

No person shall be drawn as a juror oftener than once in four years.

Whenever a jury is required in a criminal case, it shall be selected from a panel so drawn. If any person duly drawn and summoned to attend as a juror in said court neglects to so attend, without sufficient excuse, he shall pay a fine not exceeding thirty dollars (\$30), which shall be imposed by the court, and be imprisoned until such fine is paid, not exceeding thirty (30) days.

Whenever deemed necessary said court shall have power to issue a special venire.

And jurors so summoned and attending as aforesaid in said municipal court shall be entitled to like compensation as jurors in the district court of Hennepin county, and shall be paid out of the county treasury of said county of Hennepin. The clerk of said municipal court shall deliver to each juror a certificate for the number of days' attendance and service and miles traveled for which he is entitled to receive compensation. This certificate of the clerk for services rendered as such juror in the municipal court shall be filed with the county auditor, who shall issue his warrant on the treasurer of the county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of such warrant. It shall be the duty of the clerk of said court to purchase and pay for from any funds in his possession and not otherwise appropriated a copy of the poll lists of the said city of the last preceding election and furnish said list to the judges for their use in so selecting the said jurors.

Any juror who has been regularly summoned to attend in said court, and who shall actually attend said court at the time named in such summons, shall be entitled to his per diem and mileage, whether he shall have actually been sworn as a juror or not.

Sec. 3. **Inconsistent acts repealed.**—All acts, or parts of acts, inconsistent herewith are hereby repealed.

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

Approved April 24, 1915.

CHAPTER 300—S. F. No. 889.

An Act amending Sections 5528, 5536, 5542, 5548 and 5552, General Statutes 1913, relating to public ditches or drainage of lands and meandered bodies of water, assessment of damages and benefits resulting therefrom.

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

Section 1. County board given power to construct dikes or dams.—That Section 5523 of the General Statutes of Minnesota, 1913, be and the same is hereby amended so as to read as follows:

5523. The county board of the several counties, and the district court of the several districts of the State of Minnesota, shall, for the purpose of draining wet lands within their respective jurisdictions, have power to establish and cause to be constructed and maintained, public drainage systems, drains and ditches, to deepen, widen, straighten, or change the channel or bed of any river, creek or waterway, following the general direction thereof and when practical terminating therein, to extend the same into or through any city or village for the purpose of securing a suitable outlet, to drain in part or in whole meandered lakes which have become normally shallow and of a marshy character, or which are no longer of sufficient depth or volume to be of any substantial public use for fishing, boating or water supply; and where only a part of a meandered lake is to be drained, to cause to be constructed dikes or dams for the purpose of holding the water at ordinary high water mark in that part of the lake not to be drained, but no meandered lake upon which any city or village is now a riparian owner shall be drained or lowered unless by the approval of a majority vote of the legal voters of said city or village at any annual election or special election held for such purpose.

Sec. 2. Auditors may award separate contracts for furnishing of material.—That Section 5536 of the General Statutes of Minnesota 1913 be and the same is hereby amended to read as follows:

5536. Within ten days after the filing in the office of the county auditor of the order establishing a county ditch, or, when the proceedings are taken into court, then within ten days after the filing of the order establishing a judicial ditch in the office of the clerk, the auditor, in the first instance, and in the second instance, the auditors of the respective counties, meeting for that purpose at the office of the auditor of the county in which the proceedings are pending, shall proceed, as hereinafter provided, to sell the jobs of digging, and constructing the entire work, either as one job, or in one or more linear sections of one hundred feet each, each of said sections to be known and numbered by the stake, or monument set by the engineer at the foot of each such section, as shown in the engineer's report commencing at the one including the outlet, and thence in succession up the stream to the one including the source. The auditor or auditors, as the case may be, may, with the approval of the engineer, sell separately from the jobs of excavation, any jobs of building of flumes or other wood or masonry work, fencing or

