

CHAPTER 508—S. F. No. 1024.

An act to amend Chapter 44 and amendments thereto of the General Statutes of Minnesota of 1913 and Chapter 441 of the Session Laws of 1917 as amended by Chapter 471 of the Session Laws of 1919, relating to drainage as follows: Amend Section 5523 of said Statutes relating to the drainage of meandered lakes. (Amend Section 5525 of the General Statutes of 1913 relating to petitions and assessments for benefits.) Amend Section 5625 of said General Statutes with reference to the time for payment of the liens assessed upon lands for drainage improvements. Amend Section 5527 of said General Statutes relating to the duties of the engineer in charge of drainage proceedings. Amend Section 5548 of said General Statutes with reference to the payment of interest on past due installments. Amend Section 5552 of said General Statutes relating to the repair of drainage improvements. Amend Section 5552-A as contained in Section 14, Chapter 441 of the Session Laws of 1917 as amended by Section 8, of Chapter 471 of the Session Laws of 1919 relating to the salary of ditch inspector in counties containing over 400,000 inhabitants. Add to said Chapter certain sections to be known as 5552-D, 5552-E and 5552-F, all relating to the repair and extension of drainage improvements and providing methods of payment for the same including the making of assessments on lands benefited and the filing of liens thereon. Amend Section 5571 of said General Statutes as amended by said Chapter 441 of the Laws of 1917 and 471 of the Laws of 1919 relating to the fees of county auditors and members of county boards.

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

Section 1. **Petition shall be filed.**—That Section 5525, General Statutes of 1913, as amended by Chapter 441 of the Session Laws of 1917, be amended so as to read as follows:

“5525. Before any public ditch or drain or other work specified in Section 5523 shall be established under the provisions of this act, a petition signed by not less than 25% of the owners of the land described in such petition, but in no event shall more than eight signers be required, or by the supervisor of any township or the duly authorized officers of any city or village council, which township, village or city is liable to be affected by or assessed for the proposed construction or by the duly authorized agent of any public institution, corporation or railroad whose lands or property will be liable to be affected by or assessed for the expense of the construction of same or by the state board of control or its duly authorized agent, setting forth the necessity thereof that the same will be of public utility and will promote the public health, the description of the starting point, the general course and the terminus of same together with a description of the lands over which the proposed ditch or improvement passes, and that the petitioners will pay all

costs and expenses which may be incurred in case the proceedings are dismissed, or for any reason no contract for the construction thereof is let, shall be filed if for a county ditch with the county auditor and if for a judicial ditch, with the clerk of the district court; *provided that in all cases where proceedings to establish a public ditch shall include the reconstruction or extension of an existing ditch or ditch system, the property which has already been assessed for such existing ditch or ditch system shall not be assessable in the new proceeding unless such property is especially benefited thereby or for such benefits, if any, as may result thereto by reason of the improvement of the outlet of such original ditch or ditch system.*

Sec. 2. Liens—When payable.—That section 5625 of the General Statutes of Minnesota for 1913 be amended so as to read as follows:

5625. The amount of such liens shall be payable to the county treasurer of said county, and they shall become due and be payable at the time and in the manner following, to-wit:

One tenth of said principal with the interest thereon on or before one year from the filing of said statement in the register of deeds' office.

One-tenth of same on or before two years from said time.

One-tenth of same on or before three years from said time.

One-tenth of same on or before four years from said time.

One-tenth of same on or before five years from said time.

One-tenth of same on or before six years from said time.

One-tenth of same on or before seven years from said time.

One-tenth of same on or before eight years from said time.

One-tenth of same on or before nine years from said time.

One-tenth of same on or before ten years from said time.

Provided that if the first payment is not made before the first day of December next succeeding the date of filing the aforesaid statement in the office of the register of deeds, and the next succeeding payment before the first day of the next succeeding first day of December, and so on until all of said payments shall have been made, then and in that case the auditor shall enter the delinquent payment for said year against the said tract of land against which the same shall have constituted a part of the assessment assessed against the same on the tax lists of the county, as a tax on said tract to become due and payable with the accumulated interest thereon, and a penalty of ten per cent of such payment, which shall be collected as the other taxes are collected for said year on said lands. *Provided further than the court or county board, as the case may be, may in their discretion, and for good cause shown, make said liens payable in twenty equal installments, the last installment to fall due in thirty years and the first in ten years after the date thereof, and to provide that interest alone shall be paid during the first ten years.* Provided further, however, that the full amount of any assessment

with accumulated interest thereon, may be paid at any time after the filing of said list in said register of deeds' office. When full payment shall have been made on any tract of land, the auditor shall certify to the fact, and the record of such certificate shall release and discharge said lien of record.

