

CHAPTER 108.

AN ACT TO ENABLE THE OWNERS OF LANDS TO DRAIN AND RECLAIM THEM WHEN SAME CANNOT BE DONE WITHOUT AFFECTING THE LANDS OF OTHERS; PRESCRIBING THE POWERS AND DUTIES OF COUNTY COMMISSIONERS AND OTHER OFFICERS IN THE PREMISES, AND TO PROVIDE FOR THE REPAIR AND ENLARGEMENT OF SUCH DRAINS, AND REPEALING CERTAIN ACTS THEREIN SPECIFIED, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the board of county commissioners of any county shall have power, at any regular session, when the same shall be conducive to the public health, convenience or welfare, or where the same will be of public benefit or utility, to cause to be constructed, as hereinafter provided, any ditch, drain or water course within said county.

County commissioners to construct drains, etc.

SEC. 2. That before the board of commissioners shall establish any ditch, drain or water course, there shall be filed with the auditor of such county a petition, signed by one (1) or more of the land owners whose lands will be liable to be affected by, or assessed for the expense of the construction of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus, and such petitioner or petitioners shall give a bond, with good and sufficient freehold sureties, payable to the state, to be approved by the Auditor, conditioned to pay all expense in case the board of commissioners shall fail to establish said proposed ditch, drain or water course. As soon as said petition is filed, said board shall, if in regular session, or at their next regular session, appoint three (3) resident freeholders of the county, not interested in the construction of the proposed work, and not of kin to any parties interested therein, as viewers, to meet at a time and place specified by said board, preparatory to commencing their duties as hereinafter specified. And it shall be the duty of the auditor thereupon to issue to said viewers a certified copy of the petition and order of the board, who shall proceed, at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water course, from its source to its outlet; and they shall cause stakes or monuments to be set along said line, numbered progressively down stream, at each one hundred (100) feet; and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from

Petition to be filed with auditor—what to contain.

How viewers to be appointed—duties of same.

said ditch, drain or water course; and an estimate of the total cost of construction of the whole work. And they shall set apart and apportion to each parcel of land, and to each corporate road or railroad, and to the county when public highways are benefited, a share of said work, in proportion to the benefits which will result to each from such improvement, and give location of each share, its length in feet, and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of the construction of each share or allotment separately, and specify the manner in which the work shall be done; and they shall have power, where they find it necessary, to provide for running said ditch under ground, through ditches, tiles or other materials, as they deem best, by specifying the size and kind of tile or other material to be used in the underground work, and shall estimate the cost of the same as a part of the total cost of the work, and they shall accurately describe as the same is described on the county tax duplicate, each parcel of the land to be assessed for the construction of said ditch, giving the number of acres in each tract assessed, and the estimated number of acres benefitted, the amount that each tract of land will be benefitted by the construction of said work, and the amount that each tract is assessed therefor. And they shall, in tabular form, give the depth of cut, width at the bottom and width at the top, at the source, outlet, and at each one hundred (100) foot stake or monument of said ditch, drain or water course. And they shall also ascertain and give the names of the owners of the lands that are assessed for construction of said ditch, drain or water course, as far as they can be ascertained with reasonable inquiry and search of the public records, and report also whether or not the proposed ditch or drain will be of public utility.

SEC. 3. Whenever a public ditch, drain or water course is located wholly or in part in the bed of a private ditch already or partially constructed, the viewers shall make an estimate of the number of cubic yards of earth already excavated, and the cost of same, on each tract of land, and deduct the same from the assessment thereon.

SEC. 4. All lands benefitted by a public ditch, drain or water course, shall be assessed in proportion to the benefits for the construction thereof, whether it passes through said lands or not, and the viewers, in estimating the benefits to lands not traversed by said ditch, shall not consider what benefits such lands will receive after some other ditch or ditches shall be constructed, but only the benefits that will be received by reason of the construction of the public ditch as it affords an outlet for the drainage of such lands.

SEC. 5. In locating a public ditch, drain or water course, the viewers may vary from the line described in the petition, as they deem best, provided they commence the ditch at the point described in the petition, and follow down the

Lands to be assessed according to benefits.

