

of the city shall be pledged for the payment of the bonds issued hereunder and the current interest thereon. The city council or other governing body of such city shall include each year in the tax levy of such city an amount sufficient to provide for the payment of such interest, and the sinking fund of the city shall be pledged to the redemption of such bonds at maturity.

Sec. 3. Thirty years at four per cent.—No bond shall be issued under this act to run for a longer term than thirty years, or bearing a higher rate of interest than four (4) per cent, payable semi-annually. The place of payment of principal and interest and the denomination in which such bonds shall be issued shall be such as may be determined by the city council or other governing body, and may be in the form of coupon bonds or registered certificates so-called.

Sec. 4. Form of issuance.—All such bonds shall be signed by the mayor, attested by the city clerk and countersigned by the city comptroller of such city and shall be sealed with the city seal, except that the signatures to the coupon attached thereto, if any, may be lithographed thereon; and none of such bonds shall be sold at less than 95 per cent of their par value and accrued interest, and only to the highest responsible bidder therefor.

Sec. 5. This act shall not apply to any city governed by a home-rule charter.

Approved April 20, 1917.

CHAPTER 380—H. F. No. 134.

An act to amend Sections 5636, 5639, 5641, 5642 and 5667 of the General Statutes of Minnesota 1913, pertaining to town ditches.

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

Section 1. Petition to town board as to certain meandered lakes and selection of viewers.—That Section 5636 of the General Statutes of Minnesota of 1913 be and the same is hereby amended so as to read as follows:

Section 5636. Before any ditch shall be established under this act there shall be filed with the town clerk of any town in which any part of said ditch is proposed to be located, a petition therefor signed by one or more corporations owning lands which will probably be benefited by the construction of said ditch or by the chief executive officer of any city or village whose streets will probably be benefited by the construction of said ditch or by the town board of supervisors of any town whose highways will probably be benefited by the construction of said ditch, setting forth the necessity thereof, and that it will be of public benefit

or promote the public health, with description of the proposed starting points, routes and termini and of the general character, size and depth of said ditch. Said petition shall also contain a legal description of all lands through which said proposed ditch shall run, or to be drained, as near as can be ascertained and shall also contain a description of all public roads and streets likely to be benefited thereby, as nearly as can be ascertained. In such petition the petitioners may, at their option, ask the appointment of an engineer to perform the duties hereinafter in this act specified, and may also at their option ask the appointment of an attorney at law to perform the duties hereinafter in this act specified. *Also they may ask for the appointment of three resident freeholders of the town not interested in the construction of the proposed work, and not of kin to any of the parties known to be interested therein, as viewers, to meet at a time and place fixed by the board.* Such petition may include any side, lateral, spur or branch ditches necessary to secure the object of the improvement and may ask for the different parts of the ditch to flow in different directions with more than one outlet. Provided, that no meandered lake adjoining an incorporated village, or within four miles of any city of the fourth class, or upon which any incorporated village is a riparian owner, shall be drained or lowered under the provisions of this act unless by the approval of a majority vote of the legal voters of such village or city at any annual or special election held for that purpose. Such special election, if any, held for such purpose shall be called in the way and manner provided by law for calling special elections.

Sec. 2. Report of engineer and action of viewers.—That section 5639 of the General Statutes of Minnesota of 1913, be and the same is hereby amended so as to read as follows:

Section 5639. If the petition asks for the appointment of an engineer in said matter, said board shall, at said hearing, and before taking final action on said petition, appoint a competent engineer to make plans and specifications for said ditch and to superintend the construction thereof when established. Said engineer before entering upon his duties shall give a bond in the sum fixed by the board, payable to the towns in which any part of the ditch is proposed to be constructed for the use of such towns and also for the use of all persons aggrieved or injured by the negligence or malfeasance of said engineer, to be approved by said town clerk conditioned that he will diligently and honestly and to the best of his skill and ability perform his duties as such engineer, but said engineer shall not be required to continue his bond after the conclusion or abandonment of the work. He shall take an oath to faithfully perform his duties. Said engineer shall forthwith make a survey for said ditch and prepare detailed plans and specifications for the construction thereof and make prompt