Sec. 3. Report of engineer.—That Section 5527 of the General Statutes of Minnesota for the year 1913 as amended by chapter 441 of the laws of 1917 be amended so as to read as follows:

5527. He shall thereupon make a detailed and complete report of his doings, which shall include all maps, profiles, specifications and matters herein provided for, and submit therewith the necessary plans and specifications and a description of the land over which the ditch or ditches is or are surveyed. Such report shall give the names of assistants and laborers and the time which 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 said work, and he shall forthwith file such report with the auditor after having subscribed and sworn to the same. All reports, plans, specifications, maps or profiles herein required to be made by the engineer shall be made by him in triplicate and *two copies thereof shall be filed by him in the office of the county auditor or the clerk of the district court, as the case may be, one to remain on file and one to be attached to the contract for the construction of the ditch when awarded.*

Such engineer, within ten days from the date of the order establishing such drainage ditch, shall file a complete copy of his final report in the proceedings for the establishment of such ditch with the state commissioner of drainage and waters, who shall forthwith file with the auditor or the clerk, as the case may be, his written acknowledgement of the receipt thereof, and such engineer, every two weeks after the beginning of his work and during the time he is engaged in the same until the contract is let, shall make an accurate report of all expenses connected with such drainage project incurred by him or under his direction and file the same with the auditor or the clerk, as the case may be, and under no circumstances shall there be incurred a greater expense on account of such ditch project than the amount of the penalty of the bond filed by the petitioners with their petition for the establishment of such ditch. Such engineer, within ten days after the letting of a contract under the provisions of section 5536 of this chapter, as amended shall file a complete report of the status of said proceeding with the state commissioner of drainage and waters, which report shall be known as "Engineer's Supplemental Report," the same to be prepared and submitted on blank forms to be furnished by the said commissioner for that purpose.

No claim of the engineer for services rendered or expense incurred shall be audited, allowed or paid while he is in default in

the making and filing of any of the reports required to be filed by him under the provisions of this section.

It shall be the duty of the court in the case of all ditches established by it to cause all contracts entered into under the provisions of this section to be carried into effect and to cause all ditches and drains so contracted for to be constructed according to such contracts and the plans and specifications of the engineer; and it shall be the duty of the county board in the case of all ditches established by it, in like manner, to cause all such contracts to be carried out as above provided.

Sec. 4. Payment of liens.—That Section 5548 of the General Statutes of Minnesota for 1913 as amended by section 5, chapter 300 of the General Laws of 1915 be amended so as to read as follows:

Section 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 fifteenth 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 1st 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 of *principal or interest* in case of default in the payment thereof, *but such installments of principal and interest shall draw interest from said 1st day of June until paid at six per cent per annum.*

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 *for which service the auditor shall be entitled to receive from the applicant for release the sum of 25 cents for each description of one hundred and sixty (160) acres or less included in his said certificate.*

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

Sec. 5. County boards to keep ditches in repair.—That Section 5552 of the General Statutes of 1913 be and the same is hereby amended so as to read as follows:

Section 5552. The county board of the several counties in this state within which is constructed or may hereafter be constructed, any state, county or judicial ditch lying wholly or partly within such county, shall keep the same or such part thereof as lies within such