Viewers may vary the ditch—when.

line therein described as near as practicable; and *provided further*, that when there is not sufficient fall in length of the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough, not exceeding one-half ($\frac{1}{2}$) mile, to obtain a sufficient fall and outlet. And when it will not be detrimental to the usefulness of the whole work, they shall, as far as practicable, locate the ditch on division lines between lands owned by different persons; and they shall so far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines. And all persons whose lands may be affected by said ditch, may appear before said viewers, and freely express their opinions on all matters pertaining thereto.

SEC. 6. In locating a public drain or water course, the viewers shall estimate the damages, if any, that any person or persons will sustain by reason of the construction of such ditch, and assess such damages to parties owning the lands benefitted, in proportion as each tract of land is assessed for benefits.

Damages—how estimated.

SEC. 7. The viewers, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be thereafter required, shall proceed to establish the route; if the route proposed is upon a section line where a public road may be required, and in all cases in which the route proposed is along highways already established, the viewers shall locate the ditch at a sufficient distance from the center of such highway to admit of a good road along such central line; the earth taken from the ditch shall be so placed upon the roadway as to form a turnpike, and no nearer to the margin thereof than two (2) feet; but in locating a drain as above the viewers shall not materially depart from the terminal points described in said petition.

Route—how established.

SEC. 8. Said viewers may, after having met at the time and place specified in the order issued to them by the auditor, proceed immediately to perform their said duties, or adjourn from time to time, as best suits their convenience, and file their report with the auditor at least four (4) weeks before the next regular meeting of said board of commissioners. Provided the water be high, or the weather inclement, they shall not be compelled or required to file the report until at least four (4) weeks before the second (2d) regular meeting of said board after having received their orders from the auditor, but their report must then state the reason for such postponement. And if the viewers find the proposed ditch, drain or water course not of public benefit or utility, they may report against the location of the same, in

Viewers to file report with auditor.

which case their report need only state that they find the proposed works not to be of public benefit or utility.

SEC. 9. It shall be the duty of the auditor, on said report being filed, if it be in favor of the proposed work, to cause a notice to be given, by publication for three (3) successive weeks, by posting three (3) written copies of said notice in three (3) public places in the township or townships where the proposed work is located, and one (1) at the door of the court house in said county, of the pendency of said petition, and of the time set for the hearing thereof, which notice shall briefly state where said ditch commences at its source, through whose land it passes, and where it terminates at the outlet, together with the names of the owners of the lands that will be affected thereby, so far as they can be ascertained with reasonable inquiry and search of the public records in the offices of the clerk, recorder, auditor and treasurer; and at the same time the auditor shall mail a copy of the same to all non-residents whose address is known to him or can be ascertained by inquiring at the treasurer's office.

SEC. 10. Said board of commissioners, at the time set for the hearing of said petition, shall, if there is no remonstrance filed, proceed to hear said petition, and if they find the viewers' report is made in accordance with the provisions of this act, and it be in favor of the proposed work, and they find the proposed drain to be of public utility or conducive to public health, or of public benefit or convenience, they shall establish the same as specified in the report. But if the viewers report against the proposed work, the board shall dismiss the petition and tax the cost as hereinafter provided. And when damages are awarded to any person or persons, or corporations, as provided by this act, the board of commissioners shall order the same to be paid out of the county treasury to the person or persons, or corporations, entitled thereto.

SEC. 11. It shall be lawful for any person interested in the location of said proposed work, to file with the board of commissioners, at or before the time set for the hearing of the petition, a remonstrance against the ditch, as located by viewers on and across his lands, by setting forth his grievances therein, and any person deeming his assessment too high, or the damages allowed too low, may remonstrate, for such reasons, against the action of the viewers. Any person filing a remonstrance shall file with the same a bond payable to the state, with not less than two (2) freehold sureties conditioned for the payment of all costs and expenses caused by such remonstrance, if this action of the viewers be sustained by viewers to be appointed as hereinafter provided, such bond to be approved by board of commissioners. And thereupon said board shall appoint three (3) disinterested resident freeholders of the county, not of kin to any person interested in the proposed work as viewers, to

Auditor to give notice.

Commissioners to hear petition. Remonstrances, how made.

Reviewers—how appointed.

meet at a specified time and place preparatory to commencing said review. And it shall be the duty of the auditor thereupon to issue to said reviewers a certified copy of the petition and remonstrance, and order of the board in appointing such reviewers.

