

A BILL

FOR AN ACT TO REGULATE AND PROVIDE FOR THE CONSTRUCTION OF TILE AND OTHER UNDERGROUND DRAINS, OR OPEN SURFACE DITCHES THROUGH THE LANDS OF ANOTHER. (AMENDATORY OF CHAPTER 188 LAWS OF THE TWENTIETH GENERAL ASSEMBLY).

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

SECTION 1. That sections one, two and three of chapter one hundred and eighty-eight of the acts of the Twentieth General Assembly be and the same are hereby repealed, and the following sections are enacted in lieu thereof :

SEC. 2. That whenever any person shall desire to construct any tile or other underground drain or an open ditch for an outlet for other drains through the land of another, and shall be unable to agree with the owner or owners of such land as to the same, he may file with the clerk of the township where said land is situated an application therefor, giving a description of the land or lands through which he may desire to construct the same, and the township clerk shall forthwith notify the trustees of said township of said application, who shall fix a time and place for the hearing of the same, which time shall not be more than twenty days distant, and they shall cause said clerk to notify the applicant and land owner of the time and place of said hearing at least five days before the time fixed for the hearing of same, which notice shall be in writing, signed by said clerk, and shall be served on said applicant and land owner if within the county, and if not, then upon his agent for said land, if within the county, in the same manner as is now provided by law for the service of original notices, and in case that neither said party nor his agent are residents within said county, then the same shall be served by posting written notices in three public places in said township, one of which shall be upon said land, at least ten days before said hearing.

SEC. 3. Upon the day fixed for hearing, if said trustees are satisfied that the provisions of the prior section have been complied with, they may proceed to hear and determine the same, and if necessary may call to their assistance the county surveyor or any other competent engineer who shall proceed to make a survey of the line of the proposed ditch, drain or outlet, or of any other lines in the vicinity, together with an estimate of the cost of the said work, and shall also furnish said trustees with written specifications for the construction of the same and the expense of said survey shall be paid at the same time and as a part of

8 the costs of the trustees. And they shall have power to adjourn from time to time until
9 the same is completed; *provided*, that no adjournment shall be for more than fifteen days.

SEC. 4. The said trustees shall fix the point or points of entrance and exit or outlet of said
2 tile, drain or ditch on said land, and the general course of same through said land, the size
3 and depth of same, when the same shall be constructed, how kept in repair, what connec-
4 tions may be made with same, what compensation, if any, shall be made therefor, and any
5 other question arising in connection with the same; and they shall reduce their findings to
6 writing, which shall be filed with the clerk of said township, who shall record it in full in
7 his book of records of said township, and said finding and decision shall be final, except as
8 to the amount of damages, if any, which shall be awarded.

SEC. 5. Should the owner or agent of said land neglect or fail to construct the said drain,
2 ditch or outlet within the time specified by the said trustees, and no good and sufficient ex-
3 cuse is given for such failure, and the petitioner having constructed so much of the drain-
4 age of his own land as is possible without the said outlet, which fact shall be determined by
5 the said trustees, then the petitioner may forthwith enter upon the land and construct
6 said drain, ditch or outlet according to the specifications contained in the findings of the
7 said trustees, and upon the completion of said drain, ditch or outlet the petitioner shall file
8 with the county auditor a sworn itemized statement of the cost of said work together with
9 a certified copy from the township clerk of the costs of appraisalment and all expenses in-
10 curred by the trustees, including his own fees, the whole of which amounts shall be by the
11 auditor taxed against the land through which said drain, ditch or outlet is constructed
12 and collected in the manner that other taxes are collected, and the county treasurer shall
13 pay over the said amount when collected to said petitioner.

SEC. 6. This act being deemed of importance shall take effect from and after its publica-
2 tion according to law.