

Petition may be signed by corporation.

SEC. 49. Any railroad company or other corporation owning lands or other property that will be affected by the organization of any sub-drainage district as provided for in this act, may sign the petition for the organization of such sub-drainage district, by such officer or officers as are by the charter or by-laws empowered to make contracts for such railroad company or other corporation.

Investment of moneys.

SEC. 50. Whenever the amount of money in the treasury of any drainage district belonging to the sinking fund of any sub-drainage district is sufficient to warrant the investment thereof, the board of drainage commissioners shall have power to invest the same in the bonds of any county, township or school district within the state of Minnesota, and all interest received from such investment shall be credited to the sinking fund of such sub-drainage districts.

No member of drainage commission to be interested in contracts.

SEC. 51. No member of the board of drainage commissioners, viewer, engineer or supervisor shall be personally interested in any contract for the construction of any work done under the provisions of this act, and any contract in which any such commissioner, viewer, engineer or supervisor is personally interested, either directly or indirectly as a contractor, shall be void, and the contractor or contractors shall forfeit all pay for any work done under such void contract.

When act to take effect.

SEC. 52. This act shall take effect and be in force from and after its passage.

Approved March 8, 1887.

CHAPTER 99.

[H. F. No. 490.]

AN ACT TO PROVIDE FOR CONSTRUCTING DITCHES BY TOWNS FOR THE PURPOSE OF DRAINAGE.

180-99 }
168 89

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

Supervisors of town may lay out and construct ditch.

SECTION 1. The supervisors of any town may lay out and construct a ditch within the limits of such town for the purpose of drainage, upon a petition of not less than six (6) legal voters who own real estate or who occupy real estate under the homestead and pre-emption law of the United States or under contract from the State of Minnesota within one (1) mile of the ditch to be so constructed.

SEC. 2. Whenever any number of legal voters, as aforesaid, determine to petition the supervisors for the laying out or construction of a ditch they shall cause a copy of their petition to be posted up in three of the most public places of the town twenty (20) days before any action is had in relation thereto. Such petition shall describe as near as possible the course of such ditch and shall give as near as possible the points where such ditch shall begin and where the same shall terminate and a description of the lands through which such ditch is proposed to be constructed.

Petition.

SEC. 3. Upon receiving such petition the supervisors shall, within thirty (30) days, make out a notice and fix therein a time and place at which they will meet and decide upon such petition and shall, at least ten (10) days previous to such time, cause such notice to be given to all occupants of the land through which such ditch is proposed to be constructed, which notice shall be served personally or by copy left at the usual place of abode of each of said occupants, proof of such service to be made by an affidavit of the supervisor making such service. The supervisors shall also cause copies of such notice to be posted in three public places in said town at least ten (10) days previous to such meeting. Every such notice shall specify as nearly as practicable the ditch proposed to be laid out or constructed and the several tracts of land through which the same may pass.

Notice of meeting.

SEC. 4. The supervisors, at the time and place fixed in said notice, shall proceed to examine personally the territory affected by said proposed ditch and shall hear any reasons for or against the laying out or constructing of the same and shall decide upon the application as they deem proper. If they decide in favor of laying out or constructing such ditch they shall make out or cause to be made out an accurate description thereof and incorporate the same in an order to be signed by them and shall cause such order together with all the petitions and affidavits of the service of notice to be filed in the office of the town clerk who shall note the time of filing the same, and, on a refusal of the supervisors to lay out and construct such ditch, they shall note the fact on the back of the petition and file the same as aforesaid. All orders, petitions and affidavits together with the award of damages shall be made out and filed within five (5) days after the date of the order for laying out or constructing such ditch but the town clerk shall not record such order within thirty (30) days nor until a final decision is had and not then unless such order is confirmed; and, in case the supervisor shall fail to file such order within twenty (20) days, they shall be deemed to have decided against such petition but, if such order is

Supervisors shall examine territory personally.

confirmed and such order together with the award has been recorded by said town clerk, the same shall be sent by him to the county auditor who shall file and preserve all such papers thus transmitted to him.

