

auditor and treasurer, and payments therefrom shall be made by warrants issued by the county auditor upon and by order of the county board.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1919.

CHAPTER 199—S. F. No. 564.

An act amending section 5224, General Statutes 1913, relating to sales of state land and land sales manager.

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

Section 1. By whom state lands may be sold.—That section 5224, General Statutes 1913, relating to sales of state lands and the manager of land sales department be amended to read as follows:

5224. All sales made pursuant to this act shall be conducted by the state auditor in person, his deputy, or by a competent person employed by the state auditor and bonded in a sum of not less than \$10,000.

Sec. 2. This act shall take effect and be in force from and its passage.

Approved April 8, 1919.

CHAPTER 200—S. F. No. 690.

An act to amend sections 2 and 3 of chapter 259 of the Laws of 1917, being subdivisions 2 and 3 of section 59 of chapter 235 of the Laws of 1913, relating to public highways and powers and duties of counties, towns, villages and cities relative thereto.

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

Section 1. Ditching authorized in construction of public road.—That subdivision 2 of section 59 of chapter 235 of the laws of 1913 as amended by section 2 of chapter 259 of the laws of 1917 be and the same hereby is amended so as to read as follows:

Subdivision (1). Whenever the town overseer of roads shall file with the town board his affidavit, or if two resident freeholders of the town file their affidavit stating that a road to be constructed or any road already constructed, passing through or into said town runs into or through a swamp, bog, or other low land, and that it is necessary or expedient that a ditch should be opened through private lands, the probable length, width and depth of such ditch, the termini and general course of the same, a description of the land over which said ditch will pass, the names of the owners thereof, if known, and that such road through such low ground cannot, without extraordinary expense, be made passable unless

such ditch or ditches are opened, said town board shall appoint a competent civil engineer to make a survey of the proposed ditch and make a report thereon to the town board, which report shall include a map of the territory affected, showing the land and public highways likely to be affected by the drain proposed to be constructed to furnish drainage to such highways, and shall include the profile showing the depth and size of said ditch, and if a tile drain the depth and size of tile, and upon the filing of said report the chairman of said board shall prepare a notice therein fixing a time, not less than six nor more than sixty days from the date thereof, when said board will meet at a place to be designated in the notice and personally examine the premises. Such chairman shall cause said notice, together with the affidavit, to be filed in the office of the town clerk, who shall make true copies of such notice and deliver them to said town overseer. Said overseer shall personally serve the same upon each of said land owners, if residents of the county, and upon the occupants of such lands where the owners are not residents of such county. Such ditch or ditches shall be laid out upon said lines as the owners of the land desire, when it is practicable and can be done without extra cost. The word ditch as used in this act shall be held to include any open, covered or tile drain.

Sec. 2. Town board, after viewing, to assess benefits and damages—Tax levy authorized.—That subdivision 3 of section 59 of chapter 235 of the laws of 1913 as amended by section 3 of chapter 259 of the laws of 1917 be and the same hereby is amended so as to read as follows:

Subdivision (3). At the time and place specified in the notice, the town board shall examine the road and premises over which such ditch must pass, and hear any reasons for or against laying out the same, and all evidence offered by any interested party relative to the pecuniary advantage or disadvantage which shall accrue to any tract of land or public highway by reason of the establishment of such ditch, and determine upon the advisability of opening such ditch. If it determine that it is expedient and advisable to open such ditch, it shall assess the damages, if the damages exceed the benefits, which in its judgment will be just and equitable compensation to the owner of any tract of land for the right to open the ditch through his land, including the right to enter upon such land whenever necessary for the purpose of cleaning out or repairing it, awarding in such case as damages the difference between the damages and benefits.

It shall also determine the money value of the benefits which will accrue to any tract of land or public highway by reason of the construction and maintenance of such ditch, and in case the benefits exceed the damages, shall assess the difference as benefits to the lands, town, county, city or village liable for the maintenance of

any highway benefited by the construction of said ditch. Such determination of benefits and damages shall be made in tabular form setting forth the description of the lands *and of the highways benefited* and the names of the owners thereof, if known, and the benefits or damages which will accrue to each. The damages or benefits may be determined by agreement between *parties interested*.

In case of such an agreement *or determination of the amounts by the town board*, *said* board shall extend the benefits or damages, as the case may be, in such tabular statement. Any land owner may appeal, as hereinafter provided, from the amount awarded as damages or benefits. Such tabular statement shall be attached to the order establishing the ditch, if such order be made, and filed with the town clerk and any person or *corporation* whose lands *or public roads* are assessed for benefits may, within twenty days thereafter, pay the amount thereof to the town treasurer who shall issue a receipt therefor. On presentation of such receipt to the town clerk he shall mark the amount of the assessment so paid with the words "Paid and Satisfied." After the expiration of twenty days, if no appeal shall have been taken, the clerk shall certify each tabular statement to the county auditor, who shall thereupon extend such assessment of benefits not marked "Paid and Satisfied" against the respective tracts of land therein described, of the tax lists of the town for the year next ensuing after such tabular statement shall have been so certified to him, together with interest on such assessment at the rate of six per cent per annum from the time such assessment was made until the tax list shall be delivered to the county treasurer for collection, *and as to all assessments against any public road said lists shall constitute a valid claim against the road and bridge fund of any town, county, village or city responsible for the maintenance of any public highway improved by such ditch or drain, and may be enforced as other valid claims against such municipal corporation.* The assessments so made shall be a lien on the land and shall be collected with, and the payment thereof enforced, in the same manner and with like penalties and interest as town taxes. Such assessments when paid or collected shall be paid into the town treasury at the time of payment of other taxes and shall be expended in paying the cost of constructing and maintaining such ditch.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1919.