

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.

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

filed with the local agent of such railroad company on any day stating the total amount of freight which such shipper has ready for and awaiting shipment on such railroad. In the event of any conflict arising between the provisions of this section and rules or regulations established pursuant to an act of Congress, the Railroad and Warehouse Commission is authorized to prescribe such reasonable modifications of the rules provided herein as may be necessary to remove such conflict, which shall become effective notwithstanding the provisions of this section.

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

Approved April 10, 1923.

CHAPTER 199—S. F. No. 641.

An act to provide an additional judge for the district court of the Ninth Judicial District of the State of Minnesota.

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

Section 1. **Additional judge for 9th Judicial District.**—One additional judge of the District Court of the Ninth Judicial District of the State of Minnesota, in addition to the present judge of said court, is hereby authorized and the office of such additional judge is hereby created.

Sec. 2. **Election—Qualification.**—The incumbent of the office hereby created shall be elected at the general election to be held next after the passage of this act. The person so to be elected shall be and possess the qualifications prescribed by law for the other judge of said court. He shall take office on the first Monday in January, 1925, and shall serve for a term of six (6) years. His successor shall be elected as shall then be provided by law for the election of judges of said court.

Sec. 3. **Duties, rights and powers.**—The incumbent of the office hereby created shall have and exercise all the rights, powers and privileges and shall be subject to the same duties and obligations as are by law granted to and imposed upon the other judge of said court.

He shall devote at least six months of his time each year in the Ninth Judicial District of this state and the remainder of his time each year to assist or relieve the judge or judges in any other district of this state as designated by the governor of the state when convenience or the public interest may require it. He shall receive the same compensation as such other judge and shall be paid in the same manner and at the same time as the other judge of said Court.

Sec. 4. **To be appointed by governor.**—Within ten (10) days after the passage of this act the Governor of the State of