

vided in case such assessment for repairs were made by the county board. The repairs herein provided for shall be construed to include the taking from said ditch of sediment deposited therein, the removal of obstructions therein, the widening and deepening thereof so as to answer its original purpose or so as to provide for additional flow of water caused by other ditches or any other reason, the cutting and removal of weeds or grass from the bottom, sides, banks or right of way of such ditch, and such other changes or alteration therein as will enhance its usefulness for the purpose of drainage, and shall further be construed to include the extension of said ditch to a new outlet when and in case the same is found by the county board to be necessary or advisable."

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

Approved April 7, 1913.

CHAPTER 180—S. F. No. 894.

An Act to authorize the repayment to tax payers of any school district in this state of moneys raised by taxation therein for school purposes when the amount so raised through the error of clerk of said district exceeded the amount voted at the annual school election.

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

Section 1. Repayment of excessive taxes levied and paid.

—That in any case where the clerk of any common school district in this state has heretofore, through error and mistake, furnished to the county auditor of the county in which such school district is located, an attested copy of a record showing that said school district voted more money for school purposes than the amount actually voted in said school district in any year for such purposes, and the amount returned through said error and mistake exceeds the sum actually voted by more than the sum of \$300.00, the clerk of said school district may, at any time after the tax therefor has been extended in the way and manner as provided by law, furnish to the county auditor of said county proper evidence of such error and mistake; and if the county auditor is satisfied that said mistake actually did occur he may and is hereby authorized at any time after said tax has been paid into the county treasury, to draw and deliver to each of the tax payers in said school district a warrant upon the treasurer of such county for such tax payers pro rata portion of

such excess, and the county treasurer is hereby authorized to pay such warrants and all thereof out of the moneys in said treasury arising from such tax so levied and collected.

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

Approved April 7, 1913.

CHAPTER 181—H. F. No. 186.

An Act to authorize cities of the first class, not having a home rule charter, to acquire lands, and construct, maintain and operate docks, wharves, levees, transfer tracks and other transfer, terminal and storage facilities, along and adjacent to the Mississippi River and other navigable waters, and to issue and sell bonds to defray the cost thereof.

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

Section 1. **Certain cities authorized to maintain and operate docks, wharves, etc.**—Any city of the first class, not organized under Section 36, Article 4 of the Constitution, in addition to any lands now owned by it for any of the purposes hereinafter mentioned is hereby authorized, acting through its city council or other governing body, to acquire by gift, purchase, lease or condemnation any lands therein along, bordering or adjacent to the Mississippi River or any navigable water necessary or convenient for the purposes of public levees, docks, wharves, terminals, transfer railroad tracks, loading, unloading, transfer and storage facilities and kindred uses related to navigation, and may improve the same, including such lands owned by it, for all such purposes and construct, maintain and operate all such works and facilities open to all upon equal terms and for the reasonable use of all persons, firms and corporations. Proceedings in eminent domain shall be in pursuance of Chapter 41, Revised Laws 1905 and acts amendatory thereof and supplementary thereto. But the estate taken shall be an absolute title in fee simple without any qualification whatever, unless a lesser estate be expressly designated by the council. The city, upon giving the notice required by Section 2528, Revised Laws of 1905, may enter upon and appropriate the lands so condemned or any distinct parcel thereof, without the giving of any bonds, but in case of such entry and appropriation such city shall be bound absolutely to pay all damages awarded whether by the commissioners acting under said laws or the court upon appeal from their award, together with all costs and expenses adjudged against it in said proceedings, and the court shall issue a writ