

## CHAPTER 362—H. F. NO. 725.

*An Act to authorize the board of state capitol commissioners to pay Bengt Aronson the sum of eighteen hundred dollars (\$1,800).*

WHEREAS, in the construction of the tunnel from the new capitol building in St. Paul, Minn., to the heating plant now connected therewith, it was supposed and understood, at the time of the letting of the contract for said tunnel, by the architect of said building, by the board of state capitol commissioners, by the contractor and by the sub-contractor, Bengt Aronson, that such tunnel was to be constructed through natural layers of soil, and,

WHEREAS, afterwards when excavations for such tunnel were made by said sub-contractor, Bengt Aronson, it was ascertained that the ground through which said tunnel was made did not consist of natural layers of soil, but that said tunnel must be excavated partly through what is called "made ground." And before such fact was actually ascertained as to the true condition of the soil through which said tunnel must be constructed, and as a result of such excavation a building situated upon the bank above such tunnel was damaged by the caving in of such made soil whereby the walls of said building were seriously damaged, and said Bengt Aronson, the contractor, was obliged to pay, and did actually pay to the owner of said building so damaged, as damages, the sum of about eighteen hundred dollars (\$1,800) in full satisfaction of said damages, to said building, which sum so paid by said Bengt Aronson as such damages was equal to or exceeded his entire profits for his work under said sub-contract upon such tunnel: and,

WHEREAS, the board of state capitol commissioners are of the opinion that said Bengt. Aronson is equitably entitled to be reimbursed out of moneys belonging to the state for the sum so paid by him as damages as aforesaid, but have officially refused to pay the same, because they did not deem themselves authorized by law to disburse the moneys under their control for such purpose; therefore,

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

Section 1. The board of state capitol commissioners of the State of Minnesota are hereby authorized and empowered to pay to Bengt. Aronson the sum of eighteen hundred dollars (\$1,800), or so much thereof as may be necessary to reim-

burse and repay to said Bengt Aronson such sum as he may show to the satisfaction of said board, has been actually paid by him to the owner of any building damaged by the construction of the tunnel which carries the heat to the state capitol building in the City of St. Paul, Minn.

Approved April 23, 1907.

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CHAPTER 363—H. F. No. 734.

*An Act to relieve county commissioners, drainage engineers and contractors, who are constructing ditches under contracts let prior to April 18th, 1905.*

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

**Inspection—interests on warrants.**—Section 1. That all contracts for the construction of ditches made prior to April 18th, 1905, and which contracts are not yet completed, the drainage engineer, in charge of such work, on being notified by any contractor that his job is completed, shall inspect the same, and if he find it complete, according to contract, plans and specifications, he shall accept it, and give the contractor a certificate of acceptance, stating that said section or sections (by number), are completed according to the contract, plans and specifications, as set forth in the report of said engineer, whereupon, if approved by the board of county commissioners, and upon the presentation and surrender of said certificate of acceptance by said contract to the auditor, said auditor shall draw a warrant on the county treasurer of his county for the full amount found to be due on said contract, or preliminary certificate, as hereinafter provided for, and said warrant shall be paid out of the general ditch fund to be provided by the board of county commissioners, as hereinafter specified. Said warrants shall become due and payable out of said fund at once, and if there shall be no cash in said fund to pay said warrant when the same is presented, the county treasurer shall endorse said warrant, "Not paid for want of funds," and date and sign such endorsement, and the amount, said warrant shall draw interest at the rate of six per cent per annum, until called in by the treasurer or auditor of said county, and paid; *provided, however*, that the engineer, upon the written approval of the auditor, may issue preliminary certificates for not to exceed eighty-five per cent of the