

A BILL

FOR AN ACT TO CREATE A FUND FOR DYKEING OR LEVEEING PORTIONS OF CERTAIN RIVERS AND STREAMS WITHIN THIS STATE, TO PREVENT OVERFLOW AND INUNDATION AND TO RECLAIM CERTAIN LANDS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the township trustees of any township within this State, may at the annual election in October, 1870, submit to the qualified electors of their township the proposition to raise a fund by taxation, which said tax shall not exceed fifteen mills on the dollar, upon all the taxable property of the township in any one year. And if a majority of the electors shall vote in favor of said proposition, the board of township trustees are hereby constituted a board of commissioners and empowered, as such commissioners, to levy at their annual meeting in April in each year, a tax, not exceeding fifteen mills on the dollar, upon all the taxable property of the township, to be called the "Dykeing Fund," which said levy shall be certified to by said commissioners, to the board of supervisors of the county, at their annual September session. And the said board of supervisors shall thereupon levy a tax upon all the taxable property of said township not exceeding the rate of levy of said commissioners, which said levy shall be extended upon the tax books of said county, and collected by the county treasurer, in money in the manner provided by law for the collection of other taxes. But it shall not be lawful to levy more than ten thousand dollars under this act, and when the said amount of ten thousand dollars shall have been levied and collected hereunder, the power of the commissioners and board of supervisors to raise money shall cease.

SEC. 2. The commissioners are hereby authorized to elect from their number a treasurer, who is authorized for such commissioners, to sue and defend suits, and sign and enforce all contracts, acceptances and receipts, requisite and necessary in and about the management of said funds, and the work to be done under this act.

SEC. 3. The commissioners shall employ a competent engineer to make a survey of lands, and estimate of work required along the banks of any river or stream in said township; to construct dykes or levees; to protect the lands in such township, from overflow and inundation, and after estimates made as aforesaid, shall let contracts for the necessary dykeing and leveeing said river or stream, after first giving public notice thereof, to the lowest responsible bidder.

SEC. 4. It shall be the duty of the said commissioners and they are hereby authorized and empowered

2 to authorize their treasurer to draw from the county treasury, upon their joint resolution, attested by the
3 township clerk, the funds so raised under this act, and to manage and control said fund as herein provided.

SEC. 5 Before said commissioners draw any of said funds, or proceed to execute any contracts as
2 herein specified, the treasurer, by them elected, shall give bond to the county with sureties to be
3 approved by the board of supervisors, in the penal sum of ten thousand dollars, for the faithful
4 performance of all his duties and the honest disbursement of all moneys received under this act.

SEC. 6. The said treasurer, of said board of commissioners, is hereby authorized for said board to
2 take deeds for the right of dykeing or leveeing upon lands situate along the banks of any river or stream
3 in such township, and if the owner of lands, needed for that purpose, cannot be found, or if found, if
4 such owner refuses to relinquish such right, it shall be lawful for said commissioners (suing by their
5 treasurer for them) to have the same condemned, in the manner provided, and under the conditions
6 required, for taking the right of way for railroad corporations under existing laws.

SEC. 7. Any person wilfully injuring any dyke or levee built under the provisions of this act, shall,
2 upon conviction thereof, be punished by imprisonment in the county jail not exceeding one year, and
3 by fine not exceeding one thousand dollars, and shall be liable in a civil action, to any party damaged
4 thereby, to pay double the amount of damages sustained by reason of the said injury, to be prosecuted
5 in any court having competent jurisdiction.

SEC. 8. The compensation of the commissioner aforesaid shall be the same for each day's service, as
2 that now allowed for like services to the township trustees of each county, to be audited in like
3 manner and paid by warrants of the Auditor upon the dykeing fund hereby created.

SEC. 9. The treasurer of said board of commissioners shall make a semi-annual settlement with
2 the board of supervisors of the county at their regular March and September sessions, exhibiting legal
3 vouchers for all moneys by him received and expended under this act.

SEC. 10. This act to take effect and be in force from and after its publication in the Iowa State
2 Register and Fremont Weekly Times.