

**Section 1. Appropriation for publication of constitutional amendments.**—That the sum of \$11,159.10 be and is hereby appropriated out of any funds in the treasury, not otherwise appropriated for the payment of the publication of the proposed amendments to the constitution in various newspapers of the state during the month of October, 1922.

Approved April 10, 1923.

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CHAPTER 197—S. F. No. 590.

*An act providing for arbitration of controversies between the State of Minnesota and public contractors arising out of any building or construction contract entered into with the state of Minnesota by and through the Board of Control or any other body or agency of the state clothed with power to make such contracts on behalf of the state.*

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

**Section 1. Board of arbitration authorized in certain cases.**—Any controversy arising out of any building or construction contract of any kind between the state of Minnesota and any public contractor shall be submitted to arbitration if the parties can not otherwise agree. Three persons shall compose the arbitration board unless a lesser number is agreed on. If a lesser number is not agreed on, each party shall name one arbitrator, and these two shall name a third.

The party desiring arbitration shall make a written demand therefor and shall in such demand name the arbitrator by him selected. He shall also in such demand set forth all the controversies and claims which he desires to submit to arbitration. Such demands shall be immediately served upon the opposite party, who shall within five days name an arbitrator on his part, and shall set forth in writing any additional claims or controversies which he desires to submit to arbitration on his part.

The two persons so named shall immediately meet and designate a third arbitrator. If they cannot agree within five days, either party to a controversy may apply to the district court of the county where the building or other construction or improvement is being made for the appointment of such third arbitrator.

When such board of arbitration shall have been appointed, an agreement shall be executed as provided by Section 8017 General Statutes 1913. The arbitrators shall thereupon proceed to hear and determine claims and controversies between the parties and make an award thereon. The proceedings on the hearing and award shall be governed by the provisions of Sections 8017 to 8022 inclusive of the General Statutes, 1913.

Provided further that if either party refuses to sign the agree-

ment to arbitrate or neglects or refuses to enter into such arbitration or to proceed therewith, such party shall be deemed to have waived all rights, claims and demands, and the arbitration shall proceed and an award shall be filed according to the justice of the case.

Provided further that no right to demand arbitration shall accrue until the work provided for in the contract shall have been in all things completed; nor shall any person have the right to discontinue performance of this contract by reason of anything contained herein, but such persons shall in all things comply with and carry out the determination and instructions made or given by the board of control or other representative of the state; but the question whether or not such contract has been completed may itself be submitted to arbitration together with any other controversies as hereinbefore specified.

Provided further that not more than one arbitration shall be had on questions, claims or controversies growing out of the same contract; nor shall any such arbitration be demanded after a period of more than sixty days from the date of the completion of the work under said contract.

Sec. 2. **Application.**—This act shall not be construed as a modification or repeal in any way of any portion of Chapter 323 of the General Laws of 1921 relative to arbitration as between the state highway commissioner of the state of Minnesota and contractors.

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

Approved April 10, 1923.

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#### CHAPTER 198—S. F. No. 595.

*An act to amend Section 4364, General Statutes of 1913 relating to the distribution of freight cars.*

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

Section 1. **Division of cars among applicants.**—That Section 4364, General Statutes of 1913, is hereby amended to read as follows:

Whenever any railroad company shall be unable to furnish enough cars at any station or side track to supply all persons demanding them for shipment of freight, such cars as the company can furnish each day shall be divided among the applicants equally until each shipper has received at least one car, after which the balance shall be divided ratably in proportion to the amount of such freight which each shipper shall have ready for and awaiting shipment as compared with the total amount of such freight which is ready for and awaiting shipment at such station or sidetrack. During the continuance of such car shortage the supply to which each shipper is entitled during any day shall be based on his affidavit