

dollars (\$6,000) ; and of the deputy attorney general at fifty-five hundred dollars (\$5,500) ; and of the several assistant attorneys general at Forty-eight hundred dollars (\$4800) ; and of the department clerk and the law clerk in the office of the attorney general at twenty-one hundred dollars (\$2,100). The compensation of said officers and employes, to the extent it exceeds that now established, shall be paid until July 1, 1921, from the fund heretofore appropriated and unexpended as a special contingent fund for the attorney general's office.

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

Approved April 18, 1921.

CHAPTER 325—S. F. No. 797.

An act to amend Sections 1, 2, 3, 6, 10, 12, 20, 21, 22, 25, 28, 29, 30 and 32 of Chapter 13 of the Session Laws of Minnesota for the Special Session of 1919, entitled "an act to provide for the drainage of wet and overflowed lands and control of flood waters to protect cities, villages, highways and farm lands, and other property from inundation and to authorize the organization of drainage and conservation districts to secure the construction and maintenance of such works and improvements as will secure the control of flood waters within the limits of such districts and conserve and utilize such waters for power purposes, fish production or any other purpose consistent with the provisions of this act," and adding two new Sections to be known as 43 A. and 43 B. relating respectively to the effect of this act and to appeals to the Supreme Court.

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

Section 1. Declaration and definition.—That Section 1 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended so as to read as follows :

Section 1. Drainage and flood control are clearly within the functions of governmental action, and the exercise of the right or authority to authorize or direct drainage carries with it the right to care for and control the waters thus gathered and turned into natural or artificial channels. This act may be known and cited as the "Drainage and Conservency Act of Minnesota" and any districts organized hereunder shall be known as "Drainage and Conservency Districts" and such additional name as the order of the court may designate. Whenever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean publication for once a week for three (3) consecutive weeks in one legal newspaper published and of general circulation in each county affected.

Whenever the term "public health" is used in this act, it shall be construed to include any act or thing tending to improve the general sanitary condition of the community whether by way of drainage, relieving low or wet land of stagnant and unhealthy conditions, or by preventing the flooding of any lands thereby producing or tending to produce unhealthful conditions, and whenever the terms "public welfare" or "public benefit" are used, it shall be construed to extend to and include any act or thing tending to improve or benefit the general public or *benefit the inhabitants of the district*. Whenever the term "person" is used in this act and not otherwise specified, it shall be taken to mean and include person, firm, co-partnership, association or corporation, other than public or political subdivision, and whenever the term "*corporation*" is used, it shall be construed to include both "*municipal corporations*" and "*private corporations*" unless otherwise specifically designated, and whenever the term "*public corporation*" or "*municipal corporation*" is used or intended, it shall be construed to mean cities, villages, counties, townships or other political subdivisions of the state. Whenever the term "court" is used, it shall be taken to mean the district court or the judge thereof, and to apply to the district court wherein the petition for the organization of the district was filed and granted, unless otherwise specified. Provided nothing herein contained shall be construed to abrogate the title of the state in the public waters, but the use and control of certain waters within the limitations and for the purpose herein specified may be granted to the district.

Sec. 2. Powers granted to courts.—That Section 2 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 2. The district court of any county in this state, or any judge thereof in vacation, is hereby vested with jurisdiction, power, and authority upon the filing of a petition as specified in Section 3 of this act, and the conditions stated therein are found to exist to establish a drainage and conservancy district and define and fix boundaries thereof, which may be entirely within or partly within and partly without any county and may include the whole or any part of one or more counties, including the county in which the petition is filed, for all or any of the following purposes:

(a) For regulating streams, channels or water courses by changing, widening, deepening, straightening the same or otherwise improving the use and capacity thereof.

(b) For reclaiming by drainage, or filling, dyking or otherwise protecting lands subject to overflow.

(c) For providing for irrigation where it may be needed.

(d) For regulating the flow of water in streams or water courses.

(e) For regulation and control of flood waters and the preven-

tion of floods, by deepening, widening, straightening or dyking the channels of any stream or water course, and by the construction of reservoirs or other means to hold and control such waters.

