

## CHAPTER 85.

## LEVEES, DITCHES, DRAINS AND WATER COURSES.

H. F. 227.

AN ACT to amend chapter sixty-eight (68) of the laws of the Thirtieth General Assembly relative to the establishment of levees, ditches, drains and water courses.

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

**SECTION 1. Survey—plat.** That section two (2) of chapter sixty-eight (68) of the laws of the Thirtieth General Assembly be, and the same is hereby, amended by striking out in line twenty-six thereof, after the word "plat" and before the word "of", the words "and profile".

**SEC. 2. Approval of plan—notice of hearing.** That section three (3) of said act be, and the same is hereby, amended by inserting after the word "district" in the second line thereof and before the word "the" in the third line thereof the following:

"The board of supervisors shall then examine the return of the engineer, and if the plan seems to be expedient and meets the approval of the board of supervisors, they shall direct the auditor to cause a notice to be given, as hereinafter provided. But if it does not appear to be expedient and is not approved, the board of supervisors are hereby authorized to direct said engineer, or another engineer selected by them, to report another plan. When the plan, if any, shall have been finally adopted by the board of supervisors, they shall order".

Said section three (3) of said act is hereby further amended by striking from line three thereof the word "shall" and by inserting after the word "thereafter" and before the word "cause" in said line three the word "to".

And said section three (3) of said act is hereby further amended by adding thereto at the end of said section:

"If at the date set for hearing before the board of supervisors, it should appear that any person entitled to notice, as provided in this section, should not have been served with notice for the time, or in the manner, as provided herein, the board may postpone said hearing and set another time for the same, and notice of such day of hearing may be served on such omitted parties in the manner and for the same length of time, as provided for in this section, and by fixing said new day for hearing and by adjourning said proceedings to said time, the said board of supervisors shall not be held to have lost jurisdiction of the subject matter of said proceeding, nor of any parties so previously served with notice."

**SEC. 3. Establishment refused—further examination.** That section five (5) of said act be, and the same is hereby, amended by striking out the word "but" in line thirteen thereof, and by inserting in said line thirteen thereof, after the word "engineer" and before the word "if", the following: "Or they may refuse to establish the same as they may deem best; and at said hearing, the board may order the said engineer, or a new engineer appointed by them if deemed advisable, to make further examination and report to said board as to said proposed improvement, and if they determine that further examination and report shall be made, or".

**SEC. 4. Permanent survey—appeal.** That section six (6) of said act be, and the same is hereby, amended by inserting in line fifteen thereof, after the word "same" and before the word "and", the following: "and they shall thereupon appoint said engineer, or if deemed advisable, may appoint a new engineer as a commissioner, who shall make a permanent survey of said ditch as so located, and shall file a report of the same with the county auditor together with a plat and profile thereof".

And said section six (6) of said act is hereby further amended by adding in line nineteen thereof, and in line twenty-seven thereof, after the word

"establishing" in each of said lines and before the word "the" in each of said lines, the words following: "or refusing to establish".

And said section six (6) of said act is hereby further amended by striking out the word "judgment" in line twenty-three of said act, after the word "the" and before the word "of", and inserting in lieu thereof, the word "finding".

And said section six (6) of said act is hereby further amended by adding to said section at the end thereof, the following:

"If the appeal is from the amount of damages allowed, the amount ascertained in the district court shall be entered of record, but no judgment shall be rendered therefor. The amount thus ascertained shall be certified by the clerk of said court to the board of supervisors, who shall thereafter proceed as if such amount had been by it allowed the claimant as damages. If the appeal is from the action of the board in establishing or refusing to establish said drainage district, the court shall enter such order as may be proper in the premises, and the clerk of said court shall certify the same to the board of supervisors, who shall proceed thereafter in said matter in accordance with the order of the court. How the costs shall be distributed among the litigants and against whom the same shall be taxed shall rest in the discretion of the trial court."

SEC. 5. **Letting work** That section eight (8) of said act be, and the same is hereby, amended by inserting in line six thereof, after the word "the" and before the word "completion", the words "commencement and".

SEC. 6. **When levee or drainage district proves insufficient.** That section twenty-six of said act be, and the same is hereby, amended by inserting after the word "established" in line two of said section and before the word "or", the following: "either by legal proceedings or by private parties".

SEC. 7. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Register and Leader, and in the Des Moines Daily Capital, two newspapers published in Des Moines, Iowa.

Approved March 10, A. D. 1906.

I hereby certify that the foregoing act was published in the Des Moines Daily Register and Leader and the Des Moines Daily Capital, March 13, 1906.

W. B. MARTIN.  
Secretary of State.

## CHAPTER 86.

### PRELIMINARY EXPENSES IN CONNECTION WITH DRAINAGE DISTRICTS.

H. F. 128.

AN ACT providing for the payment of preliminary expenses in connection with drainage districts, and making suitable provision for same. [Additional to chapter two (2) of title ten (X) of the code, and chapter sixty-eight (68) of the acts of the Thirtieth General Assembly, relating to levees, drains, ditches and water courses.]

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

SECTION 1. **Preliminary drainage expenses—how paid.** Whenever a petition is filed with the county auditor of any county within the state, as contemplated in chapter sixty-eight (68) acts of the Thirtieth (30th) General Assembly of Iowa for the establishment of a drainage district in any county or counties within the state, the board of supervisors of said county (or counties if there be more than one) are hereby authorized to pay all necessary preliminary expenses in connection with said drainage district, out of the general county fund of said county, or if there be more than one county from the general county fund of each of the counties included in said district in such proportion as the work done or expense created in each county bears to the whole amount of work done or expense created, said amounts to be deter-