

Sec. 7. Fees to be allotted to law library.—All such county law library fees shall be allotted for the acquisition and maintenance of such law library. The clerk of the district court, the clerk of each municipal court, the judge of probate, and each justice of the peace, making collection of such fees, shall, prior to the fifth day of each month, make and file a report with the county auditor of all actions, proceedings and prosecutions in which such fees shall have been collected in his court during the preceding month, and the amount of such fees so collected, and pay such fees to the county treasurer, taking his receipt therefor. The county treasurer shall place all moneys so paid to him and all other moneys paid to him for the uses, benefit or purposes of such library in the county law library fund, and shall be authorized to disburse such moneys upon the order of the board of trustees, to pay the necessary expenses of acquiring, equipping and maintaining such library.

Sec. 8. Provisions severable.—The provisions of this act shall be deemed to be severable and if any provisions of this act shall be held invalid, such invalidity shall not affect the validity of the remaining provisions of this act.

Approved April 20, 1939.

CHAPTER 326—H. F. No. 1067

An act relating to separation from villages of certain lands included within the corporate limits of such villages in certain cases.

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

Section 1. Subdivision 1. Separation of land from villages in certain cases.—In any county of this state having a population according to the 1930 census of not less than 9,000 and not more than 11,000 inhabitants, and having an assessed value for the year 1935, exclusive of moneys and credits, of not less than \$4,000,000 and not more than \$5,000,000 and having a land area of not less than 340,000 and not more than 360,000 acres, the owner or owners of any platted or unplatted tract of land which is located in any village in such county of not less than 300 nor more than 500 inhabitants, which village has an assessed valuation of not less than \$80,000 and not more than \$100,000, may petition the board of county com-

missioners of the county in which such tract of land is situated for an order detaching the said tract from said village.

Subd. 2. County Board to hold hearing.—Upon filing of the said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of said petition, which time shall be not less than 30 days thereafter, and shall direct a notice of such hearing to be issued and signed by the county auditor of said county on behalf of such board, which said notice shall state the name of such petitioner, or petitioners, describe the tract or tracts of land sought to be detached and the time and place of such hearing, which said notice said petitioner or petitioners shall cause to be served upon the president of the village council of such village, or the recorder thereof, at least 20 days before the time of hearing, and said petitioner or petitioners shall post three copies of such notice in three of the most public places in said village or in lieu of such posting said notice shall be published in the official paper of such village for two successive weeks once in each week, in case there shall be a legal newspaper printed and published in said village.

Subd. 3. May detach lands.—Upon the hearing of such petition at the time and place so fixed, if the board of county commissioners shall find that said land is owned by the petitioner or petitioners and that the same may be so detached from said village without reasonably affecting the symmetry of said portion thereof, and that the same is so conditioned as not properly to be subjected to village government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such village, such board of county commissioners shall make an order detaching such land from such village and thereupon said tract or tracts of land shall become detached therefrom, and shall thereafter form a part of the township in which they were originally situated, and shall in all things be subject to the government of such township, and not in any manner under the jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village within five days after the same shall have been made.

Subd. 4. Appeals to District Court.—Any person or party aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board has no jurisdiction to act.

2. That it has exceeded its jurisdiction.

3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within 30 days from the making of the order a notice of appeal specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of \$100.00, to be approved by the county auditor, conditioned for the payments of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

Sec. 2. Not to release lands for liabilities for outstanding indebtedness.—Such separation from said village shall not release any such tract of land from liability on account of any outstanding indebtedness of such village existing at the time of its separation therefrom. The county auditor of the county in which such detached lands are situated shall spread against the territory so detached such levies of taxes as are necessary to enforce the liability for indebtedness herein provided. Such levies shall be made each year at a rate equal to the rate which is levied by the village upon the property remaining within the village for the purpose of paying off such indebtedness. The county auditor may require the village clerk to certify to him statements of the amount of indebtedness outstanding at the time of such separation and such other information as may be necessary to spread such levy and may also require that the village separate in its tax levies the money levied for the purpose of paying off such indebtedness. The moneys raised from such levies, both upon territory within such village and upon the territory detached therefrom, shall be paid to the village to be held in a special fund available only for the purpose of paying off such indebtedness.

Approved April 20, 1939.

CHAPTER 327—H. F. No. 1238

An act relating to the control of water levels and a water resource conservation program for the state, amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6602-57, and adding new provisions to the 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 42.