

directed to this end, embracing principally the following points:

1. Field experiments with special reference to yield per acre and cost of production.
2. Determination of exact meteorological conditions under which beets are produced.
3. Systematic experiments with the sugar beet in the irrigated district of the state.
4. Experiments in the production of home grown seed.
5. Experiments to determine the minimum length of time required for maturing the beet in different parts of the state.

SEC. 2. Fifteen hundred dollars (1,500) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the provisions of this act; said money to be expended under the direction of the board of control of the experiment station.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 22, 1895.

CHAPTER CLXV.

[H. B. No. 291.]

RELATING TO THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS.

AN ACT to amend an act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency, the same being sections 1, 2, 4, 10, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 38, 39, 40, 42, 59 and 70, approved March 20th, 1890, and declaring an emergency.

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

SECTION 1. Section one of an act providing for the organization and government of irrigation districts and sale of bonds arising therefrom, and declaring an emergency, and approved March 20th, 1890, shall be amended to read

as follows: Whenever fifty or a majority of holders of title or evidence of title holding land susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for irrigation of the same, they may propose the organization of an irrigation district under the provisions of this chapter; and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation district.

SEC. 2. Section two is hereby amended to read as follows: A petition shall first be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof is situated, signed by the required number of holders of title or evidence of title to land in said district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this chapter. Petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Such petition shall be presented at a regular meeting of the said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of meeting at which the same will be presented. When such petition is presented to [the] said board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing may make such changes in the proposed boundaries as they may find to be proper; and shall establish and define such boundaries: *Providing*, That said board shall not modify said boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works ap-

Majority to determine.

Petition, signed by whom.

Bonds required.

Petition to be published, how.

Commissioners to establish boundaries.

plicable to the other lands in such proposed district. Nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by said system, or which have a sufficient water supply for irrigation from any source, be included within such district: *Provided*, That any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said board, be entitled to have such lands included in such district: *Provided further*, That any district already organized may be re-organized in the same manner as new districts may be organized, and if the same petition shall be allowed to elect three directors at large, as provided in the new districts, said board shall also make an order dividing said district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall be elected from each division: *Provided*, That if a majority of holders of titles or evidence of title to land in said district, evidenced as above provided, petition for the formation of the district, the board of county commissioners may, if so requested in the petition, order that the three directors for such district may be elected by the district at large. Said board of county commissioners shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this chapter, which notice shall describe boundaries so established, and shall designate a name for such proposed district, and said notice shall be published, for at least three weeks prior to such election, in a newspaper published in said county; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words "Irrigation district—Yes," or "Irrigation district—No," or words equivalent thereto; and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this chapter unless he is a qualified elector of said district under the

Districts, reorganization of.

Directors, how elected.

Election, notice given.

Ballots to contain, what.

Electors, qualification of.

election laws of this state, and holds title or evidence of title to land in said district. He shall possess all the qualifications required of electors under this chapter.

SEC. 3. Section four of said act is hereby amended to read as follows: An election shall be held in such district on the first Tuesday in April or May, 1895, and on the first Tuesday in April in each succeeding year thereafter, at which a board of three directors from the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto within ten days after receiving their certificate of election, hereinafter provided. Said officers shall take and subscribe the official oath and file the same in the office of the board of directors, and each member of said board of directors shall execute an official bond for the sum of twenty-five hundred dollars (\$2,500), which said bond shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county clerk thereof and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. The board shall require the secretary to give a bond in the sum of twenty-five hundred dollars, which said bond shall be approved by the judge of the superior court where such organization was effected and shall be recorded in the office of the county clerk.

SEC. 4. Section ten of said act is hereby amended to read as follows: The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show —

First: The whole number of votes cast in the district.

Second: The names of the persons voted for.

Third: The office to fill which each person was voted for.

Fourth: The number of votes given in each precinct to each of such persons.

Fifth: The number of votes given in each division for the office of director.

The board of directors must declare elected the person

Certificate of election to issue.

having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election signed by him and authenticated with the seal of the board. In case of a vacancy in the office of director the vacancy shall be filled by appointment by the board of county commissioners of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election of said district and until his successor is elected and qualified.

Funds, how provided.

SEC. 5. Section 15 of said act is hereby amended to read as follows: For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and right thereof, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom, and the board desires [deems] it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question whether or not the bonds of said district in the amount so determined shall be issued.

Notice of election, how given.

Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the

Notice of election to contain, what.