other construction work specified in the engineer's report. *The auditor or auditors may, if deemed for the best interest of all concerned, let a separate contract for the furnishing of material for the construction of such system.* The auditor or auditors, as the case may be, shall contract in the name of the county, or in the name of the respective counties, as the case may be, each acting by and through its auditor, with the party to whom any of such jobs of construction work or any section or sections is or are sold, requiring him to construct the same in the time and manner, and according to the specifications, provisions and form of contract, set forth in the report of the engineer, on which the ditch is established; and shall take from him a bond in the penal sum of lot less than the contract price, with not less than two freehold sureties, payable to the county, or to the respective counties, or any two or more of them as the case may be, for the use of such county or counties, as the case may be, and also for the use of all persons who may show themselves to be aggrieved or injured by any breach thereof, or of the contract for which such bond is given; to be by said auditor or auditors, as the case may be, approved, conditioned that said party shall faithfully perform and fulfill his contract and pay all damages which may accrue by reason of the failure to complete the work in the manner and within the time required in the contract therefor and otherwise conditioned as in this act provided, which bond shall include a stipulation that no change, extension, alteration or addition, to the terms of the contract or specifications shall in any wise affect the obligation of the principal or principals or sureties on said bond. The auditor of the county in which the proceedings were taken shall give notice of the letting of such contracts by publication for three successive weeks, in the official paper of such county, of the time when and the place where such contracts shall be let to the lowest responsible bidders; and in such notice shall state the approximate amount of work and the estimated cost, and shall invite bids for the work as one job, and also for any one or more of such sections, or any one or more of such construction jobs, and if a separate contract for the furnishing of material shall be deemed advisable such notice shall contain all matters hereinbefore specified, so far as applicable, and a statement of the kind and size of tile, the number of lineal feet of each size required, and the general specifications of all other materials required, the estimated cost thereof, the time within which the same are to be furnished, with such matters as he may deem proper for the information of bidders. And shall reserve the right to reject any and all bids, and no bids shall be entertained which exceeds more than thirty per cent of the estimated cost of the construction of the part of said work covered by said bid; nor unless accompanied by a certified check, payable to the

auditor, or to the respective auditors, as the case may be, for not less than ten per cent of the bid; and said auditor or auditors may adjourn such letting from time to time until the whole work shall be taken, and, with the approval of the engineer, may let any one or more of such sections; or any one or more of such construction jobs, when the estimated cost of the construction is more than \$3,000.00, the auditor may also advertise such letting in a trade paper; if no bids are received which can be entertained the bondsmen for the petitioners may have the right, at any time, to pay the costs of the proceedings and dismiss the same. The engineer shall attend to the letting of the work and no bid shall be accepted without his approval, as to the compliance with plans and specifications.

Sec. 3. **Auditor to give notice to land owners of date of hearing of board on completion of ditch.**—That Section 5541 General Statutes 1913 of Minnesota, be and the same is hereby amended so as to read as follows:

5541. It shall be the duty of the engineer, on being notified by the contractor that his job is completed, to inspect the same, and if he finds it complete according to the contract, plans and specifications, he shall report that fact to the county board and give to the contractor a certificate stating that said section or sections (by number) or other jobs of construction, are completed according to the contract, plans and specifications as set forth in the report of said engineer.

Provided, that when the work for which such certificate is to be issued, affects more than one county, proportionate certificates shall be issued to each county. *Upon the filing of such report of the engineer that any ditch or job has been completed, the board shall fix a day when it will meet or hear the same, of which meeting ten days' notice by mail shall be given by the auditor to all the land owners whose lands are assessed for benefits by the construction thereof, who are residents of the county, or whose post office address is known. Service of such notice shall be sufficient if the same is mailed ten days before the date of such hearing;* whereupon, if approved by the county board of the county or counties, as the case may be, and upon the presentation and surrender of said certificate with such approval endorsed thereon, to the auditor of the proper county or counties, said auditor shall draw a warrant on the county treasurer of his county for the proportionate amount found to be due from such county on said contract, according to such preliminary certificate, as herein provided; and that said warrant shall be paid out of the general ditch fund to be provided by the county board as hereinafter specified.