county in proper repair and free from obstruction in the manner specified in this act so as to answer its purpose, and in case there is sufficient funds to the credit of the drainage ditch or system to make such repair, and the improvement consists of cleaning out and repair only, such funds may be expended by the county board for such purpose without further assessment as specified in this act; but no part of the original ditch fund shall be used for repair or cleaning out a ditch until the same has been completed according to plans and specifications. In case there is not sufficient funds to the credit of such drainage ditch so to be repaired, the county board may pay for the same out of the general revenue fund of the county, and to raise the necessary money to reimburse that fund it is hereby authorized to apportion and assess the costs of such repairs upon all lands originally assessed for benefits in proceedings for the construction of such ditch said apportionment and assessment to be in the same proportion as was originally assessed for benefits. If the improvement needed consists of the cleaning out and repair of a state ditch that has been constructed otherwise than by assessment against property benefited, or if it consists in the deepening, widening or extending of a county, state or judicial ditch then the county board or district court, as the case may be, is hereby authorized to cause the benefits and damages that will result from such improvements to be ascertained and determined and to assess the cost of the same against the property benefited by the construction of the original ditch and all property benefited by the construction of any subsequent ditch or lateral, public or private, emptying into said original ditch or any lake or pond to which said original ditch forms an outlet or which contributes to the necessity of deepening, widening or extending said original ditch to obtain a better outlet, in proportion to the benefits received, in the manner provided in this act.

Sec. 6. *Petition for repair or cleaning.*—That there be added to Section 5552 a new section to be known as Section 5552-1 as follows:

Section 5552-1. Upon the filing of a petition by any party, parties or corporation, municipal or otherwise, interested in or affected by a drainage ditch with the county auditor of any county in the case of a county, state or judicial ditch lying wholly within such county, or with the clerk of the district court of any county affected, in the case of a state ditch affecting two or more counties, or with the clerk of the district court where the original petition was filed in the case of a judicial ditch affecting two or more counties, therein setting forth that such drainage ditch, describing the same by number or other description sufficient to identify the same, is out of repair or that portions thereof are obstructed and describing in general terms the nature, extent and location of such obstruction, or that such ditch, by reason of the addition of laterals, either public or private, or for any other reason is of insufficient capacity, or needs

deepening, widening or extending so as to furnish sufficient capacity or better outlet, it shall be the duty of the county auditor in the case of a ditch lying wholly within such county to present the same to the county board at their next meeting, and of such clerk of the district court in case of a ditch affecting two or more counties to present the same to the judge of said court, within ten days from the filing thereof, and thereupon it shall be the duty of the county board or the judge of the district court, as the case may be, to appoint a competent engineer to examine such drainage ditch and make report thereon to said board or court, as the case may be. Such engineer shall give bond in the manner now provided by law for the construction of county ditches and shall within thirty days from the date of such appointment commence such examination and surveys if necessary, and make report to the board or court, as the case may be, at as early a date as practicable, with his recommendation thereon, and he shall submit with such report a map of such drainage ditch or such portion thereof as is obstructed or otherwise needs improving or extending and include therein sufficient detail to show the nature and extent of such obstruction and necessary improvements and in case he shall recommend that such ditch needs deepening, widening or extending a map of the original ditch and all laterals or extensions, public or private, open or tiled added thereto and all lands affected by such original ditch and such additions and a description of all the land affected by such deepening, widening or extending of said ditch shall be submitted therewith including details, plans and specifications and estimate of the cost sufficiently complete to enable the board or court to fully understand the nature of the improvement and the extent and probable cost thereof, and supply the necessary details to let a contract therefor, and so far as applicable and necessary said engineer shall in the performance of his duties comply with the requirements of Section 5526, General Statutes of 1913 and amendments thereto, and in case of a state ditch that has been constructed other than by assessment against the property benefited, the engineer's report shall cover the same around and in addition thereto shall give the description of all lands affected thereby and so far as practicable the names of the owners thereof.

Upon the filing of the report of the engineer with the county auditor, or with the clerk of the district court, as the case may be, it shall be the duty of such court or board to make the necessary inquiry to determine to their satisfaction the accuracy of the facts set forth and recommended in such report and petition and for such purposes are authorized to order a hearing thereon, giving such reasonable notice as may be deemed necessary, and if it shall appear from such report or the evidence presented in the case of a county or judicial ditch lying wholly within such county, and the board shall find that all the improvement that is necessary is that said ditch

needs cleaning out or repairing said board shall make its findings and order accordingly and direct the county auditor of such county to proceed to let a contract therefor in the same manner as provided in Section 5536, General Statutes of 1913, as in the case of county ditches and upon the letting of said contract, if there is not sufficient funds to the credit of such ditch to make such repair, it shall be the duty of the board to order the county auditor to make and file in the office of the register of deeds a summary statement and lien as provided in Sections 5543 and 5544, General Statutes of 1913, in the case of county ditches, and it shall be the duty of the auditor to make and file such statement and assess against the property benefited in said original ditch proceeding in the same proportion as in the construction of said original case of the ditch, except that in all cases where the total cost of such cleaning out and repair including expenses, shall not exceed the sum of two thousand (\$2000) dollars the same may be made payable, when ordered by the board, in one to five equal annual installments, and it shall be the duty of the auditor to include in such statement and provide for the collection for the benefit of the county when funds have been advanced as herein provided interest upon the total sum so advanced at six per cent per annum.

In the case of a judicial ditch extending into two or more counties, if it shall appear from said report or otherwise and the court shall find that the improvement needed consists only of the cleaning out and repair of such ditch or certain portions thereof, then the court shall make its finding accordingly and by order direct the county auditors of the several counties affected to let a contract therefor according to the plans and specifications of the engineer, and thereupon and within twenty days thereafter, the county auditors of such counties shall proceed to let a contract for the cleaning out and repair of such ditch in the manner provided by Sections 5536 and 5537, General Statutes of 1913, in the case of judicial ditches, and within twenty days after the letting of such contract, the county auditors of such counties shall make a detailed statement showing the cost of such improvement as shown by the contract together with all other costs and expenses connected therewith, and file such statement with the clerk of the district court where the petition was filed, and thereupon it shall be the duty of the clerk of said court to present the same to the judge at the earliest date who shall by order, apportion the cost of such improvement among the several counties in the same manner and in the proportion as the cost of the original ditch, and the county auditors of the said several counties shall thereupon make and file in the office of the register of deeds a summary statement and lien as provided in Sections 5543 and 5544, General Statutes of 1913, in the case of judicial ditches, and assess the cost of such improvement against the property in his county benefited by said original ditch in the same proportion as the original cost of

such ditch and the county board of said counties shall provide the funds to pay such cleaning out and expenses in the same manner as herein provided in the case of cleaning out county ditches.

That in any county of this state having an area of more than five thousand square miles, and wherein drainage ditches costing in the aggregate over six hundred thousand dollars (\$600,000) have already been constructed, or shall be hereafter constructed, the County Board of such county may purchase such equipment for use in the construction, repair and clean-out work, and such motor or other vehicle for use of the County Ditch Inspector and any County Drainage Engineers employed by said county on said work, as said County Board may deem necessary. Such equipment and transportation facilities shall be purchased in the same manner as is now provided by law for the purchase of road machinery by any such county, and the cost and maintenance thereof shall be paid out of the general revenue fund of said county. In any such county the cost of such equipment and vehicles, and the maintenance thereof, shall be reimbursed to said revenue fund, as provided under Section 5552, General Statutes of Minnesota for 1913, by assessment upon the lands originally assessed for benefits by reason of the construction of ditches on which such equipment and transportation facilities shall be used. If sufficient funds remain in any ditch fund of said county, in excess of the requirements for completing said ditch, such expenses of purchase and maintenance of such equipment and vehicles, may be paid out of any such ditch funds in proportion to the benefits resulting to the lands included in said ditch system from the use thereon of said equipment and vehicles, as may be determined by the County Board of such county. That in any such County the salary of the County Ditch Inspector may be fixed and paid on an annual basis, payable monthly, as the salary of other county officials is paid, to be apportioned to the property in the ditch systems in such county on which such services are performed, in the manner now provided by law.

Sec. 7. Viewers—Report.—That there be added to Section 5552 a new section to be known as Section 5552-2 as follows:

Section 5552-2. If it shall appear from the report of the engineer or the evidence presented in support of same as provided in section 5552-1 of this act that said ditch is a state ditch that has been constructed other than by assessment upon the property benefited, or that the improvement needed consists in deepening, widening or extending the original ditch, and the board or court, as the case may be, shall so find, then it shall be the duty of such board or court to appoint three disinterested viewers whose duties and responsibilities in the premises shall be the same as viewers appointed under section 5528, General Statutes of 1913 and amendments thereto, and in the performance of their duties said viewers shall in the case of a state ditch constructed other than by assessments on the property benefited make complete report of all property benefited by the original con-

struction of said ditch together with any lateral or extension thereto, whether public or private, and the amount of such benefit, but if the improvement consists of deepening, widening or extending said ditch, whether state, county or judicial, said viewers shall examine and report all benefits to all property benefited by said original ditch and all extensions or lateral thereto resulting from the construction of said original ditch, laterals and extensions and such deepening, widening or extension, and shall report the damages resulting from such deepening, widening, cleaning out or extending in the same manner as provided in judicial ditch proceedings.