Informality not to invalidate.

election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. And whenever thereafter said board, in its judgment, deems it for the best interests of the district that the question of issuance of bonds for said amount, or any amount, shall be submitted to said electors, it shall so declare said record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States, in ten series, as follows, to wit: At the expiration of eleven years, five per cent. of the whole number of bonds; at the expiration of twelve years, six per cent.; at the expiration of thirteen years, seven per cent.; at the expiration of fourteen years, eight per cent.; at the expiration of fifteen years, nine per cent.; at the expiration of sixteen years, ten per cent.; at the expiration of seventeen years, eleven per cent.; at the expiration of eighteen years, thirteen per cent.; at the expiration of nineteen years, fifteen per cent.; at the expiration of twenty years, sixteen per cent., and shall bear interest at the rate of six per cent. per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and secretary. Said bonds shall express upon their face that they were issued by authority of this act, stating its

Question to
bond, when
submitted.

Bonds, how
paid.

Bonds, denom-
ination of.

Coupons.

Bonds sold,
secretary
to keep
record of.

Assessments,
when levied.

Reissue of
bonds, how
determined.

Bonds, how
and when sold.

Bonds, notice
of sale of,
how given.

title and date of approval, and shall also so state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of the plans of the canals and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments thereof. It shall be lawful for any irrigation districts which have heretofore issued bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board.

SEC. 6. Section 16 of said act is hereby amended to read as follows: The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this chapter: *Provided*, That the board of directors shall have the power to sell the bonds, and accept in payment therefor labor and material necessary for the construction of its proposed canals, if, in their judgment, they deem it best so to do before making any sale. The board shall, at a meeting, by resolution, declare its intention to sell a specified amount of bonds, and the day and hour and place of such sale, and shall cause such resolutions to

be entered in the minutes, and notice of sale to be given by publication thereof at least twenty days in such newspapers as they deem most advantageous. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids: *Provided, however,* That the board shall have the right to sell such bonds, or any of them, at private sale whenever they deem it for the best interest of the district so to do: *Provided further,* That such bonds shall not be sold for less than ninety per cent. of their face value.

SEC. 7. That section 17 of said act is hereby amended to read as follows: Sec. 17. Said bonds and interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this act, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, according to the terms thereof, the holder of said bonds, or any part thereof, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This act shall apply to all bonds heretofore issued, payment for which has not yet been received by

Bonds and interest, how paid.

Bonds, how secured.

Default, penalty for.

the district issuing said bonds, or which may hereafter be issued by districts already formed.

Secretary to
list property,
when.

SEC. 8. Section 18 of said act is hereby amended to read as follows: The secretary must, between the first Monday in March and the first Monday in June, in each year, ascertain the value of all real property in such district, from the assessment of said property made by the county assessor and the county board of equalization and the persons who own claims and have possession or control thereof, at its assessed cash value, and he must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district. In such [book] must be specified, in separate columns, under the appropriate headings—

First: The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to "unknown owners."

Second: Land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres.

Third: City and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town.

Fourth: The cash value of real estate, other than city or town lots.

Fifth: The cash value of city and town lots.

Sixth: The total value of all real property assessed.

Seventh: The total value of all property after equalization by the board of directors.

Eighth: Such other things as the board of directors may require. Any property which may have escaped the payment of any assessment for any year shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

Deputies, and
compensation
thereof.

SEC. 9. Section 19 of said act is hereby amended to read as follows: The board of directors must allow the secretary as many deputies, to be appointed by them, as

will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix a compensation of such deputies for the time actually engaged; nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

SEC. 10. Section 20 of such act is hereby amended to read as follows: On or before the first Monday in August, in each year, the secretary must complete his assessment book and deliver it to the board, who must immediately give a notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

Assessment,
when com-
pleted.

Assessment,
equaliza-
tion of.

SEC. 11. Section 22 of said act is hereby amended to read as follows: The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and at the expiration of eleven years after the issuing of bonds by the board must increase said assessment for the ensuing eleven years in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent. of the whole number of bonds; at the expiration of twelve years, six per cent.; at the expiration of thirteen years, seven per cent.; at the expiration of fourteen years, eight per cent.; at the expiration of fifteen years, nine per cent.; at the expiration of sixteen years, ten per cent.; at the expiration of seventeen years, eleven per cent.; at the expiration of eighteen years, thirteen per cent.; at the expiration of nineteen years, fifteen per cent.; at the expiration of twenty years, sixteen per cent. The secretary of the board must compute and enter in a separate column of the assessment book the respective sum in dollars and cents to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into

Assessments,
ratio of
increase.

Special fund. the county treasury of said county and shall constitute a special fund to be called the "bond fund of irrigation district." In case of neglect or refusal of the board of directors to cause such assessment and levy to be made as in this chapter provided, then the assessment of property made by the county assessor and the county board of equalization shall be adopted, and shall be the basis of assessments for the district; and the board of county commissioners of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this chapter in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must respectively perform such duties, and shall be accountable therefor on their official bonds as in other cases.

Board of directors, delinquency of, and alternative.

Assessment books delivered, and notice published.

SEC. 12. Section 24 of said act is hereby amended to read as follows: On or before the first day of November the secretary must deliver the assessment book to the board of directors of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable, and will become delinquent at six o'clock P. M. on the 31st day of December next thereafter; and that unless paid prior thereto, five per cent. will be added to the amount thereof, and also the time and place at which payment of assessment may be made. The notice shall also specify a time and place within each election precinct of the district when and where the secretary will attend to receive payments of assessments, and shall be published for fifteen days and * precinct. The secretary must attend at the time and place specified in the

Omission.

*The engrossed bill shows the following words to have been omitted by the enrolling clerk: "A printed copy of said notice shall be posted for the same time in some public place in each."—SECRETARY OF STATE.

notice, to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessments in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent, and thereafter the secretary must collect thereon for the use of the district an addition of five per cent.

Secretary
to collect
assessments.

SEC. 13. Section 26 of said act is hereby amended to read as follows: The secretary must collect, in addition to the assessment due on the delinquent list and five per cent. added, fifty cents on each lot, piece or tract of land separately assessed, which must go to the district for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the secretary, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing sale, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

Additional
collections.

Property,
sale of.

SEC. 14. Section 27 of said act is hereby amended to read as follows: The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the secretary, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the secretary may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including two dollars to the secretary for the duplicate of certificate of sale, is the purchaser. Said secretary shall pay said two dollars into the treasury of said district. If the purchaser does not pay the assessment and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith

Property
to be sold
designated
by owner.

Property,
resale of.

for the same on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the secretary of the district, and filed by him in the office of the directors. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the secretary shall make an entry, "Sold to the district," and he will be credited with the amount thereof in his settlement. An irrigation district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property. After receiving the amount of assessments and costs, the secretary must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the secretary and one copy delivered to the purchaser, and the other filed in the office of the county clerk of the county in which the land is situated.

SEC. 15. Section 28 of said act is hereby amended to read as follows: The secretary, before delivering any certificate, must in a book enter a description of the land sold corresponding with the description in the certificate, the date of the sale, purchasers' names and amount paid, regularly number the description on the margin of the book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use. On filing the certificate

Secretary
to issue
certificate.

Sales, secre-
tary to keep
record of.

with such county clerk the lien of the assessments vests in the purchaser and is only divested by the payment to him, or to the secretary for his use, of the purchase money and one per cent. per month from the day of sale until redemption.

SEC. 16. Section 29 of said act is hereby amended to read as follows: A redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the secretary he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignees. In each report the secretary makes to the board of directors he must name the person[s] entitled to redemption money and the amount due each. On receiving the certificate of sale the county clerk must file it and make an entry in a book similar to that required of the secretary. On the presentation of the receipt of the person named in the certificate, or of the secretary for his use, of the total amount of the redemption money, the clerk must mark the word "redeemed," the date and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale the secretary, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The secretary shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 17. Section 30 of said act is hereby amended to read as follows: The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that—

First: The property was assessed as required by law.

Second: The property was equalized as required by law.

Third: That the assessments were levied in accordance with law.

Fourth: The assessments were not paid.

Fifth: At a proper time and place the property was sold as prescribed by law and by the proper officers.

Sixth: The property was not redeemed.

Seventh: The person who executed the deed was the proper officer. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free from all incumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession.

Irregularity
not to in-
validate.

Unpaid as-
sessments,
evidence of.

SEC. 18. Section 31 is hereby amended to read as follows: The assessment book or delinquent list, or a copy thereof, certified by the secretary, showing unpaid assessments against any person or property, is *prima facie* evidence of the assessment of the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of law in relation to the assessment and levy of such assessment have been complied with.

Secretary to
settle, when.

SEC. 19. Section 33 of said act is hereby amended to read as follows: On the first Monday in each month the secretary must settle with the board for all moneys collected for assessments and pay the same over to the treasurer of the county; and within six days thereafter he must deliver to and file in the office of the board of directors a statement under oath, showing—

First: An account of all his transactions and receipts since his last settlement.

Second: That all money collected by him as secretary has been paid to the county treasurer. The secretary shall also file in the office of the board on said first Monday in each month the receipt of the treasurer of the county for the money so paid.

Coupons,
when paid.

SEC. 20. Section 34 of said act is hereby amended to read as follows: Upon the presentation of the coupons due to the treasurer of said county he shall pay the same from said bond fund belonging to such district and deposited

with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper which said board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided*, That no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States gold bearing bonds, or the bonds of the state, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

Bonds not
matured,
when paid.

Funds in-
vested, when.

SEC. 21. Section 35 of said act is hereby amended to read as follows: After adopting a plan of said canal or canals, storage reservoirs and works, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties comprising the district: *Provided*, A newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of such work or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that the plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or

Notice to
contractors,
how given.

Board may
construct,
when.

they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder.

Contractor,
bond of.

Any persons or person to whom a contract may have been awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent. of the amount of contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and satisfaction of the engineer, and be approved by said board.

Claims, how
paid.

SEC. 22. Section 36 of said act is hereby amended to read as follows: No claim shall be paid by the county treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary: *Provided*, That the board may draw from time to time from the construction fund, and deposit in the county treasury of the county where the office of the board is situated, any sum under or in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe keeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the secretary of the district only, and only upon the order of the board, signed by the president and attested by the secretary. The said county treasurer

Treasurer to
pay to whom.

Treasurer to re-
port monthly.

shall report in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The secretary shall also report to the board, in writing, on the first Monday in each month, the amount of money in the county treasury belonging to the district, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

Secretary to re-
port monthly.

SEC. 23. Section 39 of said act is amended to read as follows: The board of directors shall each receive two dollars per day and mileage at the rate of 5 (five) cents per mile in attending the meetings, and actual and necessary expenses paid while engaged in official business under order of the board. The board shall fix the compensation to be paid to the secretary named in this chapter, to be paid out by warrant drawn on the county treasurer out of funds belonging to said district on deposit with the treasurer of said county: *Provided*, That said board shall, upon the petition of at least fifty, or a majority of those having title or evidence of title within such district therefor, submit to the electors, at any general election, a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are declared under this chapter.

Board of directors, salary of.

Secretary, salary of, and how fixed.

Salaries submitted to vote, when.

SEC. 24. Section 41 of said act is hereby amended to read as follows: The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 1798 of this volume of general statutes. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment, yes," or "Assessment, no." If two-thirds or more of the votes cast are "Assessment, yes," the board shall, at the time of the annual levy thereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent. for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears

Special elections, how called and for what purpose.

Two-thirds vote necessary to pass.

on the assessment roll for the current year, and dividing the sum voted by the remainder of such aggregate assessed value. The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the county treasury for [of] the county to the credit of said district, for the purposes specified in the notice of such special election.

Excess liability void.

SEC. 25. Section 42 of said act is hereby amended to read as follows: The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of irrigation or for any said purposes of this act the board of directors may incur any indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may call [cause] warrants of the district to issue thereof, bearing interest at eight per cent. per annum.

Exceptions.

Redivision of districts, when.

SEC. 26. Section 59 of said act is hereby amended to read as follows: In case of the inclusion of any lands within any district by proceedings under this chapter, the board of directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall thereafter be elected by each division. For the purposes of election the board of directors must establish a convenient number of election precincts in said districts and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

Districts, when divided.

SEC. 27. Section 70 of said act is amended to read as follows: At least thirty days before the next general election of such district the board of directors thereof shall make an order dividing said district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one elec-

tor shall be elected by each division. For the purposes of elections in such district the board of directors must establish a convenient number of election precincts and define the boundaries thereof, which said precincts may be changed from time to time as the board of directors may deem necessary. Whenever the board of directors of any district heretofore formed under this act shall have attempted to incur any indebtedness prior to this amendment going into effect, and when the only ground of the invalidity of such indebtedness is that the board of directors was not authorized to incur such indebtedness so contracted by said board, such indebtedness is hereby declared valid and binding upon said district, and the said directors are authorized to make an assessment of the property in said district as provided by this act as amended and to levy a tax upon said property as other levies are required to be made to pay such debts: *Provided*, Such indebtedness shall not exceed the sum of \$5,000, and all warrants drawn for such indebtedness by said directors shall be *prima facie* valid.

Election precincts, how established.

Prior indebtedness validated.

Exception.

SEC. 28. Said board of directors shall cause a map to be made of the irrigation districts showing each forty acres, subdivision or fraction thereof, and place the same on file in their office.

Map of districts.

SEC. 29. The time for assessing being at hand, an emergency is hereby declared to exist, and this act shall be in force and take effect from and after its passage and approval by the governor.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 22, 1895.