

*cept that no order shall be issued granting a new trial unless accompanied by a memorandum stating reasons therefor:*

(1) Irregularity in the proceedings of the court, referee, jury, or prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair trial;

(2) Misconduct of the jury or prevailing party;

(3) Accident or surprise which could not have been prevented by ordinary prudence;

(4) Material evidence, newly discovered, which with reasonable diligence could not have been found and produced at the trial;

(5) Excessive or insufficient damages, appearing to have been given under the influence of passion or prejudice;

(6) Errors of law occurring at the trial, and either excepted to at the time, or clearly assigned in the notice of motion;

(7) That the verdict, decision, or report, is not justified by the evidence, or is contrary to law; but, unless it be so expressly stated in the order granting a new trial, it shall not be presumed, on appeal, to have been made on the ground that the verdict, decision, or report was not justified by the evidence.

Approved March 7, 1939.

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#### CHAPTER 53—S. F. No. 257

*An act authorizing the Governor and the Commissioner of Conservation of the State of Minnesota to convey to the United States certain land in the Village of New London, Kandiyohi County, Minnesota, for a fish hatchery building site, and to grant an easement for the use of water for fish ponds and the right to convey same across certain properties owned by the State of Minnesota in the Village of New London.*

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

**Section 1. Governor and Commissioner of Conservation to convey lands.**—The Governor and Commissioner of Conservation of the State of Minnesota are hereby authorized to convey to the United States in fee the following described lands owned

by the State of Minnesota in the County of Kandiyohi, to-wit:

All of Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and that part of Lot 14 (which said Lot 14 is otherwise designated as the Mill Lot) lying north and east of Crow River, all of said Lots being in Block Eight (8) in the Village of New London, Minnesota, excepting therefrom the following tracts of land: Commencing at a point in the west line of Lot 8, Block 8, in the Village of New London, 16 & 2/3 feet north of the southwest corner of said Lot 8, running thence easterly on a line parallel to the south line of said Lot 8, 100 feet to the west line of Adams Street; thence southerly on the west line of Adams Street to a point, 50 feet; thence westerly on a line parallel to the south line of said Lot 8 to a point, 70 feet; thence northwesterly to the place of beginning.

And, Commencing at a point 16 feet west from the northwest corner of Lot 1, Block 8, of the Village of New London, thence 120 feet south parallel with the west lines of Lots 1, 2, 3, 4, 5, & 6, thence west to the Bank of Crow River, thence along said bank of Crow River to a point intersecting with a line drawn north and south from a point, 100 feet west of place of beginning, thence north to the north line of Block 8, thence east to the place of beginning.

And, Commencing at a point on the north line of Block 8, 220 feet west of the northeast corner of said Block 8, thence west 50 feet; thence south 30 feet; thence southeasterly to a point which is 50 feet south of the place of beginning, thence due north 50 feet to the place of beginning,

said lands to be used by said grantee in conjunction with other property being acquired for the purpose of a fish hatchery and appurtenant works and structures.

**Sec. 2. To furnish abstract of title.**—The Governor and the Commissioner of Conservation of the State of Minnesota are hereby authorized to furnish to the United States an abstract of title to the above described lands.

**Sec. 3. To give easement.**—The Governor and the Commissioner of Conservation of the State of Minnesota are also hereby authorized to convey to the United States in consideration of the maintenance by the United States of said fish

hatchery, an easement to such water by gravity flow from the storage basin and dam owned and controlled by the State of Minnesota adjacent to the above described premises as shall be required for the operation of all fish ponds established by the United States Government in connection and conjunction with the said hatchery activities together with an easement granting the United States the right to construct and maintain the pipes, flumes and conduits necessary to convey said water across Lot 14, Block 8, Original Townsite of the Village of New London.

**Sec. 4. Termination of easement.**—The easement authorized to be granted in this act. shall cease and terminate in the event the property conveyed hereunder to the United States Government ceases to be used for the purposes of said fish hatchery for any period of five consecutive years. The deeds of conveyance hereinbefore authorized shall contain a provision whereunder the fee title shall revert to the State of Minnesota upon the failure of the United States Government to use the premises conveyed hereunder for the purposes of said fish hatchery for any period of five consecutive years.

Approved March 7, 1939.

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#### CHAPTER 54—S. F. No. 231

*An act relating to the tax levy for county tuberculosis sanatorium in any county now or hereafter having a population of more than 150,000 inhabitants and an area in excess of 5,000 square miles, and repealing all inconsistent acts.*

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

**Section 1. Tax levy for tuberculosis sanatorium in certain counties.**—In any county in this state now or hereafter having a population in excess of 150,000 and an area in excess of 5,000 square miles, there may be levied annually for the purpose of operating, maintaining and for permanent improvements to the county tuberculosis sanatorium, such an amount as may be recommended by the Sanatorium Commission and approved and levied by the Board of County Commissioners, the rate of which tax shall not exceed two mills on each dollar of assessed valuation of such county exclusive of money and credits.

**Sec. 2. Inconsistent acts repealed.**—All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved March 7, 1939.