

under until they shall come under the provisions of this act.

Section 13. Laws repealed.—Sections 6479, 6481, 6482, 6483, 6485, 6488, 6489, of Chapter 58 of the General Statutes of 1913, and amendments thereto, insofar as they conflict with the provisions of this act are hereby repealed *provided, however, that any corporation or association incorporated and operating under the provisions of the laws above specified shall continue to be governed thereby during the period of their corporate period or until they shall elect to come under the provisions of this act.*

Section 14. Application.—This statute shall be construed or considered as repealing or amending by implication or otherwise any existing law of this State except as herein stated and set forth, and no statute or law hereafter enacted in this state shall be considered or construed as amending or repealing this act by implication or otherwise, unless so provided in express language in such subsequent enactment.

Approved April 18, 1923.

CHAPTER 327—H. F. No. 15b.

An act relating to the foreclosure of mortgages covering real property within this state.

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

Section 1. Mortgages to be re-instated in certain cases.—That in any proceeding for the foreclosure of a real estate mortgage, whether by action or by advertisement, if at any time before the sale of the premises under such foreclosure, the mortgagor, the owner or any holder of any subsequent encumbrance or lien, or anyone for them, shall pay or cause to be paid to the holder of the mortgage so being foreclosed, or to the attorney foreclosing the same, or to the sheriff of the county, the amount actually due thereon and constituting the default actually existing in the conditions of said mortgage at the time of the commencement of such foreclosure proceedings, including insurance, delinquent taxes if any upon said premises, interest to date of payment, cost of publication and services of process or notices, Attorneys' fees not exceeding fifty (\$50.00) dollars, together with other lawful disbursements necessarily incurred, in connection with the proceedings by the party foreclosing, then and in that event said mortgage shall be fully reinstated and further proceedings in such foreclosure shall be thereupon abandoned.

Approved April 19, 1923.

CHAPTER 328—H. F. No. 211.

An act to amend Section 5481 of Chapter 44 of the General Statutes of 1913, as amended by Chapter 327, General Laws 1921,

relating to the powers and duties of the commissioner of drainage and waters.

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

Section 1. **Commissioner of drainage and waters—Powers and duties.**—That Section 5481 of said Chapter 44 of the General Statutes of 1913, as amended by chapter 327, general laws 1921, be and the same hereby is amended so as to read as follows:

Section 5481. The commissioner of drainage and waters established by this act, shall have power to construct as hereinafter provided, any ditch, drain or other watercourse within the State of Minnesota, and such ditch, drain or other watercourse may in whole or in part follow and consist of the bed of any creek, stream or river, whether meandered or not, and he may widen, deepen, straighten, change, lower or drain the channel or bed of any creek, river, lake or other natural watercourse, whether navigable or whether meandered or not, and may construct new and additional outlets to any marshy, shallow, or meandered lake for the purpose of draining the same, and may follow and extend the same into or through any city or village within the state far enough to secure a sufficient fall and flow of water to reasonably effectuate the purpose for which the work is extended, and may confine any such creek, river or other natural watercourse by means of dykes, levees and embankments to its natural or artificial bed, as laid out, and shall also, whenever it shall appear to its satisfaction that the drainage of any territory may be made more effective by the construction and maintenance of dams, or other works, for retaining and controlling the flood waters, tributary to such territory, have the power to construct or acquire such dams or other work, and flowage rights therefor, and to maintain and operate the same.

Provided, that when in any such proceedings, the waters of any creek, river or other watercourse are diverted from their natural bend by such artificial ditch or drain, such ditch or drain shall as nearly as practicable, follow the general direction of such creek, river or watercourse, and terminate therein.

And, provided, further, that no meandered lake shall be drained under the authority of this act, except in case such lake is normally shallow and grassy and of a marshy character or except in case such meandered lake is no longer of sufficient depth and volume to be capable of any beneficial public use of a substantial character for fishing, boating or public water supply.