Said warrant shall become due and payable out of said fund at once, and if there shall be no cash in said fund to pay said

warrant when the same is presented the county treasurer shall endorse said warrant "not paid for want of funds," and date and sign such endorsement, and the amount of said warrant shall draw interest at the rate of six (6) per cent per annum until called in by the treasurer or auditor of said county and paid.

At any time during the progress of the work of construction, the engineer may issue preliminary certificates for work done and approved or for material or supplies furnished and delivered along the line of said proposed ditch, or otherwise delivered according to the contract therefor and to be used for the construction or installment of tile or other enclosed drains or for bridges or culverts along the line of and as a part of the said proposed ditch system; which preliminary certificates shall contain the station number or numbers of the work covered by such certificate, the actual yardage of the excavation certified, and the total value thereof according to the contract of construction, or in case the same is for material furnished, then an estimate of the total value of such material according to contract. Such certificates shall further show the percentage of such total value of the work or material to be paid by the county or counties, and if the proportion has been fixed by the district court, such certificate shall further show the proportion of such total value to be paid by the respective counties. Said certificate shall be executed in duplicate by the said engineer, or in such number as may be necessary and as many thereof marked "duplicate" shall be delivered to the contractor as there are counties affected, and such engineer shall further file one thereof with the county auditor of each county affected; provided that except as herein-after provided no engineer in drainage proceedings shall by preliminary certificate certify or recommend for payment and no county auditor shall cause to be paid a sum exceeding seventy-five per cent (75%) of the total value of the work done and approved or exceeding fifty per cent (50%) of the total value of material or supplies furnished or delivered as such total value is shown by such preliminary certificate.

Except that in case the total estimated cost of construction of any drainage ditch shall exceed the sum of \$30,000.00 and the excavation work thereof shall be fifty per cent (50%) or more completed, and the contract of construction shall not be in default, the engineer may after the said excavation is 50% or more complete, issue such preliminary certificate and recommend for payment and the county auditor shall cause to be paid eighty-five per cent (85%) of the total value of such work done and approved.

Thereupon the said county auditor shall forthwith issue his warrant for such amount to be so paid, by such county, which said warrant shall be payable as hereinbefore provided, for pay-

ment of warrant issued after full completion of contract of construction.

In case where the total estimated cost of construction of any such drainage ditch shall exceed the sum of \$30,000.00 and where fifty per cent (50%) of the total amount of said excavation as shown by the engineer's report is complete and where the contract is not in default, the engineer may issue a further preliminary certificate setting forth the total value of previous construction work theretofore certified as complete by the engineer, the total amount of warrants issued to such construction contractors for such work, the total balance of sums retained by the county or counties involved, from preliminary estimates theretofore made, and the total percentage of the yardage of excavation theretofore finished and certified by engineer and the proportion of the cost of construction to be paid by the respective counties if more than one. Such further preliminary certificate shall be executed, delivered and filed by the engineer as other preliminary certificates provided for in this section and upon presentation thereof to the county auditor, such auditor shall thereupon forthwith issue to the contractors presenting the same his warrants for such county's proportionate share of 75% of the balance of such sums retained by the county or counties involved from preliminary estimates theretofore made as set forth in such further preliminary certificates provided for in this paragraph, provided that in case of ditch proceedings wherein the contract of construction has been entered into prior to the passage of this act, before the issuing and delivering of the said warrant to such contractors there shall be filed with the said county auditor the assent thereto in writing of the surety on such contractor's bond, such assent to provide that such payment upon such preliminary certificates shall not in any manner affect or reduce the liability of such surety upon such contractor's bond.

The provisions of this section shall apply to all public ditch proceedings heretofore or hereafter instituted, under any law of this state, except state and township ditches.

