

B. F. CLAYTON, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred house file No. 63, a bill for an act to facilitate farm drainage, beg leave to report that they have had the same under consideration, and amended it, and have instructed me to report the same back to the house with the recommendation that it do pass as amended.

B. F. CLAYTON, *Chairman.*

Ordered passed on file.

HOUSE FILE NO. 63.]

[BY PEARSON.

A BILL

TO OBTAIN AN ACT TO FACILITATE FARM DRAINAGE. ADDITIONAL TO CODE,
TITLE X, CHAPTER 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no land
2 owner shall be prevented from draining his land for want of connecting drains to give neces-
3 sary drain fall, when the sloughs or natural water-ways flow across the land of another, but
4 shall be allowed to peacefully enter the premises with implements necessary to do the work,
5 and open the drains to a sufficient distance to obtain the requisite fall; but shall be liable
6 for all damage arising from construction of said drain.

SEC. 2. In case a dispute arises as to its being a natural water-way, the aggrieved party
2 shall make application to the township trustees of the township in which said land is sit-
3 uated, giving a description of the land. The board of trustees, immediately after receiving
4 the application, shall appoint a time and place of meeting to view the course of drains, and
5 shall notify the defendant of the same.

SEC. 3. If, upon examination, they find the course of the drains to be a natural water-way,
2 they shall so declare, and the party draining shall be allowed to peacefully enter with neces-
3 sary implements and open the drain; but if they find the course of the drain to not be in a
4 natural water-way, they shall so declare, and shall proceed to assess the damage to be paid to
5 the aggrieved before the drains can be opened. The per diem of the board of trustees shall

6 be the same as for fence viewing, and shall be paid by such of the parties as the board, in
7 their judgment, shall deem most just. All the minutes of proceedings to be kept on file by
8 township clerk.

SEC. 4. Any party found guilty of obstructing the flow of water through a drain obtained
2 as hereinbefore stated, shall be fined for each offense not to exceed ten dollars, and taxed
3 with damage sufficient to remove the obstruction.