

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.

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

Section 1. State Auditor to adjust timber permits.—In all cases in which it shall be made to appear to the state board of timber commissioners by written report of the state auditor, entered at length in its minutes, that the holder of any expired timber permit who has been charged in his account with standing timber remaining uncut at the time of the expiration of such permit, has repurchased such standing timber during the years 1921 and 1922, having previously paid therefor under such former permit so expired, the board, by its order, may direct the state auditor to give credit for the amount previously paid by the same purchaser for the standing timber so included in the former permit and paid for by the purchaser.

Sec. 2. Adjustment not to cause loss to State.—The state auditor, in making the adjustment of accounts as directed by the state board of timber commissioners under the preceding section, shall consider the prices which the permit holder was charged for such standing timber under the expired permit as compared with the prices to be paid therefor under the permit for its re-purchase, as well as the amount charged for interest under the expired permit, as provided in Sec. 5278, General Statutes 1913, and made a part of the charge for standing timber left uncut under the previous permit, so that in such adjustment, there shall be no loss to the state other than the waiver of a double charge and a double payment for the same timber.

Sec. 3. Not applicable after June 1, 1923.—This act shall take effect from and after its passage, but shall continue in force only up to the first day of June, 1923.

Approved April 16, 1923.

CHAPTER 281—S. F. No. 634.

An act to extend certain state timber permits.

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

Section 1. State Board of timber commissioners to extend permits.—The State Board of Timber Commissioners in its discretion, upon the application of the holder thereof, may renew and extend to June 1, 1925, any timber permit heretofore issued by the state auditor between January 27, 1916 and October 30, 1920 inclusive, provided, however, that no permit shall be extended by the said board under which any timber has been cut up to and including the logging season of 1922 and 1923.

Sec. 2. 8% interest on unpaid purchase price.—Any permit extended under the provision of this act shall be subject to the charge of eight (8) per cent per annum interest on the entire unpaid purchase price as provided for in Section 5278, G. S. 1913.