



TE  
1  
.J8  
A3  
1915

Iowa State Highway Comm.  
Recent road legislation  
of Iowa.

Iowa  
352.7  
Io9r



PLEASE RETURN TO  
IOWA LIBRARY COMMISSION

# Recent Road Legislation of Iowa

THE DEPARTMENT OF JUSTICE  
THE STATE HIGHWAY COMMISSION

7768  
3

Edited by

HENRY E. SAMPSON, Assistant Attorney General  
THOMAS H. MacDONALD, Chief Engineer

## SERVICE BULLETIN

Supplement to Vol. III, No. 9

September, 1915

TRAVELING LIBRARY  
STATE OF IOWA

7 Iowa State Highway comm.  
Recent road legislation  
of Iowa

### TRAVELING LIBRARY OF THE STATE OF IOWA

To communities, and schools, books for re-lending are loaned for a three month's period. To individuals and to clubs for study use, books are loaned for two to four weeks.

Borrowers are requested to return the books as soon as the need for them is passed, and *always* when books are due. Where books are re-loaned, fines may be charged by the *local* library and *retained* when the books are returned.

DAMAGES. The pages of these books must not be marked and librarians are required to note the condition of books when loaned to borrowers and when returned by such borrowers and to report damages beyond reasonable wear to the Library Commission.

10M-JA-38





# Recent Road Legislation of Iowa

Enacted or Amended by  
THIRTY-SIXTH GENERAL ASSEMBLY

## FREE TRAVELING LIBRARY OF THE STATE OF IOWA

INDIVIDUALS who borrow books directly from Des Moines are requested to return the books as soon as they are no longer needed. If necessary they may be kept for three months.

### Rules for Borrowing Books from a Local Custodian

**BORROWERS**—Adults are entitled to draw books by filling out an application card. Minors must obtain the signature of a responsible person.

**NUMBER OF VOLUMES**—Each borrower may draw one volume at a time except where a work is issued in more than one volume, when two may be issued.

**TIME KEPT**—Any book may be kept two weeks from date of issue, and may be once renewed for same period.

**FINES**—A fine of one cent a day shall be paid for each book kept over time, and any money thus received shall be used by the secretary of the local library association for library expenses. No book shall be lent to any one to whom a book or an unpaid fine is charged.

**INJURIES**—The pages of these books must not be marked and librarians are required to collect fines for injuries beyond reasonable wear. Such fines will be returned with the library.

Edited by

HENRY E. SAMPSON, Assistant Attorney General.  
THOMAS H. MacDONALD, Chief Engineer.

Published by

STATE HIGHWAY COMMISSION AND DEPARTMENT OF JUSTICE



Iowa  
352.7  
I092

This volume contains the basic road law establishing the Highway Commission and the Iowa system of centralized state control over road and bridge construction and maintenance together with the laws relative to condemnation of land for road purposes; establishment of road drainage districts; improvement of railroad crossings; use of highways by public service corporations; paving of main traveled highways inside corporate towns and cities; road dragging; registration of tourist routes; purchase or condemnation of gravel pits for county use; giving of bonds by supervisors; filing of itemized accounts by county engineers; attorney general defending patent suits affecting highway construction; apportionment of the automobile tax and the destruction of weeds.

The text of the law is followed, section by section, by interpretation and explanation. All comment is in different style of type that there may be no confusion as to text of law and interpretation.

There is also added a list of questions which have arisen together with answers and rulings by the Department of Justice upon these questions.

## PREFACE

This book has been prepared for the use of the more than five thousand public officials responsible for the improvement and maintenance of public highways within the state. It contains all recent road legislation in Iowa. The principal road statute was enacted by the thirty-fifth general assembly, and some changes, which the experience of the past two years had indicated advisable, were made by way of amendments by the thirty-sixth general assembly. This statute, with the later amendments may properly be called the basic road law. It provides a simple, practical and business-like plan of procedure for the making of all forms of road improvements, but no provision is made for financing the cost of building the so-called permanent road surfaces. The experience of the past two years has proven the practicability of all the principal provisions and the wisdom of requiring that all road work be done under carefully prepared plans and well considered specifications which have been filed preliminary to the beginning of actual construction work.

The text of this basic law together with an analysis of its many provisions will be found in Part I of this work. In Part II is set forth the text of some seventeen other statutes regulating some features of the work of road improvements. Part III contains specific answers to some one hundred and fifty practical questions which, from time to time, have been submitted by those desiring an interpretation of some statute regulating the making of road improvements. The matter contained in this book has been indexed: first, under general subjects and second, under the various statutory sections, numerically arranged.

The main purpose sought to be accomplished by this work is the securing of uniformity in interpretation and application of the several statutes regulating highway work.

The unfamiliar language used in statutory law and the many involved sentences found in them frequently make its meaning obscure, and so an attempt has been made to analyze and interpret the several provisions of these laws and to sum up their meaning in short paragraphs, written in common every day expression, and inserted immediately following the text. Applications of the law to the more common problems have also been made. This has been done in the hope that it will save those who have occasion to refer to these statutes the necessity and trouble of laboring through these involved statutory provisions.

The general use made of a similar work which we prepared two years ago, under the title of "New Road Legislation" and the expressions of approval of those having occasion to refer to this work have encouraged us in the preparation of this revision. It is now presented with the hope that its contents will be of material assistance to those interested in the laws regulating the work of highway improvement and the statutory procedure which the legislature has adopted for such work.

We can assure the general public and particularly all road officials that the state highway commission desires to co-operate with them in the important work now confronting the people of Iowa—that of providing the largest mileage of serviceable roads for the use of the greatest possible number of people in the state.

Respectfully submitted,  
THE EDITORS.

September, 1915.



PART ONE

The Basic Road Law

AN ACT TO CREATE A STATE HIGHWAY COMMISSION AND TO PROVIDE FOR THE APPOINTMENT, TERM OF OFFICE, COMPENSATION, POWERS AND DUTIES OF SUCH COMMISSION, TO PROVIDE FOR THE REMOVAL OF THE MEMBERS OF SAID COMMISSION, TO CREATE A SYSTEM OF COUNTY AND TOWNSHIP ROAD, BRIDGE AND CULVERT CONSTRUCTION AND MAINTENANCE, AND TO PRESCRIBE THE PROCEDURE AND MANNER OF CARRYING ON SUCH IMPROVEMENTS, AND THE RIGHTS, DUTIES AND POWER OF COUNTY, TOWNSHIP AND OTHER OFFICERS AND EMPLOYES WITH REFERENCE THERETO. TO FIX THE RIGHTS OF PARTIES CONTRACTING WITH REFERENCE TO SUCH WORK, TO REPEAL SECTION TWO THOUSAND SIX HUNDRED SEVENTY-FOUR-F (2674-F) OF THE SUPPLEMENT TO THE CODE, 1907, RELATING TO HIGHWAY COMMISSION AND TO AMEND SECTION THREE (3) OF CHAPTER TWENTY-FOUR (24) OF THE ACTS OF THE THIRTY-FOURTH GENERAL ASSEMBLY, RELATING TO THE COUNTY ROAD BUILDING FUND, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

SECTION 1527-s, SUPPLEMENTAL SUPPLEMENT, 1915

The office of the state highway commission is hereby located at the state college of agriculture and mechanic arts.

The State Highway Commission has its headquarters in the Engineering Hall, Iowa State College, Ames, Iowa, where it may be reached by letter, telephone or wire.

Said Commission shall be composed of three members, one of which shall be the dean of engineering of said college, and the other two (2) members of the commission shall be appointed by the governor immediately upon taking effect of this act, from different political parties for the period of two (2) and four (4) years, from July 1, 1913, and terms of office shall thereafter be four (4) years. Each commissioner shall give bond in the penal sum of five thousand dollars (\$5,000.00) for the faithful performance of his duties as hereinafter provided, which bond shall be approved by the executive council and filed with the secretary of state.

Mr. A. Marston, Dean of Engineering, Iowa State College, Ames, Iowa; Mr. J. W. Holden of Scranton, and Mr. H. C. Beard of Mt. Ayr now constitute the membership of the State Highway Commission. This Commission was first organized in April, 1913. Mr. Holden has been elected chairman of the Commission for the current year. The members of this Commission are each required to file a bond of five thousand dollars with the secretary of state.

Each commissioner shall be subject to removal from office as provided by chapter seventy-seven (77), laws of the thirty-third general assembly.

Members of the Commission may be removed by the Executive Council for cause.

If for any reason, a vacancy occurs in the membership appointed by

1  
Location

2  
Organization

3  
Removal

4  
Vacancy



the governor, he shall fill such vacancy for the remainder of the unexpired term, from the same political party from which the vacancy occurred.

Vacancies upon the Commission are filled as in the first instance.

5  
Attorney

The attorney general shall act as attorney for the commission, and shall advise them upon all legal questions arising with reference to the duties of said Commission.

Under the law, the Attorney General is made legal adviser for the Commission, which work has been placed in charge of Henry E. Sampson, Assistant Attorney General.

#### SECTION 1527-s1, SUPPLEMENTAL SUPPLEMENT, 1915

6  
Salary

Each of the commissioners appointed by the governor shall receive for his services the sum of ten (\$10.00) dollars per day for each day actually employed in the work of the commission and each of the three commissioners shall receive all necessary traveling and other expenses incurred while in the performance of his duties as such commissioner, but the commission shall not incur any expense to the state by sending out road lecturers.

The appointive members of the Commission shall each receive for their services ten dollars per day for each day actually employed. The third member of the Commission, who under the law is the Dean of Engineering of the State College of Agriculture and Mechanic Arts, shall receive no additional salary on account of the work done as a member of the Commission. The members are reimbursed for their actual expenses.

7  
Limitation

The total compensation to such commissioner shall not exceed one thousand (\$1,000.00) dollars per annum.

No member of the Commission shall receive for his services more than one thousand dollars for any one year.

#### SECTION 1527-s2, SUPPLEMENTAL SUPPLEMENT, 1915

8  
Duties of the  
Commission

The duties of said Commission shall be:

The Commission is charged with many important duties, which are arranged under eight separate heads. In a general way the Commission is given directory charge over all construction and maintenance work, on roads, bridges and culverts, throughout the state of Iowa; it is also clothed with general supervisory power over the various county and township officers charged with duties pertaining to highway improvement, construction and maintenance. Broad powers have been given to the Commission, carrying with them many responsibilities. County supervisors, township trustees, county engineers and others having special road problems can confer with these men at Ames, or may arrange for a meeting at some other point convenient to the parties. If there are specific highway problems requiring inspection, conferences may be had in the field by special arrangement. A force of field engineers is maintained, and engineering assistance can be secured by request, and when so requested will be promptly rendered. Every effort is being made to give immediate, efficient and competent engineering service where and when required. The members of the Commission as well as the engineers connected therewith are available for consultation.

9  
General Plans

1st. To devise and adopt plans of highway construction and maintenance suited to the needs of the different counties of the state, and furnish standard plans to the counties in accordance therewith.

The first duty specified is that of devising plans for highway construction, improvement and maintenance. This statutory duty means something more than the application of arbitrary or theoretical methods of road improvement; it contemplates rather the searching for, and application to, the road problems of Iowa, all previous experience in road building, not only in this, but in every other state, not only as developed by scientific tests and experiments, but also by the indisputable results of actual service. Under this provision the Commission must devise and adopt such plans as are suited to the needs of the different counties.

This also requires special plans for many of the counties, since their problems differ widely. It is made the further duty of the Commission to furnish standard plans to all of the counties of the state in accordance with those devised and adopted. This section has particular reference to the duties of the Commission to furnish general, rather than specific plans, although the Commission will, upon request, furnish specific plans for special cases. The county engineers of the several counties are required to take the general plans of the Commission and adapt them to the particular needs of their respective counties.

10  
Information

2d. To disseminate information and instruction to county supervisors and other highway officers, answer inquiries and advise such supervisors and officers on questions pertaining to highway improvements, construction and maintenance and of reasonable prices for materials and construction.

By reason of the close touch which the Commission has with the road work in the several counties it is brought into possession of the most successful methods of dealing with unusual and difficult road problems. Some of these methods have been developed at the expense of both time and money, and can be used to advantage by other counties similarly situated. Many counties of the state can profit by utilizing the experience of other counties further advanced in road improvement. Also, in addition to its regular work, the Commission and its corps of engineers are continually conducting experiments and investigations in all the various fields of road improvement, and recording the result in printed form. By this method, and through other sources, the Commission has become fully informed as to the best methods of dealing with special problems affecting highway improvement. The experience of the Commission, together with the important information which it has gathered together, is available to the several counties of the state, and may be had upon request.

Because of the information continually secured, the Commission is perhaps better informed as to the lowest prices obtainable on materials than is any other organization in the state. With this information, gathered from every source, the Commission is in a position to give competent advice in passing upon contracts. Field engineers will be sent to assist the county engineers in conducting important lettings. It will be of general and mutual benefit to the several counties if their respective engineers promptly advise the Commission of the prices received on materials, or as to any other matters of particular interest to the county. They might also do well to request the Commission to furnish them with current prices of material or to submit to it any proposed contract.

It is the purpose of the law, and the desire of the Commission, that all valuable information obtained by such Commission and in its possession should at all times be at the disposal of every county or township official in the state of Iowa. Questions will be promptly answered, advice will be carefully given and assistance will be rendered upon request. General information will, as in the past, be published at intervals by the Commission in the regular issues of the Service Bulletin.

11  
Records

3d. To keep a record of all important operations of the highway commission, and to annually report the same to the governor by the first day of January, which report shall be printed as a public document; but the summary report of the county highway engineers shall be reported not later than February first.

The Highway Commission is required to keep a complete record of all its important operations. An annual report must be prepared for the Governor of the state. This report must be printed as a public document and be kept for free distribution to all making applications therefor.

In addition to a detailed report of the work and expenditures of the Commission, the annual report will contain a resume of all work done upon the county and the township road systems and also a statement showing expenditures made for those purposes.

12  
Assistants

4th. To appoint such assistants as are necessary to carry on the work of the commission, define the duties and fix the compensation of each, and terminate at will the terms of employment of all employees, provide for necessary bonds, and fix the amount of same.

The three Commissioners, acting in the nature of a board of directors, have organized a competent, efficient force of engineers, who are carrying out the policies of the Commission, and doing the detail work imposed upon it by law.

The Commission is authorized to appoint as many assistants as are necessary, and to define the duties and fix the compensation of the assistants. All assist-



13  
Investigations

ants and employes hold their office in accordance with the provisions of certain rules adopted by the Commission. The Commission also determines which of its assistants shall give bonds, and fixes the amount of such bonds.

By a resolution of the Commission, the principles of civil service are applied in the employment of the working force, to the end that the most competent help may be obtained and the greatest efficiency thereby secured.

5th. To make investigation as to conditions in any county, and to report any violation of duty, either of commission or omission, to the attorney general, who shall take such steps as are deemed advisable by him to correct the same.

In order to secure efficiency and to prevent the unlawful use of public funds, the Commission is required to investigate conditions in the several counties of the state, particularly as to the expenditures made of public funds, and as to the compliance with the law by county officials of the state. It is the object of the law that the State Highway Commission should keep in touch with conditions throughout the state, and that they should discover promptly any wrongful acts of commission or omission. Unlawful matters are required to be reported by the Commission to the Attorney General, and the Attorney General is directed to take such steps as in his judgment are advisable to stop all unlawful procedure on the part of local officials.

14  
General Supervision

6th. The state highway commission shall have general supervision of the various county and township officers named in this act in the performance of the duties here enjoined, and shall have full power and authority to enforce the provisions of this act.

In order to secure uniform, systematic and efficient methods, the State Highway Commission is given direct and general supervision over the various county and township officers charged with duties in connection with the public highways. In this way, uniformity of action can be maintained.

Under the law, many and various duties regarding road matters are enjoined upon the county and township officers throughout the state, and the State Highway Commission is given full power and authority to enforce each and all of the provisions of the law.

15  
Plans for Railroad Crossings

7th. To make surveys, plans and estimates of cost for the elimination of danger at railroad crossings on highways and streets, and to confer with local officials, railroad officials and the Iowa railroad commission in the elimination of such dangers at railroad crossings.

There are eight thousand, six hundred and seventy-six railroad crossings in this state on the county and township road systems. This number is exclusive of those existing within the limits of incorporated cities and towns. Of this total number there are one thousand, five hundred and thirty-three on the road systems and seven thousand, one hundred and forty-three on the township road systems. Many of these crossings are dangerous for use by the traveling public. The Commission may, on its own motion, or at the request of the board of supervisors or township trustees, institute proceedings asking for the elimination of such dangerous crossings. It is suggested that interested parties work through their local board of supervisors in bringing these matters to the attention of the Commission. When such an application has been filed, the Commission proceeds as follows:

(1) Makes a survey of the ground, prepares plans for the improvement, and estimates the probable cost.

(2) Arranges a conference, usually at the location of the crossing, between the interested railroad, a member of the Commission and all other interested parties. The purpose of this conference is to reach an agreement as to the proper division of the cost of such improvement.

(3) In the event that such an agreement cannot be reached, steps are taken to have the matter properly submitted to the board of railroad commissioners, under the provisions of section two thousand and seventeen, Supplement to the Code, 1913, which matter may be submitted to the railroad commission upon the petition of twenty-five freeholders in the county, or the board of supervisors of said county, or the interested railway. This statute gives the railroad commissioners full authority to determine all matters relative to such improvement. The Commission has prepared blank forms to be used in submitting these matters to the railroad commissioners.

(4) A representative of the Commission appears at the time of the hearing before the railroad commissioners, and presents the plan adopted by the State Highway Commission for such improvement.

16  
Patent Suits and Other Duties

8th. The state highway commission shall assist the county board of supervisors and the attorney general in the defense of patent suits relative to road or bridge construction, make surveys for the state board of control when so requested, and perform all other duties required by law.

County officers should not become unduly alarmed when threatened with suits for alleged infringement of patents covering methods or materials used in bridge or road construction. Not all such patents are valid. Many alleged infringements have afterwards proved to be outside the application of such patents. The advice of an attorney familiar with patent law as limited or defined by the court and the services of an engineer familiar with the development of the art are necessary to defend successfully suits of this character. By the provisions of section 64-a, Supplement to the Code, 1913, the Governor may place the services of the attorney general of the state at the disposal of counties and cities, and the officers thereof, and contractors therewith. Under the above statutory provision the Commission is required to assist the attorney general and the several boards of the counties in the defense of suits of this character.

During the past two years the State Highway Commission and the department of justice have been conducting an investigation into the early art of reinforced concrete as applied to the building of bridges, and have collected much material bearing upon the subject. The results of this investigation, together with the material thus obtained, are now available as occasion may require.

Under the provisions of section 1532, Supplement to the Code, 1913, all roads and highways within and adjacent to lands belonging to the state are made to constitute a separate road district, which roads and highways are to be improved as are all other public highways. Under the provisions of this section it is made one of the duties of the State Highway Commission to make surveys for the State Board of Control for the improvement of these public highways.

The State Highway Commission is required under the statute to perform not only the duties specifically mentioned above but also many other duties indicated in the following paragraphs of this statute and in other statutory sections. It is herein provided that the Commission shall perform any and all duties now or hereafter required under the law.

SECTION 1527-s3, SUPPLEMENTAL SUPPLEMENT, 1915

The board of supervisors of each county shall employ a competent engineer or engineers for such length of time, not exceeding one year, and at such compensation, to be paid out of the county funds, as may be fixed by the board of supervisors. Said engineer or engineers shall work under the direction and instructions of the board of supervisors in the performance of the duties hereinafter provided, and each shall give bond for the faithful performance of his duties in a sum not less than one thousand dollars (\$1,000.00), nor more than five thousand dollars (\$5,000.00). The tenure of office of any engineer may be terminated by the board of supervisors for cause or by the state highway commission for incompetency.

One of the important duties required of the board of supervisors of each county is to employ one or more competent engineers. The board of supervisors shall fix the salary for such engineer, which shall be paid out of the general county fund. The board shall also fix the term of employment, not to exceed, however, the period of one year. The experience of previous years has fully demonstrated the wisdom of employing the full time of a competent and experienced engineer, who shall be responsible for all engineering work of the county. Such engineer should be employed for the calendar year, commencing January 1, and ending December 31. Should the nature and extent of the work require, assistants to the engineer should be employed from time to time, and as their services are required. Based upon its experience, the State Highway Commission has made some suggestions to county boards covering this matter of employing county engineers, which suggestions can be found in its official communication number twenty-nine (1915). Several duties of the county engineer are fixed by statute, but in the performance of such duties he is required to work under the direction of his employer, the board of supervisors. The law requires that each engineer shall give a bond of not less than one nor more than five thousand dollars. The board of supervisors, at the time of employing such engineer, should, by proper resolution, fix the amount of such bond within the statutory limits. This statute expressly provides that these engineers may be removed at any time by the board of supervisors for cause, or by the State Highway Commission for incompetency. All employment contracts hereafter made between county engineers and county boards are subject to this statutory provision.



The highways now designated as county roads by the plans and records now on file in the county auditor's office of each county and all county highways from time to time added thereto, shall be known as the county road system. All other highways in the county shall be known as the township road system.

One of the big things done by the boards of supervisors in 1913 was the selection of the public highways in their respective counties which should constitute the county road system. This county road system includes the main traveled roads in the county, connects the principal market places of each county, and is so arranged as to connect with the county road systems of adjoining counties. The county road system was designed to include from ten to fifteen per cent of the total mileage of each county. It was the purpose of the framers of this law, that the county road system first designated should form the trunk system to which branches can later be added in such a manner as to complete a perfect network of improved highways throughout the state. In carrying out this purpose of the statute, the several boards of supervisors with the State Highway Commission, selected the roads of the county road system with great care, including in the system those roads which are used by the greatest number of people in their business, social and religious activities. A map was carefully prepared for each county, upon which was clearly indicated the county road system for that county. This map was deposited with the county auditor, and is now a part of the records of that office. It is always open to public inspection. The Thirty-sixth General Assembly, by appropriate legislation, approved the county road systems as previously established, thereby legalizing the county road systems as shown by the maps now on file in the auditor's office of the several counties of Iowa, and making them the official county road systems of the state.

The system of county roads heretofore established and approved by the last General Assembly is entirely outside the limits of incorporated cities and towns. The statute expressly provides for adding to the county road system as now established, from time to time and as the interests of the public require. In making such additions the procedure set forth in section 1527-s4, Supplement to the Code, 1913, should be followed. See in this connection paragraph 25, page 121 of this bulletin.

The system of road construction herein provided shall apply only to highways outside of the limits of cities and towns; provided, however, that whenever any public highway, located along the corporate line of any city or town, is partly within said city or town and partly without the same, the said highway or any part thereof, may be included in and made a part of the county road system, and when so included it may be improved by the board of supervisors as are other parts of the county road system.

The system of bridge and culvert work herein provided for shall apply to all highways throughout the county outside of the limits of cities of the first class; provided, however, that when any part of any public highway located along the corporate line of a city of the first class is included in the county road system, as herein provided, the board of supervisors and the city council shall meet jointly and adopt plans and specifications with the approval of the highway commission for the construction of bridges and culverts, one-half of the cost of the same to be paid by the city and one-half by the county, and in case the city council and the board of supervisors are unable to agree upon any question or questions involved in the construction of the same it shall be referred to the state highway commission, whose decision therein shall be final and binding upon each party.

The system of road construction planned by this act is limited to the highways outside of incorporated cities and towns, subject to the single exception of those highways upon corporate lines which have been made a part of the county road system.

Public interests require that any public highway located upon the corporate line of a city or town may by proper action be made a part of the county road system, and improved as is any other part of such system.

The system of bridge and culvert work contemplated by this act is that which is placed upon highways throughout the county outside the limits of cities of the first class. Not only under this section but also under a former statutory provision found in section 422, Supplement to the Code, 1913, the board has the power to erect all bridges outside cities of the first class which are necessary or which public convenience requires. Whether or not a particular bridge is required

for public convenience is a question for the board to decide and lies clearly within its sound discretion. This section should not be so interpreted as to mean an extension of the powers and duties of the board, but rather as a limitation restricting it to the territory outside of cities of the first class. The legislature did not propose to force upon the board the entire duty of maintaining all bridges and culverts within cities and towns less than cities of the first class, nor did it intend to change the duties of the board in this regard. The board of supervisors under this provision will no doubt be governed, as in the past, by what is, in their judgment, necessary for public convenience. Section 757 of the Code made it the duty of the cities to construct and maintain all public culverts within their corporate limits; it also gave them the power to aid in the construction of any and all county bridges on the public thoroughfares within the limits of said cities. This former statute has not been expressly repealed, and therefore, cities may yet construct and maintain culverts and bridges within their limits. In the case of Oskaloosa Works vs. Pottawattamie County, 72 Iowa, 134, the supreme court of Iowa held that section 757 of the Code does not exclude the county from exercising its authority to build county bridges on public thoroughfares within the limits of cities and towns where public convenience requires.

When a bridge or culvert is required on a highway located upon the corporate line of a city of the first class and constituting a part of the county road system, plans and specifications therefor shall be adopted jointly by the city and county and approved by the State Highway Commission. All matters upon which the city and county are unable to agree are referred to the State Highway Commission for settlement, and its decision is final.

In matters involving highway improvements upon or across state lines or in determining continuous routes for interstate roads, the state highway commission shall be authorized to confer with authorities of bordering states and to agree upon proper connections or plans and the apportionment of cost of such improvements.

Local officials should refer all matters arising out of and in connection with the improvement of public highways on or across state lines direct to the State Highway Commission. In all such cases the Highway Commission should be fully advised in the matter and furnished with detailed information.

#### SECTION 1527-s4, SUPPLEMENT TO THE CODE, 1913

As soon as said county roads are so designated, the board of supervisors shall cause said county roads to be plainly marked on a map, to be furnished by the state highway commission. Said map, after being so marked, shall be deposited with the county auditor, and shall be open to public inspection.

Prior to March, 1914, the county road systems of the several counties of the state were established in accordance with the procedure as outlined. The county road system was marked on the original map furnished by the State Highway Commission, which map is now on file and open to the public in the office of the county auditor of each county.

Particular attention is directed to the fact that the above map is the official map of the county road system. It is identified by the signature of the members of the State Highway Commission, and an exact copy is kept on file at the office of the Commission. There is no authority under the law for any change to be made on this map, except by the action of the State Highway Commission. If changes or modifications or corrections in the system as outlined are to be made the official map of the county must be forwarded to the office of the State Highway Commission, and the changes or corrections made by the Commission.

At once, upon filing said map, the county auditor shall fix a date of hearing thereon, which shall not be more than twenty (20) days distant from the date of filing same; and ten (10) days' notice of the filing of said map with the county auditor and the date of hearing fixed, shall be published in one issue of each of the official county papers.

At any time before said hearing is concluded, any ten (10) freeholders of the county may file a petition with the county auditor, asking for any change in said designated roads which may be deemed advisable, which petition shall set forth their reasons for the proposed change, and shall be accompanied by a plat correctly showing such proposed change. If no agreement is reached between the county board and the petitioners



23  
Map Sent Commission

24  
Examination of Map

25  
Modification of County  
Road System

at the hearing above provided for, the county auditor shall forward said map, together with all petitions and plats, if any, showing the proposed changes, to the state highway commission.

If no objections are filed and no hearing had, or if agreements have been reached, the map shall nevertheless be forwarded to the state highway commission.

#### SECTION 1527-s5, SUPPLEMENTAL SUPPLEMENT, 1915

The state highway commission shall, upon receipt of said maps, petitions and plats, proceed to examine the same, with a view of determining the correct lines to be followed by the county highway, having regard for volume of traffic, continuity and cost of construction.

One of the first steps in the scheme of road improvement provided for herein, was the establishment of a county road system in each of the several counties of the state, and connecting them in such a manner as to constitute one complete system. It was the intent of the framers of this law, that this system should include all the main thoroughfares of the counties, and that they should be carefully selected with reference to the volume of traffic, the continuity of the road, and the cost of constructing same.

Such portions of said map as meet with the approval of said commission may be approved and returned as a preliminary map for immediate use, and the original map, when completed in accordance with the decisions of said commission (which decisions shall be final), shall be returned to the county auditor not later than March first, 1914, and a copy of same retained in the office of the highway commission.

Provided that the board of supervisors of any county may at any time make application to the said commission for a change or modification of the established county road system when such change is proposed for the purpose of eliminating from such road dangerous crossings or curves, or when such change would materially decrease the cost of improving or maintaining the road, and in such case the commission may reopen such matter and authorize such change as may seem advisable.

This new provision of the statute authorizes changes or modifications of the present county road system under any one, or all of the following conditions:

- a. When the proposed change would eliminate dangerous crossings.
- b. When the proposed change would eliminate dangerous curves.
- c. When the proposed change would materially decrease the cost of improving the road.
- d. When the proposed change would materially decrease the cost of maintaining the road.

Refer also to marginal reference No. 47, page 18.

A change or modification of the present county road system may be initiated, (a) by the board of supervisors on its own motion, (b) by petition of ten or more freeholders, addressed to the board of supervisors.

The petition to the board should set forth the facts upon which the request is based and should be similar in form to the petitions filed asking changes in the designation of the original county road system.

In either case the following procedure should be followed,—

- (1) The board of Supervisors shall fix the day, for a hearing upon the proposed change and publish a motion of such hearing in one issue of the official papers of the county.
- (2) On the date set, the board shall hear all persons who wish to appear in favor of, or against, such proposed change.
- (3) After the hearing, the board shall determine its final action in the matter and enter same by proper resolution in its records.
- (4) As soon as this action is taken all petitions, maps and other papers filed, together with a certified copy of the final action of the board of supervisors shall be forwarded to the State Highway Commission.
- (5) On receipt of such petitions and other papers the State Highway Commission shall make final determination in the matter and shall cause such change, if any, to be shown on the official map of the county road system.

#### SECTION 1527-s6, SUPPLEMENT TO THE CODE, 1913

Should any county fail to make the designation of county roads, as herein provided, and fail to forward the same to the state highway commission within the time herein provided, said commission shall have the power to make a proper designation of said county roads for said county, and the designation so made shall be final and of the same force and effect as if made by the board of supervisors, and when so made by the commission, said commission shall certify to the county auditor of said county the actual cost of making said designation, and said county auditor shall thereupon issue warrant on the county road funds therefor.

Every county in the state selected its county road system, and in no case has the Commission been called upon to exercise its right under this section.

#### SECTION 1527-s7, SUPPLEMENT TO THE CODE, 1913

As soon as any part of said approved map is returned to the county auditor, showing the final designation of county roads, the engineer shall, in writing, divide said roads into sections, designating each section by some appropriate number, name or letter and clearly designating the starting point and terminus of each such section, and such designation shall be recorded at length in a county road book, whereupon the engineer shall proceed to survey said roads and report to the board of supervisors the plan for the road, bridge, tile and culvert work thereon.

This statute requires the engineer to divide the system into sections, designating each by an appropriate symbol. The engineer shall then proceed to survey the roads, and to make specific and detailed plans for all of the road, bridge and culvert work necessary. The Commission has prepared special forms to be followed by each county engineer in making up the county road record, which may be secured from the Commission by applying for form number one hundred two. In the administration of this provision of the law the Commission has suggested that each year the engineer survey and make plans for a portion of the county road system, the exact amount to be determined largely by the amount of money available for use on permanent work. The extent of this work to be done in any one year should be officially decided upon by the board.

Such survey and report shall be on the basis and with the object in view of the permanent improvement of said county roads, both as to bridge, culvert, tile and road work. Said survey and report shall consist of an accurate plan and profile of said roads, showing cuts and fills and outline of grades, with careful attention to surface, and lateral drainage and sub-drainage, and shall show the location of all lines of tile and size thereof and of all bridges and culverts, their length, height and width, and foundation soundings, and an estimate of the watershed relating to each bridge and culvert.

It is the purpose of this law that the county road system shall ultimately be permanently improved, and, therefore, all bridges, culverts, tile and road work thereon must be planned upon that basis. The surveys of the county road system herein required to be made by the county engineer and his report must include, among other things, an accurate plan and profile of said road system showing,—

- (1) Cuts and fills
- (2) Cross-sections of grades
- (3) Surface drainage
- (4) Lateral drainage
- (5) Tile drainage
- (6) Location of all lines of tile
- (7) Size, or sizes of tile
- (8) All bridges or culverts
- (9) Length, height and width of each proposed or constructed bridge or culvert
- (10) Foundation soundings of each proposed permanent bridge or culvert
- (11) Estimate of watershed of each bridge and culvert.

Culverts constructed under the provisions of this act shall have a clear roadway of not less than twenty (20) feet.

26  
Commission May Select  
County Roads

27  
Improvement of  
County System

28  
Survey and Report

29  
Length of Culverts



30  
Bench Marks

All permanent waterways having a span of less than 16 feet are classified as culverts, over which the clear roadway shall be not less than 20 feet. The length of such structures under embankments shall be sufficient to maintain a roadway width of at least 20 feet, and more, if necessary to provide for the safety of traffic. In fixing the length of such structures the earth fill shall be estimated to take a slope of one and one-half horizontal to one vertical. More detailed requirements are clearly specified in the standard specifications for bridges and culverts adopted by the State Highway Commission.

Proper bench marks shall be established on each permanent bridge and culvert, which shall be duly recorded on both profile and plan of road, for future reference.

One and the same datum plane should be used for all surveys. In those counties in which there have been established bench marks by the United States Geological Survey, such bench marks should in all cases be used. Most of the railroads have carried elevations along their lines from the sea level datum, and when this is true and the U. S. G. S. bench marks are not available, the railroad elevations should be used. If elevations from neither of the above sources can be obtained, then an arbitrary bench mark should be established by the engineer. The relations between such an arbitrary bench mark and the sea level datum should be determined as soon as possible.

31  
Existing Permanent  
Bridges

The engineer shall clearly designate and credit on said plan and profile all existing permanent bridges, culverts and grades.

Permanent bridges, culverts and grades already constructed must be designated by the engineer on plans and profiles prepared by him.

32  
Final Survey and Report

The board may cause all sections to be fully surveyed and a report made thereon before proceeding with the improvement contemplated by this act, or, in order to enable the board to proceed with the most necessary and urgent work, said board may designate the order in which the different sections shall be surveyed and planned, and may order the engineer to survey and report on certain named sections before completing the survey and report on all sections.

No road work, except repair work, as defined by section 1527-s10, Supplemental Supplement, 1915, can be commenced upon any county road until after a final survey has been made by the county engineer, and a report has been prepared and submitted to and approved by the board of supervisors and the Highway Commission. Section 1527-s10, defines repair work to include all work not designated by the county engineer, all road construction work costing not in excess of sixty dollars per mile, work of temporary character, work of immediate necessity, or work necessary to maintain finished roads.

The board of supervisors may designate which sections of the county road system should first be improved, and shall, thereupon, instruct the county engineer to make a survey and prepare a report on each of said sections. The sections to be improved should be selected in the order best suited to provide for the public safety and convenience.

33  
Government Corners

Whenever it may become necessary in grading the highways to make a cut which will disturb or destroy, or a fill which will cover up a government or other established corner, it shall be the duty of the engineer to establish permanent witness corners, and make a record of the same, which shall show the distance and direction the witness corner is from the corner disturbed or covered up.

If in making the improvements required under this law it becomes necessary to disturb a government land monument, the engineer is required to establish permanent witness corners. He is also required to make a record of said witness corners, which record shall show the distance and direction of the respective witness corners from the government corner disturbed.

34  
Penalty

A failure to perform this duty shall subject the engineer to a fine of not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars, to be collected on his bond.

Where special damages are sustained by reason of the failure of the county engineer to perform such duty, recovery may be had on his bond.

#### SECTION 1527-s8, SUPPLEMENTAL SUPPLEMENT, 1915

The survey and report of each section, as soon as completed and approved by the board of supervisors, shall be submitted to the state highway commission, and the board of supervisors may designate to the said commission what sections, in their estimation, should be first passed upon by said state highway commission.

The final survey of each section, together with the report, must be submitted to the Commission after having first been approved by the board of supervisors. In submitting such survey and report the board may indicate which sections in its judgment should first be considered by the Commission. Full instructions have been issued by the Highway Commission to the county engineer to aid him in the making of surveys and the preparation of plans. These have been printed and appear in Official Communication number twenty-three (1915).

The said commission is hereby charged with the duty of passing upon such reports and plans, and in so doing, shall take into consideration the thoroughness, feasibility and practicability of such plans, and may approve or modify the same.

All plans prepared by the county engineer and submitted to the Commission shall be complete in detail. In preparing such plans the county engineer should take into consideration the resources of the county and the materials available, and, after giving due consideration to these matters, prepare plans which are both practical and possible of execution.

The Commission is required under the law to examine and approve the plans and report of the engineer. It has been the policy of the Commission in passing upon these plans and reports to give the most careful consideration to the thoroughness, feasibility and practicability of the proposed improvement as shown by the final plans and report. As contemplated by this section, the Commission makes such changes in the plans as are desirable.

#### SECTION 1527-s21a, SUPPLEMENTAL SUPPLEMENT, 1915

In all cases wherein plans, specifications and profiles are submitted to the state highway commission, proposing and setting forth the plans and specifications for improving any portion of a road system, if, except as to cuts, fills, and decreases in inclines such plans and specifications meet with the approval of the state highway commission, the said commission shall not refuse to approve such plans and specifications in full if the proposed cuts, fills, or decreases in inclines set forth in such plans propose to decrease the hills or inclines at least twenty per cent of the existing incline.

This new provision appears as section 15 of S. F. 567, enacted by the Thirty-sixth General Assembly, and became effective by publication on the eighth day of May, 1915.

To attempt to secure at this time upon all of the roads of the county road system such an easy gradient as will ultimately be required would quickly exhaust the funds available for such work. A more practical policy is to do certain portions of this work from time to time, and thereby distribute the burden of the cost over a period of years. Under the authority of this section, the Commission will approve, for present use, plans otherwise satisfactory, if they provide for a grade reduction of at least twenty per cent of the existing grades.

#### SECTION 1527-s8, SUPPLEMENTAL SUPPLEMENT, 1915

After such survey and plan for each section is passed upon by the state highway commission, they shall be returned to the county auditor with full and explicit directions as to modifications, if there be any. The county auditor shall, upon receipt of the approved and modified survey and plans, record the same at length in a county road book, and the board of supervisors shall thereupon proceed to the construction of the road, bridge, tile and culvert work in accordance therewith, and as herein provided.

As soon as the survey and plans for each section have been approved by the State Highway Commission they shall be returned to the county auditor, who shall record the same at length in a county road book. The board of super-

35  
Report Sent Commission

36  
Approval by Commission

37  
Grade Lines for Temporary Improvement

38  
Work Done According to Plans



39  
Duty to Construct  
Bridges

40  
Funds Used for Culverts  
and Bridges

41  
Temporary Culverts to be  
Furnished Township  
Trustees

42  
Filling and Placing  
Temporary Culverts

43  
Earth Fills on Culverts  
and Bridges

44  
Earth Fills Made by  
County Board—When

visors shall then proceed to do the road, bridge, tile and culvert work in strict accordance with such approved plans and specifications. (See previous reference to the county road book, marginal reference No. 27, page 13.)

The duty to construct and maintain all bridges and culverts throughout the county is imposed upon the board of supervisors.

In this connection see marginal reference No. 19, page 10.

All culverts and bridges shall be paid for out of the county bridge fund, except as provided in section thirteen (13) of this act.

Under a former statute, culverts having a span of four feet or less could be classified by the board of supervisors as road work and paid for out of the road fund. This statute was repealed by the Thirty-sixth General Assembly, so that now all bridges and culverts must be paid for out of the bridge fund, with the single exception that permanent culverts may be paid for out of the county motor vehicle road fund under special authority given by section 1571-m32, Supplemental Supplement, 1915. (This section is the one referred to in the text as section 13 of this act.)

Where conditions are such as to warrant or necessitate the same, the board of supervisors shall furnish township trustees metal or other temporary culverts authorized by the state highway commission to be placed by them on their township road system. Said culverts to be purchased by the board of supervisors and paid for out of the county bridge fund and shall not exceed in size thirty-six (36) inches in diameter, or its equivalent.

So great is the demand for permanent bridges and culverts, especially in some counties of the state, and so inadequate are the funds available for providing these improvements that for years to come there will be places upon the township road system where we will have to be content with temporary culverts. To meet this situation, this provision authorizes the board of supervisors to furnish the townships with culverts to be used temporarily upon the township road system. These culverts may be of different kinds providing they comply strictly with the specifications of the State Highway Commission, and do not exceed in size 36 inches in diameter. The type of the culverts as well as the number to be furnished under this statute is left to the discretion of the board of supervisors. Section 1527-s13, Supplemental Supplement, 1915, makes it the duty of the township trustees to make application to the board of supervisors for all temporary culvert requirements. (See discussion under marginal reference No. 74, page 27.)

The county, however, shall be at no expense for placing, filling or transportation of said temporary culverts other than their delivery at a railroad station to be designated by the board of supervisors.

Under this statute the county is under no obligation in the installation of temporary culverts on the township road system, other than the delivery of same to a convenient railroad station. All expense incurred in the hauling of such culverts and in the placing of same, and in the making of fills over them, must be borne by the township and paid for out of township funds. The county cannot legally bear any of this expense.

Immediately upon the completion by the board of supervisors of any bridge or culvert situated upon the township road system, or the installation of a temporary culvert furnished to the township by the board of supervisors, it shall be the duty of the township trustees to properly fill over with dirt all such culverts, and fill in and uniformly grade the approaches to all such bridges.

In all cases where earth filling is required to complete any bridge or culvert upon the township road system, the actual cost of which is less than \$150.00, it is the duty of the township trustees under this section to make the required fill immediately upon completion of such bridge or culvert, and to meet the expense of same out of township funds. This provision applies not only to the making of fills over culverts, but also to the building of approaches to bridges.

Should the trustees fail for a period of two weeks after notification to make such fill, or fail to fill in and grade over such culvert, as herein

provided, the board of supervisors shall proceed to do so, and the engineer shall report the actual cost of so doing and such amount, not exceeding one hundred fifty dollars (\$150.00), for any such bridge or culvert, shall be certified by the board of supervisors to the county treasurer who shall transfer said amount to the county road cash fund from the first collection of road funds belonging to said township.

In those cases where the actual cost of making such fills will exceed \$150.00, the township trustees may proceed to make such improvement, assuming the entire expense thereof, or may refuse to do so. If, after receiving due notice to make such fill, the township trustees fail and refuse to act for a period of two weeks, the board of supervisors shall forthwith make the required fill. The county engineer is required to keep an accurate account of every item of expense incurred in the making of all such fills and to furnish the board of supervisors with a statement showing the expenditures in detail.

Where the expense actually incurred in making the fill upon any one culvert is not more than one hundred fifty dollars, the whole expense shall be borne by the township, and the county treasurer is directed by this section to take an equal amount from the first moneys coming into his possession, belonging to the township, and to transfer this amount to the county road cash fund.

Where the expense actually incurred in making the fill upon any one culvert is more than one hundred fifty dollars, the balance above this amount must be borne by the county.

The county road fund, the county road building fund, the county drainage fund, and all other moneys received by the board of supervisors for road purposes, except as otherwise provided, shall be placed in the county road cash fund, and shall be paid out only on order of the said board of supervisors for the purchase of tools, machinery and equipment, or for tile and tiling, or for filling on culverts and bridge approaches as herein provided, or for work done on the county road system, or for the elimination of dangers at railroad crossings on both county and township roads, at the discretion of the board of supervisors on an adjustment of such dangerous conditions by negotiations between the railroad and the board of supervisors, or upon an order and finding of the railroad commission.

Under earlier statutes all moneys received by the board of supervisors for road and bridge purposes were divided into numerous funds, with express limitations upon using the money of any one fund for any other purposes than those expressly authorized. The road law now under consideration avoids this unnecessary division by combining them into three principal funds, as follows:

- (1) County road cash fund.
- (2) County motor vehicle road fund.
- (3) County bridge fund.

The first of these three divisions includes the following funds created under former statutes, to wit:

(a) The county road fund consists of a one mill tax on all property, including city property, and may be expended for tools, machinery, and the improvement of public highways constituting the county road system. It was first enacted in Chapter 97, Acts of the Thirty-third General Assembly, and now appears as 1530, Supplement to the Code, 1913.

This law requires that the portion of the county road fund arising from the property within any municipality shall be expended upon the county roads within or without the limits of such municipality, which are the main arteries of travel. One-half of this amount is paid to the city treasurer and must be spent by the city upon the main roads within its limits; the other half must be spent by the county upon the roads outside the limits, but immediately tributary to the city. If it so desires, the city may give all or a portion of its share to the county to be expended by the board outside the limits of the city.

(b) The county road building fund was created by Chapter 24, Acts of the Thirty-fourth General Assembly. As amended by Section 21, Chapter 122, Acts of the Thirty-fifth General Assembly, this fund consists of a mandatory tax of two mills on all property outside incorporated cities and towns. This law is now found as subdivision 5, Section 1303, Supplement to the Code, 1913.

(c) The county drainage fund was created by the Thirty-third General Assembly, it appears as chapter 97, and provides for a tax of one mill on all taxable property in cities and incorporated towns except cities of the first class and cities acting under special charter. See section 1530, Supplement to the Code, 1913.

(d) Express authority is given the board of supervisors by chapter 134, acts of the Thirty-fifth General Assembly, to employ convicts from the state penitentiary to work upon the county road system under the direction of the State Highway Commission, and at such wages as may mutually be agreed upon. This law now appears as section 5718-a28a to 5718-a28i, Supplemental Supplement, 1915.

45  
County Road and  
Bridge Funds



46  
Township Road Funds

47  
Addition to County  
Road System

(e) Prisoners convicted of a misdemeanor may be worked upon the road system under the direction of the board of supervisors, as expressly authorized by section 5654 of the Code.

(f) Authority is granted, under section 429 of the Code, to transfer any surplus bridge fund so that the same may be used in the improvement of highways constituting the county road system, under the direction of the board of supervisors, subject, however, to certain limitations.

(g) Under authority granted by section 406 of the Code and section 403, Supplement to the Code, 1913, the board of supervisors by a two-thirds vote may issue refunding bonds to take up outstanding and floating indebtedness in excess of \$5,000.00, and, at the same time, levy a millage tax sufficient to pay the interest and principal of such bonds at the time of their maturity.

The second of these divisions consists of the motor vehicle fund, created by section 1571-m32, Supplemental Supplement, 1915, which provides for an equitable division to the several counties of ninety per cent of the state license automobile tax.

The third of these divisions consists of the bridge fund, created by sub-division four, section 1303, Supplement to the Code, 1913, which provides for a levy of not more than five mills on all property outside of cities of the first class. It may be expended for the construction and maintenance of bridges and culverts anywhere in the county outside of cities of the first class.

All money received by the township trustees for road purposes shall be expended for and upon the township road system, or for the elimination of dangers at railroad crossings on the township roads, at the discretion of the township trustees, on an adjustment of such dangerous conditions by negotiations between the railroad company and the township trustees, or upon an order and finding of the railroad commission.

All moneys received by the township trustees for road purposes can be expended only by the order of such board of trustees, and then for no other purpose than,—

(a) Work done for the improvement and maintenance of the township road system.

(b) For the elimination of dangerous railroad crossings, upon roads constituting a part of the township road system.

See marginal reference 138, page 92.

SECTION 1527-s9, SUPPLEMENTAL SUPPLEMENT, 1915

Whenever all the roads of the county road system have been improved according to the plans herein provided, the board of supervisors shall add such roads from the township road system as have been improved by the township in accordance with the general plans and specifications furnished by the engineer and in accordance with the requirements of this act, and if the township roads so improved be not sufficient to use all county funds available for that purpose, the board of supervisors may select additional county roads, but no increase shall be made in the mileage of the county road system until that system is completed, except that the board of supervisors may at any time add such roads from the township road system as will materially shorten the direct lines of travel between market towns. In all cases of additions the same proceedings shall be followed in all regards as herein provided for the original selection and improvement of county roads.

This statute contemplates that all of the roads constituting the county road system first be improved according to the special plans made for the improvement of such roads and as approved by the Highway Commission. Not until this system has been so improved is it proposed to add materially to the county road system. When the original system has been completed, there will first be added those roads of the township road system which have been improved in accordance with the general plans prepared by the county engineer. After this has been done, the board of supervisors may add such unimproved roads of the township road system as, in its judgment, is for the best interests of the public and for the improvement of which county funds are available.

Under marginal reference No. 25, there are four conditions named, under which the county road system may legally be modified or changed. This section sets forth a fifth condition under which an addition may be made to the present county road system, that is, if, in the judgment of the board, the circumstances are such that the direct line of travel between market points will be materially shortened by adding to the county road system certain public highways now constituting a part of the township road system. Under the present statute, therefore, no

addition can be made to the present county road system except in those cases where the proposed addition satisfies one, or more, of these five conditions, and no change may be made in the present county road system except when the proposed change satisfies one, or more, of the four conditions mentioned in marginal reference No. 25, page 12.

In this connection it should be noted that under section 1527-s3, Supplemental Supplement, 1915, express statutory authority is granted to add to the present county road system, highways located along the corporate line of any city or town which are extensions of roads included within the county road system. Refer to marginal reference No. 19, page 10.

The procedure to be followed in making changes in the present county road system is the same as that required by the statute for making the original selection. Refer to marginal reference No. 19, page 10.

SECTION 1527-s10, SUPPLEMENTAL SUPPLEMENT, 1915

All bills for road work, tile and tiling, culvert and bridge construction or for repairs designated by the engineer, shall be filed in itemized form and certified to by the engineer before being allowed by the board and before warrants in payment therefor are drawn by the county auditor.

Under this section, all bills arising out of,—

(a) The doing of any road work upon the county road system,

(b) The doing of any tiling work upon the county road system,

(c) The construction of any bridges,

(d) The building of any culverts,

(e) The maintaining of bridges and culverts,

(f) The making of repairs designated by the county engineer,

(g) The purchase of materials used in any of the above mentioned work,

(h) The performance of any labor done in connection with such work,

must first be filed in itemized form and certified to by the county engineer before they can be legally allowed by the board of supervisors, and before warrants can

legally be drawn by the county auditor in payment of such bills.

Under authority expressly granted by section 1527-s16, Supplement to the

Code, 1913, the State Highway Commission furnished the several county officers

of the state with a set of uniform blanks for making the necessary record in

connection with highway matters and the making of all reports required under

the law. This system should be carefully followed.

Under the law, the state auditor is required to examine the records of the

several county officers throughout the state once each year, or at least those

officers who receive or disburse public funds. This statute was first enacted by

the Thirty-fifth General Assembly, Chapter 8, and it now appears as sections 100-a

to 100-f, inclusive, Supplement to the Code, 1913.

Before any warrant shall be issued by the county auditor upon the funds of the county road system in payment for any work or construction of highways, except for dragging, maintenance or repairs not designated by the engineer, he must secure on this bill the certificate of the engineer employed by the board of supervisors, that such improvement has been made in accordance with the plans and specifications as herein provided, and when so endorsed, warrants may be drawn for the amount so certified by the county engineer; but if said engineer make said certificate when said work was not done in accordance with the plans and specifications, and the same be not properly made good without additional cost, then the full cost of making same good may be recovered upon said engineer's bond, and his bond shall be liable therefor.

The above provision requires that the county auditor must first secure the certificate of the county engineer on bills filed for payment by the county before he can legally issue a warrant on the funds of the county road system in payment of such claims. If the claim is one for work which is required under the statute to be done according to certain plans and specifications, then the county auditor must secure a certificate from the county engineer upon such bill to the effect that the work has been done in accordance with said plans and specifications, and not until he secures such certificate can he legally issue any county warrant in payment of such claim. Recovery may be had on the county engineer's bond for any damage sustained by the county by reason of a false certificate made by him upon any such bills. The county auditor is liable under his bond for the amount of any warrant issued in violation of this law.

It will be noted that this section requires the county engineer to certify upon all bills, not only as to the quantities set forth in the claim, but also as to the quality of the materials furnished or of the services rendered.

48  
Itemized Bills—  
Uniform Accounting

49  
Engineer's Certificate  
on Bills



Partial payments may be allowed by the board on contract work on the basis of the engineer's certified estimates and the percentages specified in the standard specifications of the state highway commission.

This section authorizes the board of supervisors to allow partial payment on contract work, but no such payments can legally be made until after the engineer has filled a certified estimate of the work completed or of the material delivered. All bills upon which such partial payments are made must be allowed by the board, as are other bills against the county and in the same manner. The board cannot legally allow bills in advance of completion of the work for which partial payments are made. Under the provisions of this section and subject to the limitations therein specified, partial payments may be made from time to time as the work progresses.

Repair work shall be known as work not designated by the highway engineer, all road construction work costing not in excess of sixty dollars per mile, work of a temporary character or of immediate necessity, and work necessary to maintain finished roads completed under this act.

This provision is found in section 14, S. F. 567, enacted by the Thirty-sixth General Assembly, and will appear in the Supplemental Supplement as section 1527-s10. Under this new provision the words "repair work" are given a broader meaning than formerly in that it may include "all road construction work costing not in excess of sixty dollars per mile."

Speaking generally, the word "repair" means to mend, add to, or make over; restoration to a sound state after decay, injury, waste or partial destruction. As defined in the case of Farraher vs. City of Keokuk, 111 Iowa, 310, "repair" means to restore to a former condition, not to change the form or materials; so that the building of a new bridge is not the repair of the highway. The supreme court of Pennsylvania says, "Repair means to restore to a sound and good condition after injury or partial destruction." The supreme court of Massachusetts held that "repair" would not include the cutting down of a street to reduce the grade which was so steep as to render it difficult to pass up and down the street with carts and carriages (18 Massachusetts, 429). In Connecticut the supreme court held that where the road was in good repair but was built at such a level that it was liable temporarily to be flooded more or less with water, and where the only way to avoid that trouble was to make a new roadbed about seven feet above the old one, involving a radical change of level, that the making of such an improvement was not the repair of an existing roadbed. Under specific authority to repair, as generally understood, there can be no enlargement and improvement except in so far as the work of repairing necessarily enlarges and improves. The preceding language is suggestive and was set out to aid in the construction of this statute. The legislature has indicated what it understands as the meaning of the words, "repair work" and wherein this definition differs from the more general meaning, this must prevail, it being a definite expression of legislative will. In the use of these words (repair work) the legislature contemplated the following five classes of work:

- (a) Work not designated by the highway engineer—This would include minor and miscellaneous jobs of work not expressly included under any other provisions of the act, and yet required to complete road and bridge construction.
- (b) All road work costing not to exceed sixty dollars per mile—This includes such work as cutting off shoulders, trimming ditch banks and moving dirt laterally from the side ditches to fill the crown of the road, whether done with blade grader or otherwise; also road work upon the approaches to bridges or culverts. Work of this character is expressly limited to sixty dollars per mile.
- (c) Work of a temporary character—Public convenience may require the use of a temporary bridge or road during the construction of some permanent improvement, and such would come under this head. It also includes the construction of standard section roads on existing grades for temporary use, and until such roads are brought to permanent grades. Generally, it includes those items of labor on highway improvements whose use is designed to be limited in time.
- (d) Work of immediate necessity—The various classes of work contemplated by this section include the following:
  - (1) The repair or replacing of a dangerous culvert when same does not involve entirely new construction.
  - (2) The repair of existing steel bridges, including painting, the replacing of new wood or steel joists, or the repair of plank backing on wings or abutments.
  - (3) The repair of pipe culverts by lengthening or by building bulkheads.
  - (4) The repair of concrete bridges or culverts, where necessary to prevent undermining, either by paving or by carrying the footings deeper under side or wingwalls.

- (5) Filling in of depressions caused by washouts around bridges or culverts or upon road grades.
- (6) Opening of roads blockaded by snow.
- (7) Emergency work necessary to provide for the safety of lives and to protect property, and to make possible the uninterrupted use of the public highways. Unusual circumstances create unusual conditions, and often require emergency measures to provide for the safety and convenience of the public. Floods, or fires, or violent storms may cause much damage to highways and bridges. Under these conditions, real emergencies would exist; and it is such cases that the law is intended to cover. This section of the law should not operate to defeat any of the other provisions, but it may be given such an interpretation as is necessary to take care of unforeseen, accidental or exceptional circumstances, and to provide for the welfare of the public.

(e) Work necessary to maintain finished roads completed under this law—The three principal classes of road work included under this heading, are, road dragging, road patrol and re-surfacing of surfaced roadways. It may also include the sloping and shaping of embankments, planting of willows to protect banks, the sowing of grass seed along the roadside, the application of gravel or stone to repair similar surfaces, and the use of bituminous materials.

The maintenance of all completed roads is essential to protect the investment made, but the methods to be followed in doing this work differ so widely that great discretion has been left under this section to the road officials responsible for this work. The maintenance of roads, particularly the continuous dragging of earth roads at the proper time, is one of the most important duties, and should have the best efforts of all road officials.

For the guidance of the several boards, the Commission has adopted certain regulations which should govern in the performance of all work included within the term "repair work." These may be summarized as follows:

- (1) All materials used in connection with repair work as defined by this act should wherever possible be purchased in the manner outlined in section 1527-s11, Supplemental Supplement, 1915. (See marginal reference No. 55, page 22.)
- (2) No contracts for work of this character should be entered into until after proceeding as outlined in section 1527-s11. (See marginal reference No. 55.)
- (3) No work of immediate necessity costing in excess of one thousand dollars should be started until after an engineer from the Commission has personally investigated the proposed work and has determined that the same is in fact emergency work. After which a record of such facts should be entered upon the minutes of the proceedings of the board. That all such work may proceed without delay, the Commission has arranged to have one of its engineers promptly examine such cases on request of the board. All bills incurred in the doing of work of immediate necessity, should be filed in itemized form and marked "emergency work" by the auditor before they should be allowed or paid.

A violation of this section shall render the county auditor liable on his bond for the amount of said work.

Under this section the county auditor is liable on his bond for the aggregate amount of any and all warrants issued by him in violation of section 1527-s10, Supplemental Supplement, 1915.

#### SECTION 1527-s11, SUPPLEMENTAL SUPPLEMENT, 1915

Standard specifications for all bridges and culverts, railroad overhead crossings or subways shall be furnished without cost to the counties and railroad companies by the state highway commission, and work shall be done in accordance therewith, and when said bridge and culvert work is completed and approved a duplicate statement of the cost thereof shall be filed at once with the state highway commission by the county auditor.