Order verified
evidence in
courts.

SEC. 5. An order laying out or directing the construction of such ditch and a copy of the record duly verified by the town clerk shall be received in all courts as competent evidence of the facts therein contained and shall be prima facie evidence of the regularity of the proceedings prior to the making of such order except in case of appeal when an appeal has been taken within the time limited by this act.

Damages, how
ascertained.

SEC. 6. The damages sustained by reason of laying out or construction of such ditch may be ascertained by the agreement of the owners and supervisors and unless such agreement is made and the owners shall in writing release all claim to damages the same shall be assessed in the manner hereinafter prescribed before the same is open or used. Every agreement of the owners shall be filed in the town clerk's office and shall forever preclude the owners of lands from all further claims for damages, not only for the taking of land in the construction of such ditch, but also shall preclude the owner from any claim for damages by the use of such ditch. In case the supervisors and the owners of land claiming damages can not agree or if the owner of any land through which any such ditch shall be laid out or constructed is unknown the supervisors shall, in their award, specify the amount of damages awarded by them to all such owner or owners giving a perfect description of such parcel of land in their award. The supervisors shall assess the damages at what they deem just and right with each individual with whom they can not agree and deposit a statement of the amount of damages so assessed to each individual with the town clerk who shall note the time of filing the same. The supervisors in all cases of assessing damages shall estimate the advantages and benefits which such ditch and the construction thereof will confer on the claimants for the same as well as the disadvantages. Any person living on United States land who has made his declaratory statement for the same in the proper land office shall, for the purpose of this act, be considered the owner of such land.

Appeals.

SEC. 7. The several acts and provisions of the general statutes of one thousand eight hundred and seventy-eight (1878) and the acts amendatory thereto relating to appeals from the award of damages in the laying out of highways shall be applicable to an appeal from award of damages in laying out or constructing ditches under the provisions of this act and such appeals shall be conducted under the provisions of said laws.

SEC. 8. Whenever the supervisors shall have ordered

the laying out or construction of a ditch in conformity with the provisions of this act the same shall be opened and constructed under the direction of the supervisors of such town, the expense thereof to be paid by the town in which such ditch is situated. Whenever the supervisors have laid out any ditch in conformity with the provisions of this chapter and their decision has not been appealed from they shall have a right to go upon any land through which the same is to be constructed for the purpose of constructing or opening the same.

Opening and
laying out
ditches.

SEC. 9. This act shall take effect and be in force from and after its passage.

When not to
take effect.

Approved March 8, 1887.

CHAPTER 100.

[H. F. No. 873.]

AN ACT TO CREATE THE FOURTEENTH (14TH) AND FIFTEENTH (15TH) JUDICIAL DISTRICTS, AND PROVIDE JUDGES THEREFOR.

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

SECTION 1. That the counties of Aitken, Crow Wing, Cass, Itasca, Wadena, Becker, Beltrami, Hubbard, Clay, Norman, Polk, Marshall and Kittson be detached from the Eleventh Judicial District for judicial purposes; *provided*, that the time for holding court in said counties is not changed hereby.

SEC. 2. That the counties of Becker, Clay, Norman, Polk, Marshall, Kittson and Beltrami be and the same are hereby constituted the Fourteenth Judicial District of the state of Minnesota.

Fourteenth
judicial
district.

SEC. 3. That the counties of Aitken, Crow Wing, Cass, Itasca, Wadena and Hubbard be and the same are hereby constituted the Fifteenth Judicial District of the state of Minnesota.

Fifteenth
district.

SEC. 4. That the second judge of the Eleventh Judicial District shall perform all the duties of, and be styled "judge of the Fourteenth Judicial District" during the unexpired term for which he was elected and qualified, and there shall not be any appointment or election of judge in said Fourteenth Judicial District for any term to commence before the expiration of the term of the present second judge of the Eleventh Judicial District.

Judge of
eleventh
district.