

if any, exist thereon, and whether or not the same is his homestead or is otherwise exempt from execution. He may also be required by the court to make a like statement of his personal property or so much thereof as the court shall deem necessary.

Provided, that the court may, in its discretion, by written order endorsed on the bond, recognizance or undertaking, dispense with such affidavit or any part thereof as to any surety if satisfied that the surety is worth the amount in which he justifies and is not a professional or habitual bondsman in criminal cases.

Sec. 2. Penalty for false statement.—Every person who shall wilfully and knowingly make any false statement in any affidavit made by him as provided by this act shall be guilty of perjury and shall be punished therefor as provided by law.

Sec. 3. Clerk to keep record of sureties.—The clerk of every court of record shall keep a permanent book of record, in which he shall record the names, indexed or arranged alphabetically, of all the sureties, whether personal or corporate, upon bonds, recognizances, or undertakings, filed in such court, stating as to each surety his or its name and post-office address, the name of the principal and the amount of the obligation, and where the original obligation is filed.

Approved April 16, 1927.

CHAPTER 234—H. F. No. 1236.

An act to amend Section 56, Chapter 415, General Laws 1925, relating to public drainage systems and the repair thereof.

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

Section 1. Report of engineer—procedure.—That Section 56, Chapter 415, General Laws 1925, be and the same hereby is amended so as to read as follows:

“Section 56. (a) 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 board or court to make the necessary inquiry to determine to their satisfaction the accuracy of the facts set forth and recommended in such report and if at said hearing it shall appear from such report and the evidence presented that the repairs recommended are necessary and the board or court shall so find and that all the improvement that is necessary is that said drainage system, or some part thereof needs cleaning out or repairing, said board or court shall make its findings and orders accordingly and direct in the case of county drainage

proceedings, the county auditor and chairman of the county board of such county, or in the case of judicial proceedings the county auditor of the several counties affected, to proceed and let a contract for the repair of said system as shown in the engineer's report in the manner as provided in section 33 of this act.

(b) Provided, that in all cases of cleaning out or repair of a judicial drainage system extending into two or more counties it shall be the duty of the district court upon not less than five days' notice to the county auditors of the several counties affected to apportion the total cost and expense connected with such repairs among the several counties in the same proportion as the original cost of construction of said system, and thereupon it shall become the duty of the county board of such county to provide for the payment of such expense, and if there is not sufficient funds to the credit of such system in any county to make such repairs, it shall be the duty of the board of such county to order the county auditor to make and file in his office, and file for record in the office of the register of deeds a summary statement and lien as provided in sections 44 and 45 of this act, as in the case of county drainage systems, and shall be the duty of the auditor to make and file such statement and assess the costs of said repairs against the property benefited in said original drainage proceeding in the same proportion as in the construction of said original system.

(c) *Provided, further, that in all cases of cleaning out or repair of a judicial drainage system extending into two or more counties, which system is comprised of drains having outlets into two or more separate watersheds, wherein the drains having their outlets into only one of such watersheds are cleaned out or repaired, the cost and expense of such cleaning out and/or repairing shall be assessed in the proportion aforesaid, but only against the lands tributary to and drained through said drains so cleaned out and/or repaired, the lands so to be assessed to be determined by the court and designated in the order of the court apportioning the total cost and expense connected with such cleaning out and/or repairs among the several counties.*

(d) Provided, that in all cases where the total cost of such cleaning out and repair including the expenses, shall not exceed the sum of \$3,000, the same may be payable, when ordered by the board, in three or five equal annual installments, and be so specified in the lien statement, and in the event that the cost of said repairs, including expenses shall exceed \$3,000, the same may be payable when so ordered by the board in five equal annual installments and the county board shall have authority in such case, if they so determine, to sell the bonds of said county as provided in section 43 of this

act as in the case of the original construction of a drainage system and in such case the county board shall have and may exercise all the authority provided in said section 43, and the proceeds of the sale of said bonds shall be entered in the general ditch fund and credited to the system being repaired.

(e) It shall be the duty of the auditor, in all such cases, 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. And it shall be the duty of the county auditor and the county treasurer to levy, assess and collect the amounts included in such lien statement in the same manner as provided in section 51 of this act."

Approved April 16, 1927.

CHAPTER 235—H. F. No. 1233.

An act to designate as the Capitol Highway a certain route between the City of St. Paul and the south boundary of the state.

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

Section 1. **Capitol highway created.**—The following route between the City of St. Paul and the south boundary of the State of Minnesota is hereby named and designated "The Capitol Highway," to-wit:

Beginning at the Capitol of the State of Minnesota in the City of St. Paul, thence southerly along University Avenue and Robert Street through St. Paul, thence southerly along South Robert Street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 27, Range 22, thence southeasterly and southerly to a point at or near the southeast corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue Counties, to Trunk Highway No. 21, thence southeasterly on said Highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 56 thru Dodge Center to Trunk Highway No. 9, thence southerly to the Iowa line.

Approved April 16, 1927.

CHAPTER 236—H. F. No. 1183.

An act relating to punishments for second and subsequent convictions, and repealing Section 9931, General Statutes 1923.