

Provided, that no certificate or certificates of partial completion or of furnishing of material shall be furnished or delivered by the engineer unless the said certificate or certificates shall be accompanied by the engineer's written certificate that no loss will result from such partial payment. Provided, further, that the county or counties paying a preliminary estimate of the engineer on material furnished or delivered shall have a lien on the said material to the amount of all payments made thereon by such county or counties.

Provided, that the said certificate or certificates of the engineer in the matter of any county or judicial ditch proceedings or any other estimate or certificate required under any of the drainage laws of this state to be made by him, shall not constitute prima facie, or other evidence of the truth of the contents thereof, or of the completion of any ditch or any part thereof by the contractor or otherwise, or of the fulfillment of the contract or any part thereof unless and until said certificate is approved by resolution of the county board.

It shall also be the duty of the engineer to inspect the laying of tile, excavation and all other work of construction from time to time, as provided for in the specifications and provisions in his report and as provided for in the contract for construction, and every thirty days during the progress of the work to report in writing to the county board or the judge of the district court as the case may be, as to all work completed since the last prior report, and his services for making such inspection shall be paid for at the rate and in the same way as his services in making his original survey and report.

Approved April 28, 1913.

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#### CHAPTER 568—H. F. No. 308.

*An Act to amend Section 15 of Chapter 230 of the General Laws of Minnesota for 1905, providing for hearings on extension of contracts relating to drainage.*

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

**Section 1. Proceedings for application for extension on ditching contracts, and prohibiting same under certain conditions.**—That Section 15 of Chapter 230 of the General Laws of Minnesota for 1905 be amended so as to read as follows:

**Sec. 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 pro-

vide 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 county attorney. Every such contract 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 of 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 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.

No extension of the time of construction shall be granted unless applied for in writing by the contractor to the county auditor or county auditors as the case may be, stating to the satisfaction of said county auditor or county auditors, good and sufficient reasons therefor. The first extension shall not be for a period of time exceeding one year.

*No extension after the first above provided for, shall be granted until a hearing upon such application shall be held after such notice as hereinafter provided. In such case, the auditor of the county wherein such drainage proceedings were instituted, shall cause to be prepared and published as hereinafter provided, a brief notice setting forth the filing of such application and setting forth the time and place when and where the said application will be heard, considered and determined by such auditor or auditors, as the case may be. At the time and place so designated the said auditor issuing such notice and if present such other auditors upon whom service of such notice is herein provided for, shall proceed to hear, consider and determine such application and shall make written order in relation thereto.*

*Such notice of hearing shall be published for two successive weeks prior to such hearing in each county affected by such drainage proceedings in the newspaper therein duly designated to publish the delinquent tax list for such year, and shall be served upon the county auditor of each such county so affected.*

*The expense of such hearing and the publication and service of such notice shall be paid by such contractor applying for such extension.*

Approved April 28, 1913.

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CHAPTER 569—H. F. No. 322.

*An Act relating to the equipment and regulation of hotels and restaurants, defining the same, and relating to the inspection thereof, providing for penalties for violations of the provisions of this act, and repealing Chapter 343 of the General Laws of 1905 and Chapter 206 of the General Laws of 1911.*

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

**Section 1. Defining hotels and restaurants.**—Every building or structure, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public whether with or without meals shall for the purposes of this act be deemed a hotel.

Every building or other structure, and all buildings in connection, kept, used, or maintained as, or advertised as, or held out to the public to be a place where meals and lunches are served without sleeping accommodations, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act, shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

**Sec. 2. Governor to appoint hotel inspector.**—For the purpose of carrying into effect the provisions of this act, the governor shall appoint a hotel inspector at a salary of \$1800 per year, payable monthly, who shall hold office for two years, and who shall furnish a bond in the sum of \$2000.00 to be approved by the attorney general. He shall keep a set of books for public use and inspection, showing the condition of all hotels and restaurants, together with the name or names of the owner, proprietor or manager thereof, and showing their sanitary condition, the number and condition of fire escapes, and any other information that may be for the betterment of the public service, and likewise shall assist in the enforcement of any orders promulgated by the state board of health and pure food department of this state, relating to hotels and restaurants.

**Sec. 3. Hotels and restaurants to be licensed—Fees.**—Within sixty days after the passage of this act and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, and every person.