SEC. 12. Such reviewers shall meet at the time and place specified in the order issued to them by the auditor, and proceed to review the action and report of the viewers, as well as the entire premises through which the proposed work extends, and shall be vested with all power granted to the viewers originally, except that if they find the proposed work of public benefit or utility, they shall not change the line of the ditch, as located by the viewers at any other place or places than those complained of in the remonstrance, and there [then] only far enough to do justice to the party remonstrating. And they shall, before commencing said review, obtain from the auditor the report of the viewers, which they shall carefully preserve, and return to the auditor when they have completed their review, and they shall file with the auditor a report of their proceedings in the premises, after having subscribed and sworn to the same, at any time before the next regular meeting of said board; and if the reviewers sustain the action of the viewers, and make no change in the proposed work, their report need only state that, after having made full examination of the viewers' report, as well as the entire premises through which the proposed work extends, they find the action of the viewers just and correct, and that they sustain and approve the action of the viewers and their report.

Duty of reviewers.

SEC. 13. Upon the filing of the report of the reviewers, as required by the preceding section, the auditor shall, when the board of commissioners convenes in regular session, record the same, together with the proceedings had in the matter of the petition. And if said reviewers sustain and approve the action of the viewers without change, all costs occasioned in consequence of the filing of the remonstrance, shall be taxed against the parties remonstrating, and a fee bill shall issue thereon by the auditor, and be collected as provided by law.

Report of reviewers.

SEC. 14. If the reviewers find the proposed work of public benefit or utility, and do not sustain the entire action of the viewers, but make changes in favor of the remonstrants, the cost occasioned in consequence of the filing of the remonstrance shall be taxed as a part of the total cost of the work, as the same is taxed against the parties benefited in proportion to their benefits, and if the viewers find the proposed work not of public benefit or utility, the entire cost shall be taxed against the petitioners, and collected as provided in section thirteen (13) of this act.

Costs of review, how taxed.

SEC. 15. Upon the filing of the report of the reviewers, the board of commissioners shall, if they find such report made in accordance with the provisions of this act, estab-

lish the same as described in the report of the viewers as they find the same sustained, corrected or changed in the report of the reviewers.

Final report—to
contain what.

SEC. 16. Whenever the board of county commissioners establish a public ditch, drain or water course, they shall order the viewers, if the same is established without remonstrance according to the viewers' report, or the reviewers if [the] same is established according to their report, to meet at a time and place specified, after the lapse of ten (10) days, and make a final report, in which they shall specify the time in which each share or allotment of the ditch shall be constructed and completed, and they shall apportion the cost of the location thereof, including printer's fees, damages, if any shall have been allowed, and compensation to the laborers who assisted the viewers in marking out the ditch, and award to each person or persons or corporation owning the lands assessed for the construction of said work their proportionate share of said cost, and shall specify the time which such costs and expenses shall be paid to the county treasurer, and file their report with the auditor after having subscribed and sworn to the same. And it shall be the duty of the viewers and reviewers to file with their report an account of the names of the laborers and the time each was employed by them. And all compensation and damages allowed by this section shall be collected by the treasurer as the other taxes are collected, and the compensation paid out, when collected, on an order from the auditor to the parties entitled thereto, and the damages when collected, shall be placed into the county fund to compensate the county for the damages previously paid as required by section ten (10) of this act.

Appeals—how
made

SEC. 17. Any person or corporation aggrieved thereby may appeal from any final order or judgment of the board of commissioners made in the proceedings and entered upon their record, determining either of the following matters, viz: 1. Whether said ditch will be conducive to public health, convenience or welfare. 2. Whether the route thereof is practicable. 3. Whether the assessments made for the construction of the ditch are in proportion to the benefits to be derived therefrom. 4. The amount of damages allowed to any person or persons or corporation. And the appellant shall file with the auditor an appeal bond, with at least two (2) frechold sureties, to be approved by the auditor and the clerk of the district court, conditioned that he will duly prosecute such appeal, and pay all costs that may be adjudged against him in the district court. *Provided*, that such appeal bond shall be filed within thirty (30) days after such final order or judgment of the board of commissioners is made, and after the lapse of such thirty (30) days no appeal can be taken. And if an appeal be taken, the auditor shall withhold his notices, to the viewers or reviewers to make their final report; and

he shall, within twenty (20) days after the appeal bond is filed, make a complete transcript of the proceedings had before the board of commissioners, and of such appeal bond, and certify the same, together with all the papers filed in his office pertaining to such proposed work, to the clerk of district court.

