

their services the fees prescribed by law, which shall be paid into the county treasury.

Provided, that in all counties of this state having a population of less than one hundred thousand (100,000) inhabitants, whether the salary of the judge of probate therein is fixed by general or special law, a judge of probate or clerk may charge, receive, and retain fees for taking acknowledgments and administering oaths, outside of probate duties, and for certified copies of the records and files of the court for which the compensation shall be as provided by section 3634, Revised Laws of 1905.

Salary probate judge and clerk hire in counties having more than 100,000 and less than 200,000 population.—Sec. 2. In all counties in this state having a population of more than one hundred thousand and less than two hundred thousand inhabitants according to the last completed state or national census and an area of more than five thousand square miles, whether or not the matters herein contained are now regulated by a special or a general law or laws, the annual salary of the probate judge shall be three thousand six hundred dollars.

In addition to the foregoing salary, annual compensation for clerk hire, for probate judges in any such county or counties shall be a sum not greater than four thousand two hundred dollars to be determined, allowed, and approved by the board of county commissioners.

All such salaries, and clerk hire shall be paid monthly from the county treasury, upon the warrant of the county auditor.

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

Approved April 21, 1909.

CHAPTER 342—H. F. No. 327.

An Act pertaining to the duties of the surveyor generals in scaling timber cut from state lands.

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

Merchantable timber defined.—Section 1. The surveyor general of each district shall scale all timber cut on any of the state lands in charge of the auditor. All such scaling shall be done upon the land from which the timber was cut, and all the pieces scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler. In the making of such scale such allowance shall be made for defects therein as will make the same equal to "merchantable" timber, and the term

“merchantable” timber is hereby defined to mean and include all logs or pieces from which lumber of value can be manufactured.

Sec. 2. All acts or parts of acts 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 21, 1909.

CHAPTER 343—H. F. No. 423.

An Act authorizing the creating of retirement fund associations and the granting of annuities to retired teachers in cities of this state now or hereafter having a population of more than fifty thousand inhabitants and providing a fund out of which such annuities may be paid.

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

Teachers' retirement fund pension.—Section 1. In every city of this state now or hereafter having a population of more than fifty thousand inhabitants, the teaching body may, with the consent of the common council or city council in said city, establish an association to be known as “Teachers' Retirement Fund Association,” said association to be formed and organized and to have powers and privileges as hereinafter provided.

Corporation to be formed.—Sec. 2. Any plan for the establishment of such an association shall include a provision for the organization of a corporation under the provisions of chapter fifty-eight of the Revised Laws of 1905 and acts amendatory thereof.

Teaching body to form plan of incorporation.—Sec. 3. Whenever any teaching body of any city of this state having a population of more than fifty thousand inhabitants desires to avail itself of the privileges of this act, said teaching body shall formulate a plan for the formation and incorporation of such an association and the collection and disbursement of a fund for the benefit of retired teachers in said city, which said plan shall be submitted to the common council or city council of said city for approval, and when the same is approved by said common council or city council, the said association so established and incorporated shall have full power and authority to receive and disburse funds in accordance with the said plan so adopted.

Plan to be approved by board of education.—Sec. 4. No such association shall be incorporated and commence to collect and disburse funds until the plan so to be proposed by the said teach-