

therefor. The size of the mesh of gill nets shall not be less than five (5) inches extension measure; and each such net shall not be longer than two hundred (200) feet. Any one desiring to use such net shall, before so doing, make written application for such privilege to the game and fish commission, which application shall be accompanied by a license fee of one dollar (\$1.00); such gill net may be fished with, from the first day of December to the last day of February following, and from the 15th day of May to the 31st day of October, following. Each net shall display a tag giving the license number.

**Sec. 6. Fish, especially bass, may be offered for sale.**—*Fish, especially all species of bass, caught in international waters in season by residents of this state with hook and line may be offered for sale.*

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

Approved April 26, 1913.

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#### CHAPTER 567—H. F. No. 120.

*An Act amending Section Seventeen (17) of Chapter Two Hundred Thirty (230) of the General Laws of Minnesota for 1905, as amended by Section Six (6) of Chapter Four Hundred Sixty-Nine (469) of the General Laws of Minnesota for 1909, as amended by Section Thirteen (13) of Chapter Three Hundred Eighty-Four (384) of the General Laws of Minnesota for 1911, relating to drainage and the payment of drainage contractors.*

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

**Section 1. Amount which engineer may certify to be paid on ditching contracts, in cases where entire contract reaches or exceeds a specified sum.**—That Section Seventeen (17) of Chapter Two Hundred Thirty (230) of the General Laws of Minnesota for 1905, as amended by Section Six (6) of Chapter Four Hundred Sixty-Nine (469) of the General Laws of Minnesota for 1909, as amended by Section Thirteen (13) of Chapter Three Hundred Eighty-Four (384) of the General Laws of Minnesota for 1911 be and the same hereby is amended so that same shall read as follows:

**Section 17.** It shall be the duty of the engineer, on being notified by the contractor that his job is completed, to inspect the same, and if he finds it complete according to the contract, plans and specifications, he shall report that fact to the county board and give to the contractor a certificate stating that said section or sections (by number) or other jobs of construction, are completed according to the contract, plans and specifications, as set forth in the report of said engineer:

PROVIDED, that when the work for which such certificate is to be issued, affects more than one county, proportionate certificates shall be issued to each county; whereupon, if approved by the county board of the county or counties, as the case may be, and upon the presentation and surrender of said certificate with such approval endorsed thereon, to the auditor of the proper county or counties, said auditor shall draw a warrant on the county treasurer of his county for the proportionate amount found to be due from such county on said contract, according to such preliminary certificate, as herein provided; and that said warrant shall be paid out of the general ditch fund to be provided by the county board as hereinafter specified.

Said warrant 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 of said warrant shall draw interest at the rate of six (6) per cent per annum until called in by the treasurer or auditor of said county and paid.

At any time during the progress of the work of construction, the engineer may issue preliminary certificates for work done and approved or for material or supplies furnished and delivered along the line of said proposed ditch, or otherwise delivered according to the contract therefor and to be used for the construction or installment of tile or other enclosed drains or for bridges or culverts along the line of and as a part of the said proposed ditch system; which preliminary certificate shall contain the station number or numbers of the work covered by such certificate, the actual yardage of the excavation certified, and the total value thereof according to the contract of construction, or in case the same is for material furnished, then an estimate of the total value of such material according to contract. Such certificate shall further show the percentage of such total value of the work or material to be paid by the county or counties, and if the proportion has been fixed by the district court, such certificate shall further show the proportion of such total value to be paid by the respective counties. Said certificate shall be executed in duplicate by the said engineer, or in such number as may be necessary and as many thereof marked "duplicate" shall be delivered to the contractor as there are counties affected, and such engineer shall further file one thereof with the county auditor of each county affected; provided that *except as hereafter provided* no engineer in drainage proceedings shall by preliminary certificate certify or recommend for payment and no county auditor shall cause to be paid a sum exceeding seventy-five per cent (75%) of the total value of the work done and approved or exceeding fifty per cent (50%) of the total value of material or supplies furnished or delivered as such total value is shown by such preliminary certificate.