(f) For diverting in whole or in part streams or water courses and regulating the use thereof; streams so diverted shall follow the natural course of drainage and terminate in the same natural outlet, and as incident to and for the purpose of accomplishing and effectuating all the purpose of this act, may under the conditions specified herein, straighten, widen, deepen, or change the course or terminus of any natural or artificial water course and build, construct and maintain all necessary dykes, ditches, canals, levys, wall-embankments, bridges, dams, sluice ways, locks and other structures that may be found necessary and advisable to create, establish and maintain the necessary reservoirs or other structures, to hold, control and regulate any and all flood waters within said district, and to acquire title to in the name of said district of all necessary lands and other property to construct and maintain reservoirs, dykes or other structures, including dams for power purposes and conserve and utilize such waters for any purpose consistent with the purpose of this act. Provided, however, that the provisions of this act shall not be construed to authorize the diverting of the waters from one general water shed to another general water shed, *and no river nor any tributary of any river or stream in this state shall be diverted from its natural outlet by any diversion-channel or flood control work authorized by or mentioned in this act, at any point in its course distant more than two (2) miles from such natural outlet.*

Sec. 3. Petition for organization of districts.—That Section 3 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 3. Before any district court shall establish any district as outlined in Section 2 of this act, a petition shall be filed in the office of the clerk of said court, in any county containing territory included in said petition, signed by not less than twenty-five (25%) per cent of the resident free-holders of said district, but not in any event shall more than fifty (50) signers be required, or by the proper officials of any county, city or village authorized by resolution duly passed by the governing board of said county, city or village. Said petition may be signed by one or more such counties, cities or villages, and if signed by two or more counties, or by five (5) or more cities or villages, then the same need not be signed by any of the free-holders of said proposed district.

Said petition shall set forth:

1. The proposed name of said district.
2. The necessity for the proposed work, and that it will be conducive to the public health, safety and convenience and promote

the welfare of the inhabitants of said district, *and be of public benefit.*

3. *A description of the nature, purpose and plan of the contemplated improvement and shall include in general terms a description of the territory proposed to be included in said district. Said description need not be given by metes and bounds or by legal subdivision, but shall be sufficiently definite and accurate description so that the territory to be included may be understood therefrom. Unless good reason be shown to the contrary the same shall include all territory within a given water shed or drainage basin or all territory from which the water from natural or artificial channels find their course through one general stream or channel, provided, that in all cases where any river basin or water shed in this state contains more than ten thousand (10,000) square miles of territory, no district shall be organized under this act which shall include in one district the main stream of such basin or water shed, and any of its tributaries, but the valley of the main stream, and the valley of each of such tributaries thereto, may be organized separately; and in organizing the main stream of any such river basin or water shed into such separate district, there may be included therein the lands along said main stream, that are likely to be affected, benefited or damaged by any proposed improvement in the valley of such main stream, together with such territory immediately adjoining thereto as will permit the boundary line of said district to be given by the lines of Government survey, but no part of any tributary of such main stream or river shall be included in said district except so much thereof as lies in the immediate valley of said main channel and such part thereof as is likely to be affected by, or form a part of any improvement constructed in, or connected with, the main stream of such basin for the proposed control of the flood waters in said main stream.*

4. Said petition shall pray for the organization of the district, the appointment of a governing board therefor and that the boundaries thereof may be specifically fixed and defined by order of said court.

No petition containing a requisite number of signatures or petitioners or signed by the requisite number of counties, villages or cities shall be void or dismissed on account of any defects therein, but the court shall at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or by supplying any of the defects therein. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and all together be regarded as one petition and any withdrawal of any signatures or petitioners from such petition after the same has been filed, shall in no manner affect the jurisdiction of the court, and all petitions filed prior to the hearing hereinafter provided

shall be considered by the court as a part of the original petition.

