

act by mandamus, injunction or any other appropriate remedy in any court having jurisdiction thereof.

Sec. 3. **In addition to existing powers.**—In any such city having a city planning commission, the provisions of this act shall be construed as an addition to existing powers and not as an amendment to or repeal thereof, and the governing body may adopt a plan or plans prepared by such city planning commission.

Sec. 4. **Not to apply to certain cities.**—This act shall also apply to any city of the first class in the state operating under a home rule charter adopted pursuant to Section 36, Article 4, of the state constitution.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 8, 1921.

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CHAPTER 218—S. F. No. 839.

*An act to amend Section 720, General Statutes, 1913, relating to county tuberculosis sanatoria.*

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

Section 1. **Tuberculosis sanatorium—Appropriation of funds—Bonds—Contribution of state—Duties of State Board of Control—Tax levies—Disposition of funds.**—That section 720, General Statutes, 1913, be and the same is hereby amended so as to read as follows:

720. A county or group of counties wishing to establish a sanatorium as indicated in section one (717) shall through the board or boards of county commissioners appropriate one-half the necessary funds in apportioned amounts as hereafter provided for the establishment, construction and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay out of the funds hereafter provided under this act one-half the cost of the erection and equipment of each such sanatorium including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the state board of control in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each of such sanatorium including cost of site shall not exceed fifty thousand dollars (\$50,000). Whenever any such sanatorium has been erected and equipped said county sanatorium commission shall have full charge and control of the maintenance of the same, but may confer with the state board of control with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and said state board of con-

trol shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. Said county sanatorium commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards in their discretion at the regular meeting in July include the property approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium the sum of five dollars (\$5.00) per week shall be paid to said county or group of counties by the state treasurer out of funds appropriated under this act, which payments shall be made monthly upon warrants of the state auditor, drawn upon the state treasurer provided that the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that the institution has been properly conducted. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission, shall apportion by resolution one-half the estimated total cost of site, erection and equipment and the estimated total cost of maintenance for the ensuing year between or among said counties, and designate the amount to be raised by each county, which said apportionment shall be based approximately upon the respective population of said counties as determined by the last previous federal or state census, *except that when the county boards of such counties shall agree upon a different apportionment of such cost of maintenance such agreed apportionment shall govern.* When so apportioned said commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay if it has funds available for that purpose or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes except cost of site, erection and equipment shall be deposited in the treasury of said county or counties to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of said county or counties upon the properly authenticated vouchers of the county sanatorium commission signed by the president and secretary thereof and all moneys collected or received to be used toward the payment of the cost of site, erection and equipment of such sanatorium shall be sent by each county treasurer to the state treasurer to be placed to the credit of said sanatorium and shall be paid out in the manner as in this section provided for other payments toward cost of site, erection and equipment of said sanatorium.

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

Affirmed April 8, 1921.

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CHAPTER 219—S. F. No. 871.

*An act relating to and providing for payment of the award of compensation and damage in condemnation proceedings in cities of the first class governed by home rule charters.*

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

Section 1. Award of compensation and damage in condemnation proceedings.—Whenever an award of compensation and damages shall be confirmed by the city council of any city of the first class in the State of Minnesota, existing and governed under a charter adopted pursuant to Section 36, Article 4, of the State Constitution, in any proceeding for the taking of property under the power of eminent domain, and not appealed from, and whenever the same, when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid from the funds of such city, to the owner of such property, the amount awarded to each severally.

Before payment of such award, the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damages claimed. In case of neglect to furnish such abstract, or if there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whoever shall show clear right to receive the same. The city council may in its discretion require of such claimant a bond with good and sufficient sureties, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded and all loss, costs or expenses on account of such claim, Provided, that whenever the city attorney shall certify in writing to the city council that he is in doubt as to whom the said award shall be paid, said city council may order a warrant to be drawn for the same, payable to the clerk of the district court, and the city clerk shall deliver the same to said clerk of the court, and take his receipt for the same; which deposit with said clerk of the court shall have the same effect as if set aside in the city treasury, as hereinbefore provided, and in which case the parties entitled to the same shall establish their right to the same