Upon the filing of such report with the county auditor or the clerk of the district court, as the case may be, it shall be the duty of such auditor or such clerk to give notice of a hearing upon the report of the engineer and viewers in the same manner as provided in section 5531, General Statutes of 1913, and amendments thereto, in the case of county or judicial ditches, and at such hearing the board or court, as the case may be, shall have and may exercise the same authority as provided in section 5532, General Statutes of 1913, at hearings for construction of county or judicial ditches and all parties affected by such improvement may appear and be heard and shall have the same right of appeal as provided in Section 5534, General Statutes of 1913 and amendments thereto.

If upon said hearing the board or court shall determine to order the construction of the improvement petitioned for or some part thereof and shall by order confirm the report of the engineer and viewers as originally presented or subsequently modified or some part thereof, then it shall be the duty of the county auditor in the case of proceedings before the board or the county auditors of the counties affected in proceedings before the court to proceed and let a contract for the construction of such improvement as ordered by the board or court in accordance with the plans and specifications pursuant to the provisions of Section 5536, General Statutes of 1913 and amendments thereto, and thereupon or within ten days thereafter in proceedings before the county board, it shall be the duty of the county auditor to make and file a lien statement including therein all the costs of said improvement and expense connected therewith in accordance with the provisions of Section 5543, and levy and assess the cost of such improvement against the property assessed in the original construction of said ditch together with all laterals, additions or extensions thereto and all property affected by the deepening, widening or extending of said original ditch as included in the engineer and viewers report as finally approved by the board, and cause said lien to be filed and recorded in the office of the register of deeds in accordance with the provisions of Section 5544, General Statutes of 1913, and when so filed the same shall be and become a first lien on all property included in such statement, and the provisions of Section 5548 shall apply to and govern the assessments and

collection of such lien, except that in all cases where the total cost of such improvement does not exceed the sum of three thousand (\$3,000) dollars said lien may, when ordered by the county board, be collected in installments of one to five years, and it shall be the duty of the county board to provide the funds for the payment of the cost of such improvement and expense, and they are hereby authorized so to do in accordance with the provisions of Section 5542, General Statutes of 1913, and may pay such costs and expense out of the general ditch fund when funds are available therein, or out of the general revenue fund of the county, but in either case, it shall be the duty of the county auditor to provide for and collect as a part of the expense of such improvement interest upon all sums advanced by the county at the rate of six per cent per annum, and it shall be the duty of the county auditor and county treasurer to extend such assessment upon the records of their counties in accordance with the provisions of Section 5548 and amendments thereto, and collect the same as in the case of other assessments against such property.

In the case of proceedings in the district court upon the letting of a contract by the county auditors, it shall be their duty within ten days from the letting of said contract to make and file in the office of the clerk of the district court a detailed statement showing the cost of such improvement including the amount of the contract and all other costs and expense connected with such proceedings, and file the same with the clerk of the district court where the petition was filed and thereupon it shall be the duty of the clerk to present the same with the least possible delay to the judge of said court, who shall make an order apportioning the total cost of such improvement among the several counties affected in proportion to the property benefited in each county as shown by the viewers report, and upon the filing of such order with the clerk it shall be his duty to make and file with the auditors of each county affected a certified copy of such order together with a copy or so much of the viewers report as will show all property assessed for benefits within such county, and thereupon it shall be the duty of said county auditors, respectively, to make and file the statement of lien with the register of deeds and cause to be levied and assessed against said property and collected in the same manner and with like effect as provided herein in the case of county ditches, and the county board of such counties shall provide the funds to pay the cost and expenses of such improvement as provided herein in case of county ditches.

