

CHAPTER 51.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHT (108) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), RELATING TO THE DRAINING AND RECLAIMING OF LANDS.

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

SECTION 1. That section two (2) of chapter one hundred and eight (108) of the general laws of one thousand eight hundred and eighty-three (1883) be and the same is hereby amended to read as follows: That before the board of county commissioners shall establish any ditch, drain or water course, there shall be filed with the auditor of such county a petition signed by one 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 state, 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. As soon as said petition is filed, said board shall, if in regular session, or at their next regular session, 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. And it shall be the duty of the auditor thereupon to issue to said viewers a certified copy of the petition and order of the board, who shall proceed at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water course from its source to its outlet, and they shall, when the nature of the ground will admit, cause stakes or monuments to be set along said line, numbered progressively down stream at each one hundred (100) feet, and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain or water course, and an estimate of the total cost of construction of the whole work; and they shall, if they deem it consistent and practicable, set apart and apportion to each parcel of land and to each corporate road or railroad, and to the county, when public highways are benefited, a share of said work in proportion to the benefits which will result to each from such im-

Petition to be filed with auditor, setting forth the necessity thereof.

Board of commissioners to appoint three disinterested freeholders as viewers.

Viewers to estimate cost of construction of work.

Further power
of viewers.

provements, and give location of each share, its length in feet and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of construction of each share or allotment separately when allotments shall have been made, and specify the manner in which the work shall be done; and they shall have power, when they find it necessary, to provide for running said ditch under ground, through drain tiles or other materials, as they deem best, by specifying the size and kind of tile or other material to be used in such underground work, and shall estimate the cost of the same as a part of the total cost of the work, and they shall accurately describe, as the same is described on the county tax duplicate, each parcel of the land to be assessed for the construction of said ditch, giving the number of acres in each tract assessed and the estimated number of acres benefited, the amount that each tract of land will be benefited by the construction of said work, and the amount that each tract is assessed therefor. And they shall, in tabular form, give the depth of cut, width at the bottom and width at the top, at the source, outlet, and at each one hundred (100) foot stake or monument, when the same shall have been erected, of said ditch, drain or water course. And they shall also ascertain and give the names of the owners of the lands that are assessed for the construction of said ditch, drain or water course, as far as they can be ascertained with reasonable inquiry and search of the public records, and report, also, whether or not the proposed ditch, drain or water course will be of public utility.

When act to
take effect.

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

Approved March 2, 1885.

CHAPTER 52.

AN ACT TO AMEND SECTION TWO (2) OF CHAPTER ONE HUNDRED AND THIRTY-EIGHT (138) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), RELATING TO CHAMBERS OF COMMERCE AND BOARDS OF TRADE.

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

SECTION 1. That all that part of section two (2) of chapter one hundred and thirty-eight (138) of the general laws