

the city clerk and countersigned by the city comptroller or city auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportions of the whole amount authorized by this act and at such times as may be determined by the said governing body of such city.

Sec. 4. Disposition of proceeds.—The proceeds of any and all bonds issued and sold under authority of this act shall be used only for the purpose of acquiring a site, constructing and equipping plants for the destruction of garbage and other refuse and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified.

Sec. 5. Not to affect charter provision.—Nothing herein contained shall be construed to repeal or modify the provisions of any charter adopted pursuant to Section 36, Article 4, of the Constitution of this State requiring the question of the issuance of bonds to be submitted to a vote of the electors.

Sec. 6. Powers additional.—The powers granted in this act are in addition to all existing powers of such cities.

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

Approved April 10, 1923.

CHAPTER 177—H. F. No. 880.

An act to amend Section 1231, General Statutes, 1913, as amended by Chapter 477, Laws of 1917, as amended by Chapter 421, Laws 1919, as amended by Chapter 451, Laws of 1921, relative to separation from villages of unplatted agricultural lands included within the corporate limits of such village in certain cases.

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

Section 1. Detachment of territory from certain villages.—That section 1231 General Statutes, 1913 as amended by Chapter 477, Laws 1917, as amended by chapter 421, Laws 1919, and Chapter 451, Laws of 1921, be and the same is hereby amended so as to read as follows:—

“1231. The owner of any unplatted tract of land containing not less than forty acres occupied and used solely for agricultural purposes, situated within the corporate limits of any village in this state and not within twenty rods of the platted portion of said village, may petition the board of county commissioners of the county in which said tract of land is situated, for an order detaching said tract from said village. Upon the filing of said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of such petition, which time shall

not be less than thirty days thereafter, and shall direct a notice of such hearing to be issued and signed by the county auditor of said county on behalf of such board, which said notice shall state the name of such petitioner, describe the tract of land sought to be detached and the time and place of such hearing, which said notice said petitioner shall cause to be served upon the president of the village council of said village, or the recorder thereof, at least twenty days before the day of hearing, and by posting three copies of such notice on three of the most public places in said village, or in lieu of such posting, said notice shall be published in the official paper of such village for two successive weeks, once in each week, in case there shall be a legal newspaper printed and published in said village. Upon the hearing of said petition at the time and place so fixed, if the board of county commissioners shall find that said land is owned by the petitioner and is used solely for agricultural purposes and that the same may be so detached from said village without unreasonably affecting the symmetry of the settled portion thereof, and that the same is so conditioned as not properly to be subjected to village government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such village, such board of county commissioners shall make an order detaching such land from said village and thereupon said tract of land shall become detached therefrom, and shall thereafter form a part of the township in which it was originally situated, if such village were organized prior to the time when the territory of Minnesota became a state and before the organization of the township in which such land was originally situated, the land so detached shall become a part of the township adjoining thereto, and if such land adjoin two or more townships the county board shall decide to which of such adjoining town or townships such detached tract or tracts shall be attached and shall in all things be subject to the town government of such township, and not in any manner under their jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village within five days after the same shall have been made.

This act shall apply only to the following villages, namely:

1. *Villages having a population of 350 or less persons and containing more than 160 acres of land.*
2. *Villages having a population of more than 350 and less than 700 persons and containing more than 320 acres of land.*
3. *Villages having a population of more than 700 persons and containing more than 640 acres of land.*

Any person or party aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.

3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs, taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

The provisions of this act relating to appeals shall not apply to any action or proceeding now pending involving the separation of land from any village.

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

Approved April 10, 1923.

CHAPTER 178—H. F. No. 882

An act relative to plats of towns, cities, and rural districts in this state, and of additions to and subdivisions thereof, and the correction and legalization of the same.

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

Section 1. **Certain plats corrected and legalized.**—That in all cases where the plats or what purport to be plats of any towns or cities in this state, or of additions to or subdivisions thereof, and plats of parcels of land situated outside of any incorporated city, town or village, or copies thereof, fail to identify and show correctly, upon their face, the tract of land covered or intended to be covered thereby, the surveyors, or one of them, who laid out or surveyed the same, and, in case said surveyor or surveyors shall have died, or his or their place of abode be unknown, or he or they be unable or refuse to make or execute such certificate, one or more of the original proprietors may, within one (1) year from the passage of this act, make and file in the office of the register of deeds of the county in which said lands are situated, a certificate duly executed and acknowledged by him or them, as deeds are to be executed or acknowledged, wherein shall be set forth a full description of the lands actually covered and intended to be covered by said plat. If such certificate be made by a proprietor or proprietors of such town, city, addition or subdivision, the same shall also be sworn to by him or them as being correct in all respects. And such certificates, so executed, acknowledged and verified, shall be recorded at length by said register of deeds in a book by him provided for that purpose, entitled, "Book of plat certificates;" and said register of deeds shall, thereupon, note upon such plat and the copy thereof,