Sec. 8. Additional liens may be filed.—That there be added to Section 5552 a new section to be known as Section 5552-3 as follows:

Section 5552-3. In any case where a drainage ditch or system has been established under the provisions of section 230, Laws of 1905, and amendments thereto, or any other law of this state requiring the filing of tabular statements and liens as provided in said

law, and tabular statements and liens have been made, filed and recorded as provided in sections 5543 and 5544 of the General Statutes of 1913, and subsequent to the filing of such statement and lien increased costs in the construction of said ditch have been incurred by reason of the modification of the plans and specifications by the engineer or by reason of the encountering of unfortunate conditions in the construction of said ditch or drainage system, or where a part of the cost of such ditch or drainage system has been erroneously assessed against property not subject to assessment or which is exempt by law from such assessment, then and in that event the amount of such increased cost arising from any of the foregoing causes but not to exceed, however, the margin between the former lien statement and the total benefits reported and approved, may be included in an additional tabular statement and lien, and the county auditor in the case of a county ditch when ordered by the county board, and the county auditors of the counties affected in the case of a judicial ditch or other drainage system when ordered by the court shall file an additional tabular statement and lien against the property benefited in said ditch or drainage system in the same manner and form as the original lien, and assess the same against the property benefited in the same proportion as the original liens, provided that in the event that the increased assessment included in such additional lien shall not exceed one-tenth of the original cost as shown in the original lien filed, the same may be extended when so ordered by the board or court as an additional installment payable one year following the last payment of the original lien.

Sec. 9. Ditch inspector—Salary.—That Section 5552-A as contained in Section 14, Chapter 441, Session Laws 1917, as amended by Section 8, Chapter 471, Session Laws 1919, be and the same hereby is amended so as to read as follows:

“5552-A. That in all counties where drainage ditches costing in the aggregate not less than \$50,000, have been or hereafter shall be constructed under the provisions of the laws of the state of Minnesota, by the district court or county board, there shall be appointed by the county board, a competent man who shall be known as county ditch inspector, whose duty it shall be to travel over the line of all such county and judicial ditches in said county at least twice in each season and inspect the same, observe their operations and what repairs thereto or improvements may be necessary or proper, and immediately after such inspection he shall make a full report in writing to the county board of his work, together with the estimate of the cost thereof. He shall also include in such report an itemized statement of the time spent upon each ditch and of his expenses incurred in connection therewith.

At the first meeting of the board following the filing of said report with the county auditor, said county board shall proceed as provided in Section 5552 of the General Statutes of 1913.

The salary of such county ditch inspector shall be fixed by the county board and shall be paid out of the general revenue funds of the county. *In counties containing less than 400,000 inhabitants according to the last federal census the salary of such county ditch inspector shall be reimbursed as provided for in Section 5552, General Statutes 1913, by assessment upon all lands originally assessed for benefits by reason of the construction of the ditches inspected by him."*

Sec. 10. Fees—Expenses.—That Section 5571, General Statutes 1913, as amended by Chapter 441, Laws 1917 and Chapter 471, Laws 1919 be amended so as to read as follows:

Section 5571. "The following fees and expenses shall be allowed and paid for services rendered under this act. To engineers a sum not exceeding the sum of \$12.50 per day, to be fixed by the judge or the county board making the appointment, for every day necessarily engaged and actual and necessary expenses, including cost of bond. To each viewer the sum of \$5.00 per day for every day necessarily engaged in viewing ditches and traveling therefor and making up the reports and actual and necessary expenses. To each rodman a sum of not exceeding \$4.00 per day and actual and necessary expenses. To each chainman, axeman and other like employes not herein mentioned and necessary to the prompt execution of the work of locating or constructing a public ditch, a sum of not exceeding \$4.00 and actual and necessary expenses. To each member of the county board the sum of \$5.00 per day for each day actually occupied in proceedings to establish or repair or inspect any ditch after its completion or during the course of the work if appointed as a committee for that purpose and the sum of 10 cents per mile each way for travel necessary in attending any special meeting of the county board called for the purpose of transacting any business pertaining to such ditch and for travel in inspecting ditches or any other necessary travel in said ditch matter. To the county auditor, county attorney, attorney for petitioners, clerk of the district court, the register of deeds and the sheriff performing duties thereunder, such reasonable compensation as shall be fixed by the county board or court as the case may be, and the fees and compensation of all such county officials in ditch proceedings shall be in addition to all sum and fees allowed them by law, provided that the fees of such auditor shall in no case be less than \$20.00 nor more than \$250.00. *That the fees, compensation and expenses hercinbefore specified for members of the county board in drainage proceedings shall be in addition to all other fees, salaries, compensation and expenses allowed to such members of the county board by any other law of this state. That any and all claims for fees and expenses of members of county boards for services rendered and for expenses incurred, in drainage proceedings, for services rendered therein and for expenses paid out thereon since the 25th day of April, 1919, are hereby in all respects legalized and*

