over twenty thousand dollars (\$20,000), and said warrants or orders have been sold at their face value, and the entire money used for the construction of such bridge or bridges, the acts of such village council are hereby legalized.

Approved April 15, 1907.

CHAPTER 190—H. F. No. 518.

An Act to amend section 2700 of the Revised Laws of 1905 relating to the fees of constables.

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

Fees of constable.—Section 1. That section 2700 of the Revised Laws of 1905 be amended by adding a new subdivision thereto at the end of said section said subdivision to be known as twenty (20), which shall read as follows :

20. A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, at not to exceed one dollar per day while having such prisoner in custody pending trial and while conducting such prisoner to jail, together with the transportation charges for said prisoner paid to a common carrier. *Provided*, that where adjournment is for longer than three days, the prisoner shall be committed to the county jail.

Approved April 15, 1907.