

CHAPTER 391—S. F. No. 452.

An Act entitled "An Act requiring a notice of claim for damages, to be given to cities, villages and boroughs, for loss or injury sustained in certain cases."

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

Section 1. Notice of injury must be given within 30 days.—Every person who claims damages from any city, village or borough for or on account of any loss or injury sustained by reason of any defect in any bridge, street, sidewalk, road, park, ferry-boat, public works or any grounds or places whatsoever, or by reason of the negligence of any of its officers, agents, servants or employees, shall cause to be presented to the common council or other governing body, within thirty days after the alleged loss or injury, a written notice, stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given; or if commenced within ten days thereafter, or more than one year after the occurrence of the loss or injury.

Sec. 2. Same to apply where city is master or employer.—The provisions of Section 1 shall also apply when the claim is based on the failure of the city, village or borough in one of the duties assumed by or imposed upon it as a master or employer.

Sec. 3. When death results certain parties to make service.—The provisions of Section 1 shall also apply when the claim is one for death by wrongful act or omission, and in that case, the notice may be presented by the personal representative, surviving spouse or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; provided, however, that if the person for whose death the claim is made, shall have duly presented within thirty days, a notice which would have been sufficient had he lived, the same shall be deemed sufficient within the terms of this act.

Sec. 4. Sec. 768, R. L. 1905, repealed.—Section 768 of Chapter 9 of the Revised Laws of the state of Minnesota for the year 1905, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Sec. 5. Application.—This act shall also apply to cities and villages existing under a charter framed pursuant to Section 36, Article 4 of the constitution.

Sec. 6. This act shall take effect and be in force from and after July 1, 1913.

Approved April 19, 1913,