SEC. 18. If more than one (1) party appeal, the judge of the district court shall order the cases to be consolidated and tried together, and the rights of each party shall be separately determined by the jury in its verdict.

Appeals to be consolidated.

SEC. 19. As soon as the final report of the viewers or reviewers is filed, the auditor shall sell the jobs of digging and constructing each share or allotment separately, of the entire work. And he shall give notice for three (3) consecutive weeks, by posting three (3) written copies of such notice in three (3) public places in the vicinity of the proposed work, and one (1) at the door of the court house in said county, of the time when and place where he will sell to the lowest responsible bidder or bidders, each and every share or allotment thereof, commencing at the one including the outlet, and thence in succession up stream to the one including the source. And no bid shall be entertained which exceeds more than twenty (20) per cent. over and above the estimated cost of the construction in any case. And the auditor shall contract with the party to whom a share or allotment is sold, requiring him to construct such share or allotment in the time and manner set forth in the report of the viewers or reviewers on which the ditch is established, and shall take from him a bond, with two (2) freehold sureties, payable to the state, for not less than double the amount for which the same is sold, to be by him approved, conditioned that he will faithfully perform and fulfill his contract and pay all damages which may accrue by reason of the failure to complete the job within the time required in the contract therefor.

Auditor to let work to lowest bidder.

SEC. 20. A job not completed within the time fixed in the contract and bond, shall be resold by the auditor to the lowest responsible bidder, but shall not be sold for a sum exceeding twenty (20) per cent. of the estimated value of such work, nor a second time to the same party. A contract and bond shall be entered into as hereinbefore provided; but the auditor may, for a good cause shown, give further time to any contractor, not exceeding sixty (60) days. The auditor shall fix a time for the completion of work resold, not exceeding sixty (60) days from the date of the bond; and no contractor shall be prosecuted on his bond until the section below is completed.

Uncompleted work to be resold.

SEC. 21. It shall be the duty of the county surveyor, on being notified by any contractor that his job is completed, to inspect the same, and if he find that it is completed according to contract, he shall accept it, and give to the contractor a certificate of acceptance, stating that said

Duty of county surveyor.

job, share or allotment is completed according to the specifications of said ditch; and if any share or allotment has been sold to a person not the owner of the land assessed therefor, he shall, in addition, state the amount due the contractor for constructing the same from the owner of the said land, which certificate shall be a lien upon the land assessed for such share or allotment, and shall be due and payable immediately by the owner of the land; such certificate, if not paid on demand, shall draw interest until paid. And if the allotment sold belongs to a non-resident of the county, the auditor shall state such fact when he offers it for sale, and when the county surveyor accepts it and issues his certificate of acceptance, he shall file with the county auditor a copy thereof, whereupon said auditor shall charge the amount mentioned in said certificate on the tax duplicate against the land assessed with such allotment, to be collected as other taxes are collected, together with six (6) per cent. for the holder of the certificate after the same becomes delinquent, and when collected it shall be paid to the person holding the certificate on an order of the auditor.

SEC. 22. Every person or corporation through whose lands any public ditch is constructed, shall be required to keep the same open, free and clear of all obstructions upon his or its premises, by him or it placed thereon, and in case of a failure to do so, shall be liable to pay all reasonable and necessary expenses of removing such obstruction. A person or corporation aggrieved by any such obstruction, may make a sworn statement of the facts to the county surveyor, who shall proceed to examine the premises and inquire into the truth of the statement, and if he finds the statement to be true, he shall immediately notify the owner of the land on which such obstruction exists, to remove the same within a reasonable time, not exceeding twenty (20) days, and if the owners so notified fail to remove the obstruction, the surveyor shall at once cause the same to be removed at the expense of such owner, and certify such expense to the county auditor, who shall place the same, together with all fees and other expenses in the case, on the tax duplicate as an assessment upon the lands of such person or corporation, and the same shall be a lien upon such lands, and shall be collected as other taxes.