Sec. 4. Court to file findings—Designation by name—District office.—That Section 6 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 6. At the time and place set for hearing on said petition, all parties interested may appear and be heard for or against the granting of said petition, *but continuances of such hearing shall be granted by the court when necessity therefor is shown.* Upon said hearing *if the facts required by this act to be set forth* in the petition are *proven by competent evidence and found by the court to exist,* and that the purpose of this act would be subserved by the creation of a drainage and conservency district, comprising the whole or certain portions of the territory outlined in the petition, then said court shall make and file its findings of all matters involved in said petition, and shall, by order *designate the boundaries of said district and in case the main stream of a river basin containing more than ten thousand (10,000) square miles is organized into a drainage, and conservency district such boundaries shall conform as near as practicable, using government lines, to the property and corporations affected or benefited* and direct and declare said district organized, designating in said order the name by which it shall thereafter be known, and upon the filing of said order with the clerk of court where said petition was filed and a certified copy thereof in the office of the secretary of state, said district shall become and be for all purposes of this act, a body corporate endowed with all the rights, privileges and authorities hereindesignated, with power to sue and be sued, to incur debts and obligations for the purposes specified in this act and to do and perform and exercise all the right and privileges in this act enumerated; *provided, that the inclosure of any land, property or corporation within the limits of such district shall not be construed to render such property or corporations liable to assessment under any provisions of this act, unless the same falls within the class of property or corporations actually benefited as specified in Section 10 of this act.*

Said order or decree shall designate the place where the office or proper place of business of the district shall be located, which, unless special reasons arise to the contrary, shall be where the petition is filed; shall designate the number of commissioners or officers who shall constitute a first board of directors, which shall be not less than three (3) nor more than five (5), and shall name and appoint such officers who shall be residents of said district.

If upon said hearing the court finds that any portion of the territory named in said petition should not be included in said district the same shall be excluded from the district, but any territory benefited by the proposed improvement not included in said petition may at said hearing, or at any subsequent hearing ordered by the court upon petition from resident freeholders of said terri-

tory, or from said board *upon due notice*, be added to said district and the boundaries thereof fixed accordingly. If, upon full hearing, the court shall determine that the territory described in said petition or some part thereof should not be organized in said district, then said petition *shall* be dismissed and the costs incurred be taxed against the petitioners.

Sec. 5. Establishment of district—Classes.—That Section 10 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 10. After the organization of the board of directors of any drainage and conservancy district organized under the provisions of this act and upon filing with the clerk of the board a petition signed by not less than twenty-five (25) freeholders of the district, but in no event shall more than twenty-five (25%) per cent of the owners of the property affected be required or by the board of county commissioners of any county, or council of any city or village likely to be affected by the proposed improvement therein, asking for the construction within *the limits of said conservancy district* of any of the improvements authorized by the provisions of this act relative to drainage or control of the waters of any lake, pond, marsh, or body of water, river, stream, or water course within said district *which may cover the whole or any part of the improvement contemplated when said district was organized* therein describing the need of the proposed improvement, the extent thereof, and describing in general terms the bodies of waters, streams or water courses proposed to be improved, or reservoirs or other improvements constructed, and if the construction of a ditch or drain as a part of the proposed improvement is contemplated, a description of the starting point, the general course and termination thereof shall be given therein setting forth the reasons and necessity for such improvements and that the same if constructed will benefit public health and general welfare of the inhabitants in that vicinity and said petition is to be accompanied by a bond signed by said petitioners, or any number of them or other parties in their behalf in such sum as the board of directors of such district may specify and such as they shall approve, conditioned for payment of all costs or expenses in connection with such improvements in the event said petition as therein set forth or subsequently modified is not granted; it shall be the duty of said board of directors of said district to cause to be made at the earliest possible date by its engineer all necessary surveys, maps, plats, profiles and plans covering said proposed improvements so as to fully inform said board as to the merits and practicability of proposed improvements, and in making said survey, plats, profiles and report, said engineer shall, so far as practicable, conform to the requirements of Section 5526, General Statutes of 1913 and

