

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-

peals or actions for or in behalf of the district, the board of supervisors and the drainage district it represents may sue as and be entitled the plaintiffs.

**SEC. 2. Failure to perform work—penalty.** That section nine (9) 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 inserting, after the words "in the name of the county in behalf of said district," in the ninth and tenth lines thereof, the words "or in the name of the board of supervisors and of the said district."

Approved April 19 A. D. 1913.

## CHAPTER 157.

### ASSESSMENT FOR BENEFIT OF ROADS IN DRAINAGE DISTRICTS.

H. F. 66.

AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a-nineteen (1989-a-19), nineteen hundred eighty-nine-a-twenty-six (1989-a-26), nineteen hundred eighty-nine-a-twenty-seven (1989-a-27), and nineteen hundred eighty-nine-a-thirty-eight (1989-a-38), of the supplement to the code, 1907, and section sixteen (16) of chapter one hundred eighteen (118) of the acts of the thirty-third general assembly, section five (5) of chapter twenty-four (24) of the acts of the thirty-fourth general assembly, and chapter one hundred twenty (120) of the acts of the thirty-third general assembly relating to assessments for benefits to roads, streets, and highways in levee or drainage districts, to interest thereon, and to the issuance of improvement certificates and drainage bonds therefor, and legalizing waivers, improvement certificates and bonds heretofore issued.

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

**SECTION 1. Construction across highways—interest on final assessment.** That the law as it appears in section 1989-a-19 of the supplement to the code, 1907, as the same was enacted by section 16 of chapter 118 of the acts of the thirty-third general assembly, and amended by section 5 of chapter 24 of the acts of the thirty-fourth general assembly, be, and the same is hereby amended by adding thereto the following, to-wit:

"The amount finally assessed for benefits to highways shall draw interest at the same rate and from the same time as the assessment against lands."

**SEC. 2. How paid—improvement certificates—waivers.** That the law as it appears in section 1989-a-26 of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following, to-wit:

"If the board of supervisors provides for the issuance of improvement certificates by the owners of lands, the township trustees may execute waivers, and there may be issued improvement certificates for such part of the assessment for benefits to highways as is to be paid by the township, such waivers and certificates to conform as nearly as may be to those executed upon the assessments against lands."

**SEC. 3. Drainage bonds—benefits to highways included.** That the law as it appears in section 1989-a-27 of the supplement to the code, 1907, as amended by chapter 120 of the acts of the thirty-third general assembly, be, and the same is amended by adding thereto the following, to-wit:

"When the board of supervisors shall provide for the issuance of drainage bonds, it shall determine what part, if any, of the amount assessed for the benefits to highways shall be included in such bond issue, and such part, with interest, shall be paid out of the proper funds in the same yearly proportion and at the same times as the assessments against the lands of private owners."