Standard specifications for all bridges and culverts to be built throughout the state of Iowa shall be prepared by the State Highway Commission and furnished to the several counties of the state without expense to them. These specifications are in printed form and will be furnished upon request. All bridges constructed throughout the State of Iowa must be built in accordance with these standard specifications.

As soon as any bridge or culvert is completed and the actual cost of same is determined the county auditor is required under this section to file, forthwith, a duplicate statement of the cost of such bridge or culvert with the Commission.

The Commission is also required under this section to provide the counties and railroad companies with standard specifications for railroad overhead crossings and railroad subways, and to do so without charge. By express provision of this statute all such railroad overhead crossings and subways must be constructed in accordance with such specifications.



54  
Work and Materials Cost-  
ing Less Than One  
Thousand Dollars

All culverts and bridge construction, tile and tiling and repair work or materials therefor, of which the engineer's estimated cost shall be one thousand dollars (\$1,000.00) or less, may be advertised and let at a public letting, or may be let privately at a cost not to exceed the engineer's estimate, or may be built by day labor.

If the board has before it a proposition involving the construction of bridges or culverts, or the purchase of materials to be used in such bridges or culverts, or the doing of repair work, and if the county engineer estimates that the probable expenditure to be made by the board of supervisors on account of such proposition, will be less than one thousand dollars, then such board may, under authority of this provision, proceed in any one of the following ways:

- (1) Advertise and let at a public letting.
- (2) Let privately at a cost not to exceed the engineer's estimate.
- (3) Build by day labor.

This subject is discussed more fully in the following paragraphs.

55  
Work and Materials Cost-  
ing More Than One  
Thousand Dollars

All culvert and bridge construction, grading, tile and tiling and repair work, or materials therefor of which the engineer's estimated cost shall exceed one thousand dollars (\$1,000.00) shall be advertised and let at a public letting, provided, that the board shall have the power to reject all bids, in which event they may readvertise, or let privately by submitting contract to the state highway commission for approval, or build by day labor, at a cost not to exceed the lowest bid received.

If the board has before it a proposition involving an expenditure of public funds for any of the following:

- (1) Bridge construction,
- (2) Culvert construction,
- (3) Grading,
- (4) Tiling,
- (5) Repair work done on any of the above,
- (6) Materials used in making above improvements,

and if the county engineer has estimated that such proposition will involve an expenditure of over one thousand dollars, the board must under the requirements of this section, advertise for bids, after which the board may, if in its judgment, the public interests will be better served, reject all such bids and then proceed in any one of the three following ways:

- (1) Readvertise,
- (2) Let privately by securing the approval of the State Highway Commission on the contract.
- (3) Build by day labor at a cost not to exceed the lowest bid received.

Experience has shown that to select from a number of bids that one which is best for the public interests requires the closest analysis of every detail. This important work rests upon the board of supervisors and the county engineer, who may be assisted by a representative of the Highway Commission. In the performance of this duty special attention should be given to the following matters:

- (a) The obligation resting upon the county to give a thorough and impartial examination to all bids submitted.
- (b) The financial responsibility and producing capacity of each of the respective bidders.
- (c) The county engineer's estimated cost, the several bids received and the reasonable price for such work.
- (d) A careful comparison of the lowest bid received with the estimated cost at which this work could be done by the county under the day labor system. In determining the probable cost to the county under the day labor system, consideration should be given to the cost of all material, labor, supervision and the depreciation of machinery; the pro rata of all salaries and per diem of those whose time is required, the cost of compensation insurance and of all other items which are actually and properly a part of the final cost.

In this connection, the importance of having strong competition in all bidding cannot be too strongly emphasized, and, therefore, all lettings must be conducted upon a fair and impartial basis, and all public officials charged with the conduct of such lettings should insist upon every bidder receiving a square deal. Under this provision of the statute the board could not legally enter into a private contract for the doing of a piece of work of which the county engineer's estimate of cost was less than one thousand dollars if the contract price exceeded one thousand dollars; neither could the board enter into a valid contract for the doing of a piece of work for which the engineer's estimate was in excess of one thousand dollars until after it has been advertised and the bids rejected. Even then the contract is of no validity until after it has been approved by the State

Highway Commission. If the county advertises a job which is estimated to cost in excess of one thousand dollars and rejects all bids, and afterwards undertakes to do the work by day labor, the aggregate amount of all bills paid out on account of such work must not be in excess of the lowest bid received.

The county board is called upon to exercise many important duties in connection with the work for which they are responsible upon the public highways, particularly in the purchase of large quantities of materials used, and in the making of contracts in connection with the improvement of such highways. Public officials should exercise the same care in dealing in behalf of the county that they would if they were personally interested in such contracts. Lower prices can usually be obtained on materials if purchased in quantities, and every board should seek to secure for its county such prices by ascertaining the amount of such material needed for the year and advertising accordingly early in the season when the lowest prices are obtainable.

The requirements of this section should be observed in the making of all contracts. Blanket or yearly contracts cannot now be entered into legally by the counties.

All bids received shall be publicly opened, at the time and place specified in the advertisement, and shall be recorded in detail, in a book kept for that purpose, by the county auditor; said book shall at all times be open to the public for inspection.

Every letting should be conducted openly. Each letting must be held at the time and place advertised, and all bids must be opened publicly and at the time and place specified in the notice. This provision also requires that all bids shall be recorded in a book to be kept by the county auditor for that purpose. Forms have been prepared by the Commission to be used in connection with such lettings. These forms also appear in the standard specifications of the Commission.

Any proposed contract which shall exceed the sum of two thousand dollars (\$2,000.00) for any one bridge or culvert, or repairs thereon, shall be first approved by the state highway commission before the same shall be effective as a contract.

Every public contract for the construction of a bridge or culvert costing in excess of two thousand dollars, or for a repair job involving an expenditure of that amount, must be submitted to the Commission for its approval, and is of no validity until so approved, and a record to that effect entered thereon.

Before beginning the construction of any permanent bridge or culvert by day labor or by contract, the plans, specifications, estimate of drainage area, estimates of cost and their specific location shall be filed in the county auditor's office by the engineer.

Under this section the county board is prohibited from beginning the construction of any bridge or culvert, by day labor, or by contract, until after the county engineer has filed in the office of the county auditor the plans, specifications, estimate of drainage, estimate of cost and the specific location of every such bridge or culvert. For a more detailed statement of the requirements of this section see the standard specifications of the Commission.

Bridges erected over drainage ditches shall, where necessary, be so constructed to allow the superstructure to be removed for cleaning said ditches with as little damage to the removal and permanent parts of said bridge as practicable.

Drainage ditches must be cleaned more or less frequently. Different methods are used in this work, but the one frequently adopted does not interfere with bridges erected over such ditches. Conditions exist, however, which require a different method, and in such cases it is necessary to remove the superstructure of such bridges. This section requires that in all such cases the bridges should be so designed that the superstructure may be removed without injury. As to whether or not the conditions of a particular ditch are such as to require a special design of bridges is a question of fact to be determined by the board and the county engineer.

On completion, a detailed statement of cost, and of any additions or alterations to the plans shall be added to the above records by the engineer, all of which shall be retained in the county auditor's office as permanent

56  
Bids Opened and Recorded

57  
Contracts Above Two  
Thousand Dollars

58  
Plans filed for Bridge  
Construction

59  
Bridges over Drainage  
Ditches

60  
Permanent Record of  
Building Plans—State-  
ment of Final Cost



68  
Transfer of  
Drag Fund

SECTION 1527-s13a, SUPPLEMENTAL SUPPLEMENT, 1915

If, at the February meeting, a balance remains in the drag fund for the preceding year or years, the said balance may be transferred to the general township road fund provided the draggable roads of such township have been regularly dragged in compliance with the law during the preceding year and said transfer approved by the board of supervisors.

This is a new provision of the statute enacted in section 16, S. F. 567, of the Thirty-sixth General Assembly, and hereafter known as section 1527-s13a, Supplemental Supplement, 1915.

The one-mill drag fund is made non-divertible by statute. It is contemplated that this fund shall all be used in the dragging of the township road system, as often as necessary to keep such roads properly dragged. Under the provision a balance in this fund may, under certain conditions, be transferred to the township trustees to the general township road fund at their February meeting. Such a transfer shall not, however, be made except it can be clearly shown that all the draggable roads of the township road system have been regularly dragged during the preceding year in accordance with the strict requirements of the statute, and even then, no such transfer shall be made until after it has been expressly authorized by the board of supervisors.

69  
Plans for Township Work

SECTION 1527-s14, SUPPLEMENTAL SUPPLEMENT, 1915

Before beginning any work upon the township road system, other than hereinbefore described as repair work, the trustees shall make application to the board of supervisors, who shall furnish them with an engineer, to be paid out of the county fund, who shall survey and lay off such road according to the plans and specifications as hereinbefore provided for the county road system, and the work shall be done in accordance therewith.

No permanent road work shall be done upon the township road system until after the county engineer has prepared plans and specifications therefor, and all such permanent work shall be done in strict accordance with such plans. (See systems.)

70  
Power of Trustees to  
Contract with County  
Supervisors

Providing the trustees may contract with the board of supervisors for the construction of any work on the township road system, provided the county shall not make any charge for the use of the county's road equipment except the actual cost of operating the same.

This amendment was added by section 11, S. F. 567, Acts of the Thirty-sixth General Assembly, and will be found in section 1527-s14, Supplemental Supplement, 1915.

Many of the counties own the necessary machinery for doing road work upon a large scale, and also maintain a sufficient crew of men to do such work. On the other hand, there are but few townships which have sufficient funds to warrant them in investing extensively in road machinery, or in maintaining a large road gang. This section authorizes the townships to contract with the counties for the doing of permanent road work upon the township road system. The county is prohibited from charging the township more than the actual cost of operating the road equipment of the county. Under this section the county can only charge for the following:

- (1) The actual wages of all the men constituting the crew.
- (2) The cost of fuel, lubricants, etc.
- (3) The cost of all repairs.
- (4) A fair charge for depreciation of machinery. An excessive or arbitrary price for this item cannot be made.
- (5) The cost of team labor.

In some special cases other minor charges may properly be included. It is contemplated by this section that the county should neither lose nor gain by these contracts, and that, therefore, the board should make actual cost the basis of any such contract. Where same can be done without seriously interfering with the work upon the county road system, the road equipment of the county should be placed at the disposal of those townships where same can be profitably used.

SECTION 1527-s15, SUPPLEMENT TO THE CODE, 1913

The county board of supervisors and the engineer are charged with the duty of repairing and dragging the county road system as is required to keep same in proper condition, and shall adopt such methods as are necessary to maintain continuously, in the best condition practicable, the entire mileage of this system.

This statute places upon the board of supervisors and the county engineer the entire responsibility and duty of repairing and dragging the county road system. These officers are held responsible for the condition of the entire mileage of the county road system. In this connection refer to Commission's Official Communication number four for 1915. Authority is hereby granted for the establishment of a patrol system for maintaining the county road system as herein required.

No member of the highway commission, their deputies, or assistants, or any other person in the employ of the commission, no county supervisor, township trustee, county engineer, road superintendent or any person in their employ or one holding an appointment under them, shall be, either directly or indirectly, interested in any contract for the construction or building of any bridge or bridges, culvert or culverts or any improvement of any road or parts of road coming under the provisions of this act.

In this connection see section 4905 of the Code.

In order to guard against all favoritism and irregularities, resulting in an unwise expenditure of public funds, it is here made unlawful for any public official charged in any way with the duty of improving public highways to be interested privately in the doing of any such work, either directly or indirectly.

SECTION 1527-S16, SUPPLEMENTAL SUPPLEMENT, 1915

Not later than the first day of January, or at any time upon the demand of the township trustees, the township clerk shall report the work accomplished on the township road system in his township, including number of culverts installed, location thereof and the number and size of culverts on hand and not installed.

Under this section the township clerk is required to report to the township trustees, not later than the first day of January of each year, the work accomplished on the township road system in his township, the number of culverts installed, the locations where such culverts were installed, and the number and size of culverts in possession of the township trustees at the close of the year.

Said township trustees shall, as nearly as practicable, recommend what is to be done upon the township road system for the succeeding year, and shall also prepare a list of the culverts and bridges which in their judgment should be constructed by the board of supervisors in their township during the succeeding year, giving the proposed location of such culverts, the material of which such culverts should be constructed, and the approximate size of same, together with any and all recommendations concerning such culverts as the board of township trustees see fit to give, which list, report and recommendation shall be filed on or before the first day of January of each year, or oftener if the emergency requires, in the office of the county auditor, and copy of the same shall be forthwith mailed by the township clerk to each member of the board of supervisors.

Prior to January 1, the board of trustees shall determine, in so far as possible, the work they propose to do upon the township road system during the coming year; they shall also prepare a list of the bridges and culverts which in their judgment should be built in their township during the coming year, including the following information:

- (a) The proposed location of such bridges or culverts,
- (b) The material of which they should be constructed,
- (c) The approximate size of each of such structures,

and such other recommendations concerning the above bridges and culverts as they see fit to give.

71  
Repair and Dragging  
County Road System

72  
Graft—Non-Participation  
in Contracts

73  
Report of Township Clerk

74  
Township Culverts,  
Recommendation of  
Trustees



The township clerk must, before the first of January of each year, mail a copy of such list, the recommendations of the trustees, if any, and his report to the trustees, to each member of the board of supervisors, and shall also file copies of same in the office of the county auditor.

#### SECTION 1527-s17, SUPPLEMENT TO THE CODE, 1913

County and township boards, charged with the duty of improving public highways, shall have power to remove all obstructions in the highways under their jurisdiction, but fences and poles used for telephone, telegraph or other transmission purposes shall not be removed until notice, in writing, of not less than ten days has been given to the owner, occupant, or agent of the land enclosed in part by such fence or to the owner or company operating such lines. The notice to any owner or operator of any such telephone, telegraph or transmission line may be served on any agent or officer of such line, and all such fences and poles shall, within the time designated, be removed to such line on the highway, and as designated by the engineer, and if not removed by the date fixed in such notice, same may be forthwith removed by the proper officials.

Under this section, all public officers charged with the duty of constructing and maintaining the public highways are granted power and authority to remove all obstructions in the highways under their jurisdiction. This provision requires that ten days' written notice be first given to the owner before the public officials attempt to remove any fences, or poles used for telephone or telegraph purposes.

Only those obstructions which interfere with the actual use, improvement or maintenance of such public highways are removable under this section. Public officials, before attempting to remove obstructions over the protest of abutting property owners, should first determine whether or not such obstructions are, in fact, within the jurisdiction of the highway as shown by the record in the auditor's office, and, before proceeding, should lay the facts before the county attorney, secure his advice, and proceed according to his instructions.

Any new lines, or parts of lines hereinafter constructed, shall be located by the engineer, and shall be removable according to the provisions of this section.

The county engineer is now required to locate all telephone, telegraph and other transmission lines hereafter constructed upon the public highways. Before any telegraph, telephone or other companies shall begin the construction of new lines upon the public highway, it must first make application to the county engineer to designate where such proposed line should be built.

The notice of removal may designate to which side of the highway the said poles shall be removed. Any removal made in compliance with this section shall be at the expense of the owners thereof, without liability on the part of any officer ordering or effecting the removal.

The owner of the abutting property is required under this section to pay all expense connected with the removal of such obstructions from the public highways. Damages cannot be collected by the abutting property owner from the public official who ordered or effected the removal.

#### SECTION 1527-s18, SUPPLEMENT TO THE CODE, 1913

The board of supervisors shall require all contractors to give a bond for the faithful performance of the contract, in such sum as the board of supervisors may deem necessary.

All contractors dealing with the county are required by this section to give a bond in such amount as the board shall direct. No such contractor's bond should be less than fifty per cent nor more than one hundred per cent of the contract price.

The surety on any bond given to guarantee the faithful performance and execution of any work shall be deemed and held, any contract to the contrary notwithstanding, to consent without notice:

1. To any extension of time to the contractor in which to perform the contract when each particular extension does not exceed sixty days.

2. To any change in the plans, specifications or contract when such change does not involve an increase of more than twenty per cent of the total contract price, and shall then be released only as to such excess increase.

By virtue of this provision of the law sureties upon contractors' bonds cannot escape liability on the grounds that,

(a) The time for the completion of the contract had been extended for a period not to exceed sixty days, or,

(b) The plans and specifications were changed, provided that the change does not involve an increase of more than twenty per cent of the total contract price.

The board should note that the form of bond usually supplied by surety companies does not comply with the provisions of this section. This provision in regard to the sureties should be written into and made a part of every contractor's bond hereafter accepted by the board, but whether these provisions of the law are written into the contract or not, the surety is not relieved on that account; neither can he escape liability by reason of any term in the contract which is contrary to the provisions of this law. The standard bridge specifications of the Commission provide a form of surety bond that should be used. The bond shall have attached a certificate from the auditor of state or clerk of the district court showing the authority of the surety company to transact business in the state of Iowa, and the capital stock of such company.

No contract shall be valid which seeks to limit the time to less than five (5) years in which an action may be brought upon the bond covering concrete work nor to less than one year upon the bond covering other work.

A suit may be brought by the county upon the contractor's bond any time within five years after the completion of the work, provided such bond covers concrete work, but where it covers work other than concrete such an action must be instituted within one year from the completion of such work, any contract to the contrary notwithstanding.

This statute does not require the contractor to guarantee work done by him for five years, or all other work done by him for one year. The purpose of this law is merely to fix the time beyond which it will be illegal for the county to institute an action upon the contractor's bond for failure to properly perform his contract with the county.

If recovery is sought for some defect in concrete work, then the action can be maintained any time within five years; if recovery is sought for some defect in work of some other character, then the action must be maintained within one year.

#### SECTION 1527-s19, SUPPLEMENT TO THE CODE, 1913

The procedure herein provided for the designation and selection of county roads by the board of supervisors and the approval or modification of such selection by the state highway commission, shall exclude all other procedure, and the decision of the board of supervisors and the state highway commission in the designation and selection of the county road system shall be final.

This statute outlines the procedure which shall be followed in selecting the roads for the county road system, which procedure is made exclusive. The decision of the Commission as to the roads which should constitute such county road system was made final, and the county road system as finally approved by such board is now the legally constituted county road system. This law refers exclusively to the procedure to be followed in dividing the roads of the county into the county road system and the township road system, and does not in any way interfere with, or supercede, the provisions of section 1482 of the Code, which relate exclusively to the laying out or opening of public highways.

#### SECTION 21, CHAPTER 122, ACTS 35 G. A.

That section three (3) of chapter twenty-four (24) of the acts of the thirty-fourth general assembly is hereby amended by striking from the fourth line of said section the words "not more than."

Under the provisions of section 1303, Supplement to the Code, 1907, as amended by section 3, chapter 24, acts of the Thirty-fourth General Assembly, the board of supervisors was authorized to levy a tax of not more than two mills on all

75  
Obstructions in the  
Highway

76  
New Telephone or  
Telegraph Lines

77  
Expense of Removal of  
Poles, etc.

78  
Contractors' Bonds

79  
Sureties on Bonds

80  
Limitation of Actions

81  
Procedure Exclusive

82  
Two-Mill Levy



property outside of incorporated cities and towns, the revenue of which should constitute a fund to be known as the county road building fund. As the law then existed it was optional with the board of supervisors whether they levied the full two mill tax or not; they could fix the levy at anything less than the maximum two mills. This section of the law amends the old statute and, as amended, it is made the duty of the board to levy the full two mill tax for the county road building fund. This tax is additional to the one mill tax for the county road fund. In this connection refer to complete notes under marginal reference No. 45, page 17, wherein are described the several tax levies for road purposes.

#### SECTION 2, CHAPTER 123, ACTS 35 G. A.

The terms of the district road superintendents now serving under the provisions of chapter ninety-eight (98) of the acts of the thirty-third general assembly shall cease and determine on the first day of February, 1914, at which time all road districts within each civil township created under the provisions of said chapter ninety-eight (98) shall become consolidated under one township road district, and all township road funds belonging to said districts of said township shall at once become a general township road fund. The township trustees in all such townships shall at their February meeting, 1914, employ a superintendent of the township road system. Until the first day of February, 1914, all such district road superintendents shall perform within their respective districts the duties imposed upon the superintendent of the township road system, by section fourteen (14) of this act. That the law as it appears in section twenty-six hundred seventy-four-f (2674-f) of the supplement to the code, 1907, and chapter ninety-eight (98) of the acts of the thirty-third (33d) General assembly be and the same is hereby repealed.

The old law relating to the duties of the early highway commission has been repealed. It was found in section 2674-f, Supplement to the Code, 1907. The powers and duties of the present state highway commission are set forth in Section 1527-s2, Supplemental Supplement, 1915.

The old law, as it appeared in chapter 98, Acts of the Thirty-third General Assembly, relating to the election of district road superintendents, has been repealed.

#### SECTION 1527-s21, SUPPLEMENT TO THE CODE, 1913

All acts and parts of acts in conflict with this act are hereby repealed.

This law repeals or modifies all former statutes in so far as they are in conflict with this law.

#### SECTION 24, CHAPTER 122, ACTS 35 G. A.

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 the Des Moines Capital, newspapers published at Des Moines, Iowa.

The original road law appeared as chapter 122, Acts of the Thirty-fifth General Assembly, and went into effect on the 9th day of April, 1913, by publication. The only amendments made by the Thirty-sixth General Assembly to this law are found in Senate File 567, which went into effect on the 8th day of May, 1915, by publication.

## PART TWO

# The Condemnation of Land for Road Purposes

S. F. NO. 98, 36 G. A.

AN ACT TO PROVIDE FOR THE PURCHASE OR CONDEMNATION BY BOARDS OF SUPERVISORS OF LAND FOR HIGHWAY PURPOSES IN ORDER TO AVOID UNNECESSARILY EXPENSIVE BRIDGES OR GRADES AND TO AVOID RAILROAD CROSSINGS AND TO STRAIGHTEN ANY ROAD OR TO CUT OFF DANGEROUS CORNERS ON THE HIGHWAYS OR TO WIDEN ANY ROAD ABOVE STATUTORY WIDTH OR FOR THE PURPOSE OF PREVENTING THE ENCROACHMENT OF A STREAM UPON A PUBLIC HIGHWAY, TO PROVIDE FOR THE PAYMENT OF SUCH CHANGES, TO PROVIDE FOR THE ABANDONMENT OF HIGHWAYS ALREADY ESTABLISHED AND TO PROVIDE FOR THE PROCEDURE THEREFOR, AND TO REPEAL SECTION ONE THOUSAND FIVE HUNDRED TWENTY-SEVEN-A (1527-A) SUPPLEMENT TO THE CODE, 1913.

#### SECTION 1527-r1, SUPPLEMENTAL SUPPLEMENT, 1915

Ten freeholders of any county by a petition to the board of supervisors of said county or the county engineer may, at any time, recommend the expediency and advisability of changing the course of any part of any road or stream within any county, in order to avoid unnecessarily expensive bridges, grades or railroad crossings, or to straighten any road, or to cut off dangerous corners on the highway or to widen any road above statutory width, or for the purpose of preventing the encroachment of a stream upon a public highway, specifying clearly the change recommended, and whether any part of any highway already established should be vacated and abandoned, and what part.

This statute authorizes the board of supervisors to purchase or condemn land for any of the following purposes:

- To avoid unnecessarily expensive bridges,
- To straighten any road,
- To avoid heavy grades upon highways,
- To avoid railroad crossings,
- To cut off dangerous corners on the highways,
- To widen any road above the statutory width, or,
- To prevent the encroachment of a stream upon the public highway.

The county engineer may recommend the expediency and advisability of making changes to satisfy any of the above purposes, specifying the proposed change and stating what part of any established highway, if any, should be vacated and abandoned if such improvement is made. If they so desire, any ten freeholders of the county may petition the board of that county, setting forth the expediency and advisability of making any change, to satisfy the same purposes, specifying clearly the change which they recommend, and indicating what part of any established road, if any, should be abandoned if the proposed change is made.

The board may, thereupon, order the engineer to make a survey and report on such proposed change, and in order to comply with such order, the engineer shall have a right to enter upon the premises proposed to be taken and make said survey.

Upon receipt of a recommendation from the county engineer, or of a petition of ten or more freeholders, proposing a change in some part of the road or stream, the board of supervisors may order the county engineer to make a survey and report of such proposed improvement.

This statute gives the county engineer the right to enter upon private premises

1  
Condemnation of Land  
for Road Purposes—  
Recommendation of  
County Engineer or  
Ten Freeholders

2  
Survey and Report by  
County Engineer



### 3 Improvement Ordered by Board—Acquiring of Necessary Land

This statute authorizes the board of supervisors to make any improvement which has been proposed and recommended, if, after giving due consideration to the survey and report, and after being fully advised in all the matters, they are still of the opinion that such improvement is for the public good. They have the power to purchase the necessary land, and, if necessary, to condemn such property as they are unable to purchase at reasonable prices, in all cases taking the title to such property in the name of the county.

#### 4 Procedure in Condemnation Proceedings

If, for any reason, the board is unable to acquire such right of way by agreement with the owner, the county auditor shall appoint three disinterested appraisers who shall appraise the damages sustained by the land owners through whose land said proposed right of way extends and who shall within ten days make return of their appraisement to the county auditor, and the board shall fix a day at such place in the county as it may determine, at which it will hear all objections to said change and at which time it will determine all damages to each claimant by reason of such proposed change.

(a) Cause the property to be appraised by three disinterested appraisers appointed by the auditor, which board of appraisers shall estimate the damages sustained by the landowners affected by such proposed purchase, and report to the county auditor their doings within ten days after their appointment.

(c) Cause the owners of all lands bordering or abutting upon such proposed change to be duly served with notice of the hearing. Service must be had upon all property owners residing in the county who can be found in the county by the serving officer. All other property owners must be served by publication of notice in some newspaper in the county, published once each week for two consecutive weeks, and by securing personal service upon the actual occupant of the land, but personal service upon an owner residing outside the county but within the state is sufficient to avoid the necessity of publishing a notice.

(f) Convene for the hearing at the time and place fixed therefor, for the purpose of hearing objections and claims for damages.

(h) Unless the proceedings are here dismissed, the board shall determine the damages to be awarded to each claimant who has filed such claims.

The legislature has the power to authorize the taking of land, already applied to one public use, and devote it to another, or may make the same property subservient to different public uses. See case of *C., M. & St. P. Ry. Co. vs. Starkweather*, 97 Iowa, 159, and the cases cited in the opinion of the court.

In deter-

SECTION 1527-r3, SUPPLEMENTAL S

### Must Be Filed in Writing—Hearings Postponed

All objections to the proposed change and all claims for damages which are not filed within ten days from the date of completed service are held to be waived, and none should be considered by the board of supervisors.

If the board has failed to secure jurisdiction, the following provisions shall apply:

If the board has failed to secure jurisdiction of some necessary property owner, it may adjourn its hearing from time to time until such jurisdiction has been obtained, and all interested parties must take due notice of such postponement.

7  
Abandoned Highway  
is Considered

If such damages, in the opinion of the board, be not excessive, the board may, by proper order, establish such proposed change in the road or stream, as the case may be, and pay such damages as in case of right of way secured by agreement. Provided, however, that if by the change of any road herein contemplated, any part of the highway abandoned reverts to the owner of the land condemned, then and in that case the owner, by reason of the relocation of such highway, shall be entitled to such damages for the locating of such new highway which exceeds the damages sustained by reason of the old highway, taking into consideration the value of the premises immediately before and after such old road is abandoned and the new road established.



In determining the amount of damages which should be paid to a property owner whose land has been condemned for a new highway, and where the abandoned highway reverts to the owner of such lands which has been condemned, the board of supervisors should consider the value of the premises immediately before and just after such old road is abandoned and the new road established.

The board shall order the auditor to issue warrants in favor of each claimant for the amount of damages awarded, and in such case shall have the right to enter upon such right of way and improve the same. The damages thus awarded shall be paid for out of the county road or bridge fund or out of both of said funds. Claimants for damages may appeal to the district court from the award of damages, in the manner and time for taking appeals from the establishment of highways generally. The acceptance at any time of the amount awarded shall constitute a waiver of the right to appeal.

If possession of the right of way is not taken and improved prior to the determination of the amount of damages on appeal, the board may, on the appeal being determined, dismiss the proceeding to effect the change, if, in the opinion of the board, the damages finally awarded are excessive.

This statute authorizes the board to determine whether the damages sustained shall be paid in full out of the bridge fund or in full out of the county road fund, or a part out of one and the balance out of the other of said funds, and the minutes of the board should show the determination of this matter in due and legal form. The board should also, by proper action, direct the county auditor to pay any and all warrants legally due claimants for the amount of damages awarded to them or on account of land condemned for the above purposes. All such warrants should be drawn by the county auditor upon the particular fund indicated by the board of supervisors.

Any property owner dissatisfied with the amount of damages awarded to him by the board of supervisors may appeal to the district court of Iowa in and for the particular county in which he lives. Twenty days' notice of such appeal must be served upon the county auditor. (See section 1513 of the Code.)

A property owner cannot appeal after he has accepted the amount of the damages awarded him. As soon as the board has determined the amount of the damage and directed the county auditor to issue warrants in payment for the amount of damages thus awarded, it may enter upon the land thus condemned and proceed at once to improve same.

