

be taken in any such city, village, borough or school district, the council of such city, village or borough, or the school board of such school district, in case it desires such census, shall pass a resolution requesting the taking thereof by the Secretary of State and shall furnish the said Secretary of State a certified copy thereof, whereupon said Secretary of State shall cause such census to be taken under his immediate supervision and such rules and regulations as he may prescribe and shall certify the result thereof to the council of such village or city or borough, or the school board of such school district, as the case may be, within three months from the receipt by him of said certified copy of resolution. The expense of taking such census shall be paid by the city, village, borough or school district, as the case may be, in which the same is taken.

The term council as used in this act shall mean any board or body whether composed of one or more branches who are authorized to make ordinances for the government of a village, city or borough within this state.

**Sec. 5. Not to increase levies.**—This act shall not authorize nor shall be construed as in any instance authorizing the levy of total amounts of taxes in any year in excess of the amount allowed by law at the time of the passage of this act but this act shall be considered an additional limitation.

**Sec. 6. County auditor to fix amount of levy.**—If any such municipality shall return to the County Auditor a levy greater than herein permitted such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit.

**Sec. 7.** The act shall take effect and be in force from and after its passage.

Approved April 21, 1921.

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#### CHAPTER 418—H. F. No. 1168.

*An act to amend Chapter 35, Special Session Laws 1919, being an act entitled: "An act to create a State Board of Relief and to define its powers and duties; also to appropriate money for the maintenance of such board and to provide funds to be used for relief in emergencies caused by storms, floods, fires or other great calamities and amend Section 115, General Statutes of Minnesota 1913, so as to repeal and to eliminate from said Section certain provisions inconsistent with this act," by adding thereto a new Section, to be known as Section 2a, providing for emergency expenses in certain cases and proceedings, including passenger, freight and telephone rate cases.*

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

Section 1. Board of relief to provide funds for attorney-gen-

eral.—Chapter 35, Special Session Laws 1919, is hereby amended by adding thereto a section to be known as section 2a as follows:

Section 2a. Said board of relief shall, on request of the attorney general, when certified by him to be necessary and that an emergency exists, furnish to him from time to time such sums of money as he may request, from the funds provided for in this act, such moneys to be used by him in paying expenses, lay, legal or expert, and for masters, court and witness fees in actions or proceedings relating to passenger and freight rates, telephone rates, and litigation or controversies arising because of any laws passed by the 1921 legislative session.

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

Approved April 21, 1921.

#### CHAPTER 419—H. F. No. 849.

*An act, entitled "An act to amend Chapter 65 of the Laws of 1919, entitled 'an act relating to street improvements in cities of the fourth class and in villages and to the payment of the cost thereof,' and repealing Section 12a so that when so amended the same shall apply to all cities of the fourth class."*

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

Section 1. **Powers of council in cities of fourth class.**—That Section 1 of Chapter 65 of the laws of 1919 be and the same is hereby amended so as to read as follows:

"Section 1. In any city of the fourth class or village of this state, whether said city or village is acting under general or special law or Home Rule Charter, when petitioned for by twenty-five per cent (25%) of the property owners abutting upon any street or alley, the council shall have power to improve any such street or streets, or any such alley or alleys by laying and maintaining pavements, gutters and curbs thereon of any material which it may deem suitable or by grading or graveling the same. By the word "council" as used in this act is meant the governing body; by the word "mayor," the chief executive officer, and by the word "clerk," the officer who performs the functions thereof, of such municipality, by whatever title they may be respectively denominated."

Sec. 2. **Sec. 12a, Laws 1919, repealed.**—That Section 12a of Chapter 65 of the laws of 1919 is hereby repealed:

Sec. 3. **Application.**—That said Act be further amended by adding thereto the following:

*"Section 12a. The provisions of this act shall apply to all cities of the fourth class and villages, howsoever organized, and shall be*