SEC. 23. After the construction of any such work, the town supervisors of such township in which the same is, or any part thereof, shall keep the same or such part thereof, in proper repair and free from obstructions, so as to answer its purpose, and pay for the same out of the general township fund; and to raise the necessary money to reimburse that fund they shall apportion and assess the costs thereof upon the lands which will be benefited by such repairs or removal of obstructions according to such benefits, in their judgment. They shall make a statement of

Obstructions to drains—how removed.

Work to be kept in repair by town supervisors. Penalty for failure.

such assessment and deliver the same to the auditor of the county, who shall put the same upon the succeeding tax duplicate, and it shall be a lien upon the lands, and be collected in the same manner as state and county taxes. The provisions of this section shall also apply to all works constructed for the purpose of drainage under any law now or heretofore in force in this state. If they shall be of the opinion that such assessment, or any part thereof, ought to be charged to lands in other townships, the supervisors thereof shall, on request, meet with them at a time and place by him appointed, and they shall jointly make such assessments and certificates to the auditor of the proper counties. A majority of such supervisors as attend any such meeting shall have power to act and decide any question, and to make the assessments and certificates, and upon failure of any township supervisor to perform the work required of him by this section, after ten (10) days' notice in writing to him by any person interested, he shall be liable, with his sureties on his official bond, for all damages caused by such failure to perform his duty, to be recovered by the person or persons so damaged. He shall also be deemed guilty of a misdemeanor, and on conviction thereof, fined not less than ten (10) nor more than fifty (50) dollars.

SEC. 24. Whenever the route of a proposed ditch, drain or water course extends into two (2) or more counties, the petition shall be signed by one (1) or more of the land owners in each county, whose land will be liable to be assessed for the construction of such ditch, and filed with the auditor of the county containing the head or source of the proposed ditch, at least ten (10) days before any regular meeting of the board of commissioners, and thereupon the auditor of such county shall transcribe and transmit to the auditor of each other county interested, a certified copy of such petition. And it shall be the duty of the board of commissioners of each county interested in the proposed work, at their first (1st) regular session after such petition is filed, to appoint three (3) disinterested resident freeholders of their respective counties, as viewers, in like manner as provided for the appointment of viewers on a ditch in but one (1) county, to meet and act conjointly, at such time and place as the board of commissioners of the county where the petition is filed may designate; and such joint viewers shall have the same powers and perform the same duties as provided in this act for the viewers on a ditch in one (1) county; and they shall file a report of their proceedings with the auditor of each of the counties interested, at least four (4) weeks before the next regular session of the board of commissioners, whereupon the auditor of each county shall give notice for three (3) consecutive weeks in the manner provided for ditches in but one (1) county, of the pendency of such petition, and the time set for the hearing thereof.

Where drain or water course runs through two or more counties.

SEC. 25. The board of commissioners of the counties in-

Joint ditches.

terested in a joint ditch shall, at the time set for the hearing of said petition, proceed to establish the same in the manner specified for ditches in but one (1) county and in all matters pertaining to such joint ditch, the boards of commissioners shall act in the same manner, so far as practicable, as required by this act for establishing ditches in but one (1) county, and they shall act conjointly. And when such ditch is established, the viewers shall be notified, as before provided in this act, to make their final report, and upon the filing of such final report the shares or allotments of such ditch shall be sold and constructed as hereinbefore provided for ditches in but one (1) county, except that the auditors of the counties interested shall act together as one (1) body in performing their duties.

SEC. 26. Such joint ditch shall be cleaned and repaired or enlarged in like manner as for ditches in but one (1) county, by the joint action of the public officers of the counties interested.

Remonstrances
against joint
ditch, how made.

SEC. 27. It shall be lawful for any person or corporation affected by a proposed ditch extending into more than one (1) county to file a remonstrance with the auditor of the county in which he resides, at least five (5) days before the regular meeting of the board of county commissioners, when the petition is to be heard; and when such remonstrance has been filed and a bond for costs, as provided for ditches in but one (1) county, the auditor shall immediately transmit a copy of such remonstrance and bond to the auditors of the other counties interested, and then, in like manner as hereinbefore provided, the boards of commissioners shall appoint reviewers who shall meet and act together and perform their duties as provided for reviewers in one (1) county, and file a report of their proceedings with their respective boards of commissioners at or before their next regular meetings; and upon the filing of such report the boards shall, if the reviewers report the proposed work of public benefit or utility, establish the same, and it shall be constructed, cleaned and repaired or enlarged by the joint action of the proper officers in the different counties, as though it had been established on the report of the viewers and without remonstrance. And it shall be the duty of the auditor of the county in which the time and place for the meeting of viewers or reviewers is fixed to notify the auditor of the other counties interested of such time and place for the joint viewers or reviewers to meet.

