

his successor is elected and qualifies. Before entering upon the duties of his office said judge shall subscribe to an oath as prescribed by the general laws for judicial offices, which oath shall be filed as required by law. He shall have the general powers of judges of courts of records and may administer oaths, take acknowledgments in all cases and as conservator of the peace shall have the powers and authority over all action or judgments arising in his court where no other provision is otherwise made in this act which is by law vested in district courts of this state, or other judicial officers. In case of vacancy in the office of municipal judge the governor of the state of Minnesota shall appoint some qualified person to said office until the next regular city election at which time an election may be had to fill the unexpired term of the person who has vacated the office after which time a judge shall be elected for the full term of two years.

Sec. 3. **Inconsistent acts repealed.**—That all acts or parts of acts in conflict with the provisions of section 2 of this chapter as amended are hereby repealed.

Sec. 4. That this act shall be in force and effect from and after its passage.

Approved April 20, 1917.

CHAPTER 391—H. F. No. 809.

An act relating to the locating and establishing of county and judicial ditches where the order establishing the ditch is void because of lack of jurisdiction and the ditch has been partly or wholly constructed and providing for the appropriation of the work done and material furnished in the construction or partial construction of a ditch under said order.

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

Section 1. **Procedure for establishment of a judicial or county ditch validated and legalized.**—Whenever a petition has heretofore been filed praying for the establishment of a judicial or county ditch or drainage system and the county board or judge of the district court, as the case may be, has made its final order establishing or attempting to establish a public ditch or drainage system in said proceeding and confirming the report of the engineer and viewers and the assessment of benefits and damages, but where the court or the county board has departed from the line of the ditch set forth in such petition and has by its order established such ditch and drainage system in a different basin or partly in a different basin or direction than that prayed for in the petition, or has decreased the amount of the assessment of benefits to less than seventy-five per cent of the amount found by the viewers, and the contract for the building

and construction of such ditch has or has not been sold and let and the contractor has or has not proceeded to construct such ditch and has or has not received estimates and payments on account of such work and the bonds of the county covering such ditch have or have not been sold, and it appears that the establishment of such ditch is practicable and of public utility and benefit, but where such order establishing such ditch and drainage system and confirming the report of the viewers and the assessment of benefits and damages is void for any reason, or the total amount of the final assessment of benefits is less than seventy-five per cent of the amount found by the viewers, the judge of the district court in the proper county shall, upon petition of the county attorney of any county in which said ditch or drainage system is partly or wholly located, or upon petition of any other public officer of said county or of any person interested in said ditch and drainage system, petitioning for a judicial ditch following the course of the said ditch and its laterals as described in such order, proceed with the establishment of said ditch and drainage system the same as if the petition therefor were filed by an interested property owner and as if said ditch had not been partially or wholly established and constructed and jurisdiction shall thereupon be acquired of the entire subject matter and said ditch proceeding and shall cause notices of hearing thereon to be given in the same manner as is now provided by law in the establishment and construction of public ditches under chapter 230, General Laws of 1905 and all acts amendatory thereof and supplemental thereto, and shall appoint an engineer and viewers in such proceeding and shall proceed and cause all steps to be taken and acts to be done which are now provided for by said drainage law for the establishment and construction of any public ditch or drainage system from the time of the filing of the petition for such ditch, except that the work of construction need not be resold, if already sold and no new contract or contracts or bonds need be required, if previously made or issued but the contract and bond or contracts and bonds of the contractor shall stand and be valid the same as if said work were resold and said contract and bond or contracts and bonds were entered into therefor, and if the report of such engineer and viewers shows the improvement to be of public utility and benefit and to be practicable and that the estimated benefits exceed the estimated cost of construction and damages and said estimated benefits shall exceed the cost of the construction and the damages awarded said ditch shall be ordered and said drainage system shall be established by order of court, and said order shall relate back and take effect as of the date of the entry of the aforesaid order attempting to establish such ditch. Thereafter, upon the mak-

ing of the order establishing such ditch and drainage system and confirming the assessment of benefits and damages, the county auditor, whose duty it is under said drainage law to make and file the lien statement in the case of the construction of public ditches shall prepare and file the lien statement for said improvement and said ditch comprising the cost of the construction of said ditch and the damages awarded, if any, not, however, exceeding the estimated benefits as the same may be confirmed. All provisions of said chapter 230, General Laws of 1905 and acts amendatory thereof and supplemental thereto, including all rights of appeal and review of damages and benefits as provided in section 12 thereof as amended, except where inconsistent herewith, shall be applicable to such proceeding. Any and all bonds sold and issued by the county or any of the counties affected by said ditch upon such order being made establishing such ditch shall be valid and are hereby legalized the same as if they had been sold and issued after the establishment of said ditch as herein provided.

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

Approved April 19, 1917.

CHAPTER 392—H. F. No. 851.

An act to authorize and require counties in the state of Minnesota which now have, or hereafter may have, less than 150,000 inhabitants to publish the current personal property tax list and to provide for the payment of such publication.

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

Section 1. Personal property tax list ordered published in all counties of state excepting Hennepin, Ramsey and St. Louis.—The county treasurer of each county in this state, which now has or hereafter may have, less than 150,000 inhabitants, shall cause to be published once between January 1st and February 1st of each year in a legal newspaper published in the county, that portion of the current personal property tax list which pertains to personal property taxes in cities, villages, towns or assessment districts nearest the place where said newspaper is published, so far as practicable, the portion of said list to be published in the respective newspaper to be fixed and designated by the county treasurer.

Sec. 2. What list is to contain.—Such list shall give the name of the person, firm or corporation assessed for such tax; the city, village, town or assessment district where the same was assessed; the assessed value of personal property for purposes of taxation upon which such tax is based; the amount of the tax; and by reference to school district, the total tax rate. Such list may be in substantially the following form: