

or shall hereafter continue in the business for which it was incorporated for more than three years and in the carrying out of such business has sustained losses whereby the capital stock so paid in has become impaired so as to be worth at least twenty-five per cent (25%) less than its par value, then and in any such case, the district court shall have power and is hereby given power to dissolve any such corporation upon petition of stockholders owning not less than forty per cent (40%) of such capital stock so paid in, *provided*, that such stockholder so petitioning shall have paid the full value of their stock."

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

Approved April 20, 1909.

CHAPTER 277—S. F. No. 629.

An Act to enable boards of education in special school districts in the State of Minnesota to employ clerks or secretaries who are not members of such boards.

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

Board may appoint non-member clerk.—Section 1. The board of education in any special school district in the state of Minnesota, at its annual meeting for organization, may, at its option, appoint as its clerk or secretary a person not a member of such board, and may make provision for his compensation in accordance with existing law.

Sec. 2. All acts and parts of acts, whether general or special, inconsistent with this act, are hereby repealed.

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

Approved April 20, 1909.

CHAPTER 278—S. F. No. 647.

An Act to adopt regulations for preventing collisions upon the lakes and rivers of the State of Minnesota.

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

Regulations.—Section 1. That the following regulations for preventing collisions shall be followed by all vessels navigating all lakes and rivers of the state of Minnesota:

Preliminary.—In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and

Every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word “steam vessel,” shall include any vessel propelled by machinery.

A vessel is “under way” within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

Rules concerning lights, etc.—The word “visible” in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

Rules concerning lights.—Sec. 2. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

Rules for steam vessel under way.—Sec. 3. A steam vessel, when under way shall carry:

(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with in board screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) All steam vessels (except sea-going vessels and ferry boats), shall carry in addition to green and red lights required by article two, (b), (c) and screens as required by article two (d) a central range of two white lights. The head light shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points

abaft the beam on either side of the vessel, and the after light so as to show all around the horizon.

Sailing vessel lights to be carried.—Sec. 4. A sailing vessel under way or being towed shall carry at the mast head a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles.

Row boats—Lanterns to be carried.—Sec. 5. Rowing boats, whether under oar or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

STEERING AND SAILING RULES—PRELIMINARY—RISK OF COLLISION.

Risk of collision can, when circumstances permit, be ascertained by careful watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Sailing vessels approaching one another.—Sec. 6. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

Steam Vessels approaching one another.—Sec. 7. Rule No. 1. When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give as a signal of her intention one short and distinct blast of her whistle which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other, but if the course of such vessels are so far on the starboard of each other as not to be considered as needing head and head, either vessel shall immediately give two short

and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other.

The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or where a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule No. 2. If, when steam vessels are approaching each other, either vessel fails to understand a course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle.

Rule No. 3. Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, such steam vessel, when she shall have arrived within a half mile of such curve, or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

Rule No. 4. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the

steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached the point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals.

The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of a passing vessel.

Rule No. 5. The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights.

Steam vessels crossing.—Sec. 8. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Steam and sailing vessels involving risks of collision.—Sec. 9. When a steam vessel and a sailing vessel or rowing boat are proceeding in such direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel or rowing boat.

Course and speed.—Sec. 10. Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed.

Crossing ahead of the other.—Sec. 11. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

Slackening of speed.—Sec. 12. Every steam vessel, which is directed by these rules to keep out of the way of another vessel, shall, on approaching her, if necessary, slacken her speed or stop or reverse.

Overtaking of another vessel.—Sec. 13. Notwithstanding anything contained in these rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side-

lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel, within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed and cleared.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel, and keep out of the way.

In narrow channels.—Sec. 14. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

Sailing vessels to keep out of way.—Sec. 15. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats.

Construction of rules.—Sec. 16. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

When vessels are in sight.—Sec. 17. When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle.

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

Rules not to exonerate.—Sec. 18. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Violation.—Sec. 19. That every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge, who neglects or refuses to observe the provisions of this act, or the regulations established in pursuance of the preceding

sections shall be liable to a penalty not to exceed fifty dollars, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal.

Provided, that nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

Sec. 20. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved April 20, 1909.

CHAPTER 279—S. F. No. 661.

An Act to legalize, validate, ratify and confirm the acts and proceedings of organized towns, and the acts and proceedings of boards of supervisors or township boards of organized towns, in the matter of procuring sites and building, constructing and completing thereon, town halls and the issuing of township orders and evidences of indebtedness for the same, and the procuring and disbursing of money and funds for the same, between the 1st day of July, 1908, and the 16th day of March, 1909.

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

Procuring sites and buildings legalized.—Section 1. That whenever and in all cases between the 1st day of July, A. D. 1908, and the 16th day of March, A. D. 1909, a petition or request signed by legal voters of any organized town in this state has been made and filed with the town clerk and township board of such town, asking that such township and the board of supervisors thereof, proceed to procure a site and construct and complete thereon, a town hall for such town, pursuant to the provisions of chapter 8 of the Revised Laws, 1905, or any other law or laws of this state, then in force, and also asking that the town clerk of said town and said board of supervisors proceed to call and cause to be held, a town meeting and election for the legal voters and electors of such town, to vote upon said proposition including the amount of money to be raised and expended therefor, and thereafter such proceedings were had that a town meeting and election was held in such town for the electors and legal voters thereof to vote upon said proposition, and at which town meeting and election the electors and legal voters of such town, did vote upon said proposition, including the procuring of a site, the construction and completion of a town hall thereon,