

special fund and the issuance of any such obligation against the same, the fixed proportion of revenue shall be set aside and paid into said special fund as provided in the ordinance creating said fund, and in case any city or town shall fail to thus set aside and pay such fixed proportion as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the city or town and compel such setting aside and payment.

Creation of special fund.

Upon failure to set aside holder may bring suit.

SEC. 2. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 26, 1901.

Passed the House March 12, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXVI.

[S. B. No. 138.]

AMENDING ACT RELATIVE TO DRAINAGE DISTRICTS

AN ACT amending section thirteen of an act entitled, "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section 13 of an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, be amended to read as follows: Section 13. If the board of drainage commissioners shall, at any time, discover that any lands within said district are being benefited by the drainage system, and the same were by mistake, inadvertence or other cause omitted from the assessment of benefits as provided for in the last preceding section, or which were omitted for the reason that they were not at the time of assessing the benefits provided for in said preceding section, for any cause, subject to a legal assessment,

Amendment.

Lands omitted from assessment.

Petition to be filed in Superior Court. said commissioners shall file a petition in the Superior Court in the original cause setting forth the facts of such benefits, describing the lands omitted, the reason the same were omitted in said original proceedings and giving the names of the owners or reputed owners thereof and praying that said original cause, as to such lands, be opened up for further proceedings for the assessment of the alleged benefits, and upon the filing of said petition summons shall issue thereon and be served on the defendants named in said petition the same as summons is served and issued in original proceedings, as near as may be, except the court may, to avoid costs and in its discretion, call a jury of not less than three jurors; and the jury, in assessing the benefits, shall take into consideration the length of time said lands are to receive the benefits from said improvement and its future maintenance, estimating said time from the date when said lands first became legally assessable, which date must be found by the jury in their verdict as to each tract or parcel found to be benefited: *And provided further*, That in case the expense and the cost of the improvements has been paid for by assessments levied against the land assessed in the original proceedings before the lands provided for in this section are assessed, as provided for herein, then, in such case, the assessments levied from time to time on said last mentioned land shall be paid into the maintenance fund of said district. Every person or corporation feeling himself or itself aggrieved by any judgment for damages or any assessment of benefits provided in this act, may appeal to the Supreme Court of the state within thirty days after the entry of the judgment, and such appeal shall bring before the Supreme Court the propriety and justness of the amount of damage or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bonds shall be required and no stay shall be allowed.

Summons.

Jury.

Proviso.

Appeal within thirty days to Supreme Court.

No bond required.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.