

ballots were used instead of lavender colored ballots at said election, and where a sample of said ballot was not published for one week in the official newspaper, but the proposed charter was so published, and said charter was thereafter duly adopted at said election, all such proceedings for the adoption of the charter are hereby legalized and validated as against the following objections: (a) that the notice of election was posted before the election was ordered by the governing body; (b) that the ballots used were white in color; (c) that a sample ballot was not published for one week prior to the election in the official newspaper.

Approved April 13, 1931.

CHAPTER 146—H. F. No. 453

An act providing for membership by county superintendents and former county superintendents of schools in the Teachers' Insurance and Retirement Fund.

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

Section 1. County superintendents eligible to membership in retirement fund.—That all county superintendents of schools now in office or who shall hereafter be elected or appointed thereto, and all former county superintendents of schools who have heretofore contributed to the Teachers' Insurance and Retirement Fund, as created by Chapter 199, Laws of 1915, if otherwise eligible, are hereby made eligible to membership in said fund and shall be admitted to membership therein upon written application to the board of trustees of the Teachers' Insurance and Retirement Fund or to its secretary, and shall thereafter be subject to all of the provisions of said act and of all acts amendatory thereof.

Sec. 2. To receive credits for payments.—All such superintendents or former superintendents of schools who have heretofore contributed to said Teachers' Insurance and Retirement Fund and who become members thereof as hereinbefore provided shall receive the same credit for payments made and for service rendered as if they had been members of said fund during the time of such payments. Any superintendent or former superintendent who has heretofore received or would be entitled to receive, if he had been eligible to membership in the fund, an annuity shall be paid such annuity from the fund as he would have been entitled to had he been a member during all the time he contributed.

Sec. 3. Board of trustees may refund payment.—The board of trustees of said Teachers' Insurance and Retirement Fund shall refund to each county superintendent and each former superintendent of schools who has contributed to said fund and who does not become a member thereof as herein provided the amount of money so contributed, upon application therefore by such superintendent; provided that such application shall be made on or before January 1, 1933.

Sec. 4. Payment into fund may be deducted from salaries.—It is hereby made the duty of the county officials required by law to draw the warrants for the payment of the salaries of such county superintendents of schools to deduct and withhold from each month's salary due to each such superintendent the amount which such superintendent is required to pay into said Teachers' Insurance and Retirement Fund as herein specified, and the county treasurer shall remit the amount so withheld to the state treasurer at the time and in the manner of remitting moneys belonging to said fund received from boards of education or other managing bodies of school districts or other educational institutions, and shall report to the board of trustees of said fund the name of the county superintendent from whose salary such deductions were made and the amount of such deductions.

Approved April 13, 1931.

CHAPTER 147—H. F. No. 792

An act to amend Mason's Minnesota Statutes of 1927, section 2610, relating to the construction of tunnels under public highways.

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

Section 1. Tunnels under roads.—That Mason's Minnesota Statutes of 1927, Section 2610, be amended so as to read as follows:

"2610. Every owner of land on both sides of a public road may tunnel under such road to permit stock to pass from one side to the other, but he shall, at his own expense, construct such tunnel so as not to endanger the public in the use of the such road. Before constructing such tunnel, the land owner shall obtain from the town board of the town in which it is located, if the road is a town road, or from the county board of the county in which it