Costs—how ap-
portioned.

SEC. 28. When any ditch established under this act drains, either in whole or in part, any public or corporate road or railroad, or benefits any of such roads so that the road bed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the county if a county or state road, to the company if a corporate road or railroad, such portion of the costs and expenses thereof as to private in-

dividuals, and require them to pay said costs and perform said labor in like manner as individuals.

SEC. 29. If any person shall willfully obstruct any public ditch, or shall willfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars (\$5) nor more than fifty dollars (\$50), and shall also be liable for any and all damages accruing to any person or persons or corporation by such act.

Penalty for willful obstruction.

SEC. 30. The orders issued by the auditor to viewers and reviewers shall be served by the sheriff, and shall be paid by the county for such services the same fees as he is allowed by law for similar services.

Orders to be served by sheriff.

SEC. 31. The surveyor and engineer shall be allowed the sum of four dollars (\$4) per day for every day he is necessarily engaged in performing the duties required of him by this act, which sum shall be paid to him quarter-annually out of the county treasury, upon his filing before the board of commissioners, an itemized account of his services, verified by his oath, and the cost of publishing the notices of jobs to be let by the auditor, and of all blanks and stationery required by him in the performance of his duties shall be paid by the county. The viewers and reviewers shall each be allowed two dollars (\$2) per day for each and every day they are necessarily engaged in viewing and reviewing ditches and making up and filing their reports, which sum shall be paid to them out of the county treasury. Each chainman, axman, rodman and all other hands necessary to the prompt execution of the work of locating a public ditch shall be allowed one dollar and fifty cents (\$1.50) per day for the time actually employed, to be paid as hereinbefore provided.

Compensation.

SEC. 32. A majority of the viewers or reviewers shall be competent to perform the duties required of them by this act, provided that for ditches extending into more than one (1) county, there shall be present and acting a majority from each county interested.

Majority to act.

SEC. 33. The terms "regular session" and "regular meeting" of the board of commissioners, as used in this act, shall be held to include only the regular sessions of such board, commencing on the first (1st) Tuesday of January and on the fourth (4th) Monday of July in each year; and the word "ditch," as used in this act, shall be held to include a drain or water course, and the petition for any public ditch may include any side, lateral spur or branch ditch necessary to secure the object of the improvement.

Meaning of "regular session."

SEC. 34. The amount of assessments made by the viewers and confirmed by the board of commissioners shall be a lien upon the lands so assessed from the date of the order of the board of commissioners establishing the ditch, drain or water course, and such order, together with the report of the viewers on which the ditch is established shall be notice to

Assessments to be a lien on property.

all the world of the existence of such lien, and this act shall be liberally construed to promote the drainage and reclamation of wet or overflowed lands, and amounts due to contractors holding the viewers' certificate of acceptance shall not be defeated by reason of any defect in the proceedings occurring prior to the order of the board of commissioners establishing the ditch, but such order or judgment of the said board shall be conclusive that all prior proceedings were regular and according to law.

SEC. 35. All acts and parts of acts conflicting with this act are hereby repealed.

SEC. 36. This act shall take effect and be in force from and after its passage.

Approved March 1, 1883.

CHAPTER 109.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT FOR LICENSING OF DOGS, AND FOR THE PROTECTION OF SHEEP, LAMBS AND OTHER DOMESTIC ANIMALS.

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

SECTION 1. That an act entitled an act for the licensing of dogs, and for the protection of sheep, lambs and other domestic animals, approved November twenty-second (22d), one thousand eight hundred and eighty-one (1881), the same being chapter eighty-two (82) of the general laws, passed at the extra session of one thousand eight hundred and eighty-one (1881), be, and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 23, 1883.

Dog license re-
pealed.