*Except that in case the total estimated cost of construction of any drainage ditch shall exceed the sum of \$30,000.00 and the excavation work thereof shall be fifty per cent (50%) or more completed, and the contract of construction shall not be in default, the engineer may after the said excavation is 50% or more complete, issue such preliminary certificate and recommend for payment and the county auditor shall cause to be paid eighty-five per cent (85%) of the total value of such work done and approved.*

Thereupon the said county auditor shall forthwith issue his warrant for such amount to be so paid, by such county, which said warrant shall be payable as hereinbefore provided for payment of warrant issued after full completion of contract of construction.

*In case where the total estimated cost of construction of any such drainage ditch shall exceed the sum of \$30,000.00 and where fifty per cent (50%) of the total amount of said excavation as shown by the engineer's report is complete and where the contract is not in default, the engineer may issue a further preliminary certificate setting forth the total value of previous construction work theretofore certified as complete by the engineer, the total amount of warrants issued to such construction contractors for such work, the total balance of sums retained by the county or counties involved, from preliminary estimates theretofore made, and the total percentage of the yardage of excavation theretofore finished and certified by engineer and the proportion of the cost of construction to be paid by the respective counties, if more than one. Such further preliminary certificate shall be executed, delivered and filed by the engineer as other preliminary certificates provided for in this section and upon presentation thereof to the county auditor, such auditor shall thereupon forthwith issue to the contractors presenting the same his warrants for such county's proportionate share of 75% of the balance of such sums retained by the county or counties involved from preliminary estimates theretofore made as set forth in such further preliminary certificates provided for in this paragraph, provided that in case of ditch proceedings wherein the contract of construction has been entered into prior to the passage of this act, before the issuing and delivering of the said warrant to such contractors there shall be filed with the said county auditor the assent thereto in writing of the surety on such contractor's bond, such assent to provide that such payment upon such preliminary certificates shall not in any manner effect or reduce the liability of such surety upon such contractor's bond.*

*The provisions of this section shall apply to all public ditch proceedings heretofore or hereafter instituted under any law of this state, except state and township ditches.*

Provided, that no certificate or certificates of partial completion or of furnishing of material shall be furnished or delivered by the engineer unless the said certificate or certificates shall be accompanied by the engineer's written certificate that no loss will result from such partial payment. Provided, further, that the county or counties paying a preliminary estimate of the engineer on material furnished or delivered shall have a lien on the said material to the amount of all payments made thereon by such county or counties.

Provided, that the said certificate or certificates of the engineer in the matter of any county or judicial ditch proceedings or any other estimate or certificate required under any of the drainage laws of this state to be made by him, shall not constitute prima facie; or other evidence of the truth of the contents thereof, or of the completion of any ditch or any part thereof by the contractor or otherwise, or of the fulfillment of the contract or any part thereof unless and until said certificate is approved by resolution of the county board.

It shall also be the duty of the engineer to inspect the laying of tile, excavation and all other work of construction from time to time, as provided for in the specifications and provisions in his report and as provided for in the contract for construction, and every thirty days during the progress of the work to report in writing to the county board or the judge of the district court as the case may be, as to all work completed since the last prior report, and his services for making such inspection shall be paid for at the rate and in the same way as his services in making his original survey and report.

Approved April 28, 1913.

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#### CHAPTER 568—H. F. No. 308.

*An Act to amend Section 15 of Chapter 230 of the General Laws of Minnesota for 1905, providing for hearings on extension of contracts relating to drainage.*

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

**Section 1. Proceedings for application for extension on ditching contracts, and prohibiting same under certain conditions.**—That Section 15 of Chapter 230 of the General Laws of Minnesota for 1905 be amended so as to read as follows:

**Sec. 15.** The bond and contract shall be attached to each other and the contract shall contain the specific description of the work to be done, either expressly or by reference to plans and specifications, and refer to the number of the section or sections, as provided for in the preceding section; and shall pro-