

STATE OF MINNESOTA,
COUNTY OF ST. LOUIS,

DISTRICT COURT,
ELEVENTH JUDICIAL DISTRICT.

IN THE MATTER OF THE APPEAL OF F. A. WATKINS FROM THE ACTION AND DECISION OF THE STATE CANVASSING BOARD OF THE STATE OF MINNESOTA DECLARING THE "AMENDMENT TO SECTION SIXTEEN (16) OF ARTICLE NINE (IX) OF THE CONSTITUTION ESTABLISHING THE ROAD AND BRIDGE FUND AND AUTHORIZING THE LEGISLATURE TO LEVY AN ANNUAL TAX FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING ROADS AND BRIDGES WITHIN THIS STATE" TO HAVE BEEN REJECTED AND NOT ADOPTED BY THE VOTE OF THE PEOPLE.

The above entitled action having been regularly placed upon the calendar for the November A. D. 1907 general term of said court and having been reached in its order upon said calendar and tried before the court, H. H. Phelps and C. O. Baldwin having appeared therein in behalf of the contestant and Edward T. Young, Attorney General and George T. Simpson, Assistant Attorney General having appeared in opposition thereto and the court having heard the evidence and the arguments of counsel and having made its findings of fact and conclusions of law, wherein it is ordered that judgment be entered adjudging that said proposed amendment to the constitution of the State of Minnesota, relating to the Road and Bridge Fund was duly ratified at the election held on the 6th day of November 1906 by the voters at said election and that a majority of the electors of Minnesota voting at the said general election on November 6, 1906, voted for said proposed amendment to the constitution.

NOW THEREFORE: On motion of H. H. Phelps, attorney for the contestant and pursuant to the order and findings of the court aforesaid it is hereby adjudged and decreed that a majority of all the electors of Minnesota, voting at the general election on November 6, 1906, voted for and ratified a proposed amendment to the constitution,

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submitted to the people for their approval or rejection by an act of the legislature of Minnesota, approved April 17, 1905, said proposed amendment being an amendment to Section Sixteen (16) of Article Nine (IX) of the constitution, so that said Article Nine (IX) when amended should ^{be} read as follows:

"Section 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the "state road and bridge fund", said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

"The legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in its discretion, for an annual tax levy upon the property of this state of not to exceed in any year one-fourth (1/4) of one mill on all the taxable property within the state.

"Provided, that no county shall receive in any year more than three (3) per cent or less than one-half ($\frac{1}{2}$) of one (1) per cent of the total fund thus provided and expended during such year; and provided, further, that in no case shall more than one-third ($\frac{1}{3}$) of the cost of constructing or improving any road or bridge be paid by the state from such fund," and that said proposed amendment was adopted and ratified by the vote of the people at said election.

WITNESS the Honorable Homer B. Dibell and the seal of said District Court at Duluth, in said county and state this 1st day of February, A. D. 1908.

J. P. Johnson,
Clerk of District Court, St. Louis
County, Minnesota.

By V. A. Dash,
Deputy.

(Seal)

Filed in my office at
_____ o'clock _____ M.

Feb 1 1908

J. P. Johnson, Cl'k Dist Court

By V. A. Dash, Deputy.

Form 12.

CLERK'S CERTIFICATE.

State of Minnesota,
COUNTY OF ST. LOUIS.

} ss.

DISTRICT COURT,
11th Judicial District.

I, J. P. Johnson, Clerk of the District Court, St. Louis County, and State of Minnesota, do hereby certify that I have compared the foregoing papers writing with the original Decree

in the action therein entitled, now remaining of record in my office, and that the same is a true and correct copy and transcript of said original Decree and the whole thereof.

Witness, My hand and seal of said Court, at Duluth, this 23rd,
day of July A. D. 1908.

J. P. JOHNSON, Clerk,

By B. J. Rilling Deputy.

No. _____

STATE OF MINNESOTA
County of St. Louis,
IN DISTRICT COURT,
11TH JUDICIAL DISTRICT.

AGAINST *Plaintiff,*

Defendant.

CLERK'S CERTIFICATE

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

PROCLAMATION.

of the Adoption of Amendment to the
Constitution of the State of Minnesota.