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.

Sec. 4. Auditor to keep separate accounts of each ditch system.—That Section 5542 of the General Statutes of Minnesota 1913, be and the same is hereby amended to read as follows:

5542. The county board of each and every county wherein any drainage ditch is proposed to be wholly or partly located and established, or wherein lands are located which are assessed for benefits by reason of the construction thereof, are hereby authorized to issue the bonds, of their respective counties in such amounts as may be necessary to defray in whole or in part, the expenses incurred or to be incurred in locating, constructing and establishing or repairing so much of any such ditch as may be located within said county; or in such relation to such county as to affect lands therein within the terms of this act. The word "expenses" shall be construed to mean and to cover every item of cost of said ditch from its inception to its completion, and all fees and expenses to be incurred in pursuance thereof. Such bonds shall be payable at such time or times not to exceed twenty years from their date, and shall bear such rate of interest not to exceed six per cent per annum, payable annually or semi-annually, all as the county board shall by resolution determine. Each bond shall contain a recital that it is issued by authority of and in strict accordance with the provisions of this act, or such bond may be in such form as the state board of investment may prescribe, and shall be signed by the county auditor, who shall keep a record thereof. Said county board shall have power to negotiate said bonds as they shall deem for the best interest of said county, but not for less than their par value. The proceeds from the sale of all such bonds shall be placed in a general ditch fund which is hereby created. *The county auditor shall keep a separate account with each drainage*

ditch system, which account shall be credited with all moneys arising from the sale of bonds, all moneys received as interest or penalties or upon liens, charges, assessments and from all other sources on account of such drainage system, and which account shall be debited with every item of expenditure made on account of such drainage system. Such county board shall provide moneys for the payment of the principal and interest of said bonds as they severally mature, which moneys shall be placed in the general ditch fund, into which fund it may transfer any surplus moneys remaining in the general revenue fund or other funds of the county which can properly be used for the purpose of this act, into which fund shall be paid all moneys received from the payment of any liens created under the provisions of this act. And such board is hereby authorized to pay drainage bonds issued under the provisions of this chapter out of any available funds in the county treasury, when the moneys on hand in the general ditch fund of the treasury are insufficient to meet the payment of bonds issued in ditch proceedings when the same mature, but the fund from which such moneys have been taken or used for the payment of bonds as they mature shall be replenished with interest at the rate of six per cent per annum from collections of unpaid assessments, for ditches, drains or water courses constructed under any proceedings had hereunder.

Sec. 5. Dates for payments of liens and interest.—That Section 5548 of the General Statutes of Minnesota 1913 be and the same is hereby amended to read as follows:

5548. That payment of such liens shall be made to the treasurer of such county, as follows:

One-tenth of such principal on or before *November 1st* subsequent to the filing of lien in the office of the register of deeds and one-tenth on the *first day of November* of each year thereafter until the whole thereof is paid.

Provided, that if in the final order establishing said ditch or at any time thereafter the judge of the district court or the county board, in his or its discretion so orders, then payment of such lien shall be made to the said treasurer as follows:

One-fifteenth of said principal on or before five years from *November 1st* subsequent to date of said filing in the office of the register of deeds and one-fifteenth on the *1st day of November* of each year thereafter until the whole amount of said principal is paid.

Except as provided in Section 5545 General Statutes 1913, the said principal lien shall bear interest at a rate not to exceed six per cent (6%) per annum payable annually on November 1st, reckoned from the date of the filing of the lien statement in the office of the register of deeds, and interest on the whole of the principal of such lien remaining from time to time unpaid

shall be paid annually on November 1st, except as hereinafter in this section otherwise provided. In case bonds shall be issued by the county then the lien shall bear the same rate of interest as such bonds.

On or before the 15th day of November next following such filing the county auditor shall for the purpose of enforcing payment of such lien, enter on a ditch lien record of said county the whole amount of such lien remaining unpaid against each respective tract of land subject thereto, and shall at the same time or before tax lists for such year are turned over to the county treasurer, compute interest as in this law provided on such unpaid amount to the first day of June following, and shall enter such interest together with the installment, if any then due on the tax lists for such year and each thereof (installment and interest) shall be collected in the same manner as real estate taxes for that year on the tract in question are collected and the county auditor shall, in same manner, each year thereafter, compute interest on amount of such lien remaining unpaid and not previously entered on tax lists of prior year or years, together with interest to the 1st day of June, and enter the same on the tax lists with such portion of the principal of such lien as shall be due, said installment and interest to be collected in the same manner as the first payment, until the whole amount of any such lien and accumulated interest shall have been so entered on the tax lists of such county and all of the provisions of law now or hereafter existing in relation to the collection of real estate taxes so far as applicable hereto are hereby adopted for the purpose of enforcing payment of such liens and installments thereof and of the interest thereon and of each of the same, but no penalty shall be added to any such installment or interest thereon in case of default in the payment thereof.

When payment of the full amount of such liens, with accumulated interest, shall thus, or at any one time be made, the auditor, upon presentation of a receipt from the treasurer to that effect, shall issue under his hand and official seal a certificate of such payment, and the same when recorded in the office of the register of deeds, shall release and discharge said lien of record.

If any items of the cost of a ditch established under this or any prior drainage law by the terms of which the cost of construction is assessed against the benefitted property or corporation, from its inception to its completion, has been or shall be omitted from the original tabular statement for assessment made and filed by the auditor, with the register of deeds, then a supplementary statement for assessment shall be made by said auditor in the same form and manner as the original statement, so far as practicable, showing such omitted costs, which supple-

mentary statement for assessment shall be filed for record in the office of the register of deeds and shall be due, payable and collectable in the same manner, time and form as if a part of the last annual installment of the original assessment.

Sec. 6. Expenditure of funds for repair of ditches and issuance of bonds for the same.—That Section 5552 of the General Statutes of Minnesota 1913, be and the same is hereby amended to read as follows:

5552. After the construction of any public drainage ditch within the State of Minnesota under any law of this state the county board of the county in which the said ditch or any part thereof is located shall keep the same or such part thereof in proper repair and free from obstruction so as to answer its purpose, *and in case there is sufficient funds to the credit of the drainage ditch so to be repaired to make such repairs such fund may be expended by the county board for such purpose without further assessment; provided that no part of such original ditch fund shall be used for repairing or cleaning such ditch until such ditch has been completed according to the original plans and specifications therefor. In case there is not sufficient funds to the credit of such drainage ditch so to be repaired, except as hereinafter otherwise provided, the county board shall pay for the same out of the general revenue funds of the county, and to raise the necessary money to reimburse that fund it is hereby authorized to apportion and assess the cost thereof upon all lands originally assessed for benefits by reason of the construction of said ditch, said apportionment and assessment to be in the same proportion as was the original assessment for benefits.*

Such county board shall make a written statement of such assessment and deliver the same to the auditor of the county who shall put the same upon the next succeeding tax duplicates of said county and who shall make and file in the office of the register of deeds, the lien statement covering the costs and expenses of such repairs in the manner so far as consistent, as provided by Sections 5543 and 5544, General Statutes, 1913, and such assessments shall be a first and paramount lien upon the lands affected, the same as state and county taxes.

In case such assessment or any part thereof is chargeable against lands in another county then the amount thereof chargeable against such other county shall by the county board of the county which has paid the same, be certified to the county auditor of such other county chargeable therewith and such last mentioned county auditor shall thereupon draw his warrant therefor in favor of and deliver the same to the county treasurer of the county which has paid the same, and such auditor drawing such warrant shall thereupon apportion and assess and file lien for the amount thereof upon all lands in his said county originally

assessed for benefits by reason of the construction of said ditch in the same proportion as was the original assessment for benefits.