If an appeal has been made under this section and excessive damages, in the opinion of the board, have been rendered, the said board may, if it has not taken possession of the land so condemned, dismiss the proceedings to affect the improvement requiring such land, and proceed no further.

The making of a change in a stream shall be done by the board of supervisors and paid for out of either the county road or bridge fund or out of both of said funds.

This statute authorizes the board of supervisors to change the course of any stream whenever in its judgment it is necessary to accomplish any of the public improvements mentioned in the first paragraph of this law. All land required for the making of any such improvement may be condemned or purchased in the same manner as when required for road purposes. All work done in connection with the change of the stream must be done by and under the supervision of the board, and may be paid for out of either the county road fund or the county bridge fund, or in part out of one and the balance out of the other of said funds.

When the change of a road is made upon or for the benefit of the township road system, the improvement shall be made as now provided for the doing of road work upon the township road system.

If the new road enters into and becomes a part of the township road system, it must be improved as is any other portion of such township road system, said work being done by the township trustees and paid for out of the township road funds; if such new road becomes a part of the county road system, it must be improved by the same authorities and paid for out of the same fund as would any improvement upon any other portion of such county road system.

SECTION 1527-r4, SUPPLEMENTAL SUPPLEMENT, 1915

No such change shall be established through any orchard or ornamental grounds contiguous to any dwelling house or so as to cause the removal of buildings, without the consent of the owner, nor through any burying ground.

This statute prohibits the board of supervisors from making any improvement of this character when same would interfere with or destroy,—

- (a) A private orchard,
- (b) Ornamental grounds contiguous to any dwelling house,
- (c) Any buildings,
- (d) Burial grounds,

and one of the first things to be determined by the board is whether or not such proposed improvement can be made without violating the provisions of this section. The owner of any such effected property may consent to the making of such improvement, but any such consent should be made in writing, and signed in the same manner as are instruments for the transfer of interests in real estate.

SECTION 1527-r5, SUPPLEMENTAL SUPPLEMENT, 1915

Should delay occur in the acquisition of such right of way, such delay shall not prevent the board from proceeding with the improvement of any part of the highway, not effected by the proposed change.

Under this section the board may proceed with the making of a general improvement, even though they are delayed in securing the necessary right of way for a part of such improvement, where same can be done without affecting the land sought to be taken.

SECTION 1527-r6, SUPPLEMENTAL SUPPLEMENT, 1915

The notice herein provided for shall be in substantially the following form:

"To Whom It May Concern:

The engineer appointed by the board of supervisors of..... county to make survey and report of the road (describe the same in a general way) has made report and has recommended that the following change be made in said road: (Here clearly describe the proposed change and the location and course thereof and give the names of the owners of the land through and abutting upon which the proposed change will extend.) And the said board of supervisors propose to establish said change as above described, and all objections to said change and all claims for damages by reason of said change must be filed in the office of the county auditor before the expiration of ten days from the service of this notice or the same will be waived. You will take further notice that said board will, on the .....day of....., 19...., at....., or as soon thereafter as possible, proceed to determine all objections to said change and all damages caused thereby and will, in case such objections are overruled and the damages awarded be not excessive, establish said change.

.....  
County Auditor."

The giving of due and legal notice in all proceedings affecting the taking of private property is an important matter, and the board of supervisors should adopt the notice herein provided, and exercise the greatest care in the giving of such notice in strict accordance with the requirements of the statute.

SECTION 1527-r7, SUPPLEMENTAL SUPPLEMENT, 1915

The foregoing provision with reference to changes in the highway shall not be construed as compelling the board to abandon any part of a highway already established, but if it be proposed to abandon any part of a highway already established, notice shall be served as herein provided, upon the said record owners as aforesaid through which or abutting upon which said highways so proposed to be abandoned, extends.



Before an established highway can be abandoned by action of the board of supervisors, they must, under the provisions of this act, give due and legal notice of such intention to the record owner of each tract of land which abuts upon such public highway. The board of supervisors is not required under this law to abandon any established highway, and should in no case do so unless, after a full hearing of all interested parties, they are still of the opinion that the public interests will thereby be better served.

SECTION 1527-a, SUPPLEMENTAL SUPPLEMENT, 1915

That section one thousand five hundred twenty-seven-a (1527-a) supplement to the code, 1913, is hereby repealed.

Section 1527-a, Supplement to the Code, 1913, which is expressly repealed by this act, was enacted by the Thirty-second General Assembly of Iowa, and provided a short and incomplete system whereby it was hoped that the board of supervisors could secure the land necessary for making the class of improvements contemplated herein.

SECTION 9, S. F. NO. 98, 36 G. A.

This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines News, and The Denison Review, newspapers published in the state of Iowa.

This law was approved April 17, 1915, and became effective by publication on the 6th day of May, 1915.

15  
Old Law Repealed

16  
Publication

## Drainage of Highways

H. F. NO. 217, 36 G. A.

SECTION 1989-b, SUPPLEMENTAL SUPPLEMENT, 1915

That whenever in the opinion of the board of supervisors it is necessary to drain any part of any public highway under its jurisdiction and the land abutting upon or adjacent thereto in order that said highway may be preserved and improved, and made more convenient, it may direct the county engineer to make a survey and report on any part of said highway. In directing the engineer to make such survey the board shall specify in a general way what highway or part thereof they desire surveyed for the purpose of draining the same.

This statute expressly authorizes the establishment of a drainage district for the purpose of draining a public highway and lands which abut upon such highway whenever, in the judgment of the board, such drainage is necessary to,

- (a) Improve such highway,
- (b) Preserve such highway, or
- (c) To make such highway more convenient for public use.

Having determined upon the establishment of such a drainage district, the board must direct the county engineer to make a survey and report of that portion of the public highway sought to be drained, specifying in a general way that portion of the highway it proposes to drain, and indicating the extent of the survey desired. This drainage law is applicable to all public highways throughout the county.

Proper drainage of public highways is one of the first essentials of good road building.

SECTION 1989-b1, SUPPLEMENTAL SUPPLEMENT, 1915

Upon receiving such direction the county engineer shall make a survey and report. He shall not be confined to the exact locality included in the direction of the board of supervisors. His survey and report may include any portion of the county road system or any portion of the township road system, or may include a portion of each of said systems. He shall include in his report a specific designation of such drainage district as in his opinion is necessary to be established in order to better preserve and improve said highway and to render the same of greater use and convenience. The report shall be made at the earliest reasonable time, and if his report recommends the establishment of a drainage district, it shall also include the names of the owners of all land situated within said district, as shown by the transfer books in the office of the county auditor. Said report shall also include the plans and specifications for doing the work recommended and the estimated cost thereof.

If directed by the board to make such survey, the county engineer shall proceed promptly with the work and report at the earliest practical date. In making such survey, the county engineer is not limited to the exact territory indicated by the board, but may include a part of the county road system or a part of the township road system or a part of the two systems, or any private land abutting upon such highways, if, in his judgment, same should be included in such drainage district. In the event the county engineer recommends the establishment of such a drainage system, his report should include the names of the record owners of all lands situated within such drainage district, and be accompanied by the necessary plans and specifications for doing such drainage work, also with an estimate of the probable cost of making such improvement.

1  
Drainage of Highways

2  
Surveys and Report of  
Engineer—Plans and  
Specifications



# SECTION 1989-b2, SUPPLEMENTAL SUPPLEMENT, 1915

3  
Hearing upon Advisability  
of Improvement

Upon the filing of said report, plans and specifications, the board of supervisors shall, if they deem it advisable to further proceed in said matter, cause notice to be given as hereinafter provided of their intention to establish such highway drainage district and of the report of the highway engineer thereon, and that they will at a specified time and place, hold a hearing for the purpose of determining the amount of damages which shall be allowed by reason of the construction of such highway drainage improvement and the advisability of establishing such drainage district, and that all objections to the establishment of such district and all claims for damages occasioned by the construction of such improvements, must be filed with the county auditor not less than five days before said hearing or the same will be waived.

As soon as the county engineer has filed his survey and report in which he recommends the establishment of such drainage district, the board should proceed at once to consider such report, plans, specifications and estimates of cost, and if still of the opinion that such drainage district should be established, they shall fix a time and place for hearing upon the advisability of establishing such drainage district, also upon the matter of damages which should be allowed, if any, on account of the making of such improvement. The board should also cause due and statutory notice to be given of the time and place of such hearing and of its intention to establish such drainage district. This statute requires that all objections to the establishment of such highway drainage district and all claims for damages occasioned by such improvement must be filed with the county auditor at least five days before the date set for such hearing; otherwise they will be considered waived and given no consideration by the board.

# SECTION 1989-b3, SUPPLEMENTAL SUPPLEMENT, 1915

4  
Notice by Publication

The notice herein provided for shall be given by publishing said notice once each week for two consecutive weeks in one or more of the official papers of the county, the last of said publications to be not less than ten days prior to said hearing.

This is the statutory notice referred to in the preceding paragraph, and requires that the notice of the time and place of the hearing at which will be heard all objections to the establishment of such a highway drainage district and also all claims for damages occasioned by the making of such improvement, must be published once each week for two consecutive weeks in one or more of the official papers of the county, and the last publication thereof must be at least ten days before the date for such hearing.

The matter of notice is extremely important, and the board should see that all statutory requirements relative to same are strictly complied with.

# SECTION 1989-b4, SUPPLEMENTAL SUPPLEMENT, 1915

5  
Establishment of  
Drainage District

Should the board on the date fixed for such hearing be unable for any reason to hold such hearing, they may adjourn the same to a specified later date and place, of which all parties shall take notice. On such hearing the board shall first determine whether the establishment of such highway drainage district will be conducive to the public convenience and to the preservation and improvement of said highway, and if they so determine they shall make such determination of record and shall thereupon proceed to a determination of the amount of damages to be allowed by reason of the construction of such highway drainage improvement. If in the opinion of said board, the damages so allowed are not excessive, they may establish such district.

The board may adjourn such hearing to a later date and to a different place if for any reason they are unable to hear the matter at the time and place indicated in the notice. All interested parties must take due notice of any and all such adjournments.

The first matter to be determined upon at the hearing is whether or not such highway drainage district should be established, taking into account the convenience of the public, the preservation and improvement of such public highways,

and any other matters, which, in the judgment of the board, should be considered. If, after carefully considering the matter, the board determines to establish such highway drainage district, it shall cause a record of such determination to be made in the minutes of the proceedings of such board.

Having determined to establish such highway drainage district, and having made an entry of such determination, the board must next proceed to a consideration of the claims for damages filed, and after having fully considered such claims, and after having been fully advised by those presenting same, shall determine the amount of damages, if any, which should be allowed on account of such drainage improvement. If the aggregate amount of damages allowed is reasonable, the board may establish such drainage district; if such damages are, in the opinion of the board, excessive, they may, at that time, refuse to establish such drainage district.

# SECTION 1989-b5, SUPPLEMENTAL SUPPLEMENT, 1915

If said district is established, the board of supervisors shall appoint the highway engineer and two other resident freeholders of the county not residing within said drainage district as a commission to determine the proportion of the cost of such improvement to be paid on account of the public highway and to assess upon the lands within such district that portion of the cost of said improvement to be paid by special assessment. Said commission shall, within ten days after being appointed, begin the examination of the lands and public highways within said district, and as soon as possible shall make a report to the board of supervisors; first, as to the amount, if any, which should be paid by the county on account of the county road system; second, the amount, if any, which should be paid by the township or townships on account of the township road system, and third, the amount, if any, which each forty (40) acre tract or less within said district shall pay. In making such apportionment the commissioners shall follow the method as nearly as possible now provided for by law in assessing benefits for the construction of levees, ditches, drains and water courses under chapter 2-A, supplement to the code, 1913.

This statute provides that the apportionment of the cost of making such an improvement shall be determined by a commission made up of the county engineer and two resident freeholders of the county, appointed by the board of supervisors. This commission is required to begin the examination of the lands and public highways within the drainage district within ten days after their appointment, and to report as soon as practicable to the board, the following facts:

(a) The amount, if any, which should be paid by the county on account of the county road system, where a part of said county road system is within the drainage district;

(b) The amount, if any, which should be paid by the township, or by the respective townships, if more than one, on account of the township road system, where a portion of such township road system is included within the drainage district;

(c) The amount, if any, which should be paid by the record owner of each forty acre tract or less, where any such tract, or tracts, are found within such drainage district.

The method of apportioning the cost provided for in section 1989-a12, Supplement to the Code, 1913, should be followed as far as practicable by the commission in performing their duties under this act.

The amount fixed by said commission to be paid upon the county road system shall be payable out of the county road funds and the amount fixed by said commission to be paid upon the township road system shall be payable out of the township drainage fund. All assessments made hereunder may be paid on the installment plan as provided by section nineteen hundred eighty-nine-a twenty-six (1989-a26), supplement to the code, 1913.

Any apportionment lawfully made by the commission against the county on account of the county road system must be paid out of county road funds; any apportionment lawfully made by such commission against any township on account of the drainage of a portion of the township road system shall be paid for out of the township drainage fund; any apportionment lawfully made by such commission against any record owners of private property within such drainage district on account of the drainage of such private property may pay the same on the installment plan in the manner provided for in section 1989-a26, Supplement to the Code, 1913.

6  
Apportionment of Costs  
by a Commission

7  
Cost Apportioned to  
the Public



SECTION 1989-b6, SUPPLEMENTAL SUPPLEMENT, 1915

When the report of said commission is filed, as provided, the board of supervisors shall proceed to fix a time for hearing thereon, and shall cause notice to be served upon each person whose name appears as owner and also upon the person or persons in actual occupancy of any such land in the time and manner provided for the establishment of a highway drainage district. Such hearing may be adjourned from time to time, of which all parties should take notice. At such hearing the board shall have the power to confirm such assessments or to modify the same, as in their judgment may seem just and equitable, and upon the final determination of the respective amounts shall levy and assess the amount to be paid on account of the county road system to the county; that part to be paid on account of the township road system to the township or townships and the remainder upon the lands within said districts, and the county auditor shall place said levy and assessment so made against the lands within said district upon the first succeeding tax books, and the same shall be collected at the same time and in the same manner as assessments are payable and collected under chapter 2-A of title ten (10) of the supplement to the code, 1913.

Under this statute the board of supervisors is required to fix the time and place for the hearing upon the report of the commission appointed to apportion the cost, and as soon as the report is prepared and filed with the board, it must cause notice of the time and place of such hearing to be served upon each and every person whose name appears as the record owner and also on each and every person in actual possession and occupancy of any private land lying within such drainage district and assessed on account of such improvement. The time for and manner of giving this notice are similar to that provided for the establishment of the highway drainage district, as found in section 4 of this act. (See marginal reference No. 4, page 38.) This hearing may be postponed by the board from time to time, and all interested parties must take due notice of such adjournment.

At the time of the hearing the board of supervisors shall carefully consider the findings of the commission, also any and all objections filed by those against whom apportionments of cost have been made. This statute authorizes the board to confirm the assessment made by such commission or to make such modifications thereof as in their judgment seem just and equitable. Having determined the apportionment of cost which should be made, the board should assess the amount to be paid by the county out of the county road fund, if any, also assess the amount to be paid by the township out of the township drainage fund, if any, and should also levy and assess the remainder of such cost upon the several tracts of land, if any, within such highway drainage district. This statute directs the county auditor to place any such assessment and levy against private property within the district upon the first succeeding tax book, which levy and assessment are collectable at the same time and in the same manner as similar assessments are payable and collectable under section 1989-a12, Supplement to the Code, 1913.

SECTION 1989-b7, SUPPLEMENTAL SUPPLEMENT, 1915

The board of construction on such improvement, shall advance out of the county road fund that portion to be collected by special assessment, the amount so advanced to be replaced in said county funds as the special assessments are collected.

This statute authorizes the board of supervisors to advance out of county road funds that portion of the cost incurred in making such drainage improvement which is to be levied against private property within such highway drainage district to be raised by assessment upon such property, but such county road funds are to be reimbursed for all sums paid out on account of such improvements as fast as the special assessments are collected and paid in. The county auditor should keep an accurate account of any and all amounts paid out of such funds on account of said drainage improvement, and also of all special assessments which have been returned to such funds.

SECTION 1989-b8, SUPPLEMENTAL SUPPLEMENT, 1915

Any person aggrieved by the decision of the board of supervisors in establishing said highway drainage district or in the fixing of amount of

damages allowed to anyone by reason of the taking of land for the construction of said improvement, or in the amount assessed on said lands, shall have the right to appeal to the district court in the same manner in which appeals are now taken under chapter 2-a, title 10 of the supplement to the code, 1913. All appeals shall be tried at the first succeeding term of court in said county after the taking of said appeal, provided either party demands such trial, unless for sufficient cause the cause is continued by the court. The appeal to the district court from the establishment of said drainage district or from the order fixing the assessments, shall be tried in equity. An appeal from any award of damages shall be tried at law. Should the amount of damages for the taking of land aforesaid as determined in the district court, be adjudged by the board of supervisors to be excessive, they shall proceed no farther in carrying out said improvement.

This statute gives any interested party the right to appeal to the district court of Iowa in and for the particular county in which he resides, if he is dissatisfied with any decision of the board of supervisors as to,—

(a) Whether or not such highway drainage district should have been established;

(b) Whether or not the amount of damages allowed to one whose land has been taken for the purpose of such improvement is just and adequate;

(c) Whether or not the amount of damages assessed against private property located within such highway drainage district in proportion to the cost for the making of such improvement is excessive and unreasonable.

This right of appeal is similar to that granted in section 1989-14, Supplement to the Code, 1913.

Ordinarily all such appeals are tried to the court which first convenes after the taking of such appeal, especially if either of the parties thereto desires such early trial, but the judge may for good and sufficient reasons continue such case until a later term of court. In the event the appeal is from an order of the board of supervisors establishing such drainage district, or from an order fixing the amount of assessments to be levied against private property, it must be tried as an equitable action; if, however, such appeal is from an order awarding damages for the taking of private property it must be tried as a law action, and a jury may be had in all such cases.

Whenever the damages awarded by a judgment upon an appealed case are, in the judgment of the board of supervisors, excessive, considering the fair value of the private property taken, the said board may abandon the enterprise and refuse to proceed further in the making of such improvement.

SECTION 1989-b9, SUPPLEMENTAL SUPPLEMENT, 1915

The township trustees of any township, whether any portion of the lands of said township are within said drainage district or not, shall have the right to contribute to such improvement such sum out of the township road funds as may appear to them to be equitable.

This statute authorizes the township trustees of any township to bear a portion of the expense incurred in making any such improvement, whenever in their judgment the township benefits by such improvement, even though no portion of the land of such township is within such drainage district. The amount of any such contribution must be limited to what is just and equitable, considering the benefit to the township. All sums thus contributed by the townships must be paid for out of the township road fund and not out of the township drainage fund.

SECTION 1989-b10, SUPPLEMENTAL SUPPLEMENT, 1915

After the coming in of said engineer's report, if said proceedings are dismissed or said improvement be abandoned, any costs of such proceeding up to the time of dismissal or abandonment, shall be paid out of the county road fund.

Whenever proceedings are dismissed or improvements abandoned, after the date of filing the engineer's report, the board of supervisors must pay all costs incurred on account of such enterprise out of the county road fund.



13  
Improvement Built  
by Board

SECTION 1989-b11, SUPPLEMENTAL SUPPLEMENT, 1915

Improvements herein contemplated shall be constructed by the board of supervisors under the supervision and expert knowledge of the county engineer, and no charge for the services of the county engineer shall be included in the cost of such improvement.

All drainage improvements to be made under this law must be constructed by the board of supervisors under the supervision and direction of the county engineer.

In determining the cost of making any such improvement, no item of charge should be made for the services of the county engineer, but the actual expense of such county engineer incurred in the performance of such work and all other expenses incurred on account of the engineering work in the making of such drainage improvement may properly be included as items of cost, and accurate account should be kept of all expenditures which can be legally included as part of the cost of making such improvement.

SECTION 1989-b12, SUPPLEMENTAL SUPPLEMENT, 1915

14  
Reassessments upon  
Same Percentages

Should the cost of constructing the improvement herein provided for be in excess of the total amount received from the board of supervisors and from the township trustees and the amount realized from special assessments, the board of supervisors shall make a new assessment to cover the unpaid balance of the said cost, using as a basis for such re-assessment the same percentages as were used by the commission in making the first assessment and shall make an additional levy on the lands within said district in accordance with such re-assessment, and the additional amount thus charged against the county road system or the township road system shall be paid out of the same funds as was the original assessment.

In the event the amount received from the first levy and assessment made by the board of supervisors is insufficient to meet the cost of constructing such drainage improvement, the board is directed to make a new assessment to cover such unpaid balance of the cost, using in such new assessment and levy the same percentages as were used by them in the making of the first assessment and levy. The amount re-assessed against the county on account of the county road system shall be paid for out of the county road funds, and the amount re-assessed against the township on account of the township road system shall be paid for out of the township drainage funds.

SECTION 1989-b13, SUPPLEMENTAL SUPPLEMENT, 1915

15  
Board Has Control of  
Such Improvements

The improvement, when completed, shall remain under the jurisdiction of the board whose duty it shall be to keep the same in repair and for such purpose shall make additional appropriations from the county road funds and additional levies in the same proportion as originally determined.

All drainage improvements constructed under the provisions of this act shall remain under the jurisdiction and control of the board of supervisors. Such improvements shall be kept in good repair by the board of supervisors, and all funds necessary for the making of such repairs and improvements shall be raised by the board, by making new assessments and levies from time to time, and in the same manner and according to the same percentages as were used by the commission in making the first assessment and levy for the original cost of such improvement.

## Highways at Railroad Crossings

S. F. NO. 291, 36 G. A.

SECTION 2017, SUPPLEMENTAL SUPPLEMENT, 1915

Any such corporation may raise or lower any turnpike, plank road, or other road, for the purpose of having its railroad cross over or under the same, and, in such cases, such corporation shall put such road, as soon as may be, in as good repair and condition as before such alteration.

This is an old provision of statutory law. It authorizes any railway company to raise or lower any public highway crossing its tracks, in order that such railway may pass either over or under such public highway, thereby removing dangerous railway crossings. In all such cases the railroad is required to place the public highway in as good repair and condition as when it commenced to make such improvement, and to do so as promptly as possible.

In this connection see section 5486 of the Code; *Albia vs. C., B. & Q. Ry.*, 71 N. W. (la.), 541; *Gates vs. C., St. P. & K. C. Ry. Co.*, 82, la., 518; *See vs. Wab. R. R. Co.*, 123, la., 443; *Andre vs. C. & N. W. R. R. Co.*, 30, la., 107; *Farley vs. C., R. I. & P. Ry. Co.*, 42, la., 234; *Beatty vs. The Central Ia. R. R. Co.*, 58, la., 242, 247.

Wherever a railroad now crosses an established highway or when a new railroad crosses an established highway, or when it is desired to locate a new highway across an established railroad, or when it is desired by any citizen or the board of supervisors of any county or by the township trustees of any township, or by any railroad company operating a railroad in this state, for the safety of the public using such highway, to change, alter, relocate, or vacate an established highway, where same crosses a railroad, and the railroad company and the board of supervisors of the county or township trustees of any township in which such highway crossing is located cannot agree in respect thereto, the board of railroad commissioners of this state, upon application of either the board of supervisors or township trustees of any township or of twenty-five freeholders of said county, or the railroad company interested, are authorized and empowered, after hearing upon reasonable notice, to determine the necessity for such crossings, location thereof, whether the same shall be at grade or otherwise, the manner in which the same shall be constructed, maintained, or changed, division of expense thereof, and generally to make such orders in respect thereto as are equitable and just, including the right to require condemnation proceedings to be instituted by the board of supervisors as may be necessary to carry out such order;

This provision of the statute was first enacted in section 1, chapter 162, Acts of the Thirty-fifth General Assembly, except the portions thereof which appear in black-faced type, which portions were added, by way of amendment, by the Thirty-sixth General Assembly. The bill proposing such amendments was known as Senate File 291. The law, as amended, became effective July 4, 1915.

This statute authorizes the board of railroad commissioners to adjust all differences which may arise between any railroad and the public as to railroad crossings, and authorizes such board to make such orders in respect thereto as are just and equitable.

Matters of this kind may be submitted to the board of railroad commissioners upon application of,—

- (a) The board of supervisors;
- (b) The township trustees of any township;
- (c) Twenty-five freeholders of the county;
- (d) Any interested railroad company.

Such questions frequently arise whenever the safety of the public using a

1  
Railroad Crossings

2  
Hearings before Board of  
Railroad Commissioners



public highway requires the making of some change or improvement in order to remove a dangerous railroad crossing, and may occur whenever,—

- (a) A railroad now crosses an established public highway;
  - (b) A new railroad crosses an established public highway;
  - (c) It is desired to locate a new highway across an established railroad;
  - (d) It is desired by interested parties to remove a dangerous railroad crossing;
- and where an agreement cannot be reached by such interested parties as to some material matter connected therewith.

The board of railroad commissioners is required to give due and reasonable notice of any hearing called under the provisions of this law.

In the past the State Highway Commission has been successful in securing prompt and satisfactory agreements between the railroads and the public in many cases where dangerous railroad crossings were involved, and it is suggested that all matters of this kind be taken up with the Commission, thereby avoiding the delay and inconvenience of a formal hearing before the board of railroad commissioners, which in most cases would prove unnecessary.

3  
Property Held in Trust

Providing, however, that any portion of such expense that is borne by any city, town, county, state, or other public body, shall forever be considered as held in trust by said railroad company receiving same, and no part of the same shall be considered a part of the value of the properties of said railroad company upon which it is entitled to receive a return.

Whenever a portion of the cost of making any such improvement is paid by the public, the railroad company cannot include same in determining the value of their property upon which they are entitled to receive a return in the way of revenue.

## Water Mains on Highways

H. F. NO. 49, 36 G. A.

SECTION 1527-b, SUPPLEMENTAL SUPPLEMENT, 1915

Upon application to the board of supervisors of any county by any municipality, corporation, co-partnership or individual desiring to serve the public with water, or with ice manufactured therefrom, for permission to construct its water mains and lay its pipes in the public highway from such municipality to any stream, spring, river, lake or reservoir, the said board may grant the same upon condition that it shall not in any manner interfere with the public travel. The applicant shall be responsible for all damages that may arise from such construction, or from the same not being kept in repair.

1  
Water Mains on  
Public Highways

This statute as originally enacted is found in chapter 66, Acts of the Thirty-second General Assembly. It was amended by the Thirty-sixth General Assembly by adding thereto the portion of the above section which appears in black-faced type. This bill was known as House File 49. The amendments became effective by publication on the 19th of March, 1915.

This statute authorizes the board of supervisors to permit the construction of water mains and the laying of water pipes upon the public highways within their county when needed to serve the public with water or with ice manufactured therefrom, provided the exercise of such permission does not in any manner interfere with the public use of such highways. This permission may be granted to,—

- (a) Any municipality,
- (b) Any corporation,
- (c) Any co-partnership, or
- (d) Any individual,

provided the applicant for such right desires to conduct water along such public highway from some stream, spring, river, lake, or reservoir to some city, town or other municipality, in order to serve the public with water or with ice manufactured therefrom.

The county cannot be held responsible for any damages sustained by one on account of the construction or the lack of repair of any such improvement. This statute places all such liability upon the applicant holding such right in the public highway. The board of supervisors might properly require of any such applicant some reasonable obligation to protect the public against any such damage by reason of such improvement, as a condition precedent to securing such permission.



# Improvement of City Thoroughfares

S. F. NO. 143, 36 G. A.

## SECTION 840-h, SUPPLEMENTAL SUPPLEMENT, 1915

1  
Paving Districts in Cities  
for Improvement Prin-  
cipal Thoroughfares

Cities having a population of two thousand or more, shall have power to construct paved roadways along such streets, avenues or highways within said cities as, in the judgment of the city councils thereof, constitute main traveled ways into and out of such cities, and to repair, improve and reconstruct the same, all as in this chapter hereinafter provided.

This statute authorizes and empowers the proper officers of all cities of over two thousand population, except special chartered cities, to pave and keep in repair the main traveled thoroughfares in their respective jurisdiction which lead into and out of such cities. In this statute sufficient authority can be found for paving those highways within cities of over two thousand which are the connecting links between the paved streets of the business portion of such cities and the well improved and carefully kept highways coming up to the corporation line, and leading into such cities.

## SECTION 840-i, SUPPLEMENTAL SUPPLEMENT, 1915

2  
Paving Districts in Cities,  
Authority to Establish

Such cities shall have power to establish paving districts to embrace such portions of said cities as, in the judgment of the city councils thereof, will receive special benefits from the construction, repair, improvement, or reconstruction of such paved roadways, to change the boundaries of same from time to time as may become in the judgment of such councils, just and equitable and to assess so much of the cost of such paved roadways against all lots or tracts of land contained in the paving district within which such improvements are made, as shall equal and be in proportion to the special benefits conferred by said improvements and not in excess thereof. In no case shall such assessments exceed twenty-five per centum of the actual value of said lots or tracts at the time of levy thereof.

