

The compensation of the chief deputy coroner is hereby fixed at \$1600.00 per annum, and that of the secretary at \$2000.00 per annum, and that of the assistant secretary at \$1600.00 per annum. The salary of the morgue-keeper is hereby fixed at \$1400.00 per annum.

Sec. 6. Salaries of clerk of district court and deputies.—That Section 9, Chapter 336, General Laws 1921 be and the same is hereby amended so as to read as follows:

“Section 9. That Section 1, Chapter 80, Session Laws of Minnesota for 1911, as amended by Chapter 190, Session Laws of Minnesota for 1913, as amended by Section 1, Chapter 83, Session Laws Minnesota 1915, amended by Section 8, Chapter 304, Session Laws Minnesota 1919, be amended so as to read as follows:

The salary of the clerk of district court of each county of this state, having, or which may hereafter have, a population of not less than 220,000 inhabitants, and less than 330,000 inhabitants, shall be the sum of \$4500.00 per annum. Such clerk of the district court may appoint and employ one chief deputy who shall be paid the sum of 2800.00 per annum; one deputy clerk who shall be paid the sum of \$2150.00 per annum; one deputy clerk who shall be paid the sum of \$1950.00 per annum; one deputy clerk who shall be paid the sum of \$1850.00 per annum; nine deputy clerks who shall each be paid the sum of \$1560.00 per annum.”

Sec. 7. Inconsistent acts repealed.—Chapter 449 of the Session Laws of Minnesota for 1921 is hereby repealed.

Sec. 8. Effective May 1, 1923.—This act shall take effect and be in force from and after May 1st, 1923.

Approved April 18, 1923.

CHAPTER 308—H. F. No. 772.

An act to amend certain Sections of Chapter 13 of the Session Laws of Minnesota for the Special Session of 1919, entitled “An act to provide for 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,” viz: Sections 4, 5, 11 and 15 of said Chapter and Section 1 of said Chapter as amended by Section 1 of Chapter 325 of the Session Laws of 1921; Section 2 of said Chapter as amended by Section 2 of Chapter 325 of the Laws of 1921; Section 3 of said Chapter as amended by Section 3 of Chapter 325 of the Laws of 1921; Section 6 of said Chapter, as amended by Section 4 of Chapter 325

of the Session Laws of 1921; Section 10 of said Chapter as amended by Section 5 of Chapter 325 of the Session Laws of 1921; Section 12 of said Chapter as amended by Section 6 of Chapter 325 of the Laws of 1921.

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

Section 1. Declaration and definitions.—That Section 1 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 as amended by Section 1 of Chapter 325 of the Session Laws of Minnesota of 1921, 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 Conservancy Act of Minnesota" and any districts organized hereunder shall be known as "Drainage and Conservancy 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.

Whenever the terms "public welfare," "general welfare" or "public benefit" are used, it shall be construed to extend to and include any act or thing tending to improve or benefit or contribute to the safety of the general public or benefit the inhabitants of the district and shall be construed to include any improvement contemplated by this act which shall prevent fire in areas subject to destruction by fire.

Whenever the term "person" is used in this act and not otherwise specified, it shall be taken to mean and include person, firm, copartnership, 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 or any public commission 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 as amended by Section 2 of Chapter 325 of the Session Laws of Minnesota of 1921, 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, *and the flow of water therein*, 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 the prevention of fires in areas of agricultural lands or in peat areas subject to destruction and damage by fire and for the irrigation of agricultural lands needing the same by regulating, controlling, conserving, and applying the waters in any ditch or drain which has heretofore been or shall hereafter be established and constructed under any law of this state and in streams or water courses connecting therewith.*
- (e) For regulation and control of flood waters and the prevention 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, levees, 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 waters within said district, and to acquire title in the name of said district to 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 of 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, *or by any other work* authorized by, or mentioned in this act at any point in its course distant more than two 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 as amended by Section 3 of Chapter 325 of the Session Laws of Minnesota for 1921, 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, *in respect to one or more of the objects or purposes mentioned in the subdivisions of Section 2* 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 descrip-

tion of the territory proposed to be included in said district. Said description need not be given by meter and bounds or by legal subdivision, but shall be 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 channels, 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, benefitted 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. Surety bond for expenses.—That Section 4 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 4. At the time of filing the petition provided for in Section 3 of this act, or before the notice of hearing thereon is given, a bond shall be filed by said petitioners with the clerk, to be approved by said court and in such sum as it shall designate, sufficient to pay all expenses connected with said proceeding, in case the court refuses to organize said district, and, if at any time during the proceeding the court shall be satisfied that an additional bond is needed, it may so order, provided, that if the petition is signed by the proper officials of *one* or more counties, accompanied by a copy of a resolution passed by the board of county commissioners *thereof*, that said *county or counties* will be responsible for such costs, then, and in that event, no bond shall be necessary.

Sec. 5. Notices and hearing by Court.—That Section 5 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 5. Upon the filing of said petition with the clerk of the district court, as provided in Section 3 of this act, he shall immediately notify the judge of said court of the filing thereof, who shall within ten days thereafter, by order, fix a time and place for hearing on said petition at some point within the limits of said proposed district, notice of which hearing shall be given by a publication in at least one legal newspaper in each county affected by said petition for three successive weeks, the last of which publication shall be at least ten days prior to the date set for hearing; provided that if the territory described in said petition shall *be situate in* more than one county *comprising* two or more judicial districts, then the judge of said court, where said petition is filed, shall arrange with *the judge or judges* of such other districts for a joint hearing upon such petition, which hearing may be at such time and place, within the territory described in said petition, as said judges shall jointly specify, *and at said hearing each judicial district shall be represented by one judge only*, but the district court, in which said petition was originally filed, shall for all other purposes, except for the purpose of said joint hearing, and except as hereinafter otherwise provided, have and retain original jurisdiction.

Sec. 6. 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 as amended by Section 4 of Chapter 325 of the Session Laws of Minnesota of 1921, 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 continuance 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 conservancy 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 conservancy 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 herein designated, 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 rights and privileges in this act enumerated; provided, that the *inclusion* 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 *the* 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 districts.

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 territory, 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. 7. Establishment of district—classes.—That Section 10 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 as amended by Section 5 of Chapter 325 of the

Session Laws of Minnesota of 1921 be and the same is hereby 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, *regulation* or control or *conservation* of the waters of any lake, pond, marsh, or body of water, river, stream, watercourse, *ditch or drain* 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 water, 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 contemplated, a description of the starting point, the general course and termination thereof shall be given therein, *or if the contemplated improvements require that any ditch or drain heretofore or hereafter established and constructed under any law of this state, or any portion thereof, be utilized for the protection of fires in areas subject to destruction or damage by fire or for irrigation, all as hereinbefore specified, a description of such ditch and drain, or the portions thereof so required, and a general description of such areas, protection whereof from fire is sought, or irrigation is sought,* 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 surveys, 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 damages 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, *or by regulation, conservation and application of waters for fire protection and irrigation as hereinbefore authorized* 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 *or protection from fire* or for irrigation 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; *and provided further that in any case where fire protection is part of the relief prayed for in said petition and the utilization of any existing ditch or drain, or any portion thereof, is alleged to be necessary thereto, said petition for such improvements, before being presented to said board of directors, shall be signed by not less than fifty per cent of the resident freeholders, but in no event shall more than twenty-five signers be required, whose lands are affected by the ditch or drain or portion thereof to be utilized, and approved by resolution of the board of county commissioners of each county wherein the same is located.*

Sec. 8. Report of board and action by courts.—That Section 11 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 11. Before proceeding with the construction of any improvement, said board shall file in the office of the clerk of the district court of the county in which such improvement or some part thereof is to be located, the original petition filed with them, together with the report of the engineer and all plats connected therewith and the report of the viewers on benefits and damages and a list of lands assessable, with a petition or report on behalf of said board, therein setting forth the nature and extent of said improvement in general terms, the necessity therefor, an estimate of the costs thereof, and that the same will be of public utility and will result in the improvement of the public health and general welfare—reference may be made to the reports of engineer and viewers for greater particularity, and asking that a time and place be fixed for a hearing upon said petition and said reports, and that at said hearing an order be made establishing the drain or improvement and authorizing the construction thereof, and confirming the reports of the engineer and viewers and fixing the rights of the parties, and upon the filing of said petition and said report, the clerk of said court shall immediately notify the judge thereof, who shall within ten days thereafter, by order, fix a time and place within such district for a hearing upon said petition and reports of which due notice shall be given by the clerk of said court, by publication in at least one legal newspaper in each county affected by said improvement, therein, in general terms, describing the lands, public roads and corporations *including any ditch or drain established and constructed under any law of this state, or any portions thereof*, in such county affected by said improvement and the lands, *and property* if any, reported by said viewers as assessable for the construction and maintenance thereof, and giving notice of the pendency of such proceedings and the nature of the proposed improvement, and that plans and specifications thereof, including the engineer's and viewers' reports are on file in his office subject to inspection and requiring all parties interested, as shown in said petition and reports, to appear before the court at the time and place designated in said notice, and present their objections, if any they have, and show cause why an order should not be made by said court granting such petition and confirming the reports of said engineer and viewers, and ordering the establishment and construction of said improvement. *If any said improvement required that any ditch or drain heretofore or hereafter established and constructed under any law of this state, or any portions thereof, be utilized for any purposes authorized under this act, a printed copy of said notice shall be served by the clerk of said court upon each public corporation in this state charged by law with the maintenance and repair of such ditch or drain, at least ten (10) days before the day set for said hearing in the manner provided by law for the service of a summons in a civil action.*

Sec. 9. Modifications, approval or rejection.—That Section

12 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 as amended by Section 6, Chapter 325 of the Session Laws of Minnesota for 1921 be and the same is hereby 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, *or aid in the prevention of fires in said areas or any purpose authorized of this act*, in said drainage and conservancy 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.

