

CHAPTER 36.

TRUSTEES OF BLIND ASYLUM.

AN ACT to amend Chapter 161 of the laws of the 9th General Assembly, approved April 8th, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Hon. Norman W. Isbell, of Linn county, Hon. Rush Clark, of Johnson county, Hon. James McQuinn, of Benton county, be and are hereby constituted additional members of the Board of Trustees of the Asylum for the Blind, whose term of service shall expire February 1st, 1866, and their successors shall be chosen by the Legislature, for the term of four years. Trustees increased.

SEC. 2. The term of service of the existing Trustees shall expire February 1st, 1868, and their successors shall be chosen by the Legislature for the term of four years. Term.

SEC. 3. Members of the Board of Trustees, residing more than ten miles from the Institution, shall be allowed ten cents per mile to and from their place of meeting, which shall be paid out of the funds of the Institution, for attendance at the quarterly and annual meetings of the Board of Trustees. Mileage.

Approved February 27th, 1864.

CHAPTER 37.

LEAD MINES.

AN ACT to encourage Lead Mining in the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person, company, or corporation, who shall by machinery, such as engines or pumps, or by making drains or adit levels or in any other way rid any lead bearing mineral lands or lead mines of water, thereby enabling the miners and the owners of the mineral interest in said lands to make them productive and available for mining purposes, shall be entitled to receive one-tenth of all the lead mineral taken from said lands as compensation for said drainage. Compensation for draining.

- Miners give one-tenth.** SEC. 2. It shall be the duty of the owner or owners of the mineral interest in said lands, and of the person or persons mining upon and taking lead mineral from said lands jointly and severally to set apart and deliver from time to time when demanded the said one-tenth part of said lead mineral taken from said lands to the person, company or corporation entitled thereto as compensation for drainage. And it shall also be the duty of the
- Rights of parties draining.** owner or owners of the mineral interest in said lands and of the person or persons mining or taking lead mineral from said lands, to allow the party entitled to such drainage compensation, and the agents of said party at any and all times, to descend into and examine said mines and to enter any building occupied for mining purposes upon any of said lands and to examine and weigh the mineral taken therefrom.
- May sue and recover.** SEC. 3. Upon the failure or refusal of any owner or owners of the mineral interest in said lands or of any person or persons taking the mineral therefrom to comply with provisions of the second Section of this Act, the person, company or corporation entitled to said compensation for drainage may sue for, and recover the value of said mineral in any court of competent jurisdiction. And upon the hearing of any such case if it shall appear that the defendant or defendants, obstructed the plaintiff in the exercise of the right to examine the said mines, and to weigh said mineral, or concealed or secretly carried away any mineral taken from said lands the Court shall render judgment for double the amount proved to be due from such defendant or defendants.
- Judgment may be for double amt due.**
- Notice to smelters.** SEC. 4. The person, company or corporation entitled to said drainage compensation, may at any time, leave with any smelter or smelters of lead mineral in this State, a written notice stating that said person, company or corporation claim of the person or persons named in said notice the amount to which said person, company or corporation may be entitled under the provisions of this Act, which notice shall have the effect of notices in cases of attachment by garnishment, and also authorize the said smelter or smelters to retain, for the use of the parties entitled thereto, the one-tenth part of the mineral taken from said land and received from the person or persons named in said notice ; *Provided*, That the payment or delivery of the one-tenth part of the mineral taken from any of said lands by any one of the persons or parties whose duty it is made by this Act to pay or deliver the same, shall discharge
- Effect of notice.**
- Proviso.**

the parties liable jointly with him, except their liability to contribute among themselves.

SEC. 5. Any person, company or corporation, engaged, as aforesaid, in draining such mines and lead bearing mineral lands, whenever he or they shall deem it necessary for the prosecution of their work shall have the right of way upon, over or under the surface of such mineral lands, and the contiguous and neighboring lands, for the purpose of conveying the water from said mineral lands by troughs, pipes, ditches, water races or tunnels, and the right to construct and use shafts and air holes in and upon the same, doing as little injury as possible in making said improvements. Right of way.

SEC. 6. If the said person, company or corporation engaged in draining as aforesaid, and the owner or owners of any land upon which said right of way may be deemed necessary cannot agree as to the amount of damages which will be sustained by the owner or owners by reason thereof, the parties may proceed to have the same assessed under the provisions of Article 3 of Chapter 55 of the Laws of Iowa known as the Revision of 1860. Damages.

SEC. 7. This Act shall not be construed to require the owners of the mineral interest in any of said lands to take the mineral therefrom or to authorize any other person to take the mineral from said land without the consent of the said owner or owners. Consent of owners.

SEC. 8. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and the Iowa Homestead.

Approved March 3d, 1864.

I hereby certify that the foregoing Act was published in the Daily State Register on the 5th day of March, A. D. 1864, and in the Iowa Homestead on the 16th day of March, A. D. 1864.

JAMES WRIGHT, Secretary of State.

CHAPTER 38.

COMPENSATION OF DISTRICT ATTORNEYS.

AN ACT to amend Section 5 of Chapter 19 of the Acts of the Extra Session of the Ninth General Assembly, entitled "An Act fixing the salaries of certain officers."

SECTION 1. *Be it enacted by the General Assembly*