amendments thereto, and said board shall have authority to correct, change or modify the proposed improvements as outlined in said petition, and if the report of said engineer is favorable to the construction of said improvements, and is approved by the board of directors, said board shall, with the least possible delay, appoint three (3) disinterested citizens of said state to act as viewers, and the viewers so selected shall, after subscribing an oath to faithfully and impartially perform their duties, proceed and personally inspect and examine all lands, highways and other property likely to be affected by such improvements, or that may be used or taken for the construction or maintenance thereof, and shall in the performance of their duties, so far as practicable, comply with the provisions of Section 5528 of the General Statutes of 1913 and amendments thereto, and make and file with the clerk of said board with such plans and specifications a detailed statement showing the *actual* benefits and damage that will result to individuals, property or corporations from the construction of said improvements, and a list of lands and other property including highways and corporations that will be *actually* benefited or damaged, and the amount thereof, and shall include lands, roads, corporations and other property receiving *actual* benefits by way of drainage or control of flood waters and lands or water powers further down the valley and shall include all lands to which a drainage outlet is supplied by such improvement by way of increased facilities for drainage or control of flood waters and all such *property and corporations shall be assessable for the cost of the proposed improvement in proportion to the actual benefits received as finally determined by the court*, provided, the board of directors of the district may elect to levy no assessment under this section upon waterpowers, but collect for such improvement as otherwise provided in this act. Sections 5528 and 5529 of the General Statutes of 1913, together with amendments thereto, so far as applicable, shall apply to and govern the work of the viewers under this act.

Sec. 6. **Modification—Approval or rejection.**—That Section 12 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 12. At the time and place specified in said notice the court shall hear all parties interested for and against the granting of such petition and confirming the reports, and may order and direct the modification of said plans and specifications and the assessments of benefits and damages and amend or change the list of property reported as assessable for the construction and maintenance thereof, or may recommit the same to the engineer or viewers or both for changes, and if, upon full hearing, the court shall find that said improvement will be conducive to the public health and promote the general welfare and cause the protection

and reclamation of wet or overflowed lands or the control of flood waters in streams, channels and reservoirs in said drainage and conservency district and that the benefits resulting therefrom will be greater than the costs of said construction and damages, and a sum equal to fifteen (15%) per cent of the cost of said construction, exclusive of damages, for maintenance, then said court shall make its findings accordingly and order and direct the construction of said improvement and confirm the report of the engineer and the findings and report of said board of viewers with reference to benefits and damages and lands assessable and may, by said order, authorize the board of said district to construct the whole or any part of the improvement petitioned for, or to let contracts for the improvement ordered as a whole or for different parts thereof separately, provided, all persons, parties or corporations affected by said order shall have the right to appeal on questions of benefits and damages in the manner now provided for appeals in the case of judicial ditches, pursuant to provisions of Section 5534, General Statutes of 1913, and acts amendatory thereof.

Sec. 7. **Contracts with U. S. government and individuals.**— That Section 20 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 20. The board of directors shall also have the right and authority to enter into contracts or other arrangements with the United States Government, or any department thereof, with persons, railroads or other corporations, with public corporations and the state government of this or other states, with drainage, conservation, conservency, or other improvement districts, in this or other states, for co-operation or assistance in constructing, maintaining and operating the works of the district or for the control of the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets to construct and maintain dykes or dams, or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining states. *And may and are hereby authorized to exercise all the authorities granted the Board of Drainage and Flood Control Districts by Sections 229, 230, 231 and 232, Chapter 442, General Laws 1917, so far as relates to co-operation with adjoining states, or drainage authorities thereof, and in the event that for any reason it may be deemed advisable to include in any drainage and conservency district organized under the provisions of this act a Drainage and Flood Control District organized under Chapter 442, General Laws 1917, the district board organized under the provisions of this act are hereby authorized to enter into any contract or arrangement necessary to take over and control and maintain any works or im-*

provements constructed including surveys made and expenses incurred by any board under Chapter 442, General Laws 1917, and adopt or assume and carry out or modify any plans or works completed or partially completed by such board and make the same a part of the system to be developed under the provisions of this act.

Sec. 8. **Right of land owners to use of water.**—That Section 21 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 21. *The rights enjoyed by land owners, whether private or corporate, to the use of the waters of the district for any purpose whatsoever shall continue as it existed at the time of the organization of the district, and all such rights then existing shall be recognized and observed by the managing authorities of such district, and when the boundary line of any property abutting upon any stream or body of water, is changed in consequence of any improvement constructed by the district either raising or lowering the stage of water in such stream or body of water the rights of such abutting property owner of access to and use of such waters shall remain as it existed at and prior to the time of the construction of such improvement, but when improvements made by the district make possible a greater, better or more convenient use of or benefit from the waters of the district for any purpose, the right to such greater, better or more convenient use of or benefit from such waters shall be the property of the district, and such rights may be leased or assigned by the district in return for reasonable compensation as herein provided.*

