

## CHAPTER 204

## COUNTY ATTORNEY INFORMATION ACT

S. F. 678.

AN ACT to amend section fifty-two hundred thirty-nine-e (5239-e) supplement to the code, 1913, (C. C. section 9284) relating to prosecutions on informations to be filed by the county attorney.

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

1 SECTION 1. Before whom information sworn to. That section  
2 fifty-two hundred thirty-nine-e (5239-e) supplement to the code,  
3 1913, (C. C. section 9284) be amended by striking out the words  
4 and language "judge of the district court, or before the clerk or  
5 deputy clerk of said court" in lines two and three thereof and in-  
6 serting in lieu thereof the following: "some officer authorized by  
7 the laws of Iowa to administer oaths."

Approved April 11, A. D. 1921.

## CHAPTER 205

## LEVEES, DITCHES AND DRAINS

H. F. 679.

AN ACT supplementary to chapter two-A (2-A), title ten (X), relating to levees, ditches drains and watercourses, providing for the removal of telephone, telegraph or other electric lines to permit the free passage and operation of drainage contractor's equipment without dismantling the same.

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

1 SECTION 1. Removal of electric lines—notice—refusal. When-  
2 ever the board of supervisors shall have established any levee or  
3 drainage district or change of any natural watercourse and the levee,  
4 ditch, drain or watercourse as surveyed and located crosses any tele-  
5 phone, telegraph or other electric line it shall be the duty of the com-  
6 pany controlling said line to remove the same to permit the free pas-  
7 sage and operation of the contractor's equipment without dismant-  
8 ling such equipment and the contractor shall pay the reasonable cost  
9 of the expense of such removal and for the cost necessary to put same  
10 back in proper condition.

11 The contractor shall be required to give written notice fifteen days  
12 in advance of the time in which such lines shall be removed by the  
13 companies owning same.

14 If the company shall fail, neglect or refuse to comply with the pro-  
15 visions of this act the county auditor of the county in which such  
16 improvement is being done shall cause the same to be done under the  
17 supervision of the engineer in charge of the improvement and the  
18 contractor shall be liable for the cost thereof to be collected by the

19 county in any court having jurisdiction. Electric lines as defined in  
20 this act shall not be construed to include electric railways.

Approved April 11, A. D. 1921.

## CHAPTER 206

### LEVEES, DITCHES AND DRAINS

H. F. 680.

AN ACT to amend section nineteen hundred eighty-nine-a two (1989-a2), supplement to the code, 1913, as amended by section one (1) of chapter three hundred forty-four (344), acts of the thirty-seventh (37th) general assembly, section one (1) of chapter four hundred fifteen (415), acts of the thirty-seventh (37th) general assembly, and section one (1) of chapter one hundred forty-one (141), acts of the thirty-eighth (38th) general assembly (C. C. Sec. 4837); and to amend section nineteen hundred eighty-nine-a18 (1989-a18), supplement to the code, 1913 (C. C. Sec. 4858), relating to levees, ditches, drains and watercourses, and providing for passage of machines and other equipment of contractor across railroad right of way and other highways.

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

1 SECTION 1. Carrying ditch across railway. That the law as it  
2 appears in section nineteen hundred eighty-nine-a two (1989-a2),  
3 supplement to the code, 1913, as amended by section one (1) of chap-  
4 ter three hundred forty-four (344) of the acts of the thirty-seventh  
5 (37th) general assembly, section one (1) of chapter four hundred  
6 fifteen (415) of the acts of the thirty-seventh (37th) general assem-  
7 bly, and section one (1) of chapter one hundred forty-one (141) of  
8 the acts of the thirty-eighth (38th) general assembly (C. C. Sec.  
9 4837), be amended by adding thereto the following:

10 "The engineer shall also provide plans for the most economical and  
11 practicable method of passing the machines and other equipment of  
12 the contractor across railroad right of way and other highways."

1 SEC. 2. Right to cross railway—procedure. That the law as it  
2 appears in section nineteen hundred eighty-nine-a eighteen (1989-  
3 a18), supplement to the code, 1913 (C. C. Sec. 4858), be amended by  
4 inserting in the thirty-eighth (38) line thereof, after the period fol-  
5 lowing the word "therefor", the following, to wit:

6 "It shall be the duty of any railroad company to furnish the con-  
7 tractor free passage across its right of way, telegraph, telephone and  
8 signal lines, for his machines and equipment without dismantling  
9 the same, whenever recommended by the engineer and approved by  
10 the board of supervisors, and the cost thereof shall be considered as  
11 an element of such company's damages by the appraisers thereof;  
12 provided that if such company shall fail to do so within thirty (30)  
13 days after written notice from the auditor, the engineer shall cause  
14 the same to be done under his direction, and the company shall be  
15 liable for the cost thereof to be collected by the county in any court  
16 having jurisdiction. Provided, further, that the railway company  
17 shall have the right to designate the day and hours thereof within  
18 said period of 30 days above mentioned when such crossing shall be  
19 made."

Approved April 11, A. D. 1921.