

CHAPTER 140.

IN RELATION TO DRAINS, DITCHES, AND WATER-COURSES.

AN ACT amending Sections 1207, [1210] 1212, [1213, 1214] and 1216 of S. F. 106, chapter 2, Title X of the Code, in relation to Drains, Ditches, and Water-Courses.

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

SECTION 1. That section 1207 chapter 2, title 10 of the Code be amended by striking out the word "ten" in the second line of said section and inserting in lieu thereof the word "five."

Code, §1207 amended.
Referring to population of counties.
§1212 amended.

That section 1212 of chapter 2, title 10 of the Code be amended by striking from the end of said section the following words: "But no water-course shall be so changed as to deprive the owner of any adjacent lands of the benefit thereof unless he consents thereto."

Water courses.

SEC. 2. That section 1210 of chapter 2, title 10 of the Code be amended by inserting after the word "water-course" in the third line thereof the following: "or for damages sustained by the change of direction of any such water-course."

§1210.
Damages.

SEC. 3. That section 1213 of chapter 2, title 10 of the Code be amended by inserting after the word "appropriated" in the 7th line thereof the following: "or damages sustained by the change of direction of such water-course"

§1213 amended.
Costs and fees.

SEC. 4. That section 1214 of chapter 2, title 10 of the Code be amended by inserting after the word appropriated in the 3d line thereof the following: "Or damages sustained by the change of direction of such water-course," and by adding at the end thereof the following: "and said supervisors shall when necessary, cause said ditches, drains, or water-courses to be re-opened and repaired, and the costs thereof shall be apportioned, assessed, levied, and collected as hereinbefore provided for the costs of the construction of such ditches, or drains, and the amount so collected shall be paid out of the county treasury from the fund collected for that purpose on the order of the county auditor. And the diverting, obstructing, impeding or filling up of such drains, ditches or water-courses in any manner by any person without legal authority, is hereby declared a nuisance, and any person convicted of such crime, shall be punished as provided in title 24, chapter 15 of the Code for the punishment of nuisances."

§1214 amended.
Equitable apportionment of costs.

Nuisance.

SEC. 5. That section 1216 of chapter 2, title 10 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

§1216 repealed.

SEC. 1216. The petitioners or any of them or the applicant for compensation for land taken or for damages sustained by reason of the change of direction of any water-course, may appeal from the order locating and establishing such ditch or drain or changing the direction of such water-course or refusing so to do, and from the amount allowed as damages by pursuing the same

Appeals.

method provided for appeals from assessment of damages in the location of highways and the auditor shall make out transcripts as provided in appeals taken from the assessment of damages in case of highways.

Approved March 17, 1876.

CHAPTER 141.

RELATING TO THE PENITENTIARY AT FORT MADISON.

S. F. 139. AN ACT to Provide for the Improvement of the Penitentiary at Fort Madison, Iowa, to Provide for the Transportation of Discharged Convicts.

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

SECTION 1. That there be and is hereby appropriated out of \$21,800 appropriated. any money in the treasury not otherwise appropriated, or as much thereof as may be necessary, for the several objects named, viz: For converting deputy warden's house into cells\$7,500.00 For dwelling house for deputy warden..... 1,500.00 For the removal of old wooden paintshops and the erection of two workshops..... 6,000.00 For transportation of discharged convicts..... 1,800.00 For school building and hospital..... 4,000.00 For ventilation of cell room and shops..... 1,000.00

How expended. SEC. 2. The moneys hereby appropriated for the improvement of said penitentiary, and expended under the direction of the warden, shall be in accordance with the plans and estimates first submitted to the executive council.

To take effect. SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the Iowa State Leader, March 23, and in the Iowa State Register, March 24, 1876.

JOSIAH T. YOUNG, Secretary of State.