

hundred and forty-three (5143) of the Revised Laws of Minnesota for the year 1905 be, and the same is hereby amended so as to read as follows:

Section 5143. Every person who shall wilfully make any connection with any meter, pipe, conduit, wire, line, or other apparatus belonging to any person or company using, or engaged in the manufacture, supply, sale or distribution of, electricity or of electric current, for the purpose of taking, using, or wasting such electricity or electric current, or shall wilfully prevent an electric meter from duly measuring or registering the quantity of electricity supplied, or shall in any way interfere with its proper action or just registration, or shall without the consent of such person or company, willingly divert any electrical current or power of such person or company or in any way wilfully use or cause to be used without the consent of such person or company any electricity manufactured or distributed by such person or company, or shall aid, agree with, employ, or conspire with any other person to do any of said acts, or who shall deposit in any electric meter or other apparatus used by an electric light or telephone company for the pre-payment for current or service any token, article or device, except lawful coin of the United States, for the purpose of fraudulently obtaining such current or service, shall be guilty of misdemeanor.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1907.

CHAPTER 167—S. F. No. 402.

An Act to amend sections 1971 and 1972 and to repeal section 1982 of the Revised Laws of 1905, relating to railroads, warehouses and grain, and to orders made by the Railroad and Warehouse Commission.

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

Proceedings in appeals.—Section 1. That section 1971 of Revised Laws of 1905 be, and the same is hereby amended so as to read as follows:

Section 1971. Any party to a proceeding before the commission, or any party affected by any order thereof, or

the State of Minnesota, by the attorney general; may appeal therefrom to the district court of the county in which the complainants, or a majority of them, reside, or in case none of them reside in the state, or in case the order is made in a proceeding commenced by the commission on its own motion without complaint, to the district court of any county in which the carrier or warehouseman has an office, agent or place of business, at any time within thirty days after service of a copy of such order on the parties of record, as in this chapter provided, by service of a written notice of appeal on said commission, or on its secretary. Upon service of said notice of appeal, said commission, by its secretary, shall forthwith file, with the clerk of said district court to which said appeal is taken, a certified copy of the order appealed from, together with findings of fact on which the same is based.

Enforcement of same.—Sec. 2. That section 1972, Revised Laws of 1905 be, and the same is hereby amended so as to read as follows:

“Section 1972. The person serving such notice of appeal shall, within five days after the service thereof, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon said district court shall have jurisdiction over said appeal, and the same shall be entered upon the records of said district court and shall be tried therein according to the rules relating to the trial of civil actions, so far as the same are applicable. The complainant before the commission, if there was one (otherwise the State of Minnesota), shall be designated as complainant in the district court, and the carrier or warehouseman as defendant. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If said court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside. Such appeal shall not stay or supercede the order appealed from unless the court, upon an examination of said order, and the return made on said appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. “If

such appeal is not taken, such order shall become final, and it shall thereupon be the duty of the carriers affected to adopt and publish the rates or classifications therein prescribed. And all orders heretofore made, from which no appeal was taken, as provided by law, shall be deemed to have been in full effect for all purposes from the time when the right to appeal from such order expired. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits of re-examination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same."

"Section 3. Section 1982, Revised Laws, 1905, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed."

Sec. 4. This act shall take effect and be force from and after its passage.

Approved April 12, 1907.

CHAPTER 168—S. F. No. 406.

An Act providing for the annexation of territory adjacent to cities now or hereafter having a population of not more than twenty thousand and not less than ten thousand inhabitants.

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

Annexation of territory.—Section 1. Any territory so conditioned as properly to be subjected to city government which has been wholly or partly platted into lots, and which has a resident population of not less than five hundred to the square mile, taken as a whole, and not being within the limits of any city or village and lying adjacent to any city in the same county now or hereafter having a population of not more than twenty thousand or less than ten thousand inhabitants, may be annexed to and become a part of any such city upon the terms hereinafter prescribed.

Proceedings.—Sec. 2. Twenty-five or more of the voters residing within said territory may petition the county board