

ty and in no event to exceed the sum of five Thousand Dollars (\$5,000.00) per annum.

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

Approved April 16, 1923.

---

#### CHAPTER 278—S. F. No. 502.

*An act to amend Chapter 295 of the General Laws of Minnesota for 1905, entitled An action to provide for the renewal of certain records, and for perfecting of certain records in the office of county auditor.*

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

Section 1. Certain records may be transcribed.—Whenever it shall be made to appear to the satisfaction of the board of County Commissioners of any County in this State that any book or books of record in the office of the County Auditor or "county abstract clerk" of such County, through age, injury, use or other cause, have become unfit for record purposes, and because of such condition are liable to destruction, it shall be the duty of the auditor or "county abstract clerk" of said county to make a transcript of such records in suitable books to be provided by the county for that purpose.

When such transcripts have been completed the same shall be compared with the original record, and the said auditor or "county abstract clerk" shall duly certify, under his hand and seal at the end of each book that the records therein contained to date of signature are true and correct transcripts of the original records. Such transcripts shall then have the same force and effect as the original records.

For the transcribing of such records the county auditor or "county abstract clerk" shall be allowed such amounts for extra help as to the board of County Commissioners may seem just, proper and necessary, such extra help to be hired by him at his direction as to their appointment and the rates of their compensation, respectively and paid by his warrants on the county treasury.

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

Approved April 16, 1923.

---

#### CHAPTER 279—S. F. No. 583.

*An act to amend Section 31 of Chapter 82, General Laws 1921, commonly known as the Workmen's Compensation Act.*

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

Section 1. **Liability of party other than employer—Procedure—Third party under part 2—(2) Third party not under part 2.**—That Section 31 of Chapter 82, General Laws of 1921 be amended so as to read as follows:

Section 31. (1) Where an injury or death for which compensation is payable under part 2 of this act is caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party also being subject to the provisions of part 2 of this act, the employe, in case of injury, or his dependents in case of death may, at his or their option, proceed either at law against such party to recover damages, or against the employer for compensation under part 2 of this act, but not against both.

If the employe in case of injury, or his dependents in case of death, shall bring an action for the recovery of damages against such party other than the employer, the amount thereof, manner in which, and the persons to whom the same are payable, shall be as provided for in part 2 of this act, and not otherwise; provided, that in no case shall such party be liable to any person other than the employe or his dependents for any damages growing out of or resulting from such injury or death.

If the employe or his dependents shall elect to receive compensation from the employer, then the latter shall be subrogated to the right of the employe or his dependents to recover against such other party, and may bring legal proceedings against such party and recover the aggregate amount of compensation payable by him to such employe or his dependents hereunder, together with the costs and disbursements of such action and reasonable attorney's fees expended by him therein.

*The provisions of Subdivision 1 of this section shall apply only where the employer liable for compensation under part 2 of this act, and the other party or parties legally liable for damages were engaged in the due course of business, (a) in furtherance of a common enterprise, or (b) the accomplishment of the same or related purposes in operation on the premises where the injury was received at the time thereof, and not otherwise.*

(2) Where an injury or death for which compensation is payable under part 2 of this act is caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party also being subject to the provisions of part 2 of this act but where the provisions of subdivision 1 of this section do not apply or where said party or parties other than the employer are not subject to the provisions of part 2 of this act legal proceedings may be taken by the employee or dependents against such other party or parties to recover damages, notwithstanding the payment by the employer or his liability to pay compensation hereunder, but in such case if the

action against such other party or parties is brought by the injured employee, or in case of his death, by his dependents, and a judgment is obtained and paid or settlement is made with such other party either with or without suit, the employer shall be entitled to deduct from the compensation payable by him, the amount actually received by such employee or dependents after deducting costs, reasonable attorney's fees and reasonable expenses incurred by such employee or dependents in making such collection or enforcing such liability; provided that *in such case action be not diligently prosecuted by the employee or if, for any reason, the Court deem it necessary or advisable in order to protect the interests of the employer, the Court may upon application grant the right to the employer to intervene in any such action for the prosecution thereof, as now provided by law*; provided that if the injured employee or in case of his death, his dependent shall agree to receive compensation from the employer or shall institute proceedings to recover the same or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all of the rights of such employee or dependents and may maintain or, in case an action has already been instituted may continue the action either in the name of the employer or dependents or in his own name, against such other party for the recovery of damages, *provided that in such case, if such action be not diligently prosecuted by the employer or if, for any reason, the Court deem it necessary or advisable in order to protect the interest of the employee, the Court may, upon application, grant the right to the employee or his dependents, as the case may be, to intervene in any such action for the prosecution thereof, as now provided by law*, but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other party or parties by judgment or otherwise in excess of *the amount of* such compensation payable by the employer under part 2 of this act, and costs, reasonable attorney's fees and reasonable expenses incurred by such employer in making such collection and enforcing such liability provided that in no case shall such party be liable to any person other than the employee or his dependents for any damages growing out of or resulting from such injury or death.

Sec. 2. Effective June 1, 1923.—That act shall take effect and be in force from and after June 1, 1923.

Approved April 16, 1923.

---

#### CHAPTER 280—S. F. No. 618.

*An act authorizing the state board of timber commissioners to direct the adjustment of accounts under certain timber sale permits.*