

act as in the case of the original construction of a drainage system and in such case the county board shall have and may exercise all the authority provided in said section 43, and the proceeds of the sale of said bonds shall be entered in the general ditch fund and credited to the system being repaired.

(e) It shall be the duty of the auditor, in all such cases, to include in such statement and provide for the collection for the benefit of the county when funds have been advanced as herein provided, interest upon the total sum so advanced at six per cent per annum. And it shall be the duty of the county auditor and the county treasurer to levy, assess and collect the amounts included in such lien statement in the same manner as provided in section 51 of this act."

Approved April 16, 1927.

CHAPTER 235—H. F. No. 1233.

An act to designate as the Capitol Highway a certain route between the City of St. Paul and the south boundary of the state.

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

Section 1. **Capitol highway created.**—The following route between the City of St. Paul and the south boundary of the State of Minnesota is hereby named and designated "The Capitol Highway," to-wit:

Beginning at the Capitol of the State of Minnesota in the City of St. Paul, thence southerly along University Avenue and Robert Street through St. Paul, thence southerly along South Robert Street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 27, Range 22, thence southeasterly and southerly to a point at or near the southeast corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue Counties, to Trunk Highway No. 21, thence southeasterly on said Highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 56 thru Dodge Center to Trunk Highway No. 9, thence southerly to the Iowa line.

Approved April 16, 1927.

CHAPTER 236—H. F. No. 1183.

An act relating to punishments for second and subsequent convictions, and repealing Section 9931, General Statutes 1923.

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

Section 1. Subsequent offenses—how punished.—That General Statutes 1923, Section 9931 be and the same hereby is amended so as to read as follows :

“9931. Every person who, after having been convicted in this state of a felony or an attempt to commit a felony, or, under the laws of any other state or country, of a crime which, if committed in this state, would be a felony, commits any *felony or attempts to commit any felony*, in this state, upon conviction thereof, shall be punished as follows :

1. If the subsequent crime is such that the offender, upon a first conviction, might be punished by a *definite sentence of imprisonment for life*, he shall be sentenced to imprisonment in the state prison for life.

2. If the subsequent crime is such that upon a first conviction the offender might be punished by an *indeterminate sentence of imprisonment*, then he shall be sentenced to imprisonment under an *indeterminate sentence for not less than twice the shortest term nor more than twice the longest term* prescribed upon a first conviction; *provided, that nothing herein shall reduce any minimum sentence now or hereafter fixed by any other law of this state.*”

Sec. 2. Same.—*A person who, after having been three times convicted in this state of felonies, or attempts to commit felonies, or, under the laws of any other state or country, of crimes which, if committed in this state, would be felonies, commits any felony or attempts to commit any felony in this state, upon conviction of such fourth or subsequent offense, shall be punished as follows :*

If the fourth or subsequent offense is such that the offender upon a first conviction might be punished by a definite sentence of imprisonment for life, he shall be sentenced to imprisonment for life.

If the fourth or subsequent offense is such that the offender upon a first conviction might be punished by an indeterminate sentence of imprisonment, then he shall be sentenced to imprisonment under an indeterminate sentence of which the minimum shall be not less than twice the shortest term prescribed upon a first conviction, and the maximum shall be for life; provided, that nothing herein shall reduce any minimum sentence now or hereafter fixed by any other law of this state.

Sec. 3. No indictment necessary on previous offense.—*A person to be punishable under the preceding sections of this act or under any law of this state now or hereafter imposing any additional or other penalty need not have been indicted and convicted as a previous offender in order to receive the increased punishment therein provided, but may be proceeded against as provided in the following section.*

Sec. 4. Duties of County Attorney in certain cases.—*If at any time before sentence, or at any time after sentence but before such sentence is fully executed, it shall appear that a person convicted of a felony, or an attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of the county attorney of the county in which such conviction was had to file an information with the court wherein such conviction was had accusing such person of such previous convictions, whereupon the court shall cause the said person, whether confined in prison or otherwise, to be brought before it, either in term or in vacation, and shall inform him of the accusations contained in said information, by reading the same to him, and of his right to be tried as to the truth thereof according to law, and shall require such person to say whether he has been convicted as charged in said information or not. If he shall say that he has not been convicted as therein charged or refuses to answer, or remains silent, his plea, or the fact of his silence shall be entered of record, and the court shall make an order directing that the truth of the accusations made in said information be submitted to a jury at the then present term of court, if in term time and a jury be in attendance, or at the next ensuing term of court when a jury shall be in attendance. If the jury shall find and determine that the accused is guilty of previous convictions as charged in said information, or if the accused acknowledges or confesses in open court, after being duly cautioned as to his rights, that he has been so convicted, the court shall sentence him to the increased punishment or penalty of imprisonment to which he is liable as provided by law, and shall vacate any previous sentence if one has theretofore been imposed, provided, that any time served under the previous sentence shall be deemed to have been served under the new sentence and shall be credited thereon.*

Sec. 5. Duties of wardens, etc. in certain cases.—*Whenever it shall be come known to any warden or person in charge of the place of imprisonment wherein such person is confined, or to the Board of Punishments or to any probation or parole officer, police officer, or other peace officer that any person charged with or convicted of a felony, or attempt to commit a felony, has been previously convicted of any crime so as to render him liable to increased punishment by reason thereof under any law of this state, it shall be the duty of such person forthwith to report the facts to the county attorney of the county wherein the charge is pending or the conviction was had.*

Approved April 16, 1927.

CHAPTER 237—H. F. No. 302.

An act prescribing the procedure in eminent domain proceedings brought by the state or by any of its agencies or by any of