WHEREAS, The Legislature of the State of Minnesota, by an act entitled "An act proposing an amendment to section sixteen (16) of article nine (9) of the Constitution of the State of Minnesota, establishing the road and bridge fund, and authorizing the Legislature to levy an annual tax for the purpose of constructing and improving roads and bridges within this state." Approved April 17, 1905, did enact as follows:

"Section 1. The following amendment to section sixteen (16) of article nine (9) of the Constitution of the State of Minnesota, is hereby proposed to the people of the state for their approval or rejection; that is to say, change section sixteen (16) of article nine (9) of said Constitution so that said section sixteen (16) shall read as follows:

'Section 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the "state road and bridge fund," said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

'The Legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in its discretion, for an annual tax levy upon the property of this state of not to exceed in any year one-fourth (1/4) of one mill on all the taxable property within the state.

'PROVIDED, that no county shall receive in any year more than three (3) per cent or less than one-half (1/2) of one (1) per cent of the total fund thus provided and expended during such year; and PROVIDED, FURTHER, that in no case shall more than one-third (1/3) of the cost of constructing or improving any road or bridge be paid by the state from such fund.'

"Sec. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the general election occurring next after the passage of this act, and the qualified electors of this state in their respective districts may at such election vote for or against such amend-

ment by ballot; and the returns thereof shall be made and certified within the time, and such votes canvassed and the result thereof declared in the manner provided by law with reference to the election of state officers, and if it shall appear thereupon that a majority of all the electors voting at said election as provided in the next section have voted in favor of the same, then the governor shall make proclamation thereof, and such amendment shall take effect and be in force as a part of the constitution.

"Sec. 5. The ballots used at said election on said amendment shall have printed thereon, "Amendment to section sixteen (16) of article nine (9) of the Constitution, establishing the road and bridge fund, and authorizing the Legislature to levy an annual tax for the purpose of constructing and improving roads and bridges within this state. Yes.....No....." and each elector voting on said amendment shall place a cross mark thus (X) in a space to be left opposite either the word "Yes" or the word "No," and shall be counted for or against the proposition in accordance with the expressed will of the elector, as provided by the election laws of this state.

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

WHEREAS, It was made to appear to the State Canvassing Board, sitting on December 21, 1906, that one hundred forty-one thousand eight hundred seventy (141,870) of the electors of said state had voted for the said amendment, and this number being less than the required percentage of the total vote cast at the 1906 general election, and necessary to its ratification, thereupon declared said amendment to have been lost; and

WHEREAS, On December 29, 1906, one F. A. Watkins served upon the Secretary of State notice of appeal and points of contest, and thereby appealed to the district court of Carlton County from such determination of such State Canvassing Board; and

WHEREAS, Such hearing was afterward transferred to the district court of St. Louis County and there tried upon its merits, such district court determining and on February 1, 1908 rendering its judgment in accordance therewith, decreeing a majority of all the electors of Minnesota, voting at the general election on said November 6, 1906, voted for and

ratified such proposed amendment to the Constitution, same being amendment to section sixteen (16) of article nine (9) above mentioned; and

WHEREAS, The State of Minnesota subsequently appealed from such judgment to the Supreme Court of Minnesota, and on January 28, 1909, such appeal having been dismissed, the effect of such order or dismissal is to leave the judgment of the district court of St. Louis County in full force and effect, thereby amending section sixteen (16) of article nine (9) to read as set forth in such amendment, proposed and voted upon at the 1906 general election of this state; and

WHEREAS, The judgment of the district court of St. Louis County in effect displaces the finding of the State Canvassing Board, and is in itself a legal determination that such proposed amendment to section sixteen (16) of article nine (9) of the Constitution of Minnesota has been amended as proposed;

NOW, THEREFORE, I, John A. Johnson, Governor of the State of Minnesota, by virtue of the power vested in me and in compliance with law and the facts heretofore recited, do hereby publish that the proposed amendment to section sixteen (16) of article nine (9) has been ratified and adopted in the manner prescribed by the Constitution and Law of this state, and that the same is from and after the date hereof a part of such Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be hereto affixed, at the Capitol, in the City of St. Paul, this thirtieth day of January, A. D. 1909.



Attest: *Julius A. Schwall*
Secretary of State.

John A. Johnson
Governor.
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