

CHAPTER 17.

LEGALIZING CONSTRUCTION OF LEVEE ON MUSCATINE ISLAND, AND PROVIDING FOR ASSESSMENT OF COSTS THEREOF.

AN ACT to Legalize the Proceedings of the Boards of Supervisors of Muscatine and Louisa Counties, in Locating and Constructing a Levee on Muscatine Island in said Counties, and to Provide for an Assessment of the Costs Thereof, on the Lands Benefitted Thereby. H. F. 57.

WHEREAS, The proceedings of the boards of supervisors of the counties of Muscatine and Louisa in the years 1882 and 1883, in respect to the location and construction of a levee on Muscatine Island in said counties, along or near the west bank of Mississippi river from the city of Muscatine to Port Louisa, and in assessing the cost thereof on the land benefitted thereby, and claimed to have been invalid because said proceedings do not show upon their face that said levee was petitioned for by a majority of the owners of land adjacent thereto, and because, as it is claimed, such majority did not in fact petition therefor, and because of an alleged partial deviation in locating and constructing said levee from the route petitioned for, and because of other alleged irregularities and informalities; and, Preamble.
Levee along Mississippi River in Muscatine and Louisa counties.
Proceedings for levee informal.

WHEREAS, On a writ of certiorari issued out of the circuit court of Muscatine county on the petition of sundry owners of lands in said county assessed for the costs of said levee, the assessment of the lands of said petitioners have been by the judgment of said court adjudged invalid and set aside; and, Adjudged invalid.

WHEREAS, The said levee was constructed under and in pursuance of the said order and proceedings of said boards, and under contract entered into under the same and on the faith thereof,

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

SECTION 1. That the proceedings of the boards of supervisors of the counties of Muscatine and Louisa in the years 1882 and 1883, in respect to the location and construction of a levee on Muscatine Island in said counties, from the city of Muscatine to Port Louisa, along or near the west shore of the Mississippi river, including the orders of the boards of supervisors for the location and construction of said levee, the letting and making of contracts therefor, the order for issuing warrants for payment for the work done in said construction, and the warrants issued thereunder be and the same are hereby legalized, and shall be held and decreed valid and effectual to the same extent All acts in regard to levee legalized.

and effect, in all respects as to said proceedings, as if the same had fully conformed to the law when the same were had and taken, and said levee as actually constructed, shall be held and deemed to be a lawful levee, to be maintained and repaired as provided by law, in respect to such public improvements, and all provisions of the law applicable to levees duly constructed under chapter two, title ten, of the Code, and the amendments thereto, shall apply to the said levee.

Boards of supervisors to proceed to ascertain anew the cost of said levee.

Amount to be reapportioned and reassessed upon benefited lands.

Interested persons to be heard upon the assessment

Owners of land entitled to credit for payments made.

Publication.

SEC. 2. The boards of supervisors of Muscatine and Louisa counties respectively shall at their regular meetings next after the expiration of thirty days from the taking effect of this act, proceed to ascertain anew the total amount of the cost and expense of the construction of said levee, including interest accrued and to accrue on the excess of the amount of any unpaid warrants issued for payments due to contractors, over and above the amount of money applicable to such payments, now in the hands of the treasurers of Muscatine and Louisa counties, and including all costs and expenses of the proceedings in locating and constructing said levee, (exclusive of any costs or expenses of litigation in reference thereto), and any amount necessary to compensate for property appropriated for said levee. And said boards shall re-apportion and re-assess the said amount so ascertained among and upon the lands in said counties, benefitted by location and construction of the said levee, in proportion to the amount of benefit to said lands respectively. Said boards shall take as the basis for such re-apportionment and re assessment, the lists or schedules of lands in their respective counties, heretofore assessed by them for said levee, as benefitted thereby. But all persons interested in or affected by said assessments shall have the right to appear and be heard before said boards in respect to said apportionments and assessments, and the said boards shall on such hearings make such changes, both in respect to the lands to be assessed and the amounts to be assessed thereon respectively, as in their judgment may be necessary to make such apportionments and assessments just and equitable. And on the completion of said re-apportionments and re-assessments, all the provisions of law applicable to apportionments and assessments made under and by virtue of chapter two of title ten of the Code, and the amendments thereof, in respect to the mode of collection and application of the proceeds thereof, and appeals therefrom, including the provisions of sections six and seven of chapter eighty-five of the acts of the Eighteenth General Assembly, shall apply to the said re-assessments hereby directed. *Provided*, that the owners of any lands so assessed shall be entitled to credit upon their said re-assessments, for any payments made and not refunded upon any previous assessments made or assumed to be made upon such lands respectively for or on account of the construction of the said levee.

SEC. 3. This act being deemed of immediate importance shall take effect from and after its publication in the Muscatine

Journal and the Wapello Republican, newspapers published in Muscatine and Louisa counties, and in the Iowa State Register a newspaper published at Des Moines Iowa, such publications to be without expense to the State.

Approved February 27, 1886.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 2, the *Wapello Republican* March 4, and the *Muscatine Journal* March 5, 1886.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 18.

AMEND CHAPTER 44, LAWS OF THE TERRITORIAL LEGISLATURE, INCORPORATING ASPEN GROVE CEMETERY ASSOCIATION, AND CONFER AUTHORITY TO ACQUIRE REAL ESTATE.

AN ACT to Amend Chapter 44 of the Laws of the Session of the Legislature of the Territory of Iowa, Approved December 18th, 1843, Incorporating the Aspen Grove Cemetery Association of Burlington, and Conferring upon it Authority to Acquire Real Estate. S. F. 229.

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

SECTION 1. That chapter 44 of the laws of the session of the Legislature of the Territory of Iowa, approved December 18th, 1843, be amended to read as follows: Said Aspen Grove Cemetery Association of Burlington, Iowa may acquire, hold, enjoy and convey so much real estate as may be necessary for the purpose of maintaining a cemetery in Des Moines county, but for no other purpose, and all said real estate so acquired shall be held for the same purpose and subject to the same conditions and exemptions as the real estate now held by said association. Chap. 44, Laws of Session 1843, approved Dec. 18, 1843, amended.

SEC. 2. All parts of chapter 44, laws of the session of the Legislature of the Territory of Iowa, approved December 18, 1843 in contravention of the provisions of this act are hereby repealed. Repeals.

SEC. 3. This act shall take effect and be in force from and after its publication in the Des Moines Leader and the Burlington Gazette, newspapers published at Des Moines and Burlington, Iowa, and without expense to the State. Publication.

Approved March 6, 1886.

I hereby certify that the foregoing act was published in the *Des Moines Leader* March 11, and the *Burlington Gazette* March 10, 1886.

FRANK D. JACKSON, *Secretary of State.*