

CHAPTER 154.

NUISANCES DEFINED IN CONSTRUCTION OF DRAINAGE DITCHES.

S. F. 802.

AN ACT to repeal the law as it appears in section nineteen hundred forty-eight (1948) of the supplement to the code, 1907, and to repeal the law as it appears in section nineteen hundred eighty-nine-a fifteen (1989-a15) of the supplement to the code, 1907, and to enact a substitute therefor, defining nuisances in construction of drainage ditches, and making the obstruction of such ditches and levees a misdemeanor.

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

SECTION 1. **Repeal.** That the law as it appears in section nineteen hundred forty-eight (1948) of the supplement to the code, 1907, be and the same is hereby repealed.

SEC. 2. **Repeal—nuisances.** That the law as it appears in section nineteen hundred eighty-nine-a15 (1989-a15) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“Any ditch, drain or water course, which is now or hereafter may be constructed so as to prevent the surface and overflow water from the adjacent lands from entering the same, is hereby declared as a nuisance and may be abated as such. Any person, firm or corporation diverting, obstructing, impeding or filling up, without legal authority any ditch, drain or water course, or breaking down any levee established, constructed or maintained under any provision of law, shall be deemed guilty of a misdemeanor and punished accordingly.”

Approved April 2 A. D. 1913.

CHAPTER 155.

CLAIMS OF SUB-CONTRACTORS FOR CONSTRUCTION OF DRAINAGE DITCHES.

Sub. for S. F. 815.

AN ACT providing for the securing of claims of sub-contractors who furnish labor or material for construction of drainage ditches, in addition to chapter two-a (2-a) title ten (10) [X] supplement to the code, 1907.

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

SECTION 1. **Claim—how filed—time.** Every mechanic, laborer, or other person who as sub-contractor, shall perform labor upon or furnish materials for the construction of any drainage ditch provided for in this chapter, shall have a claim against the funds provided for the payment of said ditch and improvements for the value of such services and material not in excess of the amount of the contract price for which no warrants shall have been issued at the time of the filing of said claim. Such claim shall be made by filing with the county auditor an itemized sworn statement of the demand at any time after the performance of the labor or furnishing of the material, but within thirty (30) days from and after the completion of the contract, and such claims shall have priority in the order in which they are filed, provided that

the county auditor shall not issue warrants in excess of eighty (80) per cent of the contract price until thirty (30) days after the completion of the contract. Provided further, that neither the county auditor, nor the county, nor the drainage district shall be liable for any greater sum than the contract price, nor shall they or either of them be liable for the payment of the same before the time provided for in the principal contract.

SEC. 2. Adjudication by equitable action. Any party in interest may cause an adjudication of the amount, priority and mode and time of payment of such claims by an equitable action in the district court in the proper county. In such action the court may assess a reasonable attorney's fee against the party failing, in favor of said drainage district or county.

SEC. 3. Contractor—bond for benefit of claimant. The contractor may at any time release such claim by filing with the county auditor of the county in which the drainage ditch is located, a bond for the benefit of such claimant in sufficient penalty and with sureties to be approved by said county auditor, conditioned for the payment of any sum which may be found due such claimant. Such contractor may prevent the filing of such claims by filing in a like manner a bond conditioned for the payment of persons who may be entitled to file such claims. And actions may be brought on any such bond by any claimant within one year after his cause of action accrues, and judgment shall be rendered on said bond for the amount due such claimant.

SEC. 4. Not retro-active—pending litigation. This act shall not be deemed retroactive nor affect pending litigation.

Approved April 8 A. D. 1913.

CHAPTER 156.

ACTIONS INVOLVING DRAINAGE DISTRICTS.

H. F. 412.

AN ACT to amend sections nine (9) and thirteen (13) of chapter one hundred eighteen (118) of the acts of the thirty-third general assembly in relation to actions involving drainage districts.

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

SECTION 1. Appeal—board of supervisors to represent drainage district—counsel. That section thirteen (13) of chapter one hundred eighteen (118) of the acts of the thirty-third general assembly be and the same is hereby amended as follows:

By striking out the sixth (6th) to fifteenth (15th) lines of said section thirteen (13), both inclusive, and inserting the following in lieu thereof:

"In all actions or appeals involving or affecting the drainage district, the board of supervisors shall be a proper party for the purpose of representing the drainage district, and all interested parties therein, other than the adversary parties thereto, and the employment of counsel by the board, as authorized by this chapter, shall be for the purpose of protecting all the rights of the drainage district and interested parties therein other than the adversary parties thereto; in all appeals or actions adversary to the district, the appellant or complaining party shall be entitled the plaintiff, and the board of supervisors and drainage district it represents, the defendants, and in all ap-