

of any incorporated village of this state, shall be declared invalid or void on the grounds that the village council so issuing such bonds or issuing such orders exceeded their authority in heretofore issuing such bonds or issuing such orders; but that all bonds so issued and all orders so issued for the building and erection of such armories and for purchasing such lands on which to erect the same shall from and after the passage of this act be of the same force and effect and validity as though such village council had had full power and authority in all respects to issue such bonds and orders.

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

Approved April 20th, 1899.

S. F. No. 282.

### CHAPTER 347.

County drains.

*An act to amend sections one (1) and two (2) of chapter ninety-seven (97) of the Laws of Minnesota for the year eighteen hundred and eighty-seven (1887), General Statutes of 1894, section 7793 and section 7794, relating to county drains, and providing for the utilizing of rivers and other natural water courses in the construction of county drains and ditches, and for enlarging, altering, straightening and changing the channels of natural water courses.*

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

Sec. 7703,  
G. S. 1894,  
amended.

SECTION 1. That sections one (1) and two (2) of chapter ninety-seven (97) of the Laws of Minnesota for the year eighteen hundred and eighty-seven (1887), being section seven thousand seven hundred and ninety-three (7793) and section 7794 of the General Statutes of Minnesota for eighteen hundred and ninety-four (1894), be and the same is hereby amended so as to read as follows:

Power of  
county com-  
missioners  
to construct  
drains.

“Section 1. That the board of county commissioners of any county shall have power at any session, when the same shall be conducive to the public health, convenience or welfare, or when the same will be of public benefit or utility, to cause to be constructed, as hereinafter provided, any ditch, drain, creek or other water course within said county; and such ditch, drain, creek or other water course may, in whole or in part, follow and consist of the bed of any stream, creek or river, whether navigable or not, and they may widen, deepen, straighten

Drain may  
follow water  
courses,  
when.

and change the channel of any creek, river or other natural water course, whether navigable, and whether meandered or not, and may confine any such creek, river or other water course by means of dykes, levees and embankments to its natural or artificial bed as laid out. *Provided*, that when in any such proceedings the waters of any creek, river or other water course are diverted from their natural bed by such artificial ditch or drain such ditch or drain shall as nearly as practicable follow the general direction of such creek, river or water course and terminate therein."

SEC. 2. That before the board of commissioners shall establish any ditch, drain or water course there shall be filed with the auditor of such county a petition signed by one (1) or more of the land owners whose lands will be liable to be affected by or assessed for the expense of the construction of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus; and such petitioner or petitioners shall give a bond, with good and sufficient freehold sureties, payable to the county, to be approved by the auditor, conditioned to pay all expense, in case the board of commissioners shall fail to establish said proposed ditch, drain or water course; and said petitioner or petitioners shall file proof satisfactory to the board of commissioners, to whom such petition has been presented, that at least thirty (30) days' notice thereof has been given before the session of said board at which such petition is to be heard, to all owners of and persons occupying any lands adjacent to or through which said ditch is proposed to be constructed, or which may be affected thereby, or is sought to be assessed in carrying out the purposes of this act, by the service upon each of said persons of a notice of the time and place of hearing of such petition in the same manner as is provided by law for the service of summons in a civil action pending in the district courts of the state. *Provided*, that if service cannot be made upon any of such persons, of which the return of the sheriff of the county, or the affidavit of any disinterested person, to the effect that they have made careful search and inquiry, and that said person or either of them cannot be found in the said county, shall be prima facie evidence, such notice may be served by posting the same in three (3) of the most public places in the county in which said ditch is proposed to be constructed and by mailing a copy thereof to each of said persons not served, addressed to his last known post-office address, if the same can be ascertained by the party posting said notices. And when the said board shall be satisfied that all of the foregoing conditions have been

Petition for  
drain, how  
made, pro-  
ceedings  
under.

complied with, they shall either at such session of said board or at such other time as may be appointed by them (not later than thirty (30) days thereafter) proceed to hear and determine such petition; and if such board shall determine that the construction of such ditch will be of public benefit or utility, or conducing to the public health, convenience or welfare, they shall accept such petition and appoint three (3) resident freeholders of the county not interested in the construction of the proposed work, and not of kin to any parties interested therein, as viewers, to meet at a time and place specified by said board, preparatory to commencing their duties as hereinafter specified.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 20th, 1899.

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#### CHAPTER 348.

H. F. No. 682.

Twin City  
Jockey club,  
claims of  
against state.

*An act to provide for the appointment of a commission to adjust and determine the claim of the Twin City Jockey Club, its successors or assigns against the State of Minnesota and to appropriate the necessary money therefor.*

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

Claims of,  
for improve-  
ments on  
State Fair  
grounds,  
commission  
to adjust.

SECTION 1. The attorney general and two (2) justices of the supreme court to be selected or designated by the governor are constituted a commission whose duty it shall be to determine the value of the permanent improvements made at the state fair grounds by the said Twin City Jockey Club, their present value, what proportion, if any, should be paid by the state, and to make an award to the Twin City Jockey Club, its successors or assigns, as compensation therefor.

Powers of  
commission.

SEC. 2. For the purpose of determining the amount to be so awarded, the said commission shall have power and it shall be its duty to take evidence and receive testimony, both documentary and otherwise, of witnesses under oath, and it shall be duly authorized and empowered to administer oath to any and all of said witnesses.