

of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of ten dollars, and in all motions, orders to show cause, and like proceedings in actions not involving the merits therein, and in actions not brought into court as above provided, and in the issuance of certificates to attorneys at law admitted to practice in this state, such sum as shall be fixed by rule of the court.

The clerk shall not file any such return or issue any writ in any original proceeding, or file any such motion, application for order to show cause, or like proceeding or issue any certificate to any attorney at law until such payment shall have been made, and when made he shall pay such sum into the state treasury as provided for by General Statutes of Minnesota 1913, Section 296.

Sec. 2. **Effective June 1, 1915.**—That the clerk of the supreme court shall be held liable or responsible for no other charges except as provided in Section 1 hereof, and that Section 5761 General Statutes of Minnesota 1913, is hereby repealed, except as to appeals pending in said court at the time of the taking effect of this act.

Sec. 3. This act shall take effect and be in force from and after June 1, 1915.

Approved April 19, 1915.

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#### CHAPTER 178—H. F. No. 997.

*An Act providing a method for the correction of erroneous statements and summaries prepared by a county auditor or county auditors, as the case may be, in county or judicial ditch proceedings, and giving the auditor of any county affected authority to release and discharge the liens set forth in the erroneous statements and summaries, and providing a method therefor, and authorizing the register of deeds to release and discharge such erroneous statements and summaries and the liens represented thereby from the lands described therein on the records of his office and to substitute therefor corrected statements and summaries, and legalizing proceedings heretofore had for the correction of erroneous statements and summaries.*

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

Section 1. **Corrected summary statement of ditch proceedings to be prepared by county auditor and filed with register.**—That in all cases in this state where a public drainage ditch has been regularly established by order of a county board or by order of the district court or a judge thereof pursuant to the provisions of Chapter 230 of the General Laws of Minnesota for 1905 and acts amendatory thereof or supplementary thereto, and

where a county auditor or county auditors, as the case may be, has made a tabular statement and summary as required by Section 19 of Chapter 230 of the General Laws of Minnesota for 1905 and filed the same for record in the office of the register of deeds in and for the proper county, which said statement and summary is erroneous and which does not conform to the order of the county board or the order of the district court or the judge thereof, as the case may be, the county auditor or county auditors, as the case may be, shall at the earliest practicable time after the discovery of said error make and prepare in tabular form a correct list and statement of the facts required by said Section 19 of Chapter 230 of the General Laws of Minnesota for 1905, the said corrected statement to be signed and executed by the county auditor or the county auditors, as the case may be, in the manner required by Section 20 of Chapter 230 of the General Laws of Minnesota for 1905, which said corrected statement and summary shall then be filed with and recorded by the register of deeds of the proper county.

**Sec. 2. Corrected statement to take place of erroneous statement.**—That when said corrected statement and summary has been prepared and filed for record as hereinbefore provided, then and thereupon the said corrected statement and summary shall take the place of the said erroneous statement and summary and the amounts set forth therein shall be of the same force and effect as liens against the lands described therein as if the erroneous statement and summary had been correctly made and in conformity with the order of the county board or of the district court, as the case may be.

**Sec. 3. Release of lien as to erroneous statement authorized and other proceedings directed.**—That in any case where it becomes necessary to make a corrected statement and summary as hereinbefore provided, the county auditor of any county affected is hereby authorized to release and discharge of record the liens set forth in the erroneous statement and summary in the manner following, to-wit: he shall issue under his hand and official seal a certificate stating that the original statement and summary has been found to be incorrect; that a true and correct statement and summary has been filed in his office and for record in the office of the register of deeds, and that the liens set forth in the corrected statement and summary are substitutes for and in lieu of the liens set forth in the erroneous statement and summary, and shall authorize the register of deeds in and for the proper county to release and discharge the liens set forth in said erroneous statement and summary, and shall direct said register of deeds to substitute in lieu thereof as liens against the lands described therein the amounts set forth in the corrected statement and summary; and when said certificate is recorded in the office

of the register of deeds the liens evidenced by the erroneous statement and summary shall thereupon be released and discharged and the corrected statement and summary and the liens evidenced thereby shall take the place and be in lieu thereof, and the register of deeds in and for the proper county shall thereupon be authorized to release and discharge the original tabular statement and summary and the liens evidenced thereby of record.

**Sec. 4. Provision for application of payment where amount paid on corrected statement is more or less than on erratic statement.**—That in any case where a corrected statement and summary is made and filed as hereinbefore provided after one or more installments of the liens set forth in the erroneous statement and summary have been collected by the treasurer of the proper county, or have been placed on the tax rolls for any year but not collected, then if the amount of the lien set forth in the corrected statement and summary against any particular description is less than the amount set forth in the erroneous statement and summary, the county auditor of the proper county shall make each of the installments unpaid proportionately lesser, so that the total amount collected as a lien against any particular description shall be equal to the amount set forth in the corrected tabular statement and summary with interest hereon; and if the amount of the lien set forth in the corrected statement and summary is more than the amount set forth in the erroneous statement and summary, the county auditor of the proper county shall make each of the installments unpaid proportionately larger so that the total amount collected as a lien against any particular description shall be equal to the amount set forth in the corrected tabular statement and summary with interest thereon.

**Sec. 5. Actions of county auditors to make corrections legalized.**—That in all cases where the county auditor or county auditors, as the case may be, have proceeded in the manner herein provided for correcting erroneous statements and summaries in county or judicial ditches, the same are hereby in all respects legalized and the erroneous statement and summary is hereby declared to be null and void and the corrected statement and summary is hereby given the same force and effect as if an erroneous statement and summary had never been made or filed.

**Sec. 6.** This act shall take effect and be in force from and after its passage.

Approved April 19, 1915.