Special paving districts may be established by the city council, embracing therein such portions of the city as will specially benefit from the making of such improvement. The several lots and tracts of land within such paving district may be assessed for the making of such improvement, not to exceed twenty-five per cent of the actual value of the lots or tracts, in proportion to the special benefits conferred by reason of such improvement, but not in excess thereof.

## SECTION 840-j, SUPPLEMENTAL SUPPLEMENT, 1915

3  
Paving Districts,  
Establishment of

Whenever the council of any such city shall deem it advisable or necessary for the benefit of the city as a whole, to construct, repair, improve or reconstruct any paved roadway as authorized by this act, it shall, in a proposed resolution, declare such advisability or necessity, stating the streets, avenues or highways along which such improvement is to be made, the terminal points thereof, one or more kinds of material proposed to be used and the width of such paved roadway; establishing a paving district the lots or tracts of land embraced in which shall be assessed to pay the cost of said improvement as in chapter 7, title 5, of the code, and acts amendatory thereto provided; estimating the total cost of such improvement; and stating the proportion of such estimated total cost which will be assessed against each lot or tract of land in said district, which proportion shall be determined and fixed in accordance with the terms of this act, and with the benefits, value, area, distance from said roadway and accessibility thereto.

This section of the law states in detail the several matters which must be included in the proposed resolution of the city council which undertakes to proceed under this law. Such a proposed resolution should be carefully prepared by the attorney for the city, or by some other competent person in whom the city council has confidence.

## SECTION 840-k, SUPPLEMENTAL SUPPLEMENT, 1915

Before such proposed resolution shall be introduced the city council of such city shall cause to be prepared a plat and schedule which shall show the paving district proposed to be established; and each and every lot and tract of land therein contained, together with the proportion of the total cost which will be assessed against each said lot or tract, and an estimate of the total cost of the proposed improvement, said plat and schedule shall be filed in the office of the city clerk and shall be referred to as being so on file in said proposed resolution.

Before introducing any such proposed resolution, the city council is required to have prepared a plat and schedule showing,—

- The paving district proposed to be established;
- The several lots or tracts of land within such district;
- The proportion of total cost which will be assessed against each of such lots or tracts of land;
- The estimated total cost of such proposed improvement.

This plat and schedule must be filed in the office of the city clerk, and it must appear in the proposed resolution that such plat and schedule can be seen at the city clerk's office.

## SECTION 840-l, SUPPLEMENTAL SUPPLEMENT, 1915

Before action may be had upon any such proposed resolution, such city council shall cause such notice of the time when said resolution will be considered by it for passage to be given as provided in section 810 of the code and amendments thereto.

Due and legal notice of the time and place of the hearing upon such proposed resolution must be given before action can be had thereon. The matter of giving the due and statutory notice is one of extreme importance, and should have the careful attention of the city attorney.

## SECTION 840-m, SUPPLEMENTAL SUPPLEMENT, 1915

At the time fixed in said notice for consideration of said resolution, any citizen of such city, or owner of any property affected thereby, may appear and make written objection to the contemplated improvement, to the boundaries of the proposed paving district, to the proportion proposed to be assessed against any lot or tract, or to the passage of said resolution. At which hearing the resolution may be amended and passed, or passed as proposed.

The city council may, at the time of such hearing, pass such resolution as proposed, or amend same as to them seems advisable, and thereafter vote to adopt such amended resolution.

At the time of the hearing upon the proposed resolution, any interested property owner may appear and make written objection to either,—

- The contemplated improvement,
- The boundaries of such proposed paving district,
- The proportion of the cost proposed to be assessed against any particular lot or tract of land,
- The passage of such resolution, or
- To all of the above objections.

## SECTION 840-n, SUPPLEMENTAL SUPPLEMENT, 1915

Whenever the provisions of the preceding four sections of this act shall have been complied with, such council may, by ordinance or resolution, order the construction, repair improvement or reconstruction of said paved roadway, upon a yea and nay vote, entered of record, which record shall also show whether such roadway was petitioned for, or made on the motion of the council.

4  
Paving Districts,  
Assessment Plat

5  
Proposed Resolution  
Notice of Hearing

6  
Proposed Resolution,  
Hearing on

7  
Construction of Pavements  
Ordered



After having fully complied with all the statutory provisions which are made preliminary to the making of such paving improvement, the city council may, by ordinance or resolution, order the paving of any public highway within the jurisdiction of such cities. The vote upon such proposition must be by "yea" and "nay," and must be entered of record in the minutes of the proceedings of such city council. The records should also show whether such improvements were made upon the motion of the board, or upon petition of interested parties.

SECTION 840-o, SUPPLEMENTAL SUPPLEMENT, 1915

Such city shall have power after the completion of any improvement contemplated in this act, to levy upon all taxable property excepting moneys and credits in said city contained, an annual tax for the purpose of paying that portion of the cost of such improvement not borne by the special assessments levied against the lots and tracts of land embraced in the paving district established therefor, but the aggregate of all such levies shall not exceed ten mills, nor shall such levies in the aggregate, exceed one mill for any one year.

This statute authorizes the city council to levy a special annual tax for the purpose of paying that portion of the cost of such improvement not met by special assessment upon private property. Such levy for such improvement shall not, in the aggregate, exceed ten mills, neither shall the annual levy for any such improvements exceed one mill. All taxable property, except moneys and credits, within such cities shall be subject to such levy.

The city authorities may anticipate the collection of taxes levied under section 840-o, Supplemental Supplement, 1915. See section 840-p.

SECTION 840-p, SUPPLEMENTAL SUPPLEMENT, 1915

In no event shall such cities be authorized or empowered to pay more than fifty per centum of the total cost of any improvement contemplated in this act, out of the fund raised by the levy provided for in the preceding section nor out of any other city fund. But any such city may anticipate the collection of taxes authorized to be levied by the preceding section as provided by sections seven hundred fifty-eight-b and seven hundred fifty-eight-c of the supplement of the code, 1907, relating to bridge taxes.

At least fifty per cent of the total cost of making such public improvement must be assessed to private property within such district, and the city council is expressly prohibited by this statute from paying more than one-half the total expense of such improvement out of the general revenues of the city.

SECTION 840-q, SUPPLEMENTAL SUPPLEMENT, 1915

If any such street, avenue or highway along which any improvement herein contemplated is to be constructed, has not an established grade the city council shall cause a grade, or grades to be established therein, and no improvement provided for in this act shall be constructed upon any street, avenue or highway until the surface thereof shall have been graded so that such improvement when fully constructed will be at the established grade.

The city authorities are prohibited by this section from paving any public highway under the provisions of this law until it has first caused the grade of such public highway to have been established by some competent engineer, so that the improvement when completed will be at the established grade.

SECTION 840-r, SUPPLEMENTAL SUPPLEMENT, 1915

All the provisions of title five, chapter seven, of the code and amendments thereof, so far as the same are additional to this act or applicable thereto, shall be and remain in the same force and effect as in other street improvements. This act shall not apply to cities acting under special charter.

Chapter 7, Title V of the Code and all amendments thereto, in so far as they are in addition to this act and applicable to the making of improvements of this character, are supposed to apply to the making of the public improvements contemplated by this statute.

This statute was approved by the governor on the 26th of March, and became effective by publication on the 14th day of April, 1915.

## City One Mill Drag Fund

S. F. NO. 185, 36 G. A.

SECTION 887-a, SUPPLEMENTAL SUPPLEMENT, 1915

City and town councils, in cities having a population of less than eight thousand (8,000) and towns, may, at the time of levying taxes for other purposes, levy a tax of not more than one mill on the dollar of the taxable value of such city or town, which shall be used for dragging the roads or streets of such city or town, and for no other purpose.

This statute authorizes the proper authorities of cities having less than eight thousand population, and towns, to levy a drag fund tax of not more than one mill on the dollar of the taxable property of such city or town, if, in their judgment, they deem it in the interest of the public. This levy is made in the same manner and at the same time as are all other levies for city purposes. This city drag fund must be used by the city council for no other purpose than that of dragging the roads and streets within the respective jurisdictions of such cities or towns.

1  
Tax for Road Dragging  
in Cities and Towns



# Registration of Highway Routes

## AN ACT PROVIDING FOR THE REGISTRATION OF HIGHWAY ROUTES

CHAP. 125, 35 G. A.

### SECTION 1527-s22, SUPPLEMENT TO THE CODE, 1913

Any association organized to promote the improvement of any continuous highway not less than twenty-five (25) miles in length may, by making application to the state highway commission, register in the office of said commission the name, detailed route, color combination and design used in marking said route. The highway commission shall have power to determine priority of right in the use of the said name, color combination and designs.

In this statute we find the statutory regulations governing the registration of detailed route, color combination, and designs used in marking those special highway routes throughout the state which form a continuous highway twenty-five miles or more in length. Such highways may be registered on application to the State Highway Commission by the association organized to promote the improvement of such highway. Questions of priority of right in the use of the name, color combination and design are determined by the Commission.

### SECTION 1527-s23, SUPPLEMENT TO THE CODE, 1913

The application shall be in the form prescribed by the commission upon blanks furnished by it, and shall be properly acknowledged by the president and secretary of the association before a notary. Said application shall be accompanied by a registration fee of five dollars (\$5), which fee shall be returned to the association if the application be not granted.

Any such association desiring to register a particular highway route, should cause its president and secretary to make the application to the Commission on blanks specially prepared by such Commission, and to verify the statements made in such application. A registration fee of five dollars must accompany the application, but this is returned if such registration is refused.

### SECTION 1527-s24, SUPPLEMENT TO THE CODE, 1913

If the state highway commission shall, after investigation, adjudge the application meritorious and the route to be worthy of the protection of this act, it shall issue to the association a certificate which shall designate in detail the name, the starting and the terminal points, the color combination and designs used in marking the route; all of which facts shall be recorded as a part of the permanent records of the commission in a book kept for that purpose.

In all cases where registration is granted, the Highway Commission is required to issue to the association making application therefor a certificate upon which shall be designated the name, the starting and terminal points, the color combination, the design used, etc., of such registered highway. A permanent record must also be made of all these facts by the Commission in a book specially kept for such purpose.

### SECTION 1527-s25, SUPPLEMENT TO THE CODE, 1913

It shall be unlawful for any person or association of persons to use for similar purposes the name, any recorded color combination and designs herein referred to.

Only the association organized to promote the improvement of any registered highway is permitted to use the name, the color combination or the design which it has caused to be registered. This statute expressly prohibits all others from using same.

### SECTION 1527-s26, SUPPLEMENT TO THE CODE, 1913

Any person who shall injure or deface any sign board, design or other markings designating routes, shall be subject to the provisions of section forty-eight hundred one (4801) of the code.

Under this provision it is made a criminal offense, under section 4801 of the Code, for any person to injure or deface any signboard, sign or other markings used in the designation of such public highways.

### SECTION 1527-s27, SUPPLEMENT TO THE CODE, 1913

When any such highway association ceases to exist or when the interest in the route, name and markings has ceased, the state highway commission may, after proper investigation, cancel the records and registration herein referred to and reassign the name, color combination, designs or other markings to any association making application for their use.

This statute authorizes the Highway Commission to cancel the record and registration of any such highway route should it be discontinued, or if the association ceases to exist and all interest has been lost in the route, name and marking of same, and thereafter the Commission may register the name, color combination, design and other markings in connection with some other highway route.

### SECTION 1527-s28, SUPPLEMENT TO THE CODE, 1913

All fees received by the state highway commission under this act shall be turned into the state treasury.

All registration fees received by the State Highway Commission are paid into the state treasury.

### SECTION 1527-s29, SUPPLEMENT TO THE CODE, 1913

Any person or officer of any association violating any of the provisions of this act shall be guilty of a misdemeanor.

The violation of this act constitutes a misdemeanor, and since no penalty for such violation is herein provided, it would be governed by the law as it appears in section 4906 of the Code, wherein it is provided that one convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than one year, or by a fine not exceeding \$500.00, or by both such fine and imprisonment.

5  
Unlawful to Injure  
Markings

6  
Discontinuance of  
Route

7  
Fees Paid to the State

8  
Violations Constitute  
Misdemeanor

1  
Route Must Be Twenty-  
five Miles in Length

2  
Registration Fee of  
Five Dollars

3  
Certificate of  
Registration

4  
Prohibiting Duplications



# Purchase and Condemnation of Gravel Pits

## AN ACT PROVIDING FOR THE PURCHASE AND CONDEMNATION OF GRAVEL PITS BY SUPERVISORS

S. F. 517; CHAP. 164, 35 G. A.

### SECTION 2024-i, SUPPLEMENT TO THE CODE, 1913

1  
Securing of Gravel Pits

The board of supervisors of any county is hereby authorized and empowered within the limits of such county and without the limits of any city or town, to procure, purchase or condemn, enter upon and take any lands, not to exceed five acres in any one place, for the purpose of obtaining gravel or other suitable material with which to improve the roads and highways of such county including a sufficient roadway to such land by the most reasonable route, and to pay for the same out of the county road funds, and it shall be the duty of the board of supervisors of each county, where such material can be found within the county as herein provided, to procure, purchase or condemn such tracts so that no part of the county shall be more than six miles distant from land where such material can be obtained for highway purposes; provided, however, that the board of supervisors shall not be required to purchase such land, but may procure the road material at any place within or without the county when the combined cost of obtaining and hauling the same is not greater than the cost would be by condemnation proceedings under this act.

This statute not only authorizes but directs the board of supervisors of each county, where such material can be found within the county, to secure a sufficient number of gravel pits, if possible, that no part of the county would be more than six miles distant from gravel or other suitable material with which to improve the highways of such county. The board is here given the authority to purchase or condemn any gravel land within the county and outside cities or towns, not to exceed, however, five acres in any one place. This statute does not, however, require a county to purchase such gravel pit if it is cheaper for such county to secure its road material by purchase than it would be to condemn such gravel pit and pay for same out of the public revenue.

### SECTION 2024-i1, SUPPLEMENT TO THE CODE, 1913

2  
Township Trustees May  
Take Gravel

The township trustees of any township in such county shall have the right to enter upon, take and use any such land, gravel or other suitable material for the purpose of improving the highways and roads within their respective townships.

This statute authorizes and empowers township trustees to take gravel and other road material for road purposes from any county gravel pit within their jurisdiction, and to do so without compensation to the county.

### SECTION 2024-i2, SUPPLEMENT TO THE CODE, 1913

3  
Improvement Associations  
May Take Gravel

Road improvement companies, corporations, voluntary associations, commercial clubs, road improvement districts, and individual citizens shall have the right to enter upon said land and haul and use said material for public road improvement.

All gravel and other building material found in these county gravel pits may

be taken without expense for the purpose of improving public highways and of making road improvements by,—  
(a) Road improvement companies,  
(b) Corporations,  
(c) Voluntary associations,  
(d) Commercial clubs,  
(e) Road improvement districts,  
(f) Individual citizens.

Any person, company, corporation or club using said material for any other purpose than public road improvement, shall be guilty of a misdemeanor, and upon conviction, fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisonment in the county jail not more than thirty (30) days, or both.

The wrongful taking or using of any such gravel or building material from said county gravel pits for purposes other than public road improvement, under this statute, is a criminal act for the conviction of which, one may be fined not less than one hundred nor more than five hundred dollars, or may be imprisoned within the county jail for not more than thirty days, or may be both fined and imprisoned.

### SECTION 2024-i3, SUPPLEMENT TO THE CODE, 1913

In case the board of supervisors of any county shall fail, neglect or refuse to perform the duty imposed upon them by this act, the members thereof shall be subject to removal from office for failure to perform their duty as provided by chapter 78 of the acts of the thirty-third general assembly as amended.

This statute makes the failure, neglect or refusal of the board of supervisors to perform the duties of this act an added ground of removal by which any member of such board of supervisors can be removed from office under the provisions of Chapter 8, Title VI, Supplement to the Code, 1913. The seven grounds upon which a member of the board of supervisors may be removed from office are:  
(1) For wilful or habitual neglect or refusal to perform the duties of his office;  
(2) For wilful misconduct or maladministration in office;  
(3) For corruption;  
(4) For extortion;  
(5) Upon conviction of a felony;  
(6) For intoxication, or upon conviction of being intoxicated;  
(7) For failure, neglect or refusal to perform the duties required under section 2024-i, Supplement to the Code, 1913.

The first six of these grounds are set forth in section 1258-c, Supplement to the Code, 1913; the seventh in the above section.

This law providing for the purchase and condemnation of gravel pits was approved April 17, and went into effect by publication on the 22d day of April, 1913.

4  
Penalty for Unlawful  
Use of Gravel

5  
Removal of Supervisors



## Board of Supervisors to Give Bond

### AN ACT REQUIRING MEMBERS OF THE BOARD OF SUPERVISORS TO GIVE BONDS

H. F. NO. 58, 35 G. A.

#### SECTION 1, CHAPTER 113, ACTS 35 G. A.

That section eleven hundred eighty-two (1182) of the code be and the same is hereby amended by striking out the words "county supervisors" in line six of said section.

The old law as it appeared in section 1182 of the Code contained a list of the public officers who were not required to give bonds. Before the enactment of this law the members of the board of supervisors were not required to give bonds and were included in this list. (See section 1182-a, Supplement to the Code, 1913.)

#### SECTION 1182-a, SUPPLEMENT TO THE CODE, 1913

That all county supervisors in the state of Iowa shall be compelled to give bonds for the faithful performance of their duties in such sums as shall be approved by one of the district judges of their respective districts where the supervisor resides. The amount of such bond shall not be less than five thousand (\$5,000.00) dollars, and shall be approved by and left in the custody of the clerk of the district court.

Every member of the board of supervisors must give a bond for the faithful performance of his duty. The bond must be in the penal sum fixed by some one of the judges of the district court in and for the county in which such supervisor resides, but in no case can it be less than \$5,000.00. Such bond must be approved by the clerk of the district court for the county in which such supervisor resides, and left in the custody of such clerk.

## County Engineers to File Itemized Accounts

### AN ACT REQUIRING COUNTY ENGINEERS TO FILE ITEMIZED ACCOUNTS

S. F. NO. 414, 36 G. A.

#### SECTION 1527-s21b, SUPPLEMENTAL SUPPLEMENT, 1915

All county engineers, employed in drainage or road work for the county or any drainage district, and all their assistants engaged in such work, shall file an itemized and verified account, before the board of supervisors, stating the time actually employed each day, the place where such work was done, the character of the work done, and also file vouchers for any expense, with such account.

This law became effective July 4, 1915. It requires county engineers and their assistants to file with the board of supervisors itemized and verified accounts; also vouchers for any expense incurred and paid by them. This applies to all engineering work, including that done for drainage districts.

In order to have the necessary data from which to make up such itemized and verified accounts, all engineers should keep a daily record of their office, showing, among other things, the following:—

- (a) Character of the work,
- (b) Place of performance of such work,
- (c) Number of hours actually employed,
- (d) Every item of expense, including mileage.

#### SECTION 1527-s21c, SUPPLEMENTAL SUPPLEMENT, 1915

Any false statement wilfully made in said account shall subject the person filing the same to the pains and penalties of perjury.

Under this provision one wilfully making a false statement in any such engineer's verified account is guilty of the crime of perjury.



## Attorney-General to Defend Suits for Infringement of Patents

AN ACT AUTHORIZING THE ATTORNEY-GENERAL TO DEFEND SUITS BROUGHT FOR ALLEGED INFRINGEMENT OF PATENTS COVERING PROCESSES, DEVICES OR MATERIALS USED IN HIGHWAY CONSTRUCTION.

H. F. NO. 517; CHAP. 4, 35 G. A.

### SECTION 64-a, SUPPLEMENT TO THE CODE, 1913

1  
Attorney General to  
Defend Patent Suits

The governor, whenever he deems such action to be in the interest of the public, shall have power to direct the attorney general to appear for and on behalf of any county, city, town or other municipality of this state or for and on behalf of any officer thereof or contractor therewith, whenever any such county, city, town or other municipality or officer or contractor is a party to any action or proceeding in any court wherein is involved the validity of any alleged patent on any matter or thing entering into highway, bridge or culvert construction, or on any parts thereof, and may employ such legal assistance in addition to the attorney general as he may deem necessary and may pay for the same out of any fund in the state treasury not otherwise appropriated. Whenever the attorney general is so directed by the governor it shall be his duty to comply therewith.

Whenever any county, city, town or other municipality of Iowa, or any officer thereof or contractor therewith, has been made the defendant in any action involving the validity of a patent affecting road or bridge construction, the governor may, if he deems such action to be in the interests of the public, direct the attorney general to appear and defend any and all such defendants. The governor may also employ a patent attorney to assist the attorney general in defending actions of this character. All expenses incurred in making such defense can be paid out of the general revenues of the state.

### SECTION 2, CHAP. 4, 35 G. A.

2  
Date Effective

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 the Des Moines Capital, newspapers published at Des Moines, Iowa.

This law became effective April 20, 1913. The supervisors, county engineers, township trustees, and all other public officials having charge of the making of public highway improvements should promptly report to the attorney general at Des Moines, Iowa, or to the State Highway Commission at Ames, Iowa, any and all interferences with them in the performance of their official duties by the owners of alleged patents, on any matters or things entering into highway, bridge or culvert construction, or by the agents or representatives of such owners, and also all threats made by any such owners or agents in an effort to collect a royalty for the use of patented processes, devices or materials in the construction and improvement of public highways. The county attorney should also report all such matters coming to his official attention.

## Penalizing Unlawful Combinations

AN ACT PENALIZING UNLAWFUL COMBINATIONS IN MAKING PUBLIC CONTRACTS

H. F. NO. 380; CHAP. 21, 35 G. A.

### SECTION 1279-c, SUPPLEMENT TO THE CODE, 1913

The following provisions shall be deemed and held to be a part of every contract hereafter entered into by any person, firm or private corporation with the state of Iowa, or with any county, city, town, city acting under special charter, cities acting under commission form of government, school corporation or with any municipal corporation, now or hereafter created, whether said provision be inserted in such contract or not, to-wit:

The party to whom this contract has been awarded, hereby represents and guarantees that he has not, nor has any other person for or in his behalf, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer, whereby he has paid or is to pay to any other bidder or public officer any sum of money or anything of value whatever in order to obtain this contract; and that he has not, nor has another person, for or in his behalf, directly or indirectly, entered into any agreement or arrangement with any other person, firm, corporation or association which tends to or does lessen or destroy free competition in the letting of this contract and agrees that the establishment of the falsity of these representations and guarantees, or any of them, and he hereby agrees that in case it hereafter be established that such representations or guarantees, or any of them, are false, he will forfeit and pay not less than five per cent (5%) of the contract price, but in no event be less than three hundred dollars (\$300.00), as liquidated damages to the other contracting party.

If it can be satisfactorily shown that any public contractor who has a contract with the county has secured such contract by entering into an unlawful combination with any other person, or with any other bidder, or with any public official, and thus lessened or destroyed the competition in the letting of such contract, such public contractor can be made to forfeit and pay over to such county five per cent of the contract price, but in no event less than three hundred dollars.

In any action in any court wherein the falsity of such representations and guarantees are at issue, no witness shall be privileged from testifying to any matter or from producing any books, papers, or letters, on the ground that the same might or would tend to render such witness criminally liable, but such witness shall not be prosecuted for any offense whatever growing out of or connected with the matters and things so testified to or produced by him, provided such witness shall not be exempt from prosecution for perjury committed in so testifying.

In any legal action of this character, witnesses cannot refuse to furnish testimony or to testify on the grounds that the giving of such testimony might tend to incriminate themselves, but no such witness, after having given such testimony, can be prosecuted criminally for matters connected with or growing out of such litigation, except that such witness may be prosecuted for perjury, if it can be proven that he has given false testimony.

1  
Guarantee of Contractor

2  
Compelled to Testify



## The Township Drag Fund

### SECTION 1570-b2, SUPPLEMENT TO THE CODE, 1913

The township trustees at the time of making the annual levy of the township for road purposes, as provided in section fifteen hundred and twenty-eight (1528), of the Supplement to the Code, 1907, shall each year levy one mill on the dollar on the amount of the township assessment for that year, which shall be designated as the dragging fund and shall be expended only for the purpose of dragging the roads within the township.

This portion of the statute is taken from the old drag law found in chapter 2, title VIII, Supplement to the Code, 1913, which old drag law was, by section 1527-s21, Supplement to the Code, 1913, repealed in so far as it conflicted with chapter 1-A, title VII, Supplement to the Code, 1913. The new drag law regulating the dragging of the township road system is found in section 1527-s13, Supplemental Supplement, 1915, while the present drag law regulating the dragging of the county road system is found in section 1527-s15, Supplement to the Code, 1913. The law regulating the dragging of streets and highways within the limits of cities and towns is found in sections 1570-b to 1570-b5, inclusive, Supplement to the Code, 1913.

1  
Township One Mill  
Drag Fund

## City Special Bridge Fund

### SECTION 758, SUPPLEMENTAL SUPPLEMENT, 1915

Cities of the first class and also cities of the second class having a population of five thousand or over, and which are traversed by a stream two hundred feet or more in width from shoreline to shoreline shall have full control of the bridge fund levied and collected as provided by law, and shall have the right to use the same for the construction of bridges, culverts, and approaches thereto, repairing the same, and paying bridge bonds and interest thereon issued by such city, and shall be liable for defective construction thereof, and failure to maintain the same in safe condition as counties now are with reference to county bridges; and no county shall be liable for any such bridge or injuries caused thereby.

This statute places all moneys arising from the county bridge levy on the property within any city of over five thousand population in the control of the authorities of such city, as a special city bridge fund, provided such city is traversed by a stream two hundred feet or more in width. This fund may be used by the city authorities for the construction of bridges, culverts, and approaches thereto, and for the repair of such bridges or culverts, and in paying bridge bonds and interest thereon issued by such cities. Such cities are responsible for the condition of such bridges or culverts, and liable for any damages sustained by reason of their defective condition, and the county is to that extent relieved from such liability.

The above statute does not authorize cities to levy a special bridge tax but merely gives them control of the bridge fund levied and collected, as provided by law, from property within their respective limits. The tax is levied by the board of supervisors under authority of sub-division 4, section 1303, Supplemental Supplement, 1915. The city authorities are not required to certify to the county auditor the levy to be made for such bridge fund.

### SECTION 758-a, SUPPLEMENTAL SUPPLEMENT, 1915

When the whole or any part of the cost of building or reconstruction of any bridge by a city of the first class or any city of the second class having a population of five thousand or over, and which is traversed by a stream two hundred feet or more in width from shoreline to shoreline shall be ordered paid from the city bridge fund, to be levied upon all property within any such city, it shall have the power, after the completion of the work, by ordinance or resolution, to levy at any one time the whole or any part of the cost of such improvement upon all of the taxable property within such city and determine the whole percentage of tax necessary to pay the same, and the percentage to be paid each year, not exceeding two-thirds of the maximum annual limit of the tax such city may levy for a bridge fund, and the number of years, not exceeding twenty-five, given for the maturity of each installment thereof, but no part of such costs shall be levied against property owned by the city, county, state or the United States. Certificates of such levy shall be filed with the auditor of the county or counties in which said city is located, setting forth the amount or percentage and maturity of said tax, or each installment thereof, upon the assessed valuation of all the property in said city, certified as correct by the city clerk or auditor, and thereupon said tax shall be placed upon the tax lists of the proper county or counties.

This section authorizes and empowers cities of certain kinds to levy a special city bridge tax for the purpose of building or re-constructing a bridge within such city, and sets forth the statutory regulations governing the making of such levy.

1  
Bridge Fund—What Cities  
Have Control Over

2  
Special City Bridge Tax



outside of the limits of cities and towns, and the city or town clerk is required to furnish him with a certified statement of the total number of miles of unpaved streets within the limits of their respective cities or towns, such statements to be filed ten days before the first day of April and the first day of August respectively. Upon receipt of this apportionment, the city treasurer is required to charge himself with the amount received and to notify the city or town clerk or auditor of such amount. The amount apportioned to the cities and towns out of this motor vehicle fund can only be used by such cities or towns in one of two ways,—

- (1) Expended in improving the unpaved streets and roads connecting directly with the county road system or the township road system, or
- (2) Transferred to the county road cash fund to be expended by the board of supervisors on the county road system, provided the city or town council authorizes such transfer.

3  
Purposes for which Fund  
May Be Used

The total amount of funds so received by the county treasurer, less the amount apportioned to the various cities and towns, as herein provided, shall constitute the county motor vehicle road fund and shall be expended for the following purposes only: the crowning, drainage, dragging or gravelling of public highways outside the limits of cities and towns, and for the building of permanent culverts on such highways. Such fund shall be paid out on warrants drawn by the county auditor, duly authorized by the board of supervisors and entered of record. The same procedure shall apply to the expenditure of this fund as to the expenditure of other road and bridge funds.

The unapportioned part of the motor vehicle road fund constitutes the county motor vehicle road fund and must be expended by the board of supervisors for no other purpose than the,—

- (a) Crowning,
- (b) Drainage,
- (c) Dragging, or
- (d) Gravelling of public highways outside the limits of cities and incorporated towns, or for the
- (e) Building of permanent culverts upon such public highways.

No moneys can be drawn out of this fund except upon warrants drawn by the county auditor after having been duly authorized by the board of supervisors, and after such authorization has been duly entered in the minutes of the proceedings of such board.

