

“merchantable” timber is hereby defined to mean and include all logs or pieces from which lumber of value can be manufactured.

Sec. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 21, 1909.

CHAPTER 343—H. F. No. 423.

An Act authorizing the creating of retirement fund associations and the granting of annuities to retired teachers in cities of this state now or hereafter having a population of more than fifty thousand inhabitants and providing a fund out of which such annuities may be paid.

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

Teachers' retirement fund pension.—Section 1. In every city of this state now or hereafter having a population of more than fifty thousand inhabitants, the teaching body may, with the consent of the common council or city council in said city, establish an association to be known as “Teachers' Retirement Fund Association,” said association to be formed and organized and to have powers and privileges as hereinafter provided.

Corporation to be formed.—Sec. 2. Any plan for the establishment of such an association shall include a provision for the organization of a corporation under the provisions of chapter fifty-eight of the Revised Laws of 1905 and acts amendatory thereof.

Teaching body to form plan of incorporation.—Sec. 3. Whenever any teaching body of any city of this state having a population of more than fifty thousand inhabitants desires to avail itself of the privileges of this act, said teaching body shall formulate a plan for the formation and incorporation of such an association and the collection and disbursement of a fund for the benefit of retired teachers in said city, which said plan shall be submitted to the common council or city council of said city for approval, and when the same is approved by said common council or city council, the said association so established and incorporated shall have full power and authority to receive and disburse funds in accordance with the said plan so adopted.

Plan to be approved by board of education.—Sec. 4. No such association shall be incorporated and commence to collect and disburse funds until the plan so to be proposed by the said teach-

ing body shall be approved in writing by a majority of all the teachers in the employ of the board of education and when the said corporation is formed there shall be filed with the articles of incorporation an affidavit made by some officer of the board of education that a majority of the said teachers have approved in writing of the formation of said association.

Contributors only entitled to benefits.—Sec. 5. Said plan so to be adopted shall include a provision that only such teachers as make a contribution to the said fund, as provided in said plan, shall be entitled to the benefits thereof, and may include a provision that a portion of said fund shall be raised by taxation upon the property of the said city; it being understood, however, that all teachers who are willing to comply with the terms and conditions of the articles of association and by-laws of said association shall be entitled to participate in the benefits of said fund.

Officers of association to certify for taxation.—Sec. 6. When said plan is adopted, as hereinbefore set forth, and said association is formed and incorporated, the proper officers of said association shall certify annually to the proper authorities, who have charge of the levying of taxes in said city and in the county in which said city is located, the amount which it will be necessary to raise by taxation in order to carry out the plan so adopted, as hereinbefore set forth, for the coming year, and it shall be the duty of the said authorities so having charge of the levying of taxes to include in the tax levy for the ensuing year, a tax in addition to all other taxes, sufficient to produce said sum so certified.

Provided, however, that said tax shall in no event exceed one-tenth of a mill upon all taxable property of said city; and the said tax shall be collected as other taxes are collected in said city and when so collected shall be paid over to the treasurer of said association to be held and disbursed in accordance with the provisions of said plan so to be adopted.

Corporation to hold and dispose of real estate.—Sec. 7. Any such association so to be formed shall be empowered to receive, hold and dispose of real estate or personal property acquired by them, either by gift or purchase or in any other lawful way, as provided by their articles of association so to be adopted, as herein provided.

Pro rata plan to be provided for.—Sec. 8. Said plan may provide in the event that the funds of the association are not sufficient to pay annuities in full, as provided in said plan, in any particular year, that the amount available shall be pro-rated between those entitled to receive the same.

Definition of word "teachers."—Sec. 9. The word teachers as used in this act shall include superintendents, supervisors.

principals, as well as instructors, who are in the employ of the board of education or board of school inspectors in the city mentioned in this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 21, 1909.

CHAPTER 344—H. F. No. 438.

An Act regulating the issuing of certificates of inspection and weight of grain or other farm commodity weighed or inspected under the laws of this state, and requiring such certificates to be delivered to the local buyers of such grain or farm commodity and providing penalty for failure to comply with this act.

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

Inspection and weighmaster's certificate to be issued.—Section 1. Every elevator company, corporation, co-partnership, association or individual, operating any elevator, building or place in this state for the purchase, storage or deposit of any grain or other farm commodity, shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same, the official certificate of inspection in duplicate, together with the weighmaster's certificate in duplicate for any grain or other farm commodity shipped from any such elevator, building or place and inspected and weighed as provided by the laws of this state.

Local buyer to retain for thirty days.—Sec. 2. Within ten (10) days from the delivery of any such certificate as provided in section one of this act, the company, corporation, co-partnership, association or individual receiving the same shall deliver to the local buyer at the place where such grain or other farm commodity is purchased, stored or deposited, one of said duplicate certificates and the same shall be retained by such local buyer in his office or place of business for thirty days thereafter and be subject to examination by any person or persons desiring to inspect same.

Violation a misdemeanor.—Sec. 3. Any company, corporation, co-partnership, association or individual mentioned in section one of this act, who shall fail to deliver any certificate mentioned in this act within the time and as provided in section 2 of this act, shall be guilty of a misdemeanor, and the weight and grade of the grain or other farm commodity, as shown by the records of the local buyer, shall be taken as a basis of settlement