Sec. 8½. **Applications for use of water.**—That section 22 of chapter 13 of the session laws of Minnesota for the Extra Session of 1919 be, and the same hereby is, amended so as to read as follows:

Section 22. Persons, corporations, municipalities or other parties desiring to secure such use of the waters or water courses of the district rights therein, may make application to the board of directors for lease or permission for such use. Such application shall state the purpose and character of such use, the period and degree of continuity and the amount of water desired. In case any party makes greater, better or more convenient use of the waters of the district without formal application, the fact of such use shall serve all purposes of an application, and the board may proceed to determine a reasonable rate of compensation the same as though formal application had been made, *provided, however, such use shall not be deemed an application unless the district shall have given the user three days notice in writing that such greater, better or more convenient use of water is available; nor shall the user be obligated to pay for any use occurring prior to such notice.* Where it is not possible nor reasonable to grant all applications, preference

shall be given to the greatest need and to the most reasonable use, as may be determined by the board of directors, subject to the approval of the court. Preference shall be given, first to domestic and municipal water supply, and no charge shall be made for the use of water taken by private persons for home and farm use, or for watering stock.

Sec. 9. Assessments for benefits.—That Section 25 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 25. Whenever the board of directors of any district shall ascertain that any improvement will benefit lands or other property outside of the district, *the board may file a petition for change of the boundaries of the district, or resident freeholders of the district may, in like manner, file petition for change of boundaries of the district upon which petition a like notice shall be given and like proceedings had as in the case of organization of a drainage and conservancy district, but the same shall be had in the district court of the county in which are situated the lands sought to be included in the district, if in only one county, otherwise in the district court of the county in which the original organization proceedings were had.*

Sec. 10. Preliminary expense fund established.—That Section 28 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 28. As soon as the district shall have been organized under the provisions of this act, and a board of directors shall have been appointed and qualified and a petition and bond has been filed with the clerk of said board as provided in Section 10 of this act; said board may file a petition with the district court in the county where said original petition was filed, asking that an order be made creating a preliminary fund for said district, at least ten days' notice of which shall be given to the county auditor *of each county affected by the proposed improvement* which fund shall be of a size in proportion to the size of the district and in the event said district shall include *the whole or portions of five or more counties*, said funds shall not exceed the sum of *twenty thousand (\$20,000)* dollars and may be of such less amount as the court may order, and the court, upon said hearing, may designate the amount of said fund, and fix the proportionate amount that each county affected by said improvement shall pay, in proportion to the area within said *county affected by the proposed improvement*, and thereupon the court shall order *the county auditor of each of said several counties to draw their warrants upon the treasury of their county for the payment of the amount specified in the court's order, payable to the treasurer of said district, and the sum so advanced by such county shall be charged to said district, and shall be repaid*

with interest to each of said several counties as soon as said district has funds for that purpose, and the funds so provided, shall be used by the board of said district for preliminary work and when said board shall incur expense for surveys or other preliminary work on any proposed improvement, all expense including time, salaries or other expense connected with such work shall be kept track of and figured in as the cost of construction in any such proposed improvement, and upon said improvement being ordered by the court and funds being provided for the construction thereof, as hereinafter specified, all sums advanced out of said preliminary funds shall be repaid and said funds replaced for further similar use on other improvements. The board of directors for any such district are hereby authorized to include in their petition to the court asking the creation of a preliminary fund or by separate petition at a subsequent date a request that the court shall in addition to the creation of said fund a further order authorizing the board of said district to levy upon the lands *affected by the proposed improvement* an assessment of such sum as may be found necessary to reimburse the county or counties for the sum advanced to create said preliminary fund, not to exceed, however, the sum of twenty (20c) cents per acre, and the court is hereby authorized to make such order; *provided, that in all cases where the district includes the main stream of a basin draining more than 10,000 square miles that such application shall be accompanied by a plat, describing thereon according to government survey the lands that it is claimed will be benefited by the proposed improvement and the order of the court in such case shall designate the land in each county subject to such assessment upon the receipt of such order* the board of directors of such district shall cause to be levied upon *such benefited lands*, such assessments as the court shall authorize and shall file with the county auditors of the several counties a list of lands within the respective counties affected by said assessment and upon the filing thereof or as soon thereafter as may be necessary, it shall be the duty of the county auditor to levy such assessment *upon the lands specified and spread the same upon the assessment roll* as in the case of other taxes; and it shall be the duty of the county treasurer to collect and receive such assessment and credit the same to said district and deduct from such assessment any sum, if any there is due, to such county and account to said district for all sums remaining.