report in writing of his doings to said board. Upon the appointment of such engineer said board shall adjourn said hearing a sufficient time to enable the said engineer to make and file his report in the office of said town clerk, *upon the filing of the engineer's report in the office of the town clerk the board shall immediately fix a time and place in which the viewers, if any one appointed, are to meet for the purpose of viewing the proposed ditch, if no viewers have been appointed then the committee appointed by the board shall immediately proceed with or without the engineer to proceed to assess benefits and damage by the reason of the construction of the proposed ditch in accordance with the rules as mentioned in section 5642 of this act and file their report in the town clerk's office and the town clerk shall forthwith fix a time and place for a hearing on said report and shall again give notice to all parties interested and to all land owners whose lands are liable to be benefited or damaged by the reasons of the construction of the proposed ditch. Said notice shall conform to all requirements as the notice required on the petition as set forth in section 5637 of this act.*

Sec. 3. *Order establishing ditch after hearing.*—That section 5641 of the General Statutes of Minnesota of 1913, be and the same is hereby amended so as to read as follows:

Section 5641. All persons interested may appear and be heard by and before said board. If such board from such evidence as may be adduced before them shall find that all of the proceedings in the matter have been in accordance with the provisions of this act and that the estimated benefits of said work are greater than the total cost, including damages awarded and that said work will be of public utility or promote the public health, they shall establish said ditch by an order to be signed by them and shall include in said order, either expressly or by reference to maps, plats, specifications or papers on file in the office of said town clerk in said matter, an accurate description of said ditch and of the starting points, routes and termini, size and depth of said ditch and whether open, tiles or covered. They shall also fix a time for the completion of said ditch. Said board shall also include in their final order establishing said ditch a tabular statement showing the names of the owners of, the legal descriptions of and the number of acres in each tract of land to be benefited or damaged, the said names to be the same as appear on the tax duplicates of said county, the estimated number of acres in each of said tracts to be benefited or damaged, the number of acres added to any tract by the change of any water course and the location and value of said added land, the damage, if any, to riparian rights pertaining to any tract, the amount that such tract will be benefited or damaged by the construction of said work. When any ditch established under this act benefits either

in whole or in part any public road or street within the limits of any town, village or city, charged with the repair thereof, said board shall estimate and report separately in such tabular statement the benefits to each public road or street together with the names of the town, village or city charged with the repair thereof. They shall also report in such tabular statement the damages awarded for injury to any road or roadbed and after the construction and maintenance of any bridges, culverts or other work necessary to the establishment of such ditch they shall make an order setting forth that fact and their reasons therefor.

Sec. 4. Compensation of engineer and viewers.—That section 5667 of the General Statutes of Minnesota of 1913, be and the same is hereby amended so as to read as follows:

Section 5667. The engineer, if appointed, shall receive the sum of \$5.00 per day for every day he is necessarily engaged in performing the duties required of him by this act and his actual and necessary expenses incurred in and about the same. The members of the board shall each receive \$3.00 per day for every day they are necessarily employed in acting on said ditch proceeding or in viewing said ditch and making up and filing their orders and their actual and necessary expenses. *The viewers shall receive the same compensation as the town board do for their work.* Each rodman shall receive the sum of \$2.00 per day and may be allowed in addition thereto his board and lodging for each and every day he is employed and each chainman, axman and other employee necessary to the prompt execution of the work of locating or inspecting said ditch shall be allowed \$1.50 per day and may be allowed in addition thereto his board and lodging for the time such person is thus actively employed. The town clerk, the town treasurer, the register of deeds, constable and other officers shall be paid the same fees as are allowed by law for similar service or if no fees are allowed then they shall receive reasonable compensation for their services. Such compensation shall be in addition to all sums allowed by law at the time of the passage of this act. The attorney at law shall receive reasonable compensation for his services. The fees per diem, compensation and expenses shall be before payment, audited and allowed by the town clerk and shall be paid by the petitioners from time to time.

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

Approved April 20, 1917.