

SEC. 3. Bonds. That section nineteen hundred eighty-five (1985) of the code be, and the same is, hereby amended by adding the following to said section:

"If the amount of money required for the improvement under the provisions of this chapter cannot be collected in one year, or if the board of supervisors in their discretion deem it advisable that the taxes shall be paid in installments, or in case it becomes necessary to expend an extraordinary sum for the preservation of the levee in case of an emergency, the board of supervisors of the county shall have the power to issue bonds for all which cannot thus be provided for in one year substantially [in] the manner and form as provided in section twenty-eight (28) of chapter sixty-eight (68) of the laws of the Thirtieth General Assembly and acts amendatory thereto, and all acts and proceedings in relation thereto shall conform therewith, except that bonds issued in anticipation of taxes for the maintenance of a levee shall not exceed five years' taxes and shall be due in six years from the date of issue."

SEC. 4. Claims for repairs. Whenever a levee or drainage district is organized, the board or boards of supervisors, as the case may be, shall have power and authority to audit and allow claims for money and labor expended in the preservation of said levee prior to and since the organization of the said district; all sums so allowed to be payable from the levee or drainage fund. The said board or boards shall also have full power and authority to make an equitable adjustment of and credit for any taxes paid for repairing the levee where the same has been heretofore levied and collected in any manner by said board or boards of supervisors under any prior proceedings.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 19, A. D. 1907.

I hereby certify that the foregoing act was published in the Des Moines Capital, March 21, 1907, and the Register and Leader, March 22, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 94.

LEVEES, DITCHES, DRAINS AND WATER COURSES.

S. F. 8.

AN ACT to amend the law as it appears in chapter sixty-eight (68), acts of the Thirtieth General Assembly, and in chapter eighty-five (85) of the acts of the Thirty-first General Assembly in relation to levees, ditches, drains and water courses.

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

SECTION 1. Engineer to examine lands—returns. That the law as it appears in section two (2), chapter sixty-eight (68), of the acts of the Thirtieth General Assembly is hereby amended by striking out all of said section two (2), after the word "hands", in line sixteen (16) and inserting the following in lieu thereof: "And he shall proceed to examine the lands described in said petition and any other lands which would be benefited by said improvement or necessary in the carrying out of said improvement, and survey and locate such drain or drains, ditch or ditches, improvement or improvements, as may

be practicable and feasible to carry out the purposes of the petition and which will be of public benefit or utility or conducive to public health, convenience or welfare. He shall make return of his proceedings to the county auditor, which returns shall set forth the starting point, the route, the terminus or termini of the said ditch or ditches, drain or drains, or other improvements, together with a plat and profile showing the ditches, drains or other improvements, and the course and length of the drain or drains through each tract of land and the elevation of all lakes, ponds and deep depressions in said district, and the boundary of the proposed district, and the description of each tract of land therein and names of the owners thereof as shown by the transfer books in the auditor's office, together with the probable cost, and such other facts and recommendations as he may deem material. The board of supervisors may at any time recall the appointment of any engineer made under the provisions of this act, if deemed advisable to do so, and select another to act in his place."

SEC. 2. Notice of hearing—fees and mileage for serving notice. That section three (3) of said chapter is hereby amended by striking out the period after the word "served" in line fifteen (15) and inserting a comma in lieu thereof and adding thereto the following: "provided, however, no notice shall be served by the auditor upon any of the persons hereinbefore described who shall file with said auditor a statement in writing signed by said party entering his appearance at said hearing and waiving any additional notice. The officer or person serving said notice shall receive five cents per mile for the distance actually traveled and not exceeding five dollars per day of eight hours for making said services."

SEC. 3. Permanent survey. That section four (4) of chapter eighty-five (85) of the acts of the Thirty-first General Assembly is hereby amended by adding after the word "located" and before the word "and", in line six (6) of said section the following: "showing the levels and elevations of each forty acre tract of land."

SEC. 4. Changes in dimensions. That section eleven (11) of chapter sixty-eight (68) of the acts of the Thirtieth General Assembly is hereby amended by striking out all of said section after the word "recommend" in line eight (8) and adding thereto the following: "provided that all persons whose lands shall be taken or who may be damaged by the said change, shall first have been given like notices and like proceedings had as hereinbefore provided for the establishment of the levee or drainage district."

SEC. 5. Pumping stations. That said chapter sixty-eight (68) of the acts of the Thirtieth General Assembly is hereby amended by adding the following thereto:

"The board of supervisors of any county or counties in the state in which a drainage or levee district has been or may hereafter be organized as provided in this act may provide as a part of said drainage system for the establishment and maintenance of a pumping station or stations, when and where the same may be necessary to secure a proper outlet for the drainage of the land comprising the said district and the cost of construction and maintenance of said pumping station or stations shall be levied upon and collected from the lands in the drainage or levee district in the same manner as provided for in the construction and maintenance of ditches or drains or levees in this act."

SEC. 6. Proceedings under petitions heretofore filed. That said chapter is hereby further amended by adding thereto the following:

"Whenever any petition has heretofore been filed and any action thereon has been taken by the board of supervisors that is not final, it shall not be necessary that a new petition shall be filed in order to obtain the benefits of

this act, but the board of supervisors are hereby empowered to proceed with the improvement from the point at which legal proceedings thereon were stopped."

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

Approved March 19, A. D. 1907.

I hereby certify that the foregoing act was published in the Des Moines Capital March 21, 1907, and the Register and Leader March 22, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 95.

LEVEES, DRAINS, DITCHES AND WATER COURSES.

S. F. 87.

AN ACT amendatory of the law as it appears in chapter sixty-eight (68) of the Thirtieth (30) General Assembly and amendatory acts of the Thirty-first (31) General Assembly relating to levees, ditches, drains and water courses and amending sections two (2), fourteen (14), eighteen (18), and nineteen (19), of said chapter, and providing for the place where ditches and drains shall be located; how appeals shall be tried in appellate courts; for the employment of counsel to represent the drainage district in appellate courts; for the crossing of railroad rights of way; for the building of culverts and bridges at the place of crossing and payment of the cost thereof; for the assessment of benefits, and making the provisions of this act applicable to chapter two (2), title ten (X) of the code.

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

SECTION 1. Location along natural drainage course. That section two (2) of chapter sixty-eight (68) of the acts of the Thirtieth General Assembly as amended by acts of the Thirty-first General Assembly be and the same is hereby amended by adding to said section at the end thereof the following:

"That the ditches or drains herein provided for shall be surveyed and located along the general course of the natural streams and water courses or in the general course of natural drainage of the lands of said district, having due regard for straightening and shortening of such natural streams, water courses and course of natural drainage. Whenever any such ditch or drain crosses any railroad right of way it shall be located at the place of the natural water way across such right of way, unless said railroad company shall have provided another place in the construction of the road bed for the flow of the water; and if located at the place provided by the railroad company, such company shall be estopped from afterwards objecting to such location on the ground that it is not at the place of the natural water way."

SEC. 2. Appeals—employment of counsel. That section fourteen (14) of said chapter be and the same is hereby amended by inserting after the word "damages" and before the word "the" in the fourth line of said section the following:

"The appeal herein provided for shall be tried in the district court as an action in equity and the appearance term shall be the trial term; and when several appeals are taken and pending in the district court by land owners of the same drainage district whose lands have been assessed by the board, the