Sec. 11. Apportionment of costs.—That Section 29 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 29. At the time set for hearing on the report and petition of the board of directors of any district and the report of the engineer asking for the establishment of any improvement under the provisions of this act or at any time subsequent thereto, upon

five days' notice in writing to the auditors of the several counties *containing property* affected by such improvement, the court shall apportion the amount of the total costs of the construction of said improvements, among the several counties affected in proportion to the benefits received and shall fix and determine the amount to be paid by each and upon similar notice to said county auditors, said judge of the district court may at any time modify said order, as justice may require, or make additional orders covering additional expense. The word "expense" as used in this section shall be construed to mean every item of cost of said improvement from its inception to its completion and all fees and expenses paid or incurred, including all damages awarded, and upon the filing of said order or a certified copy thereof, with the auditors of the respective counties affected together with a list of all property affected in said counties and a statement of all benefits and damages affecting the same, and such other information as the court by order may direct, it shall be the duty of the county board of said counties and they are hereby authorized to provide the necessary funds to meet the proportionate share of the cost of said improvement as specified in said order in the same manner as now provided in the case of judicial ditch proceedings, under Section 5542 of General Statutes of 1913, and amendments thereto. That immediately or at the earliest date possible, following the letting of a contract or contracts for the construction of said improvement, by the board of directors of said district, they shall cause to be made and filed with the clerk of said board and with the county auditor of each county affected a statement showing the total cost of said improvement including expenses as near as the same can be ascertained and the proportionate amount that *the property within* each county affected shall be required to pay on the basis as fixed by the order of the court together with a list of all property benefited within such county and thereupon it shall become the duty of the county auditor of the respective counties to cause to be made and recorded the tabular statement and lien against the property benefited within his county the amount to be paid by the property in said county, in accordance with the provisions of Sections 5543 and 5544, General Statutes of 1913, and acts amendatory thereof, and it shall be the duty of the county commissioners of said several counties to provide the funds to meet the proportionate share of the total cost of said improvement as shown by the report of the board of said drainage and conservancy district and the order of the court and they are hereby authorized to exercise all rights and authority in so doing, now granted to the board of county commissioners under the provisions of Sections 5542 and 5543 of the General Statutes of 1913, and acts amendatory thereof and other provisions of the General Statutes relating to county and judicial ditch proceedings. It shall be the duty of the respective county auditors and county treasurers to levy and collect the

amount shown in said tabular statement and lien as provided in Sections 5546 and 5548 of General *Statutes* of 1913, and acts amendatory thereof. All moneys received by the county treasurer of any county from the sale of bonds, assessments or otherwise for the benefit of the district shall be by the county treasurer of such county accounted for and paid over to the treasurer of such district.

Sec. 12. Assessments.—That Section 30 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended to read as follows:

Section 30. Upon the filing by the board of directors of a drainage and conservency district with the county auditor of any county of the statement as provided in Section 29 of this act giving a list of the property and corporations benefited or damaged, or otherwise affected by any proposed improvement, it shall be the duty of the county auditor to assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the provisions of Section 5551 of the General *Statutes* of 1913 and the said county auditors respectively, shall proceed to levy and collect the sums specified in said lists against the *property and* corporations in accordance with the provisions of said section and in the event the sum so reported shall become a direct charge against said county and may be paid by such county out of its road and bridge fund or otherwise, as the county commissioners may direct, and may be paid in whole or in installments as may be specified by the board of county commissioners of each county, provided that no assessment shall be levied against any property or corporation benefited under the provisions of this act in excess of the amounts of benefits received as fixed by the order of the court directing the construction of said improvement or subsequently determined on appeal.

