

A BILL

FOR AN ACT AMENDATORY TO SECTION 2, CHAPTER 188 OF THE CODE DEFINING DUTIES OF TOWNSHIP TRUSTEES IN RELATION TO TILE DRAINAGE.

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

SECTION 1. Said trustees shall determine whether the tile drain proposed is practicable, and whether if constructed the benefits to be derived therefrom would be greater than the cost and damage thereof ; whether it will improve the public health ; whether it would benefit any public highway ; whether it would render any agricultural lands more productive ; if the trustees determine the first and either of the other said propositions in the affirmative they shall establish the drain and order the construction thereof. Otherwise they shall dismiss the application at the cost of the applicant.

SEC. 2. Said trustees shall also make an estimate of the entire cost of said drain including the cost of the proceedings and of the benefits to be derived and damages sustained by the owner of each tract of land to be affected thereby, and taking such benefits and damages into consideration shall determine what proportion of the entire cost of said drain should be borne by each land owner affected thereby, and shall divide said drain into sections proportionate to the cost to be borne by each land owner or otherwise, and shall assign to each the sections to be constructed by him and fix the time to be completed, and shall also determine the amount of damages, if any, to which any person is entitled, when the same is to be paid, and how much is to be paid by each land owner whose lands are affected by the drain.

SEC. 3. In case any land owner fails to construct the section of the drain assigned to him by said trustees within the time or in the manner by them prescribed or pay his allotted share of the damages, any other party to the proceeding may construct the said section in the manner prescribed and pay said share of damages, and after construction and payment thereof shall be entitled to a certificate from said trustees stating the name of the land owner neglecting to construct his assigned section of the drain, a description of the lands of such person affected by said drain, the estimate cost of such section, the failure of said land owner to construct or pay the same within the time specified, and the name of the person by whom such section was in fact constructed and damages paid.

SEC. 4. Upon the filing of said certificate with the clerk of the courts of the county wherein the lands are situated the clerk shall note the same in due form upon the incumbance book, and the person constructing such section of the drain or paying said damages

4 shall thereafter have a lien upon the lands of the delinquent affected by the drain for the
5 estimate cost of the section assigned to said delinquent, which may be foreclosed in the
6 same manner as mechanics' lien.

SEC. 5. Whenever any road supervisor shall be of the opinion that any public highway
2 in his district would be benefitted by underground tile drainage which cannot be accom-
3 plished without affecting other lands, he shall have the right to make application therefor
4 in behalf of his district the same as any land owner, and for the purposes of this act road
5 districts shall be considered as owners of the roads and highways therein.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 7. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication.