

counties of the state, on or before December 1, 1932, and 1933, the amounts due the respective counties as their share of the vessel tonnage tax under the provisions of Section 2291, Mason's Minnesota Statutes, 1927.

**Sec. 11. Unexpended balances reappropriated.**—The unexpended balances on June 30, 1931, in the several appropriations heretofore made to the activities named in this act are hereby reappropriated and made available for the fiscal years ending June 30, 1932 and June 30, 1933, respectively, for the purposes for which such appropriations were made. Where an appropriation is made in this act and there remains a balance in a previous appropriation for the same purpose, such balance shall be added to and become a part of such appropriation, except as herein otherwise specifically provided.

Approved April 25, 1931

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CHAPTER 396—S. F. No. 1334

*An act to amend Section 1, Chapter 219, Laws 1921, entitled "an act relating to and providing for payment of the award of compensation and damage in condemnation proceedings in cities of the first class governed by home rule charters."*

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

**Section 1. Award of compensation and damage in condemnation proceedings.**—That Section 1, Chapter 219, Laws 1921, be amended so as to read as follows :

"Section 1. Whenever an award of compensation and damages shall be confirmed by the city council of any city of the first class in the State of Minnesota, existing and governed under a charter adopted pursuant to Section 36, Article 4, of the State Constitution, in any proceeding for the taking of property under the power of eminent domain, and not appealed from, and whenever the same, when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropri-

ation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid from the funds of such city, to the owner of such property, the amount awarded to each severally.

Before payment of such award, the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damage claimed. In case of neglect to furnish such abstract, or if there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whoever shall show clear right to receive the same. The city council may in its discretion require of such claimant a bond with good and sufficient sureties, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded and all loss, costs or expenses on account of such claim, Provided, that whenever the city attorney shall certify in writing to the city council that he is in doubt as to whom the said award shall be paid, said city council may order a warrant to be drawn for the same, payable to the clerk of the district court, and the city clerk shall deliver the same to said clerk of the court, and take his receipt for the same; which deposit with said clerk of the court shall have the same effect as if set aside in the city treasury, as hereinbefore provided, and in which case the parties entitled to the same shall establish their right to the same by a petition to the said District Court, setting up the facts entitling them thereto, and by proving the same to the satisfaction of the court, and when so established the court shall make an order directing to whom the same shall be paid.

Upon the payment of said award or appropriation or the setting apart of the money in the city treasury to pay the same as aforesaid, the city shall become vested with the title to the property taken and condemned absolutely for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same. *Provided that whenever any such award shall be confirmed by the city council of any such city and an appeal shall be taken therefrom, the city council shall be and hereby is authorized and empowered, by resolution enacted by affirmative vote of a majority of all of its members elected, to appropriate and*

*set aside in the treasury of the city, in a fund therein to be known as the "Condemnation and Award Fund", a sum of money equal in amount to such award providing for the retention thereof therein, during the pendency of the appeal, available at all times for the payment thereof upon demand to whomsoever may be shown to have a clear right thereto, and further pledge the full faith and credit of the city for the payment of any increase of the award allowed upon the appeal; then in such case, regardless of the appeal, upon the enactment of such resolution by the city council and the setting apart of the amount of the award in the treasury of the city, the city shall be entitled to enter upon and take possession of the property condemned and to put such property to the use or uses for which such condemnation was made.*

Approved April 25, 1931.

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#### CHAPTER 397—S. F. No. 1345

*An act relating to the financial affairs of all villages now or hereafter having a population of more than 250 inhabitants and less than 500 inhabitants, and an assessed valuation of more than \$300,000 and less than \$600,000, providing for placing such villages on a cash basis, and including and prescribing penalties for violation of its provisions.*

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

**Section 1. Villages not to draw orders.**—That from and after January 1, 1932, no village now or hereafter having a population of more than 250 inhabitants, and less than 500 inhabitants, and an assessed valuation of more than \$300,000, and less than \$600,000, shall draw any order or warrant on any fund until there is sufficient money in such fund to pay the same, together with all orders previously issued against said fund.

**Sec. 2. Not to create indebtedness.**—Whenever from and after January 1, 1932, the expense and obligations incurred chargeable to any particular fund of such village in any calendar year are sufficient to absorb 85 per cent of the entire amount of the tax