

drainage district as herein provided for, and collect and expend the same; *provided*, however, that no such work which shall impose a tax at a rate exceeding one based on ten cents per acre on the "wet" lands shall be authorized by them, unless the same is first petitioned for and authorized in substantially the manner required by this chapter for the inauguration of new work.

Maximum of tax for repairs

SEC. 13. The petitioners who proceed under section two of this act, may ask that the lands described in the petition be formed into more than one drainage district, and whether they do so or not the board of supervisors shall have the right and power to arrange said lands, or the lands which they shall finally determine to bring within the provisions of this act, into two or more districts, the boundaries of which shall be so fixed as will, in the judgment of the board, tend to a more equitable and just apportionment of the burdens to be imposed. It shall be the duty of the commissioners provided for in section three of this act to report whether, in their judgment, there should be more than one such district formed, and to make their plans and estimates according to such districts as they recommend.

Two or more districts may be formed on one petition.

Boundaries to be fixed by board of supervisors.

Report of commission as to number of districts.

SEC. 14. In case more than one such district is created as provided in section 13 of this act, the board of supervisors shall require separate accounts to be kept of the costs and expenses incurred in each, making an equitable apportionment of such as is not susceptible of exact division, and the lands in each drainage district shall be liable to assessment for the costs and expenses incurred in such district only.

Where more than one district is created.

Separate accounts to be kept.

SEC. 15. The boards of supervisors of any two or more adjoining counties may carry on the work provided for in this chapter concurrently; *provided*, that they first agree upon a plan or system, and a basis of equitable apportionment of the work to be done, and the share of the cost and expenses of the same, to be borne by each of such counties.

Boards in adjoining counties may carry on the work jointly.

Must first agree on plan or system.

Approved April 7, 1896.

### CHAPTER 47.

AN ACT to amend section 989 of the Code relative to the drainage of surface water from the highway. H. F. 332.

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

SECTION 1. That section 989 of the code of Iowa, be and is hereby amended by adding the following to said section, "providing, it shall be the duty of the supervisors to use strict diligence in draining the surface water from the public highway in its natural channels, and to this end he may enter upon the enclosed or reinclosed

Sec. 989, code, amended.

Supervisors must use diligence in drainage.

May enter  
lands. adjoining lands for the purpose of removing obstructions from such natural channels that impede the flow of such water."

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

Approved April 14, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register, May 7, and Des Moines Leader, May 6, 1896.

W. M. MCFARLAND,  
Secretary of State.

## CHAPTER 48.

AN ACT relative to trimming osage orange, willow, and all other hedge fences along the highway.

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

Hedges be  
kept trimmed. SECTION 1. That the owner of any osage orange, willow, or any other hedge fence, unless the same shall be used as a wind-break for orchards or stock, or shall be maintained as an ornamental fence, shall keep the same trimmed along the public highways, by trimming or cutting back to within five feet of the ground at least once in every two years, and shall burn or remove the brush so cut from the highway.

Exceptions.

Brush removed or burned.

Road supervisor to serve notice in case of neglect to comply.

Supervisor may cause work to be done.

Supervisor to notify land owner.

Township clerk to include list of lands and owners when certifying taxes not paid

Duty of county auditor.

SEC. 2. And it shall be the duty of the road supervisor, in case of a failure to comply with section 1 of this act, to serve written notice on such owner, then, if such owner refuse or neglect to comply with section 1 hereof for a period of sixty days after service of such notice, the road supervisor shall cause such work to be done, and it shall be paid for out of the highway fund.

SEC. 3. It shall be the duty of the road supervisor to notify the owner of the land of the expense of doing the work as provided in section 2.

SEC. 4. The township clerk, when certifying lists of land for transmission to the county auditor, upon which the highway tax has not been paid, as provided in section 975 of the Code of 1873, shall include in such lists a description of all lands, and the names of the owners, along which any work has been done by the road supervisor in accordance with the provisions of this act, together with the amount paid out of the highway fund therefor; and the auditor shall enter the amount against the land, and the owner thereof, unless the same has been previously paid, and deliver the same to the county treasurer; and which amount shall be collected by the treasurer in the same manner that county taxes are collected.