

Sec. 3. **Thirty years at 4 per cent.**—Bonds issued under this act, shall run for a term not longer than thirty years and bear interest at a rate not higher than four per cent per annum, payable semi-annually. The place of payment of principal and interest and the denomination of said bonds shall be fixed by the resolution authorizing their issue, and all or any of them may be in the form of coupon bonds or of registered certificates, so called, as the purchasers may prefer.

Sec. 4. **How signed and not to be sold at less than 95 per cent of par value.**—All bonds or certificates so issued shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of said city, and be sealed with the city seal; except that the signatures to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold for less than 95 per cent of their par value and accrued interest, or to any but the highest responsible bidder therefor.

Sec. 5. **Application.**—This act shall not apply to any city whose inhabitants have adopted a charter pursuant to Section 36, Article 4, of the state constitution.

Approved April 28, 1913.

CHAPTER 578—H. F. No. 814.

An Act to amend Section Seven (7) of Chapter Three Hundred Eighty-Four (384) of the General Laws of Minnesota for 1911, relating to drainage.

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

Section 1. Contractor for tile work must guarantee for three years.—That Section 7 of Chapter 384 of the General Laws of Minnesota for 1911 be, and the same hereby is, amended so as to read as follows:

“Section 15. The bond and contract shall be attached to each other, and the contract shall contain the specific description of the work to be done, either expressly or by reference to plans and specifications, and refer to the number of the section or sections, as provided for in the preceding section and shall provide that the work shall be done and completed as provided for in the report of the engineer, and subject to his approval and that of the auditor or auditors, as the case may be.

Such contract shall be drawn to the satisfaction of the engineer and the county attorney. Every such contract and bond shall embrace all the provisions provided by law for the giving of bond by contractors for public works and improvements and for the better security of the contracting county or counties and of the parties performing labor and furnishing material in and

about the performance of such contracts and shall provide that time shall be the essence of the contract, in that if there should be any failure to perform the work according to the terms of said contract within the time limited therein, originally or by extension, the contractors shall forfeit and pay to the county in which the portion of the work in default shall be located, a certain sum, to be named therein, and which shall be fixed by the county auditor, or auditors, as the case may be, for each day that such failure shall continue. No extension of the time shall be granted unless applied for in writing to the auditor, or auditors, as the case may be, stating to his or their satisfaction good and sufficient reasons therefor, nor shall any extension affect the right to enforce such forfeiture, if any, as shall occur after the time originally limited and before such extension, or occurring after the limit of the extension. The bond shall expressly provide that the bondsman shall be liable for all damages resulting from any such failure, whether the work be re-sold or not, and that any person showing himself injured by such failure may maintain an action upon such bond in his own name and that such actions may be successive in favor of all persons so injured. Such contractor shall be considered a public officer and such bond an official bond within the meaning of the statutory provisions construing such official bonds of public officers as security to all persons and providing for action on such bonds by any injured party in the district court.

Provided, that at the end of each year of each session's work, after giving such contractor's bond, and prior to the completion and acceptance of such job of contraction the contractor may make verified application to the county board in case of a county ditch, or in case of a judicial ditch, to the judge of the district court of the county where the proceedings were instituted, setting forth approximately the total yardage of excavation completed and total amount of other work completed, the contract price thereof and the value of the work theretofore certified as complete by the engineer, and the amount of money received by contractor, and further setting forth the amount then owing or unpaid by said contractor for labor or material already furnished in the matter of the completion of such contract, and asking an order reducing the amount of the contractor's bond.

Provided, that whenever tiling is used in the construction of any ditch or drain or any part thereof and the petition for said drain so requires, or at any time previous to the commencement of advertising for the sale of the job or jobs for the construction of the same upon a request of a majority of the petitioners in writing therefor, filing with the county auditor of the proper county, such contract shall require the contractor of the whole tile work or the contractor of any part thereof, as the case

may be, to guarantee all of such tile work done by any such contractor for a period of three years after the completion of any such contract against any fault or negligence on the part of any such contractor and any failure during said period of any part of said tile work constructed by any such contractor, to accomplish the purpose of drainage for which it was intended, shall be prima facie evidence that the same is due to the fault or negligence of said contractor. Notice of such request shall be given by the county auditor in the advertisement for sale of such job or jobs.

The said contractor shall give a good and sufficient bond for the performance of such undertaking and contract. The acceptance of such tile ditch by the engineer or county board shall not relieve or exempt said contractor or his bondsmen from the liability therein imposed on said contractor for said three year period.

Upon receiving such application, the said judge of the district court or the said county board, as the case may be, shall proceed to hear, consider and determine the said application upon such notice as shall be directed by such judge or by such county board respectively, and if upon such hearing, it is determined that no loss will result thereby, the said judge or said county board may by order reduce the penalty of such bond to such a sum as shall be deemed advisable by such judge or such county board, as the case may be, but such reduction shall in no case exceed by more than twenty-five per cent the amount already paid to the contractor and such reduction shall not affect the validity or the enforcement, or in any manner otherwise affect the remaining amount of the penalty of such bond.

Approved April 28, 1913.

CHAPTER 579—H. F. No. 858.

An Act for the collection, recording and preservation of vital statistics, their use as evidence, penalties for violation, and the repeal of Sections 2140, 2141, 2142, Revised Laws of 1905, Chapter 454 of the General Laws of 1907, Chapter 23, General Laws of 1909, and Chapter 250, General Laws of 1911.

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

Section 1. Vital statistics—State board of health to have charge of.—The state board of health shall have general supervision and charge of the state system of registration of births and deaths and may make, and enforce, any regulations necessary for the proper carrying out of the same. The secretary of the state board of health shall be designated and known