If any said ditch or drain, or any portion thereof mentioned in said petition and reports, are proper to be utilized for any of the aforesaid objects or purposes of this act, the court shall include in its findings all matters in respect thereto, and in and by said order shall fix and limit the use and application of the same therefor, taking care not to destroy said ditch or any part thereof so used for the purposes for which it was established, and upon the entry of said order the board of directors of such district shall have and exercise all the authority thereover theretofore vested in any public corporation or administrative body as to such ditch or drain or portion thereof, and shall be charged with all the duties of any such public corporation or administrative body as to the upkeep, repair and maintenance of any such ditch or the part thereof taken hereunder.

Sec. 10. Orders and decrees for various improvements.—

That Section 15 of Chapter 13 of the Session Laws of Minnesota for the Extra Session of 1919 be and the same is hereby amended so as to read as follows:

Section 15. In order to effect the drainage reclamation, irrigation or protection of land or other property within the limits of any drainage and conservancy district, and to effectuate all the purposes of this act, the district court of the several districts in this state and the judges thereof in vacation where any portion of such judicial district extends, within the limits of any drainage and conservancy district organized under the provisions of this act, are hereby fully empowered to make all necessary orders and decrees and direct the entry of all necessary judgments upon the filing of a petition as provided in Section 11 of this act by the board of directors of any such district, and finding that grounds exist for the granting of such petition to order established and constructed any of the improvements specified in this act and authorize the board of directors of such district to cause to be constructed any such improvement and to clean out, straighten, widen, alter or deepen or change the course or terminus of any drain, ditch, river, creek or natural stream and to fix the height of water in any lake, pond or reservoir and cause the same to be raised or lowered and fill up or abandon or alter any ditch, drain, river or water course, pond, lake, or any natural or artificial basin or stream, and to divide the flow of water in or out of any such lake, pond, reservoir or water course and to cause to be constructed and maintain any lateral ditches, sewers, canals, dykes, dams, sluiceways, reservoirs or flood basins and construct and maintain pumping stations and other similar works and any works of improvement that may be deemed necessary *for the prevention of fires in areas subject to damage or destruction thereby* or to secure the drainage of lands within the limits of said district, and the control of waters therein, either in the channels of any stream or waterway, or ditch or drain, or in any lake, pond, reservoir, or other structure for holding and controlling water, including the power to exercise the right of eminent domain for the purpose of enlarging any lake, pond, or other body of water for reservoir purposes, or the flooding of land for the creation and establishment of reservoirs and the board of directors of any district organized under this act, upon being authorized by order or decree of the district court, shall have full authority to do and perform all things necessary to effectuate the purposes of this act and cause to be constructed and maintain any and all canals, *levees*, dykes, dams or sluiceways including reservoirs, holding basins, flood-ways and pumping stations and any other work of improvement that may be deemed necessary and proper to be constructed for the purpose of securing drainage of wet and overflow lands and protection of lands and property within the limits of said district from flood and inundation *and from fire* and as such board under the provisions of this act may exercise

the right of eminent domain in behalf of such district in acquiring the necessary land for the creation of reservoirs or other improvements along or in the vicinity of the channels or waterways within the limits of said district, which authority may be exercised under the provisions of this act or under the provisions of Chapter 41 of the General Statutes of 1913, *and acts amendatory thereof*, and said board shall have full control thereof and shall have full authority to hold, operate, lease or control any water power created by any improvement authorized by this act and to enter into all contracts for the furnishing of water for irrigation, or for any other purposes, or for the leasing or furnishing of power, when authorized by order of the court, as hereinafter provided, and all sums realized from any such purpose shall be paid into the treasury of said district and be and become the property of said district, and may be used by said board to defray its general expenses and for the upkeep of any improvement made within said district and the improvement of the channel of any stream or waterway therein.

Section 11. This act shall take effect and be in force from and after its passage.

Approved April 18, 1923.

CHAPTER 309—H. F. No. 967.

An act relating to and providing for a recreation and recuperation camp for the use and benefit of disabled American Veterans of the World War and other wars, resident of the State of Minnesota, and providing for the acquisition of the necessary land therefor and for the control, management and operation thereof.

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

Section 1. State Board of Control to secure land for recreation camp for disabled soldiers.—The State Board of Control is hereby authorized and directed to secure by lease from the owners thereof land for the establishment of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the State of Minnesota; said land to contain not less than fifty acres nor more than one hundred acres, suitably located with reference to the health and convenience of the beneficiaries hereunder, as may be recommended by the Board of Governors hereinafter provided.

Sec. 2. Board of governors—Appointment and terms.—There is hereby established a Board of Governors who shall have and exercise supervision, care, control and management of such recreation and recuperation camp, which Board shall consist of ten members who shall be selected and appointed as follows: Two members thereof shall be selected and appointed by the State department of the American Legion, two members thereof shall be selected and