

after its publication in the Iowa State Register and Iowa State Leader.

Approved, April 14, 1884.

I hereby certify that the foregoing act was published in the Iowa State Register April 17, and Iowa State Leader April 16, 1884.

J. A. T. HULL, Secretary of State.

CHAPTER 188.

IN RELATION TO DRAINAGE.

Sub for H. F. AN ACT to Regulate and Provide for the Construction of Tile and
16 and 105. Other Underground Drains Through the Lands of Another.
[Amendatory of ch. 2, Title X, of the Code.]

Be it enacted by the General Assembly of the State of Iowa:

Application
for drain to be
filed with
township clerk

SECTION 1. That whenever any person shall desire to construct any tile or other underground drain through the land of another, and shall be unable to agree with the owner or owners of such land as to the same, he may file with the clerk of the township where said land is situated an application therefor, giving a description of the land or lands through which he may desire to construct same, and the township clerk shall forthwith notify the township trustees of said township of said application, who shall fix a time and place for the hearing of same, which time shall not be more than twenty days distant, and they shall cause said clerk to notify the applicant and land owner of the time and place of said hearing at least five days before the time fixed for the hearing of same, which notice shall be in writing, signed by said clerk, and shall be served on said applicant and land owner, if within the county, and if not, then upon his agent for said land, if within the county, in the same manner as is now provided by law for the service of original notices, and in case that neither said party nor his agent are residents within said county, then the same shall be served by posting written notices in three public places in said township, one of which shall be upon said land, at least ten days before said hearing.

Duty of clerk.

How served.

How tried.

SEC. 2. That upon the day fixed for hearing, if said trustees are satisfied that the provisions of the prior section have been complied with, they may proceed to hear and determine the same, and shall have power to adjourn from time to time until same is completed; *provided*, that no adjournment shall be for more than fifteen days.

Trustees may
fix entrance
and outlet of
drain, etc.

SEC. 3. The said trustees may fix the point or points of entrance and exit or outlet of said tile or other underground drain

on said land, the general course of same through said land, the size and depth of same, when the same shall be constructed, how kept in repair, what connections may be made with same, what compensation, if any, shall be made therefor, and any other question arising in connection with same; and they shall reduce their findings to writing, which shall be filed with the clerk of said township, who shall record it in full in his book of records of said township, and said finding and decision shall be final, except as to the amount of damages, if any, which shall be awarded.

Findings shall be in writing.

Final, except as to damages.

SEC. 4. Wherever any water course or natural drainage line crosses the boundary line between two adjoining land owners and both parties desire to drain the land along such water course or natural drainage line, but are unable to agree upon the conditions as to the juncture or connection of the lines of tile or other drainage at the boundary line aforesaid, then and in such case the township trustees shall have full authority to hear and determine all questions arising relative thereto between such land owners and to render such judgment thereupon as shall to them seem just.

Water-courses and natural drainage lines.

SEC. 5. Any person shall have the right to go upon any public highway to construct an outlet to a drain, provided he shall leave the highway in as good condition as it was before the drain was constructed, to be determined by the supervisor of highways in the district where the work is done.

Can go upon public highways.

SEC. 6. That whenever any railroad crosses the land of any person or persons who desire to drain their land for any of the purposes set forth in section 1 of this act, the party or parties desiring such drain or drains shall notify the railroad company by leaving a written notice with the nearest station agent, stating in such notice the starting point, route and termination of such drain or drains, and if the railroad company refuse or neglect for the space of thirty days to dig across their right of way a drain of equal depth and size of the one dug by the party who wishes to drain his land, then the party who desires to drain the land may proceed to dig such drain and the railroad company shall be liable for the cost of the construction of such drain, to be collected in any court having jurisdiction.

When railroad is concerned it shall be notified.

SEC. 7. Either party may appeal to the circuit court of the county from so much of said finding and order as relates to the amount of damages which may be awarded, within the same time, and in the same manner as to bond, conditions of bond and notice of appeal as is now provided by law in cases of appeal from assessment of damages on location of highways; *provided*, however, that said appeal shall not delay the construction of said tile or other underground drain if the applicant shall in case the land owner appeal[s] deposit with the township clerk for the use of said land owner the amount of damages awarded by the trustees, and in case the applicant appeals that he shall first file the appeal bond provided by law.

Right of appeal.

In case of appeal, duty of clerk.

SEC. 8. In case of appeal the township clerk shall certify to the circuit court a transcript of the proceedings before said trustees, which shall be filed in said court with the appeal bond, the party appealing paying for said transcript and the docketing of said appeal as in other cases, and upon appeal the party claiming damages shall be plaintiff and the applicant defendant, and upon appeal the same shall in all respects, as far as applicable, be governed by same rules as appeals from assessments for damages for location of highway on appeal.

Applicant to pay costs and damages.

SEC. 9. The applicant shall pay the costs of the trustees' clerk and serving of notices on the hearing before the trustees, and in case no appeal is taken, shall pay all damages awarded before entering on the construction of said tile or other drain through the lands of the other.

Dispute as to repairs.

SEC. 10. In case any dispute shall arise as to the repair of any tile or other underground drain, the same shall be determined by said trustees in same manner as in the original construction of same.

Publication.

SEC. 11. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers printed at Des Moines, Iowa.

Approved, April 14, 1884.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader* April 18, 1884.

J. A. T. HULL, *Secretary of State.*

CHAPTER 189.

VETERINARY SURGEON.

H. F. 222.

AN ACT for the Appointment of a State Veterinary Surgeon and Defining his Duties.

Be it enacted by the General Assembly of the State of Iowa:

Governor to appoint.
Term of office.

SECTION 1. The governor shall appoint a state veterinary surgeon who shall hold his office for the term of three years unless sooner removed by the governor; he shall be a graduate of some regular and established veterinary college and shall be skilled in veterinary science; he shall be a member of the state board of health, which membership shall be in addition to that now provided by law. When actually engaged in the discharge

Qualification.

of his official duties he shall receive from the state treasury as his compensation the sum of five dollars per day and his actual expenses, which shall be presented under oath and covered by written vouchers before receiving the same.

Compensation.