

CHAPTER 246—S. F. No. 630.

An Act authorizing boards of county commissioners, where ditches have been established as provided for by chapter 230, Laws of 1905, and tabular lists and statements have been made, filed and recorded as provided in section 19 and 20 of said act, but which lists and statements do not include the increased cost caused either by a modification of the plans and specifications as the work has proceeded or where a part of the original cost has been assessed against exempt property to reassess the property benefited and to determine the amount which shall be assessed against each piece, parcel or tract of land affected, and providing for the collection of the same.

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

Filing of statement.—Section 1. That in any county when a ditch has been established under the provisions of chapter 230, Laws 1905, and tabular lists and statements have been made, filed and recorded, as provided by sections 19 and 20 of said act, which have not included the increased cost of such ditch, caused by a modification of the plans and specifications by the engineer as the work has proceeded, or where a part of the cost of such ditch was erroneously assessed against the right of way or other land owned by a railroad company, which was exempt by law from such assessment, the amount of such increased cost arising from such modification of plans when the same does not exceed two per centum of the total original cost of such ditch, or the part of the original cost so erroneously assessed against railroad property may be assessed against the property which was properly subjected to the assessment for such ditch, and the board of county commissioners of any county in which such ditch has been established are hereby authorized to determine what proportion of such assessment each piece, parcel or tract of land affected shall bear, and to assess the same against such lands, according to the same rules which governed the first assessment.

Duties of engineer.—Sec. 2. The engineer in charge of the construction of any such ditch and who, as the work has proceeded, has modified the plans and specifications of the same, whereby changes have been made which have increased the total cost of such ditch, shall ascertain the correct amount of such cost and shall forthwith make and file with the county auditor a detailed and verified report of the same.

Notice.—Sec. 3. Upon the filing of such engineer's report with him, or upon his own ascertainment of the fact that any part of the original cost of the ditch was assessed against exempt railroad property, the county auditor shall forthwith call a special meeting of the board of county commissioners, by giving to each member thereof not less than fifteen days' written notice, and shall also cause a notice of the same and place of such special meeting to be given to all persons interested, by publication, for one week prior thereto, in a newspaper printed and published in said county, and by posting, at least one week before such meeting, printed copies thereof in three public places in each township where such ditch is located, which notice shall state the object and purpose of such meeting and in addition thereto said auditor shall mail a notice of said meeting to all persons interested whose address is known to him or can be ascertained by inquiring at the treasurer's office.

Hearing.—Sec. 4. The board of county commissioners at said special meeting, being satisfied that the notice thereof has been given as provided in section 3 of this act, shall (or at any time to which they may adjourn from time to time, as necessity may require, but not otherwise) proceed to hear and consider the matter, and all persons interested may appear and be heard by and before them.

Order and assessment.—Sec. 5. If from the engineer's report and such other evidence as may be adduced before them, the board shall find that by a modification of the plans and specifications the total cost of the ditch has been increased by not more than two per centum of the total original contract price for the construction thereof, or that any part of the original cost was erroneously assessed against exempt railroad property, they shall, by order, determine the proportionate part thereof which shall be assessed against each piece, parcel or tract of unexempt land affected.

Auditor to make list.—Sec. 6. The board having made its order reassessing said lands, it shall be the duty of the county auditor forthwith to make out, file and have recorded, a tabular list and statement, as provided in section 19 and 20, chapter 230, Laws 1905, and the amount assessed against each piece, parcel or tract of land, as stated in such list and statement, shall be a lien thereon from the time of the record of such statement in the office of the register of deeds until

collected and fully paid, as provided in said chapter 230, Laws 1905.

Fees.—Sec 7. The fees of the register of deeds for recording such supplemental list and statement shall be paid by the county, on the allowance of the board of county commissioners, and said statement, after the same has been recorded, shall be returned to the auditor to be by him placed with other papers relating to such ditch, and carefully preserved by him.

Appeal.—Sec. 8. Any person or corporation aggrieved thereby may appeal from the order of the board of county commissioners, made with reference to such reassessment, for the same reasons and in the manner prescribed in section 12, Laws 1905.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 19, 1907.

CHAPTER 247—S. F. No. 685.

An Act to amend section 1559 of chapter 16, Revised Laws of 1905, relating to intoxicating liquors.

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

Notice and penalty.—Section 1. That section 1559 of chapter 16, Revised Laws of 1905, be amended so as to read as follows:

Section 1559. Every person selling liquor to a minor, habitual drunkard, or person under guardianship, after written notice by a parent, husband, wife, child, guardian, master or employer, of such minority, habitual drunkenness, or guardianship, or in the case of an habitual drunkard after written notice by the mayor, chief of police or any member of the council, of the municipality in which such habitual drunkard resides, or member of the county board of the county in which such habitual drunkard resides, and within one year after such notice in case of an habitual drunkard, and in other cases during the continuance of the minority, or guardianship, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or imprison-