

within the outer boundaries of the drainage district as finally established, such fact shall not prevent the formation of the district, and said lands shall not be assessed for any drainage tax; but this shall not prevent the district from acquiring a right-of-way across such lands for constructing a ditch or canal or for any other necessary purpose authorized by law.

SEC. 19. *Be it enacted*, That if it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, and the same cannot be acquired by purchase, then and in such event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the Board of Drainage Commissioners out of the first funds which shall be available from the proceeds of sale of bonds or otherwise.

SEC. 20. *Be it enacted*, That the owner of any land that has been assessed for the cost of the construction of any ditch, drain or water course, as herein provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain or water course by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file his ancillary petition in such pending proceeding to the Board of County Commissioners, and the procedure shall be as now provided by law. When the ditch is constructed it shall become a part of the drainage system and shall be under the control of the Board of Drainage Commissioners and be kept in repair by them as herein provided.

SEC. 21. *Be it enacted*, That the Board of Drainage Commissioners shall give notice for three weeks by publication in some newspaper published in a county in which the district, or some part thereof, is situated, if there be any such newspaper, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the district, reciting that they propose to issue bonds for the payment of the total cost of improvement, giving the amount of bonds to be issued, the rate of interest that they are to bear and the time when payable. Any landowner in the district not wanting to pay interest on the bonds may, within fifteen