Provided, further, that no meandered lake shall be drained or lowered under the authority of this act unless petitioned for by at least sixty per cent of the legal voters residing within four miles of such lake, who are freeholders, whose lands are affected as shown by the viewers' report and filed in the office of the

clerk of the district court of the county in which such proceedings are had.

Said commissioner of drainage and waters in addition to the authorities now granted under the provisions of said Chapter 44 of the General Statutes of 1913, is hereby authorized to make all necessary investigations to ascertain and determine the topographical features of the various watersheds of the state, viz.: the several tributaries of the Minnesota and Mississippi rivers and other rivers in the state, and ascertain and determine the works necessary to secure proper drainage outlet for the lands in each basin, and the construction of the necessary works to improve such outlet and control flood waters therein, including as near as can be ascertained the probable runoff waters of each of said basins and the important streams entering therein and shall ascertain and secure the necessary facts to determine what streams have natural facilities adapted to the creation of water power and the extent of horse power that can be secured, or other information that said commissioner shall deem necessary and essential to the proper planning of the work of each basin to supply proper drainage outlet and control of flood waters, including the conservation and use of such waters.

Said commissioner is also authorized to investigate into the methods employed in the manufacture of drain tile, to make research and experimentation with a view to improving the quality of drain tile; to make investigations into the cause or causes of failures that may occur in tile drains after construction, and whenever requested by the courts, county boards, or engineers in public drainage proceedings, said commissioner shall make tests for the presence of elements in the soil and soil waters destructive to drain tile and such other tests and investigations as may be requested by the said courts, county boards, or engineers, said tests to be requested, made and reported in accordance with regulations to be furnished by said commissioner.

The commissioner shall prepare specifications governing the strength, quality and general properties of drain tile which, in his opinion, shall embody requirements for the production of a high quality drain tile, and shall cause said specifications to be published and made available to officials, contractors and manufacturers concerned with public drainage proceedings for their information and guidance. It shall be the duty of the commissioner to make inspection and tests of materials used in the manufacture of drain tile and of the manufactured product in any or all of the drain tile manufacturing plants located within the state where drain tile is made and sold to the general public, at such time or times and at such intervals as in the opinion of the commissioner may be found advisable: to keep a record of the results of such tests and to prepare and make available copies of reports thereof to officials con-

cerned in public drainage proceedings and others within the state who may be concerned with land drainage or who may make request for copies of such tests. For the purpose of making said inspection and tests, the commissioner, or his duly authorized representatives, shall have free access to materials, manufacturing plants and appurtenances and to the manufactured drain tile at all times, and samples on which to make tests and inspection shall be furnished by the manufacturers without cost to the state.

It shall be the duty of all manufacturers of drain tile within the state who sell their products to the general public, to equip and install as a part of each manufacturing plant a first class and up-to-date testing machine on which tests to determine the bearing strength of drain tile may be made by the commissioner, or his duly authorized representatives, the general design and capacity of which testing machines shall be approved by the commissioner and shall be erected and completed by the manufacturers ready for use within 90 days of the passage of this act, provided, however, that the original cost to any one manufacturer of drain tile by reason of the installation of the testing machine herein provided shall in no instance be made to exceed the sum of \$250.00.

Said Commissioner shall also ascertain and secure the necessary information from the various parts of the state to enable him to make and furnish to the engineers of the state all necessary information as to the proper size of tile and the discharge thereof under various conditions, including information as to the proper size and discharge of open ditch construction and such information shall be included in the rules to be furnished and followed as provided in Section 1, Chapter 441 of the laws of 1917.

Said commissioner is hereby authorized to co-operate and enter into agreement with the Minnesota State Agricultural Experiment Station and The United States government or any department thereof whenever in the opinion of said commissioner such co-operation is advisable for the purposes mentioned in this act.

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

Approved April 19, 1923.

CHAPTER 329—H. F. No. 353.

An act authorizing county boards in certain cases to refund to county registers of deeds certain fees received for registering automobiles and which were erroneously paid into the county treasury.

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

Section 1. County boards authorized to refund fees to regis-