4  
Apportionment to State  
Treasury and to State  
Highway Commission

Five per cent of all moneys paid into the state treasury on and after the taking effect of this act and pursuant to its provisions, shall be set aside and shall constitute a maintenance fund for the state highway commission. Said five per cent shall be used for no other purpose than as a maintenance fund for said state highway commission, and shall be drawn out only on warrants drawn by the auditor of state on itemized vouchers approved by the state highway commission, the expenditures of which commission shall be audited by the executive council, and a full and complete report of all said expenditures shall be published in the annual report under the act creating the state highway commission. At the end of each biennial period ending January 1, 1917, the funds remaining in the highway maintenance fund shall be placed to the credit of the general fund.

Five per cent of the fees received by the state on account of the registration of motor vehicles is set aside as a maintenance fund for the State Highway Commission, which fund can only be paid out on warrants drawn by the auditor of state on itemized vouchers which have been approved by the State Highway Commission, the expenditures of which must be audited by the state board of audit. The unexpended portion of such State Highway Commission maintenance fund at the end of each biennial period is turned into the general revenues of the state.

## The Weed Law

### SECTION 1565-a, SUPPLEMENTAL SUPPLEMENT, 1915

It shall be the duty of each owner, occupant, person, company or corporation in control of any lands within the state of Iowa, whether the same shall consist of improved or unimproved lands, town or city lots, lands used for railway right of way or depot grounds, lands in which the public has an easement for road, street or other right of way, or lands used for any other purpose whatsoever, to cut, burn, or otherwise entirely destroy all noxious weeds as defined in section two (2) hereof at such times in each year and in such manner as shall prevent the said weeds from blooming or coming to maturity, and to keep the said lands free from such growths of other weeds as shall render the streets or highways adjoining the same unsafe for public travel or shall interfere in any manner with the proper construction or repair of the said streets or highways, and shall cause to be cut, near the surface, all weeds on the streets or highways adjoining said lands between the first day of July and the first day of August of each year. But nothing herein shall prevent the land owner from harvesting the grass grown upon the roads along his land in proper season.

The two words which appear in bold face type were added by H. F. No. 72, 36 G. A. They were substituted for the word "fifteenth," which appeared in the earlier act.

The owners or persons in control of any and all lands in the state must destroy the noxious weeds on said lands and on the adjoining highways before they mature, and must also cut all other weeds upon such highways between July 1st and August 1st of each year.

### SECTION 1565-b, SUPPLEMENT TO THE CODE, 1913

The following weeds are hereby declared to be noxious weeds namely: quack grass (*agropyron repens*), Canada thistle (*cirsium arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica arvensis*), sour or curled dock (*rumex crispus*), smooth dock (*rumex altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), wild parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), velvet weed or button weed (*abutilon theophrasti*), burdock (*arctium lappa*), shoofly (*hibiscus trionum*), wild carrot (*daucus carota*) and Russian thistle (*salsola Kali*, L. Var. *Targus*).

This section specifies fourteen different kinds of dangerous weeds, and defines them as noxious.

### SECTION 1565-c, SUPPLEMENT TO THE CODE, 1913

If any such owner, occupant, person, company or corporation in control of any such land shall fail or neglect to do the things necessary to prevent the said noxious weeds on any such land from blooming or coming to maturity, or shall permit weeds thereon contrary to the provisions of section one (1) hereof, or if it shall appear that there is danger that any such noxious weeds on any such land may mature, then upon their own motion or upon complaint made to any members thereof, it shall be the duty of the board of trustees of the township in which such land lies or to which such land may be adjacent and within the same county, or of the town council or board of commissioners if within the limits of an incorporated town or city, to make investigation of such condition or complaint, and if it appears that there is danger that any such noxious weeds may mature

1  
Duty of Owners, Occu-  
pants or Persons in Con-  
trol of Lands Must De-  
stroy Weeds—Time

2  
Noxious Weeds Defined.

3  
Failure of Owners to  
Destroy

Duty of Trustees to Act on  
Own Motion or on Com-  
plaint of Any Member



Shall Fix Time When  
Weeds Shall Be De-  
stroyed and Shall Serve  
Notice on Owner

If Order Is Not Complied  
with, Trustees Shall De-  
stroy all Weeds

All Costs Shall Be Ad-  
vanced from Township  
Road Fund

Shall Assess all Costs as  
Special Tax Against  
Land

Before Making Said As-  
sessment the Owner  
Shall Be Given Hearing

or that weeds thereon render or are about to render the streets or highways adjoining the land unsafe for public travel or interfere or are about to interfere in any manner with the proper construction or repair of the said streets or highways, the said board of trustees, town council or commissioners, as the case may be, shall make an order fixing the time within which the weeds shall be prevented from maturing seed or the said weeds shall be destroyed, prescribing the manner of their destruction, and shall forthwith give notice in writing of the said order personally to the owner of the land upon which the same exist if service of such notice can be made within the township in which such land is situated, and if it can not be so served, then by mailing said notice by registered mail to the owner at his last known address, and also by giving a copy of the notice to the person, company or corporation in the apparent control or occupancy of said land, whose duty it shall also be to mail said notice to the owner, and if the order so made is not substantially complied with by the time fixed in the order and after reasonable notice as herein provided, then it shall be the duty of the board of trustees, town council or commissioners, as the case may be, forthwith to cause said order to be fully performed, and the expense of the same, including the costs of serving said notice and the special meetings of the board of trustees, town council or commissioners, if any were required, shall be advanced out of the township road fund, or town or city general fund, as the case may be; or if the said fund shall be insufficient therefor, the town council, commissioners, or the board of trustees may borrow the money necessary to advance the same by issuing warrants of a like amount upon the road fund, or upon the town or city general fund, and at any meeting of the board they shall assess all of the same against the said land and the owner thereof by a special tax which shall be certified and collected together with interest and penalty after due in the same manner as road taxes unpaid and shall be collected by the county treasurer and when collected shall be paid into the fund upon which said warrants were drawn. Before making said assessment, ten days' notice shall be given such owner of the time and place of meeting of the trustees, council or commissioners, which notice shall also contain a statement of the work done and the expense thereof with costs, and shall be given in the same manner as originally given to owner as hereinbefore provided. At said time and place such owner may appear with the same rights given by law before boards of review upon increase in assessments.

The duty to destroy all noxious weeds upon any lands within the state of Iowa is by this statute placed, primarily, upon the owner or occupant of such lands. If neither the owner nor the occupant of such land destroys such noxious weeds before they mature, the township trustees, under authority of this section of the law, may, under certain circumstances specified in this section, cause such weeds to be destroyed as required by law, and assess the entire expense thereof against the said land and the owner thereof by a special tax. If the land upon which such noxious weeds are permitted to mature is within the jurisdiction of any city or incorporated town, the proper city authorities shall proceed in the same manner as would the township trustees of the township, were such land outside the limits of such cities or incorporated towns.

#### SECTION 1565-d, SUPPLEMENT TO THE CODE, 1913

4  
Duty of Trustees to Con-  
sider Condition of all  
Lands and Highways, on  
Own Motion or on  
Complaint

Weeds Shall Be Ordered  
Destroyed and Costs  
Assessed

It shall be the duty of the board of trustees of each township to consider the conditions of all lands and highways within the township and outside of incorporated towns and cities as to noxious weeds, and the town councils and commissioners shall have the same duties with reference to lands within their respective towns or cities, and on complaint made to them or on their own motion, whenever it may appear that any of such lands within their jurisdiction are infested with noxious weeds or other weeds, whether about to bloom and mature or not, they shall order their destruction before a date to be fixed in the said notice and prescribe the manner in which the destruction shall be accomplished, notice of which order shall be given as provided in section three (3) hereof, and if the said order shall not be complied with, the board may proceed to cause the said order to be

performed and shall certify the expense thereof and it shall be paid and assessed to the lands upon which the same shall have been destroyed and to the owners or owner thereof and be collected in the same manner as is provided for the expense of proceedings under section three (3) hereof.

It is made the specific duty of the township trustees, under this provision of the law, to familiarize themselves with the condition of all lands and public highways within their jurisdiction with respect to the presence of noxious weeds upon such lands and public highways, and it is their duty to proceed on their own motion to cause all such noxious weeds to be destroyed. This statute also places the same duties and requirements upon proper authorities of cities and incorporated towns with reference to the lots, streets and public highways within their respective jurisdiction. All actual expenses incurred in the performance of these duties must be assessed against the property and the owners of the lands affected by the presence of such noxious weeds.

#### SECTION 1565-e, SUPPLEMENT TO THE CODE, 1913

It shall be the duty of all officers directly responsible for the care of public highways to make complaint to the proper township trustees or town councils or commissions, as the case may be, whenever it shall appear that the provisions of section one (1) hereof may not be complied with in time to prevent the blooming and maturing of noxious weeds or the unlawful growth of weeds, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

This section makes it the duty of the board of supervisors and county engineer to notify the township trustees of the presence of any weeds growing upon the county road system in violation of law. It also requires the superintendent of the township road system to notify such township trustees of the presence of any weeds upon the township road system growing in violation of law; it also requires the street commissioner, or city engineer, or some other officer in direct charge of the streets and public highways of incorporated cities and towns to notify the city or town council or commission having jurisdiction. These public officers, directly responsible for the care of streets and public highways, are also required under this section to report to the proper authorities the presence of any weeds upon land adjoining such streets and highways under their jurisdiction when such weeds are permitted to grow and mature in violation of law.

#### SECTION 1565-f, SUPPLEMENT TO THE CODE, 1913

All of the provisions of this section relating to the duty of the owner of the lands to prevent the blooming and maturing of noxious weeds thereon and to destroy such growths of other weeds thereon as may interfere with the use of highways shall apply also to cities and towns and the proper officers there as to all streets, highways and lands of any kind within their borders the fee of which shall rest in the public.

The proper officers of all cities and incorporated towns are required to prevent the blooming and maturing of all noxious weeds on all lands within their jurisdiction belonging to the public, and also upon all streets and highways abutting upon any such property.

#### SECTION 1565-g, SUPPLEMENT TO THE CODE, 1913

It shall be the duty of the township clerk, between the first and fifteenth days of May of each year, to post in two conspicuous places in each school district of the township a notice calling attention to the weed law of the state of Iowa and giving a list of the noxious weeds contained therein and notifying the property owners to meet the requirements of the law.

This section requires the township clerk to post notices during the first fifteen days of May of each year calling attention to the provisions of the law requiring destruction of noxious weeds within the state of Iowa.

5  
The Township Road Su-  
perintendent Is Directed  
to Make Complaint to  
the Township Trustees

6  
City Officials Are Respon-  
sible for all Streets,  
Highways and Lands In-  
side Their Corporate  
Limits for Which Title  
Is Held by the Public

7  
Township Clerk Shall Post  
Notices Between May  
1st and 15th



SECTION 1565-h, SUPPLEMENT TO THE CODE, 1913

8  
Township Clerk Shall  
Make Report to County  
Board of Supervisors  
Annually

It shall be the duty of the township clerk, between the fifteenth and thirtieth days of October of each year, to make a report to the board of supervisors of the county in which his township is situated as to the presence and location of noxious weeds that have been reported or found within the township and the steps taken to bring about the destruction thereof, a copy of which report shall be forwarded to the board of supervisors to be kept on file and a copy of the same to be forwarded by them to the secretary of the Iowa department of agriculture not later than the first day of December following.

The township clerk is required under this section to report the conditions in his township relative to the presence of noxious weeds and the progress made in the destruction of same to the board of supervisors, which board of supervisors is required to furnish a copy of such report to the Iowa department of agriculture not later than December 1st of each year. The report of the township clerk must be filed during the latter half of October.

SECTION 1565-i, SUPPLEMENT TO THE CODE, 1913

9  
A Penalty of \$100 or Less  
May Be Assessed for  
Failure to Comply

Any township trustee or road officer or other officer who neglects or fails to perform the duties incumbent upon him under the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Any public official refusing or neglecting to perform the duties required of such public officer under the provisions of this act is guilty of the crime of misdemeanor, and upon conviction thereof may be fined not exceeding one hundred dollars for each such failure and neglect.

SECTION 1565-j, SUPPLEMENT TO THE CODE, 1913

10  
Repeal of Chapter 96 of  
Acts of the Thirty-third  
General Assembly

Chapter ninety-six (96) of the acts of the thirty-third general assembly is hereby repealed.

The old weed law was found in chapter 96, acts of the Thirty-third General Assembly, and is expressly repealed by this section.

SECTION 11, CHAPTER 128, ACTS 35 G. A.

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

This law went into effect by publication on the 1st day of May, 1913.

## Weeds on Right of Way

SECTION 2110-i, SUPPLEMENT TO THE CODE, 1913

It shall be the duty of every corporation owning or operating a railroad in this state on written notice from the owner, lessee or occupant of any land abutting upon its right of way to cut and burn, or otherwise destroy once each year during the month of July, all cockleburrs, burdock weeds, quack grass and thistles on its right of way adjacent to said land.

In addition to the requirements of the general weed law, this statute imposes upon the railroad corporations the duty to destroy certain weeds upon their right of way on receipt of notice from the owner or occupant of the land abutting said right of way.

SECTION 2110-j, SUPPLEMENT TO THE CODE, 1913

Any failure to comply with the provisions of this act shall be deemed as a misdemeanor and shall be punished accordingly.

A failure to comply with such notice is deemed a misdemeanor.

SECTION 2110-k, SUPPLEMENT TO THE CODE, 1913

It shall be the duty of the county attorneys in the respective counties to enforce the provisions of this act.

If any railroad corporation fails to comply with such written notice, the property owner or lessee filing same, should report his complaint to the county attorney.

1  
Duty of Railroad Corpora-  
tions as to Weeds

2  
Failure to Comply a  
Misdemeanor

3  
County Attorneys  
to Enforce



## PART THREE

# Some of The Answers Which Have Been Given to Specific Inquiries Regarding Recent Road Legislation

1  
Bidding Required

Whenever a situation is presented in the conduct of private affairs, which involves an expenditure of one thousand dollars or more, it is generally considered good business to deal in the open market with open competition. In order, therefore, to secure the best contract possible, good business men usually invite and secure open bidding upon all such propositions affecting their own private affairs. This statute requires an application of those methods which experience has proven profitable in the conduct of private business to the conduct of public business, as well. Bids should be secured in all cases involving the expenditure of any considerable sum of public funds. If the board has presented to it a proposition connected with bridge construction, or culvert construction, or grading, or tiling, or repairs upon any of such improvements, or for the purchase of materials to be used in any such construction, and involving an expenditure of public funds of at least a thousand dollars according to the county engineer's estimate, the board is required, under recent laws, to advertise for bids, after which it may, if in its judgment, the public interests will be better served, reject any and all such bids and then proceed either to re-advertise for new bids, or let privately by securing the approval of the state highway commission of the contract, or build by day labor at a cost not to exceed the lowest bid received. During the early part of each year, each board should, so far as practicable, carefully consider the nature and extent of the public work which it plans to do during the coming season, and so arrange the making of these public improvements that they can be let at the lowest prices and to the greatest benefit to the public. Frequently these same business methods may be advantageously applied, although the proposition involves an expenditure of less than one thousand dollars.

2  
Board of Supervisors Have  
Power to Decide Where  
and How Taxes Are to  
Be Spent

The members of the board of supervisors are not liable to any private party for any neglect in the exercise of their discretionary powers in deciding upon which of the highways in the county the money raised by taxation shall be expended, or the method of expending the money, where neither malice nor corruption have exerted an influence. *Nolan vs. Reed*, 139 Iowa, 68, 71.

3  
Board of Supervisors  
Passing upon Claims

Under express authority found in section 1527-s11, Supplement to the Code, 1913, the board of supervisors may authorize the auditor to issue warrants in payment of properly certified pay rolls for day labor work in advance of their having been allowed by the board of supervisors. All such

bills must, however, be presented at the first meeting of the board following such payment, and allowed by proper action of the board.

Under the provisions of section 1527-s10, Supplement to the Code, 1913, the county auditor is made liable on his bond for the amount of any and all warrants issued by him against public funds in violation of such statutory provision.

By an express statutory provision found in section 1527-s10, Supplement to the Code, 1913, the county engineer is made liable on his bond for any false or incorrect certificates made by him to the effect that certain public improvements have been made in accordance with the plans and specifications prepared therefor.

The township clerk is required under the provisions of section 1183 of the Code to furnish a bond in the penal sum fixed by the board of supervisors conditioned upon the lawful disbursement of all public funds coming into his possession, including a strict compliance with the provisions of the law as it appears in section 1527-s13, Supplement to the code, 1913.

Section 1527-s18, Supplement to the Code, 1913, requires all public contractors with whom the public contracts to furnish a good and sufficient bond for the faithful performance of their contract. The amount of any such bond is fixed by the board of supervisors, but in no event should such bond be less than fifty per cent of the contract price, and there is no real occasion for making it more than one hundred per cent of the contract price. This statute also requires that all sureties on bonds of such public contractors are deemed to have consented, without notice, to any extension of time in which to perform such contract, provided such extension does not exceed sixty days, and also to have consented, without notice, to any change in the plan under which such public work is being performed, when such change does not involve an increase of more than twenty per cent of the total contract price.

Section 1182-a, Supplement to the Code, 1913, requires that every supervisor furnish a bond to the county conditioned upon the faithful performance of his duty, the exact amount of the bond to be determined by one of the judges of the district court of Iowa in and for the particular county in which the supervisor lives, but in no case can it be less than five thousand dollars. All such bonds must be approved by the clerk of the district court and left in his custody. Either individual or commercial securities may be provided if they are sufficiently responsible to meet the approval of the clerk of the district court.

A county is only required to keep the bridges on its highway reasonably safe, or to use ordinary and reasonable care in keeping them safe. *Escher vs. Carroll County*, 159 Iowa, 627, 636.

In order to recover for the falling of a bridge it must appear that the county board knew of the condition of the bridge, or should have known of it, within such time before the accident that they could have repaired it or barricaded it. *Escher vs. Carroll County*, 159 Iowa, 627, 635.

In regard to the construction, repair and liability for bridges, cities of the first class are removed from the jurisdiction of the board of supervisors and from the operation of the law governing the county as a quasi corporation, without impairing the power of the board outside such cities. *Slutts vs. Dana*, 138 Iowa, 244, 248.

A board of supervisors cannot be compelled by mandamus to build or restore a county bridge which has become impassable, since the matter rests in the discretion of the board to be exercised in view of the public interests. *McCarl vs. Clarke County*, 148 N. W., 1015.

4  
Bond, Liability of Auditor

5  
Bond, Liability of  
Engineer

6  
Bonds, Township Clerk

7  
Bonds of Contractors

8  
Bonds of Supervisors

9  
Bridges—County Is Re-  
quired to Keep Reason-  
ably Safe

10  
Bridges, Unsafe Condition  
Must Be Known by  
Supervisors if County  
Is Liable for Damages

11  
Bridges, Supervisors Do  
Not Control in Cities of  
First Class

12  
Bridges, Supervisors Can  
Not Be Mandamus to  
Build



13  
Bridges, Supervisors Not  
Liable Personally for  
Failure to Award Con-  
tract to Lowest Bidder  
14  
Bridges, Construction of

15  
Bridges, Standard  
Specifications

16  
Bridges, What They  
Consist Of

A board of supervisors while letting a county contract for bridge construction work, acts in a governmental capacity and the members thereof are not personally liable for failure to award such contract to the lowest bidder. *Mortland vs. Poweshiek County*, 156 Iowa, 720, 723.

The board of supervisors is charged under the statute with the duty of building and maintaining all bridges and culverts throughout the county outside of cities of the first class, and they cannot be compelled by mandamus to build any such bridge or culvert at any particular time or place, nor of any certain design, since the matter rests in the sound discretion of the board as to what is best for the public interests. A different rule might apply where malice or corruption could be clearly shown to have influenced the position of the board.

In the standard specifications of the State Highway Commission for 1915, will be found all general and detailed requirements regulating the manner of building and constructing bridges and culverts.

The duty to construct and maintain all bridges and culverts throughout the county outside the cities of the first class is placed upon the board of supervisors. Such was the law as set forth in section 1527-s8, Supplement to the Code, 1913; such is now the law as it appears in section 1527-s8, Supplemental Supplement, 1915. It is provided, however, under the statute last named, that the township trustees shall place all temporary culverts, furnished by the board of supervisors to be used upon the township road system within their jurisdiction, and that all expense incurred in the placing and filling and transporting from the station, shall be paid for out of township funds. This responsibility for placing does not apply to permanent culverts placed upon the township road system but only to such temporary culverts as in the judgment of the board are required under particular conditions. Temporary culverts, as here used, refer to those small, metallic and other similar culverts which are authorized by the State Highway Commission to be placed upon the township road system under conditions which would warrant or necessitate their use. They cannot be over thirty-six inches in diameter, or its equivalent.

The law fixing the responsibility for making all fills upon bridges and culverts built upon public roads outside the cities of the first class was changed by the Thirty-sixth General Assembly. Under the old law it was made the duty of the board of supervisors to make that portion of the fill which constituted an integral part of the bridge, and the duty of the township trustees to make that portion of the fill upon a bridge or culvert upon the township road system which constituted a part of the road work of that system. Under the new law, as it appears in section 1527-s8, Supplemental Supplement, 1915, the responsibility for making all fills upon bridges and culverts upon the township road system is definitely fixed, it being equitably divided between the board of supervisors and the township trustees.

The township trustees are required to make, at township expense, all such fills if the probable and reasonable expense of the fill at each structure is less than one hundred fifty dollars. In all cases where the expense of making any such fill is in excess of one hundred fifty dollars, the first one hundred fifty dollars of the expense is to be borne by the township trustees and paid for out of township funds, and the balance of the expense, whatever the amount, shall be met by the board of supervisors out of county funds. All such fills costing less than one hundred fifty dollars should be promptly made by the township trustees. If they fail or refuse to perform such duty, after due notice, the board of supervisors is required to perform such duty, and to advance the expense thereof out of the county road cash fund, and it is authorized and directed to reimburse any such county road cash fund out of the township road fund.

In the case of making any such fill, where the probable and reasonable expense thereof will be in excess of one hundred, fifty dollars, the township

trustees should agree with the board of supervisors upon some definite plan for the performance of such work, before same is undertaken, and some method of dividing the expense thereof, according to the provisions of the statute. If the township trustees refuse or fail to make such agreement, the board of supervisors should proceed promptly to the making of the fill and should advance the expense thereof out of the county road cash fund.

The county engineer must report to the board of supervisors the actual cost of making any such fill, and such amount, not exceeding one hundred, fifty dollars for each bridge or culvert fill, shall be deducted from the first collection of road funds belonging to said township and transferred to the county road cash fund.

All bridges and culverts upon the public highways should provide a sufficient roadway to serve the needs of the public. This requires that they be made wide enough to accommodate such vehicles, farm and other machinery, and such general traffic as it may reasonably be anticipated will pass along such public highways and require the need of such bridges and culverts. (*See Quinton vs. Burton*, 61 Iowa, 471.)

Under authority of law as it appears in section 1527-s8, Supplemental Supplement, 1915, and sub-division 18 of section 422 of the Code, the board of supervisors may construct and maintain all bridges within their respective jurisdiction which public convenience requires and makes necessary, which matter of public necessity is left largely to the sound discretion of such board. The statute first mentioned, however, expressly prohibits the board of supervisors from constructing or maintaining any bridges or culverts within the limits of cities of the first class. In the exercise of its official duties, the board has constructed, and will continue to construct and maintain county bridges within the limits of cities less than cities of the first class and within incorporated towns. Where county bridges are constructed within the limits of such cities or towns the question may arise as to whether the duty of making the dirt fill over and around such bridge rests with the city authorities charged with the care and improvement of streets and public highways within such cities or towns falls upon the board of supervisors. It is evident from a close examination of the entire statute that the legislature expressly charged the board of supervisors with the duty of building and maintaining the structure proper which spans the waterway. If the construction of the bridge includes the making of the earth fill over and around it, then that work must be done by the board of supervisors; if the work of making the earth fill at the bridge is properly road work, as distinguished from bridge work, then this duty falls upon the city authorities who are charged with the improvement of streets and city thoroughfares.

The answer to the question of how much of the earth fill required in and about the bridge to make the road passable can properly be included as a part of the bridge, as distinguished from the roadway and approach to the bridge, and how much must be classified as road or street work, depends upon what portion of the fill becomes an integral part of the structure. This is a question of fact which must be determined in each case, taking into consideration the location, the type of the bridge, the nature and the amount of fill required to complete the bridge itself. The county engineer should determine this fact and disclose same in his detailed plans and specifications prepared for the structure. The amount of fill constituting a part of the bridge and required to complete the structure can, therefore, be told in advance, and it is this part of the fill which must be done by the board of supervisors, and paid for out of the county bridge fund. The part of the fill that is classified as road work where such bridge is within the limits of any city or town, must be done by the city authorities and paid for out of city or town funds.

By an express provision found in section 1527-s11, Supplemental Supplement, 1915, the Thirty-sixth General Assembly provided a regulation

17  
Bridges, Width Of

18  
Bridges Within Cities  
and Towns



for governing the making of all such bridge fills on bridges and culverts outside the cities and the incorporated towns, and also for dividing the cost of making such fills. The method outlined above applies only to the fills upon county bridges built within the limits of cities and towns and does not apply to the making of fills upon bridges and culverts, outside of the limits of such cities and towns.

19  
Bridges, Tax Levy Outside  
Cities of First Class

It is expressly provided in subdivision 4, section 1303, Supplemental Supplement, 1915, that the board of supervisors of each county shall, annually, at its September session, levy a tax of not more than five mills on the dollar of the assessed value of the taxable property in the county for making and repairing bridges, but such tax should not be levied upon any property within the limits of any city of the first class. This statute further provides that none of such tax levy shall be used in the construction or repair of bridges within the limits of such cities. In this connection, see sections 758 and 1527-s3, Supplemental Supplement, 1915.

20  
Bridges, Unnecessary to  
Submit Question to  
Voters

Under an earlier statute, as it appeared in section 423 of the Code, the board of supervisors could not build a bridge, even in counties of over ten thousand population, the probable cost of which would exceed five thousand dollars until the matter had been first submitted to the voters of the county and approved by a majority of those voting on such proposition. (See section 423 of the Code.) But this law was changed by the Twenty-ninth General Assembly so that the only limitation now placed upon the board of supervisors in regard to the building of bridges in counties of over ten thousand population is found in section 424 of the Code, which provides that the board of supervisors of any county having a population of more than ten thousand may appropriate for the construction of any bridge within its limits such sums as may be necessary, not exceeding the sum of forty dollars per lineal foot of superstructure, but in no case shall they appropriate for such purposes a sum exceeding fifteen thousand dollars. If the population of the county exceeds fifteen thousand, the board may appropriate twenty-five thousand dollars to such purpose. Section 423 of the Code still applies to counties of less than ten thousand population.

21  
Bridges, Cattle Ways, Con-  
struction by Benefited  
Person

The board of supervisors of any county may grant permission to any adjoining land owner to construct a cattle way across, over or under a public highway, provided that the same does not interfere with the public travel. It must be constructed by the person benefiting thereby at his own expense and he must be responsible for all damages which may arise from its construction or from the same being out of repair. (See section 1524 of the Code; Gould vs. Schermer, 70 N. W., 697.)

22  
Cattle Ways, Landowner  
Must Secure Permission

Where permission is granted to an adjoining landowner by the board of supervisors to construct a causeway under a public highway for the use of his cattle, which he is subsequently compelled to abandon, because of drainage through it by the highway authorities, he is not entitled, without a further grant, to construct another causeway in another place. Davis vs. Pickerell, 139 Iowa, 186, 188.

23  
Cattleways, Rights of  
Benefited Person

Where permission is granted to an adjoining landowner by the board of supervisors to construct a causeway under a public highway for the use of his cattle, which he is subsequently compelled to abandon, because of drainage through it by the highway authorities, he is not entitled, without further grant, to construct another causeway in another place. Davis vs. Pickerell, 139 Iowa, 186, 188.

24  
Claims Against the  
County

Under the law as it appears in section 3528 of the Code, no action can be brought against the county upon an unliquidated demand until the same has first been presented to the board of such county demanding payment thereof, which payment is either neglected or refused. All such unliquidated claims should be presented in writing to the board of super-

visors for their allowance, and the board should then be given a reasonable time in which to determine the disposition which they care to make. In this connection see the case of Escher vs. Carroll County, 146 Iowa, 738; also 141 N. W. (Iowa), 38.

Under a well established principle of law the obligations of a valid and enforceable contract will not be impaired by subsequent acts of the legislature. This is only true, however, where there is in fact a binding and enforceable contract in existence at the time the law went into effect. Price lists or options on the part of a contractor to make improvements or to furnish materials at a certain stipulated price, if orders are placed for same by the county, are not valid or enforceable contracts that could not be affected by subsequent legislation. In all cases where the arrangement is an option instead of a contract it would be unlawful for the board of supervisors to recognize the same as of any validity or to proceed in any other way than in accordance with the provisions of existing legislation.

Under an express statutory provision found in section 1527-s11, Supplemental Supplement, 1915, all supposed contracts which exceed the sum of two thousand dollars for any bridge or culvert, or for the repairs thereof, must first be approved by the State Highway Commission before same becomes of any validity.

Before any proposed contract which shall exceed the sum of one thousand dollars can be entered into legally by the board for culvert and bridge construction, or for tile and tiling, or for repair work, or for materials therefor, bids must first be advertised for and received, after which the board may let to the lowest responsible bidder or reject all bids, in which latter event they may re-advertise or let privately by submitting the contract to the State Highway Commission for approval, or build by day labor at a cost not to exceed the lowest bid received.

Any proposed contract which shall, according to the engineer's estimate, call for an expenditure of less than one thousand dollars, may be let privately at a price not to exceed the estimate. See section 1527-s11, Supplemental Supplement, 1915.

The township trustees are required to employ from one to four superintendents of the township road system, assigning to each, if more than one, a particular portion of such township road system for which he is to be responsible. These superintendents are authorized and directed by the statute to make all contracts for the dragging of the druggable roads of the township road system under their jurisdiction, and are given express authority to agree upon all reasonable terms of such contract. (See section 1527-s13, Supplemental Supplement, 1915.)

Many new and important duties have been added to those of the county auditor by the provisions of recent road legislation, among which may be mentioned the following:

(1) To fix a date for hearing upon any proposition before the board involving a change or modification of the established county road system, and to publish the statutory notice required in such cases.

(2) To forward to the State Highway Commission at Ames, Iowa, a map of the county upon which is clearly indicated the roads proposed to be added to the established county road system, and to attach thereto all petitions and plats, if any, relating to such proposed change.

(3) To record at length in the county road book the approved and modified survey and plans for the improvement of the county road system.

(4) To draw all warrants upon the proper public funds for the payment of all claims legally incurred and properly allowed on account of the several classes of work done upon the public highways.

(5) To secure a certificate of the county engineer that the improve-

25  
Contract, Validity of

26  
Contracts Over Two  
Thousand Dollars

27  
Contracts Over One  
Thousand Dollars

28  
Contracts Less Than One  
Thousand Dollars

29  
Contract for Dragging  
Township Roads

30  
County Auditor, Additional  
Duties Of



ment for which a bill is presented has been done in accordance with the plans and specifications required for same.

(6) To retain in his office, as a permanent record, the contract, plans, specifications, estimates of drainage area, estimate of cost, specific location and a detailed statement of cost of all bridges and culverts built by day labor or by contract in his county.

(7) To perform the several duties required of the county auditor under the provisions of section 1527-r2 and section 1527-r3, Supplemental Supplement, 1915, in connection with the purchase or condemnation by boards of supervisors of land for highway purposes in order to improve certain highway conditions.

(8) To perform the several duties required of the county auditor under Chapter 2-B, Title X, Supplemental Supplement, 1915, in connection with the establishment of highway drainage districts.

By the provisions of section 1527-s10, Supplemental Supplement, 1915, the county auditor is expressly prohibited from issuing any warrants upon the funds of the county road system in payment for any work or construction of highways until the engineer employed by the board certifies upon the bill that the improvement has been made in accordance with the plans and specifications. IF HE VIOLATES THIS PROHIBITION, HE IS LIABLE ON HIS BOND FOR THE FULL AMOUNT OF THE WARRANT THUS ILLEGALLY ISSUED. This requirement does not prohibit the auditor from issuing a warrant upon the funds of the county road system in payment for dragging, maintenance or repairs not designated by the engineer. The auditor may also legally issue warrants to cover partial payments for contract work on the basis of the engineer's certified estimates and the percentages specified by the standard specifications of the State Highway Commission. The board of supervisors must, however, pass upon and allow these partial payments before warrants are issued therefor by the county auditor. The auditor may also legally issue warrants for the amount of pay rolls for labor furnished under the day labor system, when said pay rolls are certified to by the engineer in charge of the work. (See section 1527-s11, Supplemental Supplement, 1915.)

Under former statutes of the state, the money received by the board of supervisors for road and bridge purposes was divided into numerous funds, with express prohibition upon using the money of any one fund for any other purpose than that expressly authorized. Recent road legislation, however, has sought to avoid this cumbersome and impracticable system by dividing all moneys received by the board of supervisors for road and bridge purposes into three principal divisions, that is:

- (1) The county road cash fund,
- (2) The county motor vehicle road fund,
- (3) The county bridge fund.

As to the several sources of these particular funds see the discussion under No. 45, page 17, and No. 33, page 74, County Funds, Disbursements of.

The county road cash fund, made up of revenues received from several sources, can be paid out only on the order of the board of supervisors. This fund can be used for the purpose of purchasing tools, machinery and equipment, or for tile and tiling, or for filling on culvert and bridge approaches, or for work done upon the county road system, or for the elimination of dangers at railroad crossings on both county and township roads.

The county motor vehicle road fund can only be expended for crowning, draining, dragging, or graveling of public highways outside the limits of cities and towns, or for the building of permanent culverts upon such highways.

The county bridge fund can be used for the construction and repair of bridges and culverts throughout the county outside cities of the first class. In this connection, attention should be called to the provisions of section

1527-r1, Supplemental Supplement, 1915, under which the board is authorized to purchase or condemn land for highway purposes and to pay for same in whole or in part out of the bridge fund. Temporary culverts purchased by the board for use upon the township road system must also be paid for out of the county bridge fund, but permanent culverts may be paid for out of either the county bridge fund or the county motor vehicle road fund.

Under the provisions of section 1527-s8, Supplemental Supplement, 1915, the board is prohibited from expending any part of the county road cash fund upon the township road system, except for the elimination of dangers at railroad crossings, or in meeting the county's portion of the expense incurred by the county in making the fill upon any bridge or culvert upon this system which is in excess of one hundred and fifty dollars. This restriction also applies to the county motor vehicle road fund, except that this last named fund may be used for the building of permanent culverts upon both the county road system and the township road system. For a further discussion of these funds see marginal reference No. 45, page 17.

The duty to construct and maintain all bridges and permanent culverts throughout the county outside of cities of the first class is imposed upon the county. Under this provision of the statute it is made the duty of the board of supervisors to construct and maintain all bridges and permanent culverts upon the township road system as well as upon the county road system. The present laws not only relieve the township of all responsibility in the building and maintaining of bridges and permanent culverts, but also expressly prohibits the expenditure of township funds for such purposes. Neither can township trustees legally purchase any kinds of culverts or even materials therefor. It must be remembered, however, that under the provisions of section 1527-s8, Supplemental Supplement, 1915, that all expense for placing, filling over, and transporting from the nearest railway station of all temporary culverts purchased by the board of supervisors to be used upon the township road system must be borne by the township trustees, and also that all expense, up to one hundred and fifty dollars each, incurred in the making of fills upon bridges and culverts upon the township road system are to be paid out of township funds, the balance of such expense to be borne by the county.

The county engineer is required, under the provisions of section 1527-s7, Supplement to the Code, 1913, to survey the roads of the county road system and report to the board of supervisors the plans for all culvert work thereon. Section 1527-s11, Supplemental Supplement, 1915, expressly provides that before any board can lawfully begin the construction of any permanent culvert, either upon the county road system or upon the township road system, it must first cause plans, specifications, estimate of drainage area, estimate of cost and the specific location of any such culvert to be filed in the county auditor's office by the county engineer. Under section 1527-s10, Supplemental Supplement, 1915, the county auditor is prohibited from drawing any warrants in payment for permanent culvert construction either upon the county road system or upon the township road system until the bills therefor have been filed in itemized form and certified to by the county engineer. The certificate must state that the particular culvert has been made in accordance with the plans and specifications designed therefor. The county engineer must see that all plans prepared by him for the construction of culverts throughout the county conform to the standard specifications of the State Highway Commission. The county engineer should also certify as to the quantity and the quality upon all bills presented to the board of supervisors for material for temporary culverts to be used upon the township road system.

All permanent culverts built by the board of supervisors upon either the county road system or the township road system must be made under plans which conform to the standard specifications furnished by the State

31  
County Auditor, Paying  
Out in Money

32  
County Funds,  
Division Of

33  
County Funds,  
Disbursement Of

34  
County Road Cash Fund,  
Expenditures of on  
Township Road System

35  
Culverts Built by Board  
of Supervisors

36  
Culverts, Plans for Made  
by Engineer

37  
Culverts Built Under  
Standard Specifications



38  
Culverts, Twenty Foot  
Roadway

Highway Commission. Under section 1527-s8, Supplemental Supplement, 1915, the State Highway Commission may, where conditions require, authorize the use of temporary culverts not over thirty-six inches in diameter upon the township road system.

Section 1527-s7, Supplement to the Code, 1913, requires that all culverts constructed upon either the county road system or the township road system must have a clear roadway of not less than twenty feet. By an official ruling of the State Highway Commission, all structures having a span of less than sixteen feet are classified as culverts, and all structures having a span of over sixteen feet are classified as bridges. This statutory requirement in regard to width of roadway applies to all temporary culverts placed upon the township road system.

39  
Culverts, How Paid For

All culvert construction and the materials therefor shall be paid for out of the county bridge fund, except that permanent culverts may be paid for out of the county motor vehicle road fund, if, in the judgment of the board, it should be paid out of such last named fund. The expense of placing and hauling from the nearest railway station, of all temporary culverts to be used upon the township road system, must be paid out of the township road fund. The expense incurred by the township trustees in making dirt fills upon culverts built upon the township road system, must be paid out of the township road fund. Any expense incurred by the board of supervisors in making that portion of the fill upon culverts constructed upon the township road system which must be done by the board of supervisors, must be paid for out of the county road cash fund.

40  
Culverts, Approaches to  
Farms

The township trustees are not required to purchase or to build those culverts upon the township road system required at farm entrances, since this duty falls upon the board of supervisors under the statutory provision which requires that the duty to construct and maintain all bridges and culverts throughout the county outside of cities of the first class is imposed upon the board of supervisors. If temporary culverts are used, however, the township trustees must place, fill, and transport from the nearest railway station all such temporary culverts.

41  
Culverts, General  
Provisions

The following statutory provisions govern in the construction of all culverts:

(1) All temporary culverts must not be over thirty-six inches in diameter. They can only be used upon the township road system, and conditions must be such as to warrant or necessitate same. They must be of a type expressly authorized by the State Highway Commission.

(2) All permanent culverts must be constructed according to plans prepared by the county engineer in accordance with the standard specifications of the State Highway Commission, which plans must be on file in the auditor's office before any work in the construction of such culverts is begun.

(3) All culverts having a span of less than sixteen feet must provide a clear roadway over them of at least twenty feet, regardless of the depth of the fill over same.

(4) All culvert construction involving an expenditure of less than one thousand dollars may be advertised and let at a public letting, or may be built by day labor, or let privately under certain statutory limitations, the matter being left largely to the sound discretion of the board.

(5) All propositions affecting culvert construction, or the materials therefor, and involving a probable expenditure of over one thousand dollars must first be publicly advertised and bids asked for.

(6) All contracts providing for the construction of culverts and involving an expenditure of over two thousand dollars must first be approved by the State Highway Commission.

Under the provisions of section 1527-s3, Supplemental Supplement, 1915, the board of supervisors is authorized to employ additional instrument men, rodmen, chainmen, and all necessary members of the engineering corps, and to pay them their wages out of the general county fund.

Engineering instruments and the necessary equipment required by the county engineer for the proper performance of his duties should be purchased by the board of supervisors, and the expense thus incurred paid for out of the general county fund.

Provision is made by the statute for doing culvert and bridge construction, tile and tiling, and repair work by day labor, but before beginning the construction of any bridge or culvert work by day labor, the plans and specifications, estimate of drainage area, estimate of cost, and the specific location shall be filed in the county auditor's office by the engineer.

Provision is made in the last paragraph of section 1527-s11, Supplemental Supplement, 1915, whereby the county auditor may meet the pay rolls for labor furnished under the day labor system, but such pay rolls must be certified to as correct by the engineer in charge of the work, and all such bills must be passed upon by the board of supervisors at their first meeting following such payment.

This section authorizes the auditor to meet pay rolls for labor furnished under the day labor system and includes the labor rendered in the construction of bridges or culverts, or in the laying of tile, or in the doing of any other kind of road work.

The law relating to the dragging of public highways outside of cities and towns was materially changed by the Thirty-fifth General Assembly, as will appear from an examination of section 1527-s13 and section 1527-s15, Supplement to the Code, 1913. The present statute regulating the matter of dragging the township road system is found in section 1527-s13, Supplemental Supplement, 1915. The present law providing for the dragging of the county road system, as enacted by the Thirty-fifth General Assembly, now appears in section 1527-s15, Supplement to the Code, 1913. These statutory provisions repeal by implication the law as it appears in section 1570-b1 to 1570-b5, inclusive, Supplement to the Code, 1913, in so far as they conflict therewith. Chapter 70, acts of the Thirty-fourth General Assembly, which now appears as said section 1570-b1 to section 1570-b5 inclusive, is still in full force and effect in so far as it affects cities and towns, and under this statutory provision it is made the duty of city and town councils of cities and towns to cause the main traveled roads within their corporate limits to be dragged; neither are the provisions of section 1570-b4 repealed by later legislation, nor has subsequent legislation repealed the provisions of section 1570-b5, Supplement to the Code, 1913, which provides a penalty for those who fail to perform the duties required under that law, or the latter portion of section 1570-b2, Supplement to the Code, 1913, which provides for the levy of the one mill drag fund of the township.

The superintendent of the township road system, if only one, shall have charge of all draggable roads of the township road system, and shall make contracts for dragging, and see that all draggable roads of the township road system are properly dragged at such times as are necessary to maintain such roads in a smooth condition.

If the township trustees employ more than one superintendent of the township road system, assigning to each a particular portion of such system, these several superintendents shall have charge of the roads assigned to them, and shall make contracts for the dragging of such draggable roads and see that they are properly dragged at such time as is necessary to maintain all such roads in a smooth condition. The statute gives these superintendents the power to contract for the dragging of roads at such prices as are reasonable and necessary to secure such contracts.

42  
County Engineering  
Corps, Payment of  
Wages of  
43  
County Engineer's Office,  
Equipment for

44  
Day Labor, Plans for  
Work by

45  
Day Labor, Pay Rolls of

46  
Dragging, Provisions of  
Previous Drag Law Re-  
pealed, Provisions Still  
Effective

47  
Dragging, Duties of  
Superintendent



48	Dragging, Itemized Bills for
49	Dragging, County Roads
50	Dragging of Roads, Authority to Compel
51	Dragging of Unpaved Highways Within the Limits of Incorporated Cities and Towns
52	Drag Fund, Transfer of Unused Balance
53	Dragging, County and Main Roads Within Cities and Towns
54	Dragging, Paid From What Funds
55	Drainage, Bridges Over Ditches

It is unlawful for the township trustees to allow any claim for dragging, maintenance, or repair work until an itemized bill therefor has been certified to by the township road superintendent responsible for such work, and no warrants shall be drawn by the township clerk upon funds of the township in payment for dragging, maintenance, or repair work until itemized bills therefor shall have been certified to by such township road superintendent.

Under the provisions of section 1528, Supplement to the Code, 1913, the trustees may pay for road drags out of the general township road fund.

The board of supervisors and the engineer are charged with the duty of dragging the entire mileage of the county road system and are required to adopt such methods as are necessary to maintain them in the best condition practicable. (See section 1527-s15, Supplement to the Code, 1913.)

Under the provisions of section 1527-s13, Supplemental Supplement, 1915, it is made the express duty of the township trustees and the superintendent of the township road system to drag the draggable roads of the township road system at such times as are necessary to maintain such roads in smooth condition. Under the provisions of section 1527-s15, Supplemental Supplement, 1915, it is made the duty of the county board of supervisors and the county engineer to drag the county road system sufficiently often to keep same in proper condition. In this connection attention should be directed to the provisions of section 4904 of the Code, wherein it is provided that when any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every wilful neglect to perform such duty, where no special provision has been made for the punishment of such delinquency, is a misdemeanor. Section 4906 of the Code provides the penalty for one who is convicted of violating section 4904 of the Code.

Under the provisions of section 1570-b4, Supplement to the Code, 1913, it is made the express duty of city and town councils to cause the main traveled roads within the limits of the respective cities and towns under their jurisdiction to be properly dragged, and the failure of such city or town officers to comply with the express provision of this statute makes them guilty of a misdemeanor under the provisions of section 4904 of the Code, and subject to the penalty provided under section 4906 of the Code.

Under the express provisions of section 1527-s13a, Supplemental Supplement, 1915, the township trustees may, at their February meeting, transfer to the general township road fund the balance, if any, of the township drag fund unused during the preceding year, provided, however, the draggable roads of such township were regularly dragged in compliance with the statute during the preceding year, and providing further that the board of supervisors approves and authorizes such transfer.

Section 1570-b4, Supplement to the Code, 1913, makes the provisions of the old drag law, created by chapter 70, acts of the Thirty-fourth General Assembly, applicable to cities and towns, as it is therein provided that the councils of such cities and towns must cause to be dragged the main traveled roads within the corporate limits leading into their respective cities and towns.

All expense incurred in the dragging of those roads which constitute the county road system must be paid for either out of the county road cash fund or the county motor vehicle road fund; all expense incurred in the dragging of those roads which constitute the township road system must be paid for out of the one mill non-divertible township drag fund.

Section 1989-a19, Supplement to the Code, 1913, charges the board of supervisors with the duty of removing, building, or re-building such bridges

as shall be removed, built or re-built on account of constructing a levee, ditch or drain across any public highway. Section 1527-s11, Supplemental Supplement, 1915, requires that where necessary all bridges erected over drainage ditches shall be so constructed as to allow the superstructure to be removed for cleaning said ditches with as little damage to the removed and permanent parts of said bridge or culvert as is practicable. The general statutory provisions regulating the manner of bridge and culvert construction should apply to all bridges and culverts built on account of levees crossing public highways.

Under the provision of section 1963 of the Code a person is permitted to go upon any public highway for the purpose of constructing an outlet to a drain, but he is required under the statute to leave the road in as good condition as it was before the drain was constructed, and the supervisor of roads having the care of such road shall determine as to such condition. In view of the provisions of the new road law the township trustees and superintendent of the township road system will now pass upon the matter if the drain is constructed upon the township road system, and the board of supervisors and county engineer will pass upon the matter if the drain is constructed upon the county road system.

Land adjoining a public road is bound to receive the surface water therefrom which would naturally flow over or on to it. *Hayes vs. Oyer*, 146 N. W., 857.

When any water course or natural drain crosses any public road in the state and the adjoining land owner wishes to cross said road with a tile drain, he shall notify the public officers having supervision over the road to be crossed, in writing, specifying the depth of drain and size of tile to be used in crossing said road, and give the public officers twenty days time to construct said drain. (See section 1964 of the Code.) The law requires these officers to construct or cause to be constructed said drain, and to pay for same out of any money or funds in his hands. Under the provisions of recent road legislation this work will now fall upon the board of supervisors and the county engineer if the drain is to be constructed across a county road system, and upon the township trustees and superintendent of the township road system, if across a township road system. In the event the proper officers fail or neglect to construct said drain across the highway within the time specified, the owner is authorized to construct said drain, in which event he shall be reimbursed for the expense incurred out of the fund of the county or the township, as the case may be, out of which the care of said highway should be met.

By the provisions of section 1527-s7, Supplement to the Code, 1913, the county engineer is required to survey the county road system and report to the board of supervisors a detailed plan for the tiling necessary to drain the roads permanently, showing sizes and location of new lines of tile required, and also sizes and location of existing lines of tile.

By the provisions of section 1527-s8, Supplemental Supplement, 1915, the State Highway Commission is charged with the duty of passing upon the thoroughness, feasibility and practicability of the plans outlined by the county engineer for draining the county road system. The board of supervisors is authorized and directed to pay for all tile and tiling used in draining the public highway, which constitute the county road system, out of any moneys, except the bridge fund, received by them for road purposes.

Where the engineer estimates that the cost of any single order of tile or any particular job of tiling will cost less than one thousand (\$1,000) dollars it may be advertised or let privately at a cost not to exceed the engineer's estimate, or may be built by day labor. If the engineer esti-

56	Drainage, Outlet on Public Highway
57	Drainage, Private Land Must Receive Natural Surface Water From Highways
58	Drainage, Cost of Crossing Highways With Tile
59	Drainage, Plans for County Work
60	Drainage, Plans Approved by Commission
61	Drainage, Contracts for



mates that the amount to be expended on account of the proposed improvements or the proposed purchase of road material will be in excess of one thousand (\$1,000) dollars, the board of supervisors must advertise for bids, but they are given the right to reject all bids, in which event they may re-advertise or let privately by submitting the contract to the State Highway Commission for approval, or do the work by day labor at a cost not to exceed the lowest bid received. If the engineer estimates that such expenditure will be in excess of two thousand (\$2,000) dollars, then the contract to be of any validity must be approved by the State Highway Commission. (See section 1527-s11, Supplemental Supplement, 1915.)

62  
Drainage, Bills for Same

Under the provisions of section 1527-s10, Supplemental Supplement, 1915, all bills for tiling work or for the purchase of tile must be filed in itemized form and certified to by the engineer before being allowed by the board, and before warrants can be issued in payment therefor.

63  
Drainage, Plans for  
Township Work

Section 1527-s14, Supplemental Supplement, 1915, requires that before the township trustees undertake to drain the township road system, they must make application to the county board to have the county engineer survey the same and submit plans and specifications for a satisfactory system of drainage, and that all such improvements be made in accordance with such plans and specifications.

64  
Drainage, Payment by  
Township

Under the provisions of section 1528, Supplement to the Code, 1913, the township trustees are authorized to levy a tax not to exceed five mills on the dollar as a special township drainage fund, out of which the township may pay,

- (a) Drainage taxes heretofore levied and still unpaid.
- (b) Drainage assessments levied against the township on account of benefits to highways constituting the township road system.
- (c) Expenses of draining highways constituting the township road system, or
- (d) Expenses incurred in co-operating with those owning land in the township in securing the drainage of the township road system.

It should also be noted in this connection that all payments which township trustees are required to make under the provisions of section 1989-b5, Supplemental Supplement, 1915, must also be paid out of the township drainage fund.

Any reasonable expense incurred by the township trustees on account of the drainage of the highways constituting a part of the township road system could, no doubt, be paid out of the township road fund, under authority of section 1527-s8, Supplemental Supplement, 1915, since drainage work is clearly road work within the meaning of the statute.

65  
Drainage Funds

Under existing statutes, all county funds created for road, culvert and bridge construction and improvement are divided into three special funds,—

- (a) The county road cash fund,
- (b) The county motor vehicle road fund,
- (c) The county bridge fund.

The special fund first mentioned includes all moneys received by the board of supervisors for road purposes except the county motor vehicle road fund and the county bridge fund. In as much as the drainage of public highways is a very important part of the improvement of such highways, the county drainage fund created by section 1530, Supplement to the Code, 1913, will now become a part of the county road cash fund as it is clearly money received by the board of supervisors for road purposes; therefore, the revenue arising from the one mill county drainage fund should be paid out only on the order of the board for purposes authorized in section 1527-s8, Supplemental Supplement, 1915.

66  
Drainage, Establishment  
of Districts

Prior to the enactment of chapter 2-B, title ten, Supplemental Supplement, 1915, the question frequently arose as to whether or not the board

of supervisors could, upon their own motion, go upon private property in order to secure an outlet for the drainage of highways constituting the county road system, and, if so, the source of that authority. The Thirty-sixth General Assembly, by enacting the statute just referred to, has provided for the establishment of a highway drainage improvement district. For a careful analysis of this statute see page 37.

In this connection it might be well to refer to a provision in section 1989-a43, Supplement to the Code, 1913, under which the township trustees may initiate action looking toward the drainage of roads constituting a part of the township road system. Under chapter 2-A, title ten, Supplement to the Code, 1913, the board of supervisors gains jurisdiction to act in one of three ways, to wit:

- (1) By petition of the property owners,
- (2) By petition of the township trustees,
- (3) By agreement of the parties.

A property owner having property within the vicinity of the county road system may petition the board of supervisors for the creation of a drainage district, including his property and a portion of such highway. The township trustees may also petition the board of supervisors to create a drainage district, draining a part of the township road system, and including a part of the county road system, if they so desire. Property owners in the vicinity might also agree among themselves, or with township or county authorities, for the creation of a drainage district in accordance with the provisions of section 1989-a28, Supplement to the Code, 1913.

Under several provisions of recent road legislation, the county engineer is called upon to make estimates of the probable cost of certain improvements, and these estimates should be made by the county engineer with the greatest care, giving due attention to every fair and legitimate item of cost, since public interest depends to a considerable extent upon the correctness of such estimates.

Under the provisions of section 1527-s7, Supplement to the Code, 1913, the county engineer is required to survey the county road system and report to the board of supervisors, among other things, a most careful estimate of surface drainage, lateral drainage and subdrainage. The engineer is also required under this provision to make an estimate of the watershed relating to each bridge and culvert.

Fences erected by an adjoining land owner extending from a fence enclosing his land to an entrance of a cattle causeway constructed by him under the public highway, are not fences "enclosing" the land of such owner, and road officials are not required to give notice in writing to the owner before removing them. Davis vs. Pickerell, 139 Iowa, 186, 189.

The engineer in charge of any road construction work is charged with the duty of protecting all corner stones or other established land monuments. If, in the progress of the work, it becomes necessary to disturb such monuments, the engineer shall establish witness corners which must truly and permanently preserve the location of the corner, and he is required to record properly all distances and field notes in the permanent records of the county and township road systems. A failure to perform this duty subjects the engineer to a fine of not less than ten (\$10.00) dollars, and not more than fifty (\$50.00) dollars.

The Thirty-fifth General Assembly enacted a new law which now appears as sections 2024-i to 2024-i3, inclusive, Supplement to the Code, 1913, which repealed 2024-i, Supplement to the Code, 1907, and substituted in place of it, a law providing for the condemnation of land on which gravel or other suitable material for road improvement is found, to make said material accessible for general use for road improvement. It is made the

67  
Estimates of Cost

68  
Estimates of Drainage  
Area

69  
Fences to Cattle Passes  
May Be Removed With-  
out Notice

70  
Government Monuments

71  
Gravel Pits Condemned,  
Free to Townships



specific duty of the board of supervisors to condemn such tracts of land where same can be found within the county so that no part of such county should be more than six miles distant from land where such gravel and other materials may be obtained for highway purposes. The board of supervisors may be removed for refusal or neglect to comply with the provisions of this act.

In the event the board of supervisors condemns any tract of land for the purpose of securing gravel for road improvements, the township trustees of any township within the county are given the right to take gravel and other suitable material from any of said tracts within the county for the purpose of improving the highways and roads within their respective townships.

Road improvement companies, corporations, voluntary associations, commercial clubs, road improvement districts and individual citizens have the right to enter upon any tract of land condemned by the board of supervisors for the purpose of securing gravel or other suitable materials for road improvement, and may secure without expense any such materials for public road building, but it will be unlawful for them to use any such materials for purposes other than for public road improvements.

The purpose of securing these gravel pits is to make available at convenient points free gravel to be used in road construction. This being true the county will have no use for the land after the supply of gravel has been exhausted, and it would, therefore, be advisable for the county to make some arrangement at the time of purchase, if possible, for the re-sale of same to the original owner. The county becomes the owner in fee of the tract, and as such owner has the absolute right to dispose of same when the supply of gravel has been exhausted.

By the provisions of section 1561, Supplement to the Code, 1913, the road superintendent is authorized to place guide boards at road crossings and at the forks of the roads within his jurisdiction.

The words "highway" and "road" are defined by statute to include public bridges, and may be held equivalent to the words "county way," "county road," "common road" and "state road." (See section 48 of the Code.)

The term "road" used in this law means any public highway unless otherwise specified. (See Nicolls vs. C., M. & St. P. Ry. Co., 125 Iowa, 236.)

Under section 1527-r1, Supplemental Supplement, 1915, and those immediately following, the Thirty-sixth General Assembly gave to the board of supervisors power and authority to purchase or condemn land for highway purposes in order to avoid unnecessarily expensive bridges or grades, or to avoid railroad crossings, or to straighten any road, or to cut off dangerous corners on the highways, or to widen any road to the statutory width, or for the purpose of preventing the encroachment of a stream upon the public highway, whenever in their judgment it was for the public good. The authority granted under this new statute is in addition to the power and authority which the board of supervisors held under chapter 1, title eight, of the Code, and the amendments thereof and additions thereto.

The doctrine of acquiescence can have no application to the fixing of a boundary between an abutting owner and the highway, for no one representing the public is authorized to enter into an agreement to acquiesce in any particular location. Quinn vs. Baage, 138 Iowa, 426, 433; Johnson vs. City of Shenandoah, 153 Iowa, 493, 501.

Even though an adjoining land owner has a fee in the highway, it is subject to the easement of the public, and he cannot interfere with its

proper control by the board of supervisors and road officers. Davis vs. Pickerell, 139 Iowa, 186, 188.

Neither the county nor the members of the board of supervisors are liable for the negligent construction or maintenance of a public road, as distinguished from a county bridge. Snethen vs. Harrison Co., 152 N. W., 12.

Section 1487 of the Code expressly provides that highways shall not be laid out through ornamental grounds contiguous to a dwelling house, but this does not apply to a building not used as a place of, and unfit for dwelling purposes, surrounded by a tangle of woods and bushes. Oelwein vs. Walrath, 162 Iowa, 667.

To work an estoppel against the public the occupancy of a portion of a highway must have been in its nature inconsistent with the right of the public to the highway and for such a length of time as indicates acquiescence of the officers in the permanent appropriation of the ground for other purposes. Quinn vs. Baage, 138 Iowa, 426, 438.

Any act clearly indicating the intention of the owner to set apart lands for the use of the public as a highway constitutes a dedication. Carter vs. Barkley, 137 Iowa 510, 512.

Where a highway fence was not erected to mark the boundary line, the county is not estopped to claim that it is not on the true line because it did nothing toward removing the fence for a few years, though the plaintiff had made improvements and planted trees on the inside of the fence, there being nothing to show that the county ever recognized the fence as being the true boundary. Quinn vs. Monona County, 140 Iowa, 105, 108.

In cases involving damages for the establishment of highways, the claimant for damages cannot recover as such the cost of constructing a fence although such fence is rendered necessary by the establishment of the highway. Chicago & N. W. R. R. Co. vs. Sac County Drain. Dist. No. 5, 142 Iowa, 607, 618.

A legally established public road is not vacated or discontinued by the mere failure of a board of supervisors to rebuild a bridge which was washed away, or by its neglect, or that of the township officers, to work the road. McCarl vs. Clarke County, 148 N. W., 1015.

The continued use of the highway rebuts any suggestion of abandonment, and the fact that the entire width has not been appropriated to such use indicates no more than that in the opinion of the then road officers all is not immediately necessary to meet the demands of the traveling public. Quinn vs. Baage, 138 Iowa, 426, 433.

Fixed monuments showing the original location of a highway, which were practically followed in laying it out, and fencing and using it for many years will control as against subsequent surveys fixing a different location for the road. Brauss vs. Fayette County, 146 N. W., 6.

The procedure for vacating a highway is the same as that for establishing one, and the board has no jurisdiction until a proper petition is filed. McCarl vs. Clarke County, 148 N. W., Iowa 1015. In this connection see the following cases: Ellsworth vs. Chickasaw Co., 40 Iowa, 571; Brady vs. Shinkle, 40 Iowa, 576; Barr vs. Oskaloosa, 45 Iowa, 276; Grove vs. Allen, 92 Iowa, 519; McKinney vs. Baker, 69 N. W. (Iowa), 683; McCann vs. Clark Co., 149 Iowa, 13; Heller vs. Cahill, 138 Iowa, 301; Lucas vs. Payne, 141 Iowa, 592; McCarl vs. Clark Co., 148 N. W. (Ia.), 1015.

79  
Highways, County is Not  
Liable For Unsafe  
Condition

80  
Highways, Establishment  
Requiring Removal of  
Buildings

81  
Highways, Estoppel of  
Public to Use of

82  
Highways, Dedication for  
Use of Public

83  
Highways, Fences May  
Be Removed After  
Few Years

84  
Highways, Fence  
Damage to

85  
Highways, Not Vacated  
by Failure to Rebuild  
Bridge or to Work the  
Road

86  
Highways, Not Abandoned  
by Use of Less Than  
Full Width

87  
Highways, Original Monu-  
ments Govern Location

88  
Highways, Procedure for  
Vacating



- 89  
Highways, Power to Regulate Use is Vested in the Legislature  
The legislature has the right to control and regulate the use or manner of use of the highways of the state, and the powers which it possesses in this respect may be delegated to cities and towns within their territorial limits. East Boyer Tel. Co. vs. Town of Vail, Inc., 147 N. W., 327.
- 90  
Highways, Township Trustees Not Liable for Defects in  
Township trustees are not liable for damages caused by defects in the highways. Theulen vs. Township of Viola, 139 Iowa, 61, 63.
- 91  
Highways, From Private Lands, Rights of Owner to  
The fact that a party may buy his way out from his land, does not prevent the assertion of his right to a public or private way from his land under the statute. Miller vs. Kramer, 148 Iowa, 460, 470.
- 92  
Highways, When Private  
No length of time or use by the public will make that a public way which, if dedicated at all, was dedicated to the private use of the owner. Bradford vs. Fultz, 167 Iowa, 149 N. W., 925.
- 93  
Highways, Rights of Public to Full Width  
Failure to change a fence to meet the requirements of an established highway will not prevent the public from asserting its right to the portion inclosed when the increased travel and exigencies of the public so demand. Quinn vs. Baage, 138 Iowa, 426, 431.  
Where a highway has been established and continually used, the mere fact that the fences are not on the true line and the portion beyond has been occupied by the landowner will not estop the public from asserting its right to the entire width when required for purposes of travel. Quinn vs. Baage, 138 Iowa, 426, 432.  
The occupation of a portion of a highway by an individual is a mere obstruction and nuisance for which no lapse of time will enable him to prescribe, and no acquiescence on the part of a highway official will deprive the public of the right to use the whole highway. Quinn vs. Baage, 138 Iowa, 426, 434.
- 94  
Highways, When Abandoned  
Where the public ceased to use a public highway and the fences were removed on each side of the way and adjoining owners kept up a party line fence, it was held that the public highway was abandoned by the public, and that if any way existed, it was a private way. Carter vs. Barkley, 137 Iowa, 510, 513.
- 95  
Illegal Acts of Officials  
Section 1527-s15, Supplement to the Code, 1913, makes it unlawful for any member of the highway commission or any person in its employ, any county supervisor, township trustee, county engineer, road superintendent, or any person in their employ, to be interested either directly or indirectly in any contract for the construction or building of any bridge, culvert or road improvement. In this section we find an express prohibition which brings any officer violating this prohibition under the provisions of sections 4905 and 4906 of the Code, which provides in substance that when the performance of any act is prohibited by any statute and no penalty for the violation of such statute is imposed, the doing of such act is a misdemeanor subjecting the person convicted to imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.
- 96  
Illegal Act, Employment of Supervisor as County Engineer  
It would be in clear violation of the criminal statutes for the board of supervisors to employ one of its own number to act as county engineer. Such a contract of employment would be void by the law of agency and upon the grounds of public policy.  
Section 468-a, Supplement to the Code, 1913, provides that "Members of boards of supervisors and township trustees shall not buy from, sell to, or in any manner become parties directly, or indirectly, to any contract to furnish supplies, materials, or labor to the county or township in which they are respectively members of such board of supervisors or township trustees."  
The supreme court of Iowa has repeatedly held that it would be unlawful

for the board of supervisors to contract in any way with one of their own number. See Nelson vs. Harrison Co., 126 Iowa, 436; State vs. York, 131 Iowa, 635; Harrison Co. vs. Ogden, 133 Iowa, 677; Bay vs. Davidson, 133 Iowa, 688.

The system of road construction provided for in the law now under consideration is limited to the highways outside of the limits of incorporated cities and towns, while the system of bridge and culvert work provided for in the law applies to all bridge and culvert work throughout the county outside the limits of cities of the first class. This being true, it would be unlawful to use the county or township road funds in payment for road work done within incorporated cities and towns. It would also be unlawful for the county to use its bridge fund in paying for any work done within the limits of a city of the first class.

The general rule, as just stated, is slightly modified by a recent enactment of the Thirty-sixth General Assembly, in that section 1527-s3, Supplemental Supplement, 1915, expressly provides that whenever any public highway located along the corporate line of any city or town is partly within said city or town and partly without the same, the said highway or any part thereof, may be included in and made a part of the county road system, and when so included it may be improved by the board of supervisors as are other parts of the county road system. This statute also provides that when any part of the public highway located within the corporate line of a city of the first class is included in the county road system, the board of supervisors and the city council shall meet jointly and adopt plans and specifications with the approval of the State Highway Commission for the construction of bridges and culverts upon such public highway, and in all cases divide the expense equally between such city and county.

Under the present statute there is sufficient authority to warrant the board of supervisors of any county in employing inspectors upon any public work being performed for the county at public expense.

Under the provisions of section 1527-s17, Supplement to the Code, 1913, county and township boards are given the power to remove all obstructions from the highways under their respective jurisdictions. Telephone and telegraph poles may be so removed, but not until after ten days' notice has been given. All new telephone and telegraph lines or parts thereof hereafter constructed must be located by the county engineer. This provision of the statute is in addition to that found in the law as it appears in sections 1560-a to 1560-e inclusive, Supplement to the Code, 1913.

An excavation in the highway constitutes such an obstruction as the proper road official is authorized to remove. See sections 1527-s17 and 1560, Supplement to the Code, 1913; also Davis vs. Pickerell, 139 Iowa, 186, 188.

Where a fence amounts to an obstruction in a public road, the proper road officials have a right to remove it under the statute. Quinn vs. Baage, 138 Iowa, 426, 430.

The Thirty-fifth General Assembly of Iowa enacted what might be called a basic road law, providing for the creation of a state highway commission and for the division of the public highways into the county road system and the township road system, and also providing the regulations which should cover all road, bridge and culvert construction and maintenance. This law became effective April 19, 1913. By an enactment which became effective May 8, 1915, the Thirty-sixth General Assembly of Iowa made such changes and additions in the road law passed by the Thirty-fifth General Assembly as the experience of the past two years indicated were necessary or advisable. The Thirty-sixth General Assembly also enacted

97  
Incorporated Cities and Towns

98  
Inspectors, Employment of

99  
Obstructions in the Highways

100  
Obstruction, Excavation Constitutes

101  
Obstruction, Fence May Constitute

102  
Recent Road Legislation



several important measures which supplement the principal road law enacted by the Thirty-fifth General Assembly. The text of these road laws can be found in part one and part two of this pamphlet.

103  
Road Funds of the County,  
Expenditure of Cannot  
Be by Districts

All expenditures of county funds must be by the official action of the board of supervisors. The supreme court has repeatedly held that the action of any individual member of the board is not, even though concurred in by a majority, binding upon the county. The board must audit and allow all claims against the county, and this power can not be delegated to any other person or officer. The board can not, therefore, resolve in advance that all claims of a certain kind subsequently presented be paid without further allowance. Therefore, none of the county funds, including the county road cash fund, the motor vehicle road fund, and the county bridge fund, can be divided among the individual action of members of the board of supervisors, to be spent by them in in their respective districts. In this connection, see *Modern Steel Structural Company vs. Van Buren County*, 126 Iowa, 606; also *Heath vs. Albrook*, 123 Iowa, 559.

104  
Road School, Payment of  
Expense of County  
Engineer in Attending

While there is no statutory provision authorizing the county to pay the expenses incurred by its county engineer in attending a road school of instruction, yet no one would severely criticize the board of supervisors in allowing the actual and necessary expense of such public official because he is attending same in the interest of the public.

105  
Road Equipment, County  
May Lease to Township

The board of supervisors may, under authority of section 1527-s14, Supplemental Supplement, 1915, contract with the township trustees of any township within the county to let such township use the county equipment for improving the roads of the township system. It is specifically provided, however, that the county shall not make any charge to the township for the use of this equipment, above the actual cost of operation. Such an arrangement should require the township to pay the wages of the men of the county who are required to operate such equipment and also the cost of fuel and lubricating oil, as well as for all incidental repairs.

106  
Obstructions, Duty of  
Engineer

The board of supervisors may on their own motion, or in compliance with a request from the township trustees, direct the county engineer to make a preliminary survey sufficient to establish the fact that any particular highway within the county is being encroached upon, or that there are in fact obstructions within the limits of said highway. The county engineer is under no obligation to establish the line between the public highway and the abutting property owner, and any such abutting property owner who relies upon the findings of the county engineer must do so upon his own responsibility.

The board of supervisors has power to remove any obstruction upon the county road system, and the board of trustees has the same power to remove any obstruction from the township road system.

107  
Obstructing Entrances to  
Private Property

It is unlawful for road officials to destroy or injure the ingress or egress of private property. Where necessary, therefore, in the improvement of public highways to raise or lower the grade along a private property, proper entrance culverts or driveways should be constructed by the county and paid for out of county funds. Where temporary culverts are used upon the township road system for this purpose, they must be placed by the township trustees. In this connection see late case of *Heyden vs. Whittiker*, 135 N. W. (Iowa), 361.

108  
Partial Payments

It is expressly provided in the latter part of section 1527-s10, Supplemental Supplement, 1915, that partial payments may be allowed by the board of supervisors on contract work on the basis of the engineer's certified estimate and the percentages specified in the standard specifications of the State Highway Commission. This provision does not, however,

authorize the county auditor to issue warrants for these partial payments until they have first been passed upon and allowed by the board of supervisors.

Since under previous statutes much inconvenience and embarrassment was encountered by counties in attempting to do public work by the day labor system because of their inability legally to meet pay rolls promptly, the new road law has expressly provided in section 1527-s11, Supplemental Supplement, 1915, that the board of supervisors may authorize the county auditor to draw warrants for the amount of pay rolls for labor furnished under the day labor system, when said pay rolls are certified to by the engineer in charge of the work. These bills must be passed upon by the board of supervisors at their first meeting following said payment.

By the provisions of section 1527-s7, Supplement to the Code, 1913, the county engineer is required to survey the county road system and report a plan for its improvement, which survey and report is required to be made on the basis, and with the object in view of the permanent improvement, of said county roads, and particularly as to the bridge, culvert, tile and road work. The same is true in regard to the improvement of the township road system, as provided for in section 1527-s14, Supplemental Supplement, 1915.

The law requires that before beginning the construction of any bridge or culvert by contract or day labor, plans and specifications for same must be filed in the office of the county auditor. All additions and alterations to said plans must be added so that a complete record of each structure hereafter made can be retained in the county auditor's office in permanent form.

The State Highway Commission is required under the provisions of section 1527-s11, Supplemental Supplement, 1915, to furnish to the several counties of the state standard specifications for all bridges and culverts; the law further requires that all work of this character must be done in accordance with said standard specifications.

The plans prepared by the county engineer for the necessary road, bridge, tile and culvert work upon the county road system must be submitted to the State Highway Commission and have its approval; and after it has been so approved, the board of supervisors must proceed to construct all work of this character in strict accordance with said approved plans.

The survey of the county road system made by the engineer and the report of his plan for the improvement of said road system must consist, among other things, of an accurate plan and profile of said road system showing:

- (1) Cuts and fills.
- (2) Outline of grades.
- (3) Surface drainage.
- (4) Lateral drainage.
- (5) Sub-drainage.
- (6) Location of all lines of tile.
- (7) Size or sizes of tile.
- (8) All bridges and culverts.
- (9) Length, height and width of each bridge and culvert.
- (10) Foundation soundings for each proposed bridge and culvert.
- (11) Estimate of watershed of each proposed bridge and culvert.

Under the provisions of section 1527-s11, Supplemental Supplement, 1915, the county engineer is required to prepare and file in the office of the county auditor plans, specifications, estimates of drainage area, estimate of cost, specific location of structures, etc., of all permanent bridges or culverts which the county proposes to build by day labor or by contract, and until this is done, the board of supervisors is expressly prohibited

109  
Pay Rolls

110  
Permanent Improvements,  
on Road Systems

111  
Plans and Specifications

112  
Plans and Specifications,  
Detailed Requirements

113  
Plans and Specifications,  
Estimate of Cost



from beginning work upon any such structures. The estimate of the county engineer as to the probable cost is essential, and the board is expressly prohibited from building any bridges or culverts, except those which would properly come within the statutory definition of repair work, without first having obtained the engineer's estimate of the cost of such proposed bridge or culvert.

114  
Plans and Specifications,  
Approval of Commission

By the provisions of section 1527-s7, Supplement to the Code, 1913, the engineer is required to survey the county road system and to prepare a plan for the permanent road work to be done thereon. This survey of the engineer and the plan of permanent road improvement prepared by him is then submitted to the State Highway Commission for approval. It is then returned with such modifications as the Commission deems proper, and recorded in full by the county auditor. The board of supervisors is then required to construct the road work in accordance with such plans, and in so doing it is not sufficient for them to comply only partially, but they must follow these plans in detail, making only such changes as become absolutely necessary to complete the work as planned. See section 1527-s8, Supplemental Supplement, 1915.

115  
Plans and Specifications  
on Township Road Sys-  
tem Must Be Approved  
by the Commission

It is contemplated under the provisions of section 1527-s14, Supplemental Supplement, 1915, that the permanent work upon the township road system should be made under plans and specifications of the county engineer in the same manner as is the permanent work upon the county road system. These plans and specifications of the engineer for the improvement of the township road system should be submitted to the State Highway Commission for its approval in the same manner as are submitted the plans and specifications for the permanent improvement of the county road system.

116  
Poll Tax

Recent road legislation has made no change in the poll tax. Such tax will still go to the benefit of the township, but all persons working out their poll tax will, in the future, do so upon the township road system. This is true even though the parties may live upon the county road system, since residence is not considered in determining upon what roads the work is done.

The duties of the road supervisor are now performed by the superintendent of the township road system, and it is, therefore, one of his statutory duties to see that all poll tax is worked out as required by law, and to collect the amount paid in lieu thereof from those who have refused or neglected to work out the same. (See section 1527-s13, Supplemental Supplement, 1915; also sections 1550, 1551 and 1552 of the Code.)

117  
Public Lettings

Under the provisions of section 1527-s11, Supplemental Supplement, 1915, the board of supervisors is prohibited from entering into any contract on behalf of the county involving an expenditure of one thousand dollars or more on account of the construction of bridges or culverts, or tiling, or repair work, or for the purchase of tile or other materials to be used in such construction, without first having advertised for bids. The board must cause the county engineer to estimate the cost of making such improvement or of purchasing such materials. All advertisements calling for bids should be published in each of the official newspapers of the county, and it may be productive of greater competition if such notices were also published in some journal of general circulation among the contractors. At least ten days' notice of the letting should be given so as to secure the lowest prices by reason of active competition thus secured.

118  
Platted Territory, Roads In

When real estate is platted in territory that is unincorporated, its streets and alleys become county roads, within the definition of the statute and are subject to the jurisdiction of the board of supervisors. Chrisman vs. Brandes, 137 Iowa, 433, 437.

Under the provisions of section 1530, Supplement to the Code, 1913, one-half of that portion of the county road fund arising from a tax upon the property within any municipality must be paid over by the county treasurer to the treasurer of that municipality. This fund should be expended upon such of the roads and streets within such municipality as are continuations of the county road system, or which are main arteries of travel. It is expended by or under the direction of the city council or the commission of such city or town. This provision of the law has not been changed by recent legislation. In this connection it should be noted that the last chapter in section 1530-a, Supplement to the Code, 1913, has been repealed by statutory provisions which appear in sections 1527-s3 and 1527-s8, Supplemental Supplement, 1915, by which the board of supervisors is prohibited from expending any portion of the money which comes into its hands for road purposes upon the township road system.

By the provisions of section 427 of the Code the board of supervisors of any county is given the right to change and establish highways along streams where it can, thereby, avoid building bridges over such streams. The law further provides that all costs incurred in the establishing of such a highway shall be paid out of the county bridge fund. See Stahr vs. Carter, 116 Iowa, 380.

In this connection it may be well to refer to the provisions of section 1527-a, Supplement to the Code, 1913. Particular attention is called to the important statutes affecting this matter enacted by the Thirty-sixth General Assembly, which appears as section 1527-r1 to section 1527-r7 inclusive, Supplemental Supplement, 1915.

Under the provisions of section 1258-c to 1258-k inclusive, Supplement to the Code, 1913, any member of the board of supervisors may be removed from office upon any one of the following grounds:

- (1) For wilful or habitual neglect or refusal to perform the duties of his office.
- (2) For wilful misconduct or maladministration in office.
- (3) For corruption.
- (4) For extortion.
- (5) Upon conviction of felony.
- (6) For intoxication or upon conviction of being intoxicated.

Failure, neglect, or refusal to perform any of the duties imposed upon them by the provisions of section 2024-i, Supplement to the Code, 1913, is made a seventh ground of removal. (See section 2024-i3, Supplement to the Code, 1913.)

The supreme court held, in the case of State vs. Welch, 109 Iowa, 19, that in a removal case, acts of the defendant committed during a previous term could be proved. The court reasoned that the very object of removal was to rid the community of a corrupt, incapable, or unworthy officer; that his acts during a previous term would quite as effectually stamp him as corrupt, incapable or unworthy, as would those committed during the term he was then serving. Re-election would not condone the offense. His misconduct may not have been discovered prior to his re-election, and in any event may not have been established in the manner contemplated by the statute. His disqualifications to continue in the particular office results from the commission of certain prohibited acts committed during his incumbency.

Under the provisions of section 1256 of the Code, county officers may be removed pending the investigation of charges against them, and the district judge may direct the county attorney to file charges. See Battey vs. Wheeler, 145 Iowa, 16.

Repair work as defined in section 1527-s10, Supplemental Supplement, 1915, applies to bridge and culvert construction as well as to construc-

119  
Road Funds, Refund to  
Municipalities

120  
Relocation of Roads

121  
Removal of Supervisors

122  
Removal, Grounds  
Continuing

123  
Removal of Officers

124  
Repair Work, Applies to  
Township Road System



tion work of any other character, and since bridges and culverts are built upon the township road system as well as upon the county road system, there can be no question but what the provisions applying to repair work would be equally as applicable to work done upon the township road system as upon the county road system.

125  
Roads, Adverse Possession  
Does Not Run Against  
the Public

All highways hereafter established, unless otherwise fixed by the board of supervisors, shall be at least sixty-six feet wide, and in no case less than forty feet wide. (See section 1483, Supplement to the Code, 1913.) Where there is no record as to the width of the highway established, it will be presumed that it is sixty-six feet in width. (Bigelow vs. Ritter, 131 Iowa, 213.) Non-use of a strip of land included within the highway and the occupancy by an adjoining owner will not bar the rights of the public in said strip of land. (Rae vs. Miller, 68 N. W., 899.)

In establishing and maintaining a highway, a municipality exercises a governmental function so that the statute of limitations does not run against it with respect to encroachments. Quinn vs. Baage, 138 Iowa, 426, 431, cited in note in 22 L. R. A. (N. S.), 922, on Limitations of Actions against Agencies of State.

126  
Roads, Control of

All highways and public thoroughfares within cities and incorporated towns are subject to the exclusive control of the officers of that municipality, while roads and streets within non-incorporated towns are regarded as a part of the highways of the county. See Gallaher vs. Head, 72 Iowa, 173.

127  
Road Systems

The roads constituting the county road system have been selected. They were so chosen as to connect the principal market places of the county, and also to reach the county road systems of adjoining counties. The county road system as now constituted forms trunk lines throughout the state to which can later be added additional branch lines, thus forming a complete net work of well improved highways. All other public highways throughout the county outside the limits of incorporated cities and towns are included in and form the township road system. Neither of these two systems can have any part of its mileage within the limits of incorporated cities and towns, subject, however, to a provision found in section 1527-s3, Supplemental Supplement, 1915, under which any part of any public highway located along the corporate line of any city or town and partly within such city or town and partly without the same, such public highway or any part thereof may be included in and made a part of the county road system.

128  
Road Systems, Care of

Under the provisions of section 1527-s15, Supplement to the Code, 1913, the board of supervisors is made responsible for the improvement, maintenance and repair of the county road system, while under the provisions of section 1527-s13, Supplemental Supplement, 1915, the board of township trustees is charged with the responsibility of maintaining, dragging, and repairing the township road system. They are required to employ at least one, and not more than four superintendents of such township road system to perform these duties.

129  
Road Systems, Increase of

Section 1527-s3, Supplemental Supplement, 1915, expressly provides that those highways now designated as county roads by the plans and records now on file in the county auditor's office in each county shall constitute the county road system, but provision is expressly made in recent legislation, by which, under certain conditions, such county road system can be changed or modified. The grounds upon which such modifications may be made are as follows:—

(1) Where a public highway is located partly within a city or town and partly without the same, it being located along the corporate line of such city or town. (See section 1527-s3.)

(2) When the proposed change will eliminate dangerous crossings.

- (3) When the proposed change will eliminate dangerous curves.  
(4) When the proposed change will materially decrease the cost of improving such county road system.  
(5) When the proposed change will materially decrease the maintenance of such county road system. (See section 1527-s5.)  
(6) When any proposed additions to such county road system will materially shorten the direct lines of travel between market points. (See section 1527-s9.)

The county engineer is required to divide the county road system into sections, designating each section by some appropriate number, name or letter. He shall then clearly designate the starting point and terminus of each such section. When this is done the designation of each section must be recorded at length in a county road book.

Many things were considered by the State Highway Commission in determining the correct lines to be followed by the several county road systems throughout the state, chief among which were the volume of traffic which will naturally be carried over the system, and continuity and feasibility of the system and the cost of constructing same. Other things being equal, the Commission insisted upon the system following the shortest line between the two market places.

No work can be begun upon the roads of any township road system, other than is described in section 1527-s10, Supplemental Supplement, 1915, as repair work, until the trustees have made application to the board of supervisors for an engineer, who shall survey and lay out such township roads, according to the plans and specifications used on the roads of the county road system. All such work upon the township road system shall be done in accordance with said plans and specifications.

Under the provisions of section 1482 of the Code, the board of supervisors is given general supervision over the roads of the county, and has power to establish, vacate, and change said roads. The procedure referred to in section 1527-s19, Supplement to the Code, 1913, of the road law enacted by the Thirty-fifth General Assembly, has reference to the selection and designation of the roads to be included within the county and township road systems, and is not intended to take precedence over the provisions of section 1482 of the Code.

Section 1570-b2, Supplement to the Code, 1913, providing for a superintendent of dragging, has been repealed so far as it applies to the work upon the county road system or the township road system, so that there is now no longer the office formerly known as superintendent of dragging. The duties formerly performed by the superintendent of dragging have since been placed upon the superintendent of the township road system. (See section 1527-s13, Supplemental Supplement, 1915.)

Under the provisions of section 1527-s13, Supplemental Supplement, 1915, it is made the duty of the township trustees of each township to employ one superintendent of the township road system, which superintendent shall have the general supervision of all dragging and repair work on the township road system. The law enacted by the Thirty-fifth General Assembly made provision for but one superintendent for each township and places upon him the duties previously performed by the superintendent of roads and the superintendent of dragging.

By an amendment of the Thirty-sixth General Assembly, the township trustees may employ as many as four superintendents of the township road system, assigning to each a certain portion of such township road system, and making him responsible therefor.

130  
Road System, Sections of

131  
Road System, Determination of

132  
Road System, Work on Township System

133  
Road System, Procedure Provided

134  
Superintendent of Dragging

135  
Superintendent of Township Road System



136  
Superintendent of Town-  
ship Road System,  
Duties of

Under the provisions of section 1527-s13, Supplemental Supplement, 1915, it is made the duty of the superintendent of the township road system:

- (1) To see that the approaches to all bridges on the township road system are maintained in such manner as to present smooth and uniform surfaces.
- (2) To keep the openings to all culverts, bridges and ditches free from weeds, brush and other material that will in any manner prevent the free discharge of surface water.
- (3) To supervise all dragging and repair work on the township road system.
- (4) To place all temporary culverts upon the township road system, and to make the fills required over them.
- (5) To have charge of all draggable roads of the township road system.
- (6) To make contracts for dragging.
- (7) To see that all draggable roads of the township road system are properly dragged at such times as are necessary to maintain such roads in a smooth condition.
- (8) To fix the price to be paid for dragging, which must be reasonable.

137  
Township Clerk,  
Report of

Under the provisions of section 1527-s16, Supplemental Supplement, 1915, the township clerk is required to report to the township trustees the work accomplished on the township road system in his township during the preceding year. This report must be filed not later than the first day of January of each year, and oftener if so required by the township trustees.

138  
Township Funds  
Available

Section 1527-s8, Supplemental Supplement, 1915, requires that all moneys received by the township trustees for road purposes must be expended by the township trustees upon the township road system. Under existing statutes there is now available for the use of the township trustees, the following funds, to wit:

- (a) Under the provisions of section 1528, Supplement to the Code, 1913, the township trustees may levy not more than four mills on all property of the township, which fund is denominated the township road fund.
- (b) The township trustees, under authority to them granted under the provisions of section 1528, Supplement to the Code, 1913, may levy not more than five mills on all township property, which fund is known as the township drainage fund to be used in paying drainage taxes heretofore levied and still unpaid, or for the payment of any drainage assessments which may be hereafter levied against the township on account of benefits to highways constituting a part of the township road system.
- (c) Under the provisions of section 1570-g2, Supplement to the Code, 1913, the township trustees are required to levy a one mill tax upon the taxable property of the township, which fund must be maintained for the sole purpose of meeting the expense of dragging highways which constitute the township road system. It is known as the township drag fund.
- (d) Under the provisions of section 1550, Supplement to the Code, 1913, all able bodied men are required to perform two days' labor upon the roads constituting the township road system, or contribute its equivalent in cash. (See section 1555 of the Code.)
- (e) By the terms of section 2230, Supplement to the Code, 1913, the board to whom the township is granting relief, if able-bodied men, may be compelled to work upon the roads of the township road system, and to receive therefor five cents per hour for such services.

139  
Township Funds, Addi-  
tional Levy

By the provisions of section 1530, Supplement to the Code, 1913, the board of supervisors may upon the written petition of a majority of the electors who are freeholders in any township, levy an additional mill in said township to be expended by said board of supervisors on the roads in the township where same is levied.

It is unlawful for the township trustees to expend upon the township road system any funds coming into their hands other than those which are designated expressly for road purposes. It is, therefore, unlawful for the township trustees to use the cemetery fund, for instance, in meeting expenses incurred for road purposes.

Under the provisions of section 1566-a, Supplement to the Code, 1913, the trustees of each township are