

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

Approved March 10, 1873.

CHAPTER LXI.

AN ACT TO PROVIDE FOR THE DRAINAGE OF WET OR SWAMP LANDS LYING ON THE EAST SIDE OF THE MISSISSIPPI RIVER IN THE COUNTY OF HENNEPIN.

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

SECTION 1. For the purpose of promoting the public health, convenience and welfare, the board of county commissioners of Hennepin county are hereby authorized and directed to cause surveys to be made for ditches to effectually drain all the wet and swamp lands that lie in said Hennepin county on the east side of the Mississippi river.

SEC. 2. A plat of said surveys, after the same has been approved by said board of county commissioners shall be filed in the office of the auditor of said county, which shall be certified by the person making such survey, as the survey made in pursuance of this act. Said plat shall show the lands which are wet or swampy, and which are to be drained, and their description shall be given thereon in accordance with the United States Government surveys, with the owner's name as the same shall be shown by the records in said register of deeds' office; and said plat of surveys shall also show the ditches that are to be made on said lands for the purpose of draining the same, with their direction, width and depth.

SEC. 3 After said plat shall be so filed in the office of the auditor of said county, he shall cause a notice to be published for seven (7) days in some daily newspaper published in the city of Minneapolis, stating that said plat is in his office and requesting all persons concerned to appear before said board of commissioners, at the court house, in said county, on a day to be designated in said notice, and examine the same, and if they have any objections thereto, to then and there make the same known; on which said day the said board of county commissioners shall have [hear] any and all persons who may have objection to make to said surveys being adopted, or said ditches being made.

SEC. 4. After said day of hearing is passed, the said board of county commissioners shall vote to confirm, alter or amend said plat, and when the same shall be by a majority of said board confirmed, altered or amended, it shall be certified to by the chairman of the said board of county commissioners and by the auditor of said county to be the plat that has been adopted by said board of county commissioners, as the one under which the said board will proceed to cause said lands to be drained, and the same shall then be filed in the office of the register of deeds for said Hennepin county.

SEC. 5. After said plat shall be so filed, the said board of county commissioners shall publish a notice for twelve (12) days in some newspaper published in the city of Minneapolis, inviting sealed proposals for constructing said ditches [according to said plat, and] according to such sub-division of the work, [and mode of computing the work] done, and manner of payment, as they may deem proper to make, stating the amount of surety they will require for the performance of any contract that may be entered into, also stating at what time the bids will be opened.

SEC. 6. After said bids have been received and opened, the said board of county commissioners shall proceed to let the construction of said ditches by sections, or otherwise (unless they consider all the bids to be exorbitant) to the lowest responsible bidder, taking such security for the faithful performance of the contract as they deem proper, and providing in said contract for the payment of the work, to be by estimate or otherwise, as they deem proper.

SEC. 7. Payment shall be made for said work as it progresses, or otherwise, as said board may determine, out of the funds of said county, by warrants drawn on the treasurer of said county, as the said board of county commissioners may direct.

SEC. 8. When said work is done the said board of county commissioners shall proceed to assess the cost of the same, including all engineering and other expenses, upon all the lands that are so drained, and in making such assessment they shall take into consideration the condition of said land before it was drained and its improvement by reason of said drainage, and assess the same per acre, or by lot, according to the smallest legal subdivisions thereof.

SEC. 9. When such assessment is made the auditor of said county shall publish the same for eighteen (18) days in some newspaper published in the city of Minneapolis, showing each tract of land and the amount assessed thereon, giving the name of the reputed owner or owners thereof, and notifying all concerned that said board of county commissioners will on a certain day hear any and all persons touching the matter of said assessment, and after said hearing has been had, the said board of county commissioners shall confirm, alter or amend said assessment and file the same with the certificate of chair-

man of said board thereto, in the office of the auditor of said county of Hennepin, who shall enter the amounts so assessed against the respective tracts of land so drained on the tax duplicate of the county. and the same shall be a charge against said land and be collected as other taxes and assessments are collected in said county, and subject to the same penalty for failure to pay; and the proceeds thereof shall be paid into the treasury of said county to reimburse the outlays made therefor, and until said assessments are paid they shall draw interest at the rate of twelve (12) per cent. per annum until the annual tax sale, and if not paid by that time they shall carry the same penalty as taxes then delinquent, until the same are fully paid, and subject to the same forfeiture; and until said assessments, interest and penalties are fully paid, it shall not be lawful for the register of deeds of said Hennepin county to record any deeds, bonds or mortgages in any way transferring or affecting the title thereto.

SEC. 10. Any person who shall dam up, obstruct or in any way injure any ditch or ditches so made, shall be deemed to have committed a misdemeanor, and upon conviction thereof be punished by imprisonment for not more than three (3) months, and by fine of not more than one hundred (\$100) dollars.

SEC. 11. This act shall be in force from and after its passage.

Approved March 10, 1873.

CHAPTER LXII.

AN ACT TO AUTHORIZE CITIZENS OF CHISAGO COUNTY TO PROTECT PROPERTY FROM DAMAGES FROM THE OVERFLOW OF THE WATERS OF CHISAGO LAKE BY LOWERING SAID LAKE.

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

SECTION 1. That any number of persons, not less than ten, residing in the towns of Chisago Lake and Franconia, in the county of Chisago, and owning lands bordering on a certain lake known as Chisago Lake, may associate themselves together in accordance with title three (3), chapter thirty-four (34), of the general statutes for the purpose of opening and maintaining such ditches or canals and other works, as shall be necessary to protect the property of persons residing near said lake, from damages arising from an overflow of the waters of said lake.