

CHAPTER 138.

APPROPRIATION FOR PENITENTIARY AT FORT MADISON.

AN ACT Making Appropriations for the Penitentiary at Fort Madison. S. F. 186.
ison.

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

SECTION 1. That there is hereby appropriated for the penitentiary at Fort Madison out of any money not otherwise appropriated the following sums for the purposes named, to wit: \$10,700 appropriated.

For contingent fund and repairs.....	\$7,500	Contingent, \$7,500.
For transportation of convicts.....	2,200	Transporting convicts, \$2,200.
For solitary cell house.....	1,000	Cell house, \$1,000.

That the warden of said prison be and he is hereby authorized to take and use the sum of \$7,500, or so much thereof as may be necessary, arising from the labor contract with said institution, for the purpose of putting in an electric light plant in said prison, *provided*, there shall be a balance of such fund sufficient therefor, over and above the amount required for such support, to be determined by the warden. Electric light plant. Proviso.

Approved April 10, 1886.

CHAPTER 139.

RELATING TO DRAINS AND DITCHES—REPEALS SECTION 1214 OF CODE AND ENACTS SUBSTITUTE.

AN ACT to Repeal Section 1214, Chapter 2, Title 10 of the Code, in relation to Drains and Ditches and to Enact a Substitute therefor. S. F. 187.

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

SECTION 1. That section 1214 of chapter 2, title 10 of the Code, be and the same is hereby repealed and the following enacted in lieu thereof. Code, section 1214, repealed.

Section 1214. Whenever any such ditch, drain or change in the direction of any water course, shall have been located and established, as provided in the preceding section, or when it shall be necessary, to cause any such ditches, drains or water courses to be reopened Substitute. Change in water course established, etc.

Auditor of county shall appoint commission to classify lands affected thereby, and apportion costs among same.

Assessment, how collected.

Pay of commissioners.

What may be declared a nuisance.

Penalty.

Appeals.

What necessary to prove.

and repaired, the auditor shall commission and appoint six disinterested freeholders of the county, not interested in a like question, who shall within twenty days after such appointment, personally inspect and classify as "dry," "low," "wet" or "swamp," all the land benefitted by the location and construction of such ditch, drain or water course, or the repairing or reopening of the same and shall make an equitable apportionment of the cost, expenses, costs of construction, fees and compensation for property appropriated or damages sustained by the construction of any such ditch, drain, change of direction of such water course or of repairing and reopening the same and make report thereof in writing to the board of supervisors, which apportionment shall accrue and be assessed among the owners of the land benefitted by the location, construction or the reopening and repairing of such ditch, drain or water course, in proportion to the benefit to each of them through along the line or in the vicinity of whose lands the same may be located, constructed or reopened and repaired respectively and the same may be levied upon the lands of the owner so benefitted, in said proportions and collected in the same manner that other taxes are levied and collected for county purposes and the amounts so assessed and collected shall be paid out of the county treasury, from the funds collected for that purpose on the order of the county auditor and said commissioners shall receive for each day's service when so engaged, two dollars to be paid out of the funds so collected. Any such ditch, drain or water course, which is now or may hereafter be constructed, so as to prevent the surplus and overflow waters from the adjacent land from entering the same, is hereby declared a nuisance and the same may be abated as provided in title 20, chapter 5, of the Code of Iowa, and the diverting, obstructing, impeding or filling up of such drains, ditches, or water courses in any manner by any person, without legal authority is hereby declared a nuisance and any person convicted of such crime, shall be punished as provided in title 24, chapter 15, of the Code for the punishment of nuisances. Nothing in this chapter contained shall be construed so as to prohibit any land owner from appealing from the order of the board in assessing his land, for any of the purposes mentioned in this section, to the circuit court of the county, in the same manner that appeals are taken in the location of highways, nor shall the same be construed so as to prohibit the maintenance of an action for the recovery of any taxes erroneously or wrongfully assessed, for any of the purposes mentioned in this section and in order to show that such

assessment was erroneous or wrongful, it shall only be necessary to prove that such lands so assessed were not benefitted by the location, construction or maintenance, of such ditch, drain or water course.

SEC. 2. This act being deemed of immediate importance, shall be in force and after its publication, in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines Iowa.

Approved April 10, 1886.

I hereby certify the foregoing act was published in the *Iowa State Register* and *Des Moines Leader* April 16, 1886.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 140.

PROVIDING FOR MINE INSPECTORS—THEIR APPOINTMENT, DUTIES AND COMPENSATION.

AN ACT to repeal sections 1, 2, 3, 4, 5 and 6 of chapter 21, Acts of S. F. 198. the Twentieth General Assembly, and enact substitutes therefor providing for mine inspectors, their manner of appointment, compensation and defining their duties and terms of office.

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

SECTION 1. That there shall be appointed by the Governor with the advice and consent of the Senate, three inspectors of mines who shall hold their offices for two years. The said inspectors subject however to be removed by the Governor for neglect of duty or malfeasance in office. Said term of office shall commence on the first day of April of each even numbered year. Said inspectors shall have a theoretical and practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines and of mining engineering; and said inspectors before entering upon the discharge of their duties shall take an oath or affirmation to discharge the same faithfully and impartially, which oaths or affirmations shall be endorsed upon their commissions, and their commissions so endorsed shall be forthwith recorded in the office of the Secretary of State, and such inspectors shall each give bonds in the sum of two thousand (2,000) dollars, with sureties to the approval of the Governor, conditioned for the faithful discharge of their duties. The Governor shall divide the State into inspection districts and shall assign the inspectors to duty in such place or districts as he shall deem proper.

SEC. 2. Said inspectors shall give their whole time and attention to the duties of their offices respectively and shall ex-