

office address of purchaser, which shall be open to the inspection of the warden, state board of control and the proper county attorney. Every dealer who shall violate the terms of said written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor.

Twine may be sold to dealers outside state. Provided, that whenever, in the opinion of the state board of control and the warden of the prison, the best interests of the state require such action, such binding twine may be sold to dealers or consumers without the state.

Approved April 17, 1913.

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#### CHAPTER 335—H. F. No. 852.

*An Act amending Section 14 of Chapter 384 of the General Laws of Minnesota for 1911, relating to county and judicial drainage ditch proceedings, and to procedure therein, and validating drainage proceedings heretofore had in certain cases.*

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

**Section 1. Locating of ditches under acts of 1901 and 1905, or both—Procedure.**—That Section 14 of Chapter 384 of the General Laws of Minnesota for 1911 be, and the same hereby is, amended so as to read as follows:

**Section 14.** Where the county board of any county in this state or the judge or judges of any district court of this state has heretofore located, established or caused to be constructed, or has attempted or purported to locate, establish or cause to be constructed any ditch, drain or other water course within their respective jurisdiction under the provisions of Chapter 258, *General Laws of Minnesota for 1901*, or Chapter 230, *General Laws of Minnesota for 1905*, or under the provisions of both of said acts and acts amendatory thereof or supplementary thereto, and said county board or said judge of the district court, as the case may be, has found and determined that such ditch, drain or other water course will be of public utility or will promote the public health, and that the benefits or estimated benefits to be derived from the construction thereof are greater than the total cost, including damages awarded and where the contract or contracts for the construction of such ditch have been actually entered into, and the county auditor has executed and filed in the office of the register of deeds, the tabular statement required by law and making assessments for the costs and expenses of location, establishment and construction of the same against the lands, corporations, roads and other property benefited thereby, and no appeal has been taken therefrom, or from any such proceedings, or if appeal was taken, same has been

determined prior to the passage of this act, and where, first, the final order establishing such ditch is ineffective or not according to law for the reason that the same does not sufficiently or correctly describe or designate the course, or the size or dimensions of such ditch, or the branch or branches thereof, or any part of the same, or is ineffective for any other reason or, second, where for any reason, whether the main ditch or any part thereof, or any branch or lateral ditch or any part thereof has not been located, dug or constructed along the line or at the place or location fixed or determined therefor by the order establishing such ditch, but has been wholly or partially located, dug or constructed along a different line or at a different place or location, or third, where branches or laterals to any ditch have been wholly or partially located, dug or constructed, additional to, different from, or other than those established or designated by the final order establishing such ditch, or, fourth, where at the final hearing or subsequent thereto, the engineer's report or viewers' report or the final order establishing such ditch have been either actually or constructively changed or altered or modified by order or action of the county board or the district judge originally acting thereon, or, fifth, where any other action or thing, not above specified, required to be done or performed by any officer or person in the matter of the establishment, location or construction of any such ditch, or of the acceptance or payment therefor, or if any part thereof or of the issuance of bonds therein, or of the making of assessments of benefits therein, or of the making or filling of the lien of assessments of benefits therein, or any other step in such drainage proceedings, has been attempted to be performed, but has been actually done or performed in a manner not in compliance with law, than all of the said proceedings so taken as aforesaid and all parts thereof and any assessments or liens so levied or assessed or attempted to be levied or assessed for payment of the expense and cost of said ditch, including damages awarded, and the contract, if any, entered into in the said ditch matter, and all payments thereon or otherwise made in such ditch proceedings, and all ditch bonds issued in the said proceeding, and the final order establishing any such ditch, and any such change or alteration in such final order, or in the engineer's or viewers' report therein, and all other steps and proceedings in such ditch matter attempted to be done, but wherein the provisions of law were not fully complied with or were violated, and each and all of the same are hereby legalized and declared to be valid and in full force and effect, the same as if all proceedings in the matter of locating and establishing said ditch and the acceptance thereof and payment therefor and all other proceedings therein were in all respects regular, and the same as if the final order establishing said ditch had been regularly and correctly made. Where such main

ditch or branches or laterals or any part thereof has not been wholly or partly located, dug or constructed along the line determined and fixed therefor, as aforesaid, but has been wholly or partly located, dug or constructed at a different place, or where branches or laterals to any ditch have been wholly or partly located, dug or constructed additional to, different from or other than those established by the final order establishing such ditch, or when such final order was ineffective or defective as aforesaid, then the said ditch or branches thereof as wholly or partly located, dug or constructed at such different place and such branches or laterals additional to or different from those designated or established by such final order and all such ditch or branches as actually located and constructed or partially constructed, and each and all of the same are hereby legalized and made valid and effective at such different place of location or construction, the same as if there located and ordered constructed by the final order establishing such ditch, provided that, if any person whose lands are affected by the said ditch or by such change, claims additional or other damages to such lands on account of such change, than as originally awarded, or claims a reduction of assessment of benefits to any such land by reason of such change, then and in either such case, such person shall within sixty days after the passage of this act, make application to the county board which established such ditch, in the case of a county ditch, or to a judge of the district court which established the same, in case of a judicial ditch, to have his claim for such additional damages or reduced benefits considered and determined, and such county board shall thereupon proceed to hear and consider such application and determine the same, upon such notice of hearing therefor, as shall be deemed advisable by such county board or district judge, as the case may be, and shall make such order in the premises as may be just and equitable and required by the evidence submitted, and appeal from such order or review thereof shall be had in the manner provided by law for appeal from or review of assessment of benefits in county and judicial ditch proceedings. Provided, that the provisions of this section shall not apply to any action at law or in equity now pending in any court of this state, but for the purpose of questioning or reviewing any such defect in any such ditch proceeding.

Approved April 17, 1913.