

or unknown defendants, the heirs of a deceased person are proper parties defendant, and their names are unknown, and such affidavit shall further state that the heirs of such deceased person are proper parties to such action, and that their names and residences cannot with reasonable diligence be ascertained, then service of summons may be made on such unknown heirs by publication thereof in the same manner as against non-residents, and in such case the plaintiff may insert in the title thereof the following: "Also the unknown heirs of (naming him) and all other persons unknown claiming any right, title, estate, interest, or lien in the real estate described in the complaint herein." The plaintiff shall, before the commencement of such publication, file with the register of deeds a notice of the pendency of the action, a copy of which shall be published in the same newspaper with, and immediately following, the summons, but on publishing such notice of lis pendens it shall not be necessary to republish the names of the parties to said action and shall be sufficient to state in lieu thereof the following: "same parties as in summons immediately preceding this notice." All such unknown persons so served shall have the same rights to appear and defend before and after judgment as would named defendants upon whom service is made by publication, and any order or judgment in the action shall be binding upon them, whether they be of age or minors; but, if they be minors when judgment is rendered, they may be allowed to defend at any time within two years after becoming of age."

Sec. 2. **Laws repealed.**—Section 8024 of the General Statutes of 1913 be and the same is hereby repealed.

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

Approved April 21, 1923.

CHAPTER 435—S. F. No. 877.

An act providing a method for the dissolution of certain consolidated school districts and relating to the rights and liabilities of the school districts and territory forming a part of said dissolved consolidated district.

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

Section 1. **Dissolution of consolidated school districts.** — That any consolidated school district which has been heretofore formed and created under and pursuant to the provisions of Chapter 238, G. L. of Minnesota for the year 1915 and amendments thereto which consolidated School District has been formed from two or more School Districts, one of which districts contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated village, or which contained

within its limits and as a part of its territory an area not exceeding one mile square in which there was contained a voting population of 100 voters or more and in which said District there was maintained a graded or semi-graded or state high school, and where in the election in which the question of consolidation was determined and voted upon the voters of said District which contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated village or which contained within its limits and as a part of its territory an area not exceeding one mile square in which there was contained a voting population of 100 voters or more and in which said District there was maintained a graded or semi-graded or state high school, participated and voted in said election, may be dissolved in the way and manner following, to-wit:—

Upon presentation to the County Superintendent of School of the County wherein the greater portion of said Consolidated District is located of a petition signed and acknowledged by 25% of the resident free holders of any one or more of the territories which comprise the districts forming said consolidated district other than said districts which contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated village, or which contained within its limits and as a part of its territory an area not exceeding one mile square in which there was contained a voting population of 100 voters or more and in which said district there was maintained a graded or semi-graded or state high school, asking for the dissolution of said consolidated district and for taking said territory which formerly comprised said districts out of said district the County Superintendent of School shall within ten (10) days call an election to pass upon said question of dissolution and fix a time and place therefor and shall give ten (10) days posted notice of such election in each of the territories which formerly comprised the school districts entering into said consolidation in which 25% of the resident freeholders petitioned for said election; such election shall be set for a date not later than thirty (30) days after the presentation of said petition.

Sec. 2. Who may vote at elections.—That at such election only the electors residing within the territory which formerly comprised the districts entering into said consolidated district and comprising a part thereof, the 25% of the resident freeholders of which petitioned for said special election shall participate in said election; at such meeting the electors present shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read "For Dissolution" or "Against Dissolution." The officers at such election shall, within ten days there-

after, certify the result of the vote to the superintendent of the county in which such districts mainly lie. If a majority of the votes cast be for dissolution, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote and shall thereafter transmit a copy thereof to the auditor of each County in which any part of any district affected lies, and if the vote be for dissolution each of said territories shall exist as a school district with the same territory included therein as it had prior the consolidation and shall take the same number, unless in the meantime some other district in the County has been given such number, in which event the County Superintendent shall give it a new number. The County Superintendent shall cause ten days posted notice to be given of a meeting to elect officers in each of said newly formed school districts. At said meeting and election to vote on dissolution the voters in that portion of the consolidated district which formerly comprised the district which contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated village, or which contained within its limits and as a part of its territory an area not exceeding one mile in which there was contained a voting population of 100 voters or more and in which said district there was at the time of consolidation maintained a graded, or semi-graded or state high school shall not participate and no elector shall vote in said election other than electors from the territory comprising the old districts from which petitions asking for said election were signed by 25% of the resident freeholders thereof.

Sec. 3. Indebtedness of consolidated district.—In the event that since the consolidation and formation of said consolidated district bonds have been voted and indebtedness incurred thereby for the purpose of building a school house and said school house has been built within the corporate limits of an incorporated village, which is contained in said district which districts contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated village, or which contained within its limits and as a part of its territory an area not exceeding one mile square in which there was contained a voting population of 100 voters or more and in which said District there was maintained a graded or semi-graded or state high school, said school house shall remain the property of said district and as between the several territories said bonds shall be paid by said district and not by the newly formed district. Nothing herein contained shall be construed to effect the rights or the contract of the holders of such bonds but this shall be construed to fix the liabilities between said several districts to pay said bonds and to impose the liability therefor as between said districts on the said district which contained 75% or more of the territory of an incorporated village or 75% or more of the population of an incorporated

village, or which contained within its limits and as a part of its territory an area not exceeding one square mile in which there was contained a voting population of 100 voters or more and in which said District there was maintained a graded or semi-graded or state high school and taxes shall be levied in said district to pay said bonds.

Sec. 4. School houses to be property of distric where located.—Any school houses which are the property of said Consolidated District and are within the territory of the new districts which may be formed under this act shall belong to and be the property of said new districts and said new districts shall become the owner thereof.

Sec. 5. Portions of act unconstitutional not to affect balance.—If any provision or part of this act or any section or part thereof be held unconstitutional no other provision or part or section or part thereof shall be thereby impaired or rendered unconstitutional. The provisions of this Act and each part thereof and its sections and each part thereof are independent and severable.

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

Approved April 21, 1923.

CHAPTER 436—S. F. No. 934.

An act authorizing and directing the State Board of Control or other body having charge of any state insane hospital, hospital, sanatorium for consumptives or other state institution or of any county hospital or sanatorium for consumptives in which disabled ex-service persons are inmates or patients to collect from the United States Government the maximum allowance for their support and maintenance and providing that the excess of such allowance above the cost of maintaining such inmates be paid into the State Soldiers Welfare Fund and establishing such State Soldiers Welfare Fund, and providing for the management and disbursements thereof.

WHEREAS, the State Board of Control is now permitted by law to collect for the maintenance of ex-service inmates of state institutions only the current cash disbursements for maintenance, and such amounts so permitted to be collected do not include costs of investment, carrying cost or depreciation, or provision for additional facilities for civilian inmates crowded out to make room for such ex-service persons, and

WHEREAS, the United States Government has allowed and is willing to pay the State Board of Control a larger sum for the support and maintenance of such ex-service persons than the existing law permits it to collect, and