

CHAPTER 178.

S. F. No. 284.

An act to amend section eight (8) of chapter two hundred and fifty-eight (258) of the General Laws of Minnesota for the year one thousand nine hundred and one (1901), being an act entitled: "An act providing for the drainage of lands in certain cases, prescribing the powers and duties of county commissioners and other officers in the premises and appropriating funds for the payment of assessments against state lands affected thereby, and prescribing penalties for the violation thereof, and repealing certain acts therein mentioned and referred to."

Drainage.

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

SECTION 1. That section eight (8) of chapter two hundred and fifty-eight (258) of the General Laws of Minnesota for the year one thousand nine hundred and one (1901), be and the same is hereby amended so as to read as follows:

Section 8. Within three days after the filing of such report it shall be the duty of the auditor to call a special meeting of the board of county commissioners, by giving to each member thereof not more than thirty-five days' notice, in the manner provided by law for notifying county commissioners of special meetings. He shall also cause a notice of the time and place of such special meeting to be given to all persons interested, by publication for three successive weeks prior thereto in a newspaper printed and published in said county, and by posting, at least three weeks before such meeting, printed copies thereof in three public places in each township where the proposed work is located, and one at the door of the court house in said county, of the pendency of said petition and viewers' report, and of the time and place set for the hearing thereof, which notice shall briefly state substantially where said ditch commences, a description of the land through which it passes, and where it terminates, together with the names of the owners of the lands that will be affected thereby, as the same appears in the report of the viewers; and within one week after beginning such publication the auditor shall mail a printed copy of said notice to all non-residents of the county named in such viewers' report as affected by such proposed work, whose

On filing of report, auditor to call special meeting of commissioners.

Publication of notice, giving time and place, etc.

Posting.

Notice to non-residents.

Defective
notice.

Final order
establishing
ditch set
aside.

Rehearing.

address is known to him, or can be ascertained by him by inquiry at the county treasurer's office; *provided*, that in all cases in which, for any cause, said notice shall not be given, or in any case said notice shall be legally defective, the county auditor shall cause the same to be again given, so that the petition may be heard at another special, adjourned or regular meeting of said board, which will occur more than seven days after the expiration of another notice by like publication, posting and mailing, as provided in the first instance.

Provided, further, that whenever any final order of the board of county commissioners establishing any ditch in proceedings under this chapter and amendments thereto shall have been heretofore or shall be hereafter set aside, annulled or declared void by any court by reason of a failure to give proper notice of the said pendency of said petition and viewers' report and of the time and place set for the hearing thereof, the county auditor, at any time within one year after the rendering of such judgment or decision, upon the application of any petitioner in such case, or upon being directed by resolution by the board of county commissioners, shall call a special meeting of such board of county commissioners for a rehearing on such petition and viewers' report, and shall give notice of such meeting and rehearing in the manner hereinbefore provided, and at such meeting the said board of county commissioners shall proceed to reconsider such report, shall act upon the same and make findings thereon and may establish such ditch in conformity with the provisions of said chapter two hundred and fifty-eight (258) and amendments thereto.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1903.

S. F. No. 13.

CHAPTER 179.

Deeds, mortgages, etc.

An act to legalize and validate the defective execution of deeds, mortgages and other instruments, and the record thereof.

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

SECTION 1. That in all cases where deeds, mortgages or other instruments affecting real estate within this state,