made valid, and all such claims remaining unpaid shall be paid by the proper county; that in all cases since the 25th day of April, 1919, where any member of the county board in this state has been paid in any drainage proceeding fees and expenses for services rendered, and for moneys paid out by him, all such payments are hereby legalized and made valid. In all proceedings where any county is directly interested the county attorney thereof shall represent the county unless otherwise provided by the county board. No county attorney or his assistants or any attorney associated with him in business shall otherwise appear in any drainage proceeding for any person or party whatsoever interested therein.

All fees per diem, compensation and expenses provided for in this act and fees for such other legal services and expenses as may be necessary, shall, in the case of a county ditch, be audited, allowed and paid upon the order of the county board and in case of a judicial ditch the judge of the district court having charge thereof shall audit, allow and order the same paid upon ten days' written notice to the county or counties interested, which notice may be given to the county auditor of the interested county or counties, that all bills on file with the clerk of court where such proceeding is pending at the date of such notice, will be brought on for hearing and for allowance at the time and place named therein.

An in all cases where a judicial ditch proceeding has, for any reason, been dismissed by the court, all fees and expenses connected therewith shall be audited, allowed and ordered paid in like manner.

The said judge or county board, as the case may be, may appoint a referee who shall be a consulting engineer in any ditch proceedings to perform the duties hereinafter set forth and such referee shall qualify by taking the appropriate oath and giving bond to the county or counties affected by such ditch in such sum as shall be fixed by such judge or board, as the case may be. Said bond shall be conditioned for the faithful performance of his duties as referee. Said referee shall be a qualified civil engineer. The fees of such referee shall be fixed by said judge or board, as the case may be, and shall be paid out of funds of such ditch as shall be ordered by said judge or board. It shall be the duty of such referee, if appointed, to consider all bills of account or applications for payment in such ditch proceedings and to hear evidence if offered in relation thereto and to report in writing to such judge or county board his approval, rejection or amendment thereof as such referee who shall also keep accurate record and account of all bills of account and all applications for payment acted upon by him and reported to said judge or county board, together with copies of all such reports and all reports and all proceedings had in relation thereto. It shall further be the duty of said referee by order of said judge or board to inspect and examine and make report upon all work of construction in the matter of such ditch prior to final acceptance thereof and for the purpose of making

such examination or inspection and upon application of such referee the said judge or board may appoint and designate a competent and experienced civil engineer, other than the one officially acting as such in such ditch proceedings, to examine such ditch and the plans and specifications thereof and report thereon to said referee and it shall be the duty of such referee and if requested by such referee of said engineer to appear and testify before the judge or county board considering the final acceptance of such ditch. When order of said judge or county board approving a report of such referee and allowing a bill of account or application for payment in such ditch proceedings shall constitute and be construed as an accounting and allowing of such account by such judge or county board within the meaning of this section and the approval by said judge or county board of any order of said referee shall constitute the said report of said referee, the order of said judge or county board (in such proceeding, provided in all cases and said judge or county board) may reject such report and make an independent order in relation thereto covered by or contained in such report. Such referee shall be subject to removal at the pleasure of said judge or county board.

Any land owner, employe or other person aggrieved by any order of court or county board relative to the allowance of fees or fees and expenses may appeal from such order to the district court of any county in which the proceeding is pending and by notice given on or before the first day of the term, demand and obtain a jury trial. All such appeals shall be within thirty (30) days after the order allowing such claim and shall be governed as far as applicable by the provisions of Section 5534 of the General Statutes of Minnesota for 1913, save that in all appeals taken by parties whose lands are assessed for said improvements, then the expenses thereof shall be paid by the county and assessed against said improvement.

Approved April 23, 1921.

CHAPTER 509—S. F. No. 1032.

An act to authorize the secretary of state to enter into a contract on behalf of the state of Minnesota for the printing and publishing of the supreme court reports.

WHEREAS. The present contract for the printing and publishing of the supreme court reports and furnishing the same to the state and for sale, will expire on October 1, 1921; now therefore:

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

Section 1. Secretary of state authorized to enter into contract for publishing of supreme court reports.—That the secretary of state be and is hereby authorized and required on