

CHAPTER 41—S. F. No. 199.

An Act to provide for the sanitation, disinfection and cleaning of railway cars used for the transportation of live stock, and prescribing penalties for the violation thereof.

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

Section 1. Stock cars to be thoroughly cleaned once a month.—It shall be the duty of every railway company operating a railroad within this state to cause every railroad car used in the transportation of live stock in this state to be properly and thoroughly cleaned by removing all litter, manure and refuse from such car once in each month between the first day of March and the first day of December of each year.

Sec. 2. To be cleaned and disinfected before loading.—It shall be the duty of every railway company operating a railroad within this state to cause to be cleaned and properly disinfected immediately before loading every car used for transporting live stock for feeding or breeding purposes from any railway terminal point in this state to any other point in this state.

Sec. 3. Live stock sanitary board to make rules and regulations.—The State Live Stock Sanitary Board is hereby authorized to make and to change from time to time all reasonable rules and regulations for the disinfection of cars used for the transportation of live animals within this state. The said board shall furnish from time to time to each railway company operating a railroad within this state copies of said rules. It is hereby made the duty of every such railway company to obey each and every one of said rules.

Sec. 4. Any railway company violating any of the provisions of this act shall be guilty of a misdemeanor and shall on conviction thereof be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1915.

CHAPTER 42—S. F. No. 229.

An Act relating to public drainage ditches and providing for payment of certain items of cost thereof and validating certain proceedings in relation thereto.

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

Section 1. Payment of costs of improvements along public drainage ditches.—Where a public drainage ditch has been duly established in pursuance of Chapter 230, General Laws of Minnesota, 1905, and act or acts amendatory thereof or supplementary

thereto, and *first*; where such ditch runs into two or more counties of this state, and *second*; where the total estimated cost of said ditch as shown by the engineer's original estimate of cost exceeds the sum of five hundred thousand dollars, and *third*; where, in the course of construction of the said public drainage ditch, it has been found, or shall hereafter be found or considered necessary by the engineer in charge thereof to construct bridges over the said ditch or install culverts therein, the cost of which exceeds by more than ten per cent the amount estimated as the cost thereof and set forth as such in the preliminary estimate of cost duly filed by the said engineer, the *fourth*; where in the course of the construction of such public drainage ditch, it has been found or shall hereafter be found or considered necessary by the engineer in charge thereof to construct and improve roads along the course of said drainage ditch by levelling the waste bank thereof, the cost of which exceeds by more than ten per cent the amount estimated as such cost and set forth as such in the preliminary estimate of cost duly filed by the said engineer, and *fifth*; where a general contract of construction and excavation of such drainage ditch has been entered into and such excavation contract has been wholly or substantially completed, and said engineer now has so certified or shall hereafter so certify, and where the said engineer has heretofore found or shall hereafter find it necessary to cause the construction of additional branch and lateral ditches to drain lands originally assessed for benefits in such drainage proceedings, which said additional branch and lateral ditches or any of them were not constructed pursuant to the general construction contract or by the general construction contractor, and *sixth*; where the said engineer has made and filed or shall hereafter make and file in the office where such original preliminary estimate was filed a supplemental estimate certified by him setting forth the total cost of all bridges and culverts and roads or road improvements already constructed or installed in the said ditch matter, an estimate by said engineer of the proposed cost of construction and installation of all bridges, culverts, roads or road improvements and the location of each thereof, not yet constructed but considered necessary by the said engineer, and an estimate by said engineer of the reasonable or proposed cost per cubic yard of excavation of all such additional branch or lateral ditches already constructed or hereafter to be constructed and certified as necessary by said engineer as hereinbefore provided, the location thereof, the size and dimensions thereof, the amount of yardage of excavation in each one hundred foot station thereof, and the proposed cost of levelling the waste bank thereof, and *seventh*; where the total cost of construction of such public drainage ditch, including such additional cost of bridges, culverts and roads already built, installed

or constructed, and including the additional cost of such bridges, culverts and roads deemed by the said engineer necessary to be hereafter built, installed and constructed, and the additional cost of such additional branch or lateral ditches does not exceed the total amount of assessment of benefits as returned by the viewers in said ditch matter and as fixed or approved by the judge of the District Court, and *eighth*; where the said engineer in charge of said public drainage ditch has made or shall hereafter make his certificate certifying that the foregoing facts exist and that the foregoing requirements have been complied with, and files such certificate in the office where such original preliminary estimate was filed.

Sec. 2. Previous proceedings legalized.—Then and in the foregoing cases, *first*: all work of construction of bridges and culverts and all road improvement and road construction heretofore made, the cost whereof is in excess of the respective amount of the estimated cost thereof as shown in such original engineer's estimate of cost duly filed, and all contracts or agreements, however made, of construction or installation of the said roads, bridges or culverts are hereby legalized and validated to the same extent as if such excess of expenditures had been within the amount of such respective items of cost shown as such in said original preliminary estimate, and to the same extent as if all said contracts or agreements of construction or installation had been for amounts within such original preliminary estimate, and *second*; all items of such cost of construction or installation and all cost of construction of such additional branch or lateral ditches, already incurred, but not yet paid, shall be paid by the respective counties in a like manner and with like effect as if such contract or contracts were for bridges, culverts, roads or ditches authorized to be constructed or installed pursuant to the said original engineer's estimate, and *third*; the clerk of the district court where such supplemental estimate and such engineer's certificate have been filed as aforesaid shall forthwith notify the judge of the District Court of the said county of the fact of such filing, and such judge shall thereupon by order fix a time and place for a hearing thereon before the said court to determine the necessity of such additional branch or lateral ditches and such additional bridges, culverts and roads, already constructed or yet to be constructed, and to determine the reasonable cost thereof and of each of the same, and to determine and decide all other necessary matters in relation thereto within the purview of this act and to change, alter, modify or enlarge the work proposed to be done as said court may deem advisable.

Sec. 3. Proceedings in district court.—It shall thereupon be the duty of the clerk of said district court to give notice of hearing pursuant to the said order by publication of the said order

of the said district judge in a legal newspaper in each county affected by the said drainage proceedings for two successive weeks prior to the date of said hearing. At the time and place fixed for such hearing, the said judge of the district court shall receive evidence of all parties interested in said drainage matter, and from the said engineer, and shall proceed to determine the necessity of such additional branch or lateral ditches, bridges, culverts and road or highway improvements, whether heretofore constructed or hereafter to be constructed, and to determine the reasonable cost thereof and of each of the same, whether done or performed pursuant to contract of construction, or otherwise, and to determine all other necessary matters in relation thereto within the purview of this act, and if the said judge from the evidence shall determine that such additional branch or lateral ditches, bridges, culverts and road improvements or any or either of the same are or will be of public utility, and that the proposed respective cost thereof is reasonable and that the requirements of this act have been complied with, and that the facts required by this act exist said judge shall thereupon decree the necessity of said respective additional branch or lateral ditches, bridges, culverts and road improvements, and shall approve such supplementary estimate of said engineer, as filed or as modified by said judge at said hearing. The reasonable cost of all such additional branch or lateral ditches, bridges, culverts, and road improvements already constructed or installed, and decreed as necessary by said judge, shall be found and determined and fixed as a lawful charge or expense in said drainage proceeding. Such additional branch or lateral ditches, bridges, culverts and roads not yet constructed or installed and so decreed necessary shall be established, constructed and installed. Contract or contracts therefor or for any of said additional work or material of installation, construction or excavation shall be let and entered into in like manner and upon like notice as is provided by law in case of an original contract of construction in such drainage matter, provided no contract shall be entered into involving a price for such additional work or material which exceeds by thirty per cent such respective proposed estimate of cost thereof as set forth and approved in such supplemental estimate, and all the laws of this state relating to the letting of contracts in case of judicial ditch matters and to contractors' bonds and to completing said contracts and making payment thereof and accepting same and the work or material thereunder shall apply to such contracts for such additional work or material the same as if said last mentioned contract or contracts were the original contract of construction. Such additional cost shall become a part of the expense of construction of said ditch, and such additional cost to be so incurred, together with the cost of the said bridges,

roads and culverts already constructed in excess of such original estimate, together with all other items of cost or expense of said ditch, however incurred, when approved by said judge, and found or determined by said decree to be necessary and reasonable in cost, shall be included in a supplementary lien statement to be made and filed by the county auditor and recorded in the office of the register of deeds in like manner as in case of the original lien of benefits, and said supplementary lien, when so filed and recorded, shall constitute a valid lien against all lands described therein with like effect as in case of the original lien statement in such drainage proceedings, and the assessment of benefits against the lands described therein shall be collected by the respective county officers as in case of other supplementary liens under the drainage laws of this state.

Sec. 4. Aggrieved parties may appeal.—Any party interested in said drainage matter may appeal from said order and decree herein provided for in like manner as in case of appeals from or review of the final order establishing a judicial ditch, and all the laws of this state appertaining to an appeal from or review of a final order establishing a judicial ditch shall apply to an appeal from the order herein provided for.

Sec. 5. Application.—This act shall not be construed to apply to any action or proceeding now pending in any of the courts of this state affecting the validity of any of the foregoing items of cost of construction or the payment thereof.

Approved March 18, 1915.

CHAPTER 43—S. F. No. 272.

An Act amending Section 1, Chapter 40 General Laws of Minnesota for 1913, fixing the times of holding general terms of the district court in the fourteenth judicial district of Minnesota.

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

Section 1. Dates for general terms of court in the fourteenth judicial district.—That Section 1, of Chapter 40 of the General Laws of Minnesota for 1913, be and the same hereby is amended so that the same shall read as follows:

Section 1. The general terms of the district court shall be held each year in the several counties constituting the Fourteenth Judicial District of Minnesota, at the times herein prescribed, as follows:

Kittson county, on the second Monday in *June* and the second Monday in December.

Marshall county, on the fourth Monday in *May* and the fourth Monday in November. Mahnomen county, on the fourth Tuesday in *October*. Norman county, on the second Monday in