

CHAPTER 254—S. F. No. 604.

An Act relating to the construction, maintenance and repair of roads, bridges and ditches by counties having an area of more than twenty-five hundred square miles and a population of more than fifteen thousand inhabitants and containing no city or village having a population of more than thirty-five hundred inhabitants, and creating and relating to the office of county superintendent of highways in such counties.

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

Section 1. County superintendent of highways to be appointed—Duties.—In each county now or hereafter having an area of more than twenty-five hundred square miles and a population of more than fifteen thousand inhabitants according to the then next preceding state or federal census, and containing no city or village having a population of more than thirty-five hundred inhabitants according to such census, there shall be appointed by the county board a county superintendent of highways who shall be a competent surveyor and road builder, and who may be the same person as the county surveyor of said county. The officer so appointed next after the passage of this act shall hold his office until the January meeting of the county board next after the next general election, and until his successor is appointed and qualified; and each officer thereafter appointed shall hold his office for four (4) years and until his successor is appointed and qualified. It shall be the duty of such county superintendent of highways to inspect all roads, bridges and ditches constructed by his county and all work done and material furnished under contract with his said county in the construction, maintenance and repair of roads, bridges and ditches, promptly, from time to time, as requested by the county board; and no moneys shall be paid out by the county on any such contract until the said superintendent of highways shall have certified that he has inspected and found sufficient and in compliance with such contract the work or materials for which such payment is desired, nor until the county attorney of said county shall have certified that the payment so desired is due and in accordance with the terms of such contract.

Sec. 2. To receive per diem salary and to furnish bond.—Said county superintendent of highways shall receive five dollars (\$5.00) per day for time actually devoted to the performance of his duties, and shall be allowed his actual, reasonable and necessary expenses incidental to the performance of his duties. All payments to him for compensation and expenses shall be on his itemized and verified bills duly allowed by the board. He shall give bond to the county in the sum of five thousand dollars

(\$5,000.00) with sufficient sureties approved by the county board, conditioned for the faithful performance of his duties; and for each willful violation of the conditions of his bond by either act or omission, he and his bondsmen shall be liable to the county or to any other person damaged thereby in the full amount of the damage resulting therefrom together with the sum of twenty-five dollars (\$25.00) as a penalty. Said officer may appoint such deputies as may be necessary for the prompt performance of his duties, but he and his bondsmen shall be responsible for their acts or omissions.

Sec. 3. Board or committee may inspect highways.—Nothing herein contained shall be construed to prevent said county board or any member or committee thereof from personally inspecting such work or materials in the event such county superintendent of highways shall fail or neglect to properly and promptly inspect same upon request from such county board; but in such case the total expense to the county board for such inspection by the board or its member or committee shall not exceed fifty dollars (\$50.00) on any one contract or job, nor shall it exceed ten per cent of the contract price; in such case the inspection by said board or its duly authorized committee or member and written report thereon shall answer the purposes of an inspection and certificate by said county superintendent of highways.

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

Approved April 11, 1913.

CHAPTER 255—S. F. No. 624.

An Act to legalize mortgage foreclosure sales heretofore made by foreign executors or administrators.

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

Section 1. Certain mortgage foreclosures legalized.—Every mortgage foreclosure sale heretofore made under a power of sale in the usual form, contained in any mortgage executed under the laws of the State of Minnesota, and recorded in the office of the register of deeds of the proper county, of real property in this state, is, together with the record of such sale, legalized and made valid and effective to all intents and purposes as against the following objections, viz.:

First. That the foreclosure was made by an executor or administrator appointed in another state who did not file an authenticated copy of his letters or other record of his appointment with the register of deeds of the proper county prior to