Sec. 13. Upkeep and repair of district.—That Section 32 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same hereby is amended to read as follows:

Section 32. The board of directors of any drainage and conservency district organized under this act are hereby authorized after the construction of any improvement to levy from time to time as occasion may require upon the *property and corporations* benefited by such improvement, such sum as the court may order or direct upon application by the board for the purpose of providing funds for the upkeep and repair of such improvement, *which application shall be heard upon such notice as the court shall direct*, and upon filing a copy of said order and levy with the county auditor of each county affected by such improvement accompanied by a list of the *property and corporations* within the limits of said county affected by said levy, it shall be the duty of said county auditor to extend said levy against said property within the limits of his county, as provided in other cases for the levy, assessment and

collection of taxes ordered, levied and collected by the board of county commissioners in ditch proceedings and upon like application and order the board of directors of any drainage and conservancy district are hereby authorized to levy upon the property and corporations benefited within the district as shown by the engineers and viewers report as finally adopted by order of the court such sum as the court may authorize and direct and to cover the general expenses of the board not to exceed however, in any one district, the sum of five thousand (\$5,000.00) dollars, and the court shall by such order apportion the amount of such levy among the several counties according to the area or valuation of the portion of each county within said district benefited by any particular improvement as shown by the engineers and viewers report, and upon the filing of a copy of said order showing the amount to be levied upon such property and corporations benefited within the limits of each county, the auditor of such county shall levy the same upon such property and corporations contained in such list within the limits of his county in the same manner and with like effect as in the levy of other taxes by municipal corporations in this state; and all sums collected and received by the county treasurer of such county shall be accounted for to the treasurer of said drainage and conservancy district, and the same shall be placed in the fund as provided in this act and used for the purposes for which said assessment was made.

Sec. 14. Proceedings started under all law to be completed under this act.—That there be added after Section 43 a new section to be known as Section 43 A of said Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919, to read as follows:

Section 43 A. That in all cases where proceedings are now pending for the organization of any drainage and conservancy district under the provisions of Chapter 13 of the Laws of the Extra Session of 1919, and have not been completed and the order for the organization of such district has not been made at the time of the passage of this act, then all subsequent proceedings for the completion thereof shall conform to the provisions of said act as hereby amended.

Sec. 15. May appeal to Supreme Court.—That there be added after Section 43 A a new Section to be known as Section 43 B of said Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 to read as follows:

Section 43 B. All persons or public corporations affected by any order of the district court, establishing or refusing to establish a drainage and conservancy district, or affected by any order approving or refusing to approve the plans and directing the construction of the improvement, or affected by the determination in any district court of any assessment of benefits or damages, including the board and the petitioners, may appeal to the supreme court on

any question involved in such determination, as in civil actions. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person or corporation.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

CHAPTER 326—S. F. No. 671.

An act to amend Sections 5, 6, 9, 11, 12, 21, 22, and 23 of Chapter 442 of the General Laws of 1917, entitled "an act to provide for the formation of drainage and flood control districts in river basins abutting upon or adjoining boundary waters and providing for the drainage of low and wet lands within said district and for the control of flood waters therein and in boundary waters or water courses and to authorize the governing board of such drainage and flood control districts to construct such ditches, dykes, levys, dams, locks, spillways, or other structure necessary to secure proper drainage and flood control of waters within said district including said boundary waters and to provide for joint action and co-operation between the governing board of such district or other authorities in this state having control of drainage and flood control matters and like authorities in any adjoining state for the purpose of providing flood control in such boundary waters and water courses and in streams and waters flowing into and from such boundary waters; and to provide for the construction of such improvements by assessment upon property benefited within the limits of the states affected in proportion to the benefits received." And by adding a section thereto to be known as Section 33 a, so that same will form a part of said Chapter 442 of the Laws of 1917.

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

Section 1. Court to file findings and decree on petition for flood control district with clerk of court and secretary of state. —That Section 5, Chapter 442 of the General Laws of 1917 be and the same hereby is amended so as to read as follows:

Section 5. At the time and place set for hearing on said petition, all parties interested may appear and be heard for and against the granting of said petition, but no delay shall be granted at said hearing except when necessary and as the court may order, and if upon said hearing it shall appear that the purpose of this act would be subserved by the creation of a drainage and flood control district, comprising the whole or certain portions of the territory outlined in the petition, and the court shall so determine, then said court shall immediately make and file its findings of all matters involved in said peti-