The provisions of this section shall apply to all works constructed for the purpose of drainage under any law now or heretofore in force in this state including state ditches. In case of repair of state ditches by the county board the cost of the same shall be paid out of the general revenue fund of the county, and to raise the necessary money to reimburse that fund the county board is hereby authorized and empowered and it shall be their duty to appoint viewers to assess and apportion the cost of such repairs and preliminary and other expenses in connection therewith, said assessment and apportionment to be for benefits to all lands which may have been benefitted by the construction of said ditch and of any lateral or spur ditch emptying therein in proportion to such benefits.

All laws of this state in regard to county drainage ditches designating the number and qualification and duties and compensation of viewers, prescribing rules and directions governing the making of assessments of benefits and the manner and time of giving notice of meeting, governing and making, filing and the approval, change and adoption of the final report of the viewers, providing for a hearing thereon, and such other provision thereof as is necessary and is as adaptable therefor shall govern proceedings for repair of state ditches, and a statement of the assessment for repairs shall be made and such assessment levied and collected in like manner as hereinbefore in this section provided for the making of a statement of and collecting assessments for repairs of county or judicial ditches.

In case the total cost and expenses of repairing any ditch exceeds a sum equal to twenty-five (25%) per cent of the original cost of construction of such ditch, then the moneys to pay for such repairs may be obtained by the sale of the bonds of such county as provided by Section 5542 General Statutes 1913. The lien for the payment of assessments of benefits shall be payable in the same manner as is provided by law for the payment of assessments for the original construction of ditches and all provisions of law regarding the issuance of drainage bonds and the liens for benefits and the payment thereof and the filing of liens statement so far as applicable thereto shall apply to the repairs referred to in this paragraph.

Provided that if the repair of any county or judicial ditch is made necessary, or if it shall be necessary to widen, deepen or extend the same in consequence of the construction of lateral or private ditches or in consequence of the construction of other ditch or ditches which connect with or empty into said original ditch or into a lake or lakes which are drained, in whole or in part, by such original ditch, and which lateral, private or public

ditch or ditches are constructed subsequent to and not included in the assessment for such original ditch, and which increases the volume of water to be taken care of by the original ditch or which deposit sediment in the original ditch and thereby contribute to the necessity for such repair, widening, deepening or extending, or in consequence of such ditch not being constructed in the first instance of sufficient capacity to furnish adequate drainage of the land affected, then the county board shall appoint an engineer who shall make such survey of said ditch and all branches and laterals discharging waters therein, whether a part of said original ditch proceeding or not, as he may deem necessary. He shall make an itemized tabular statement of the cost of repairing said ditch, and deepening, widening and extending the same to a new or different outlet where necessary, together with a description of the lands, roads, railroads and other property if any, that may be benefitted or damaged by said deepening, widening and extending. He shall also in tabular form give the depth of cut, width at the bottom and width at the top, of all parts of said ditch that may be deepened or widened, and in case said ditch is extended to a new or different outlet, shall include in relation thereto as far as practicable all requirements of the engineer's report designated in Section 5536 of this law.

He shall make a complete report of his doings and submit therewith the necessary plans and specifications and a description of the lands over which said ditch if extended to a new and different outlet is surveyed.

Such report shall give the names of assistants and laborers and the time each was employed by or under him, together with his own time on the work and every other item of expense by him incurred in and about the work, and he shall forthwith file the same with the auditor of the county wherein he was appointed.

If the county board find from such report that such ditch is in need of such repair, widening, deepening or extending, said board shall at their first or any subsequent meeting thereafter, appoint three viewers whose qualifications shall be as herein provided, and thereupon proceedings shall be as near as practicable in conformity with the provisions of law relating to original ditch proceedings, except that the cost of such repairs, widening, deepening and extending, including all damages awarded and paid by reason thereof, shall be equitably apportioned between the lands benefitted respectively by such original ditch and those benefitted by such private, lateral, or other ditches constructed as aforesaid, in proportion to the benefits to such respective ditch systems resulting from the construction of such original ditch and of such lateral, private and subsequent ditch or ditches, the same as if such original ditch and such lateral,

private and subsequent ditch or ditches were originally one ditch system, and such viewers shall then equitably apportion and assess the portion of the cost of such repairs and expenses so determined to be borne by such private, lateral or other ditches upon the lands benefitted by the construction of such lateral, private or subsequent ditch or ditches, or by branches, thereto, in proportion to the benefits to such lands resulting from such construction, and shall likewise apportion and assess the portion of such cost determined to be borne by such original ditch upon the lands benefitted by the establishment and construction thereof in proportion to such benefits. The fact that such portion of such cost of repair, widening, deepening or extending, and such expenses respectively apportioned to such lateral and subsequent ditch system or systems, and to such original ditch system is respectively apportioned and assessed against the respective lands benefitted thereby, in the same proportion as the respective original assessment of benefits therein shall in all cases be prima facie evidence that such assessment and apportionment is made in compliance with the provisions and requirements of law.

Such viewers shall perform like duties and be governed by the same rules and restrictions in acting hereunder as is provided by law for viewers in judicial ditch proceedings, and such viewers shall within sixty days after their appointment file their report in writing with the county auditor of the county and such county auditor shall give notice of the hearing on such report as is provided by law for hearing on engineer's and viewers' report in judicial ditch proceedings. At such hearing the county board shall proceed to consider such viewers' report and adopt or modify the same and the power and authority of such county board in relation thereto shall be the same as is possessed by the judge at a final hearing on the engineer's and viewers' report in judicial ditch proceedings under the laws of this state. The same right of appeal from or review of the assessment of benefits and damages and the same procedure in relation thereto shall exist in regard to orders herein as exist by law in the case of county ditch proceedings.

After final action by the county board in relation to such assessment, the county auditor shall proceed as is in this section provided 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 waters 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 use.

fulness 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.

Approved April 24, 1915.

CHAPTER 301—S. F. No. 117.

An Act to legalize the transfer of certain monies heretofore transferred from the ditch fund to the general revenue fund of certain counties of this state, and declaring the same to be the outstanding legal indebtedness of such county, and providing for refunding the same and returning it to the ditch funds by the issuance and negotiations of the bonds of such county or counties.

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

Section 1. Transfer of money from ditch to revenue fund legalized.—Where the board of county commissioners or other officers of any county in this state shall have heretofore, pursuant to orders or resolutions of such county board, borrowed and transferred or caused to be transferred from the general, or any special ditch fund of such county, to the general revenue fund of such county, any sum or sums of money, and at the time of the passage of this act, the same has not been repaid to the fund from which it was taken, and where at the time of the passage hereof, there is not money on hand in such general revenue fund from which it was taken, and where at the time of the passage taken, such transfer or transfers are hereby legalized and validated, and the total amount of such money so transferred from such ditch fund or funds and not re-paid, together with interest thereon from the date of such transfer, at six per cent annum, is hereby declared to be the valid outstanding indebtedness of such county, and the same or any part thereof may be refunded as hereinafter provided.

Sec. 2. Bonds to be issued to repay into ditch fund.—When the total amount of money so transferred from such ditch fund or funds and not repaid, shall have been ascertained, and a certificate showing such facts, signed by the county auditor and treasurer, shall have been filed in the office of the county auditor, the board of county commissioners of said county is hereby authorized to issue and negotiate the negotiable bonds of said county in such amount as they shall deem advisable, but not exceeding twenty-five thousand dollars (\$25,000.00), and not exceeding the amount of such sums so transferred from the ditch funds and unpaid as aforesaid, with interest thereon from the date of transfer to the time of issuance of the bonds at six per cent per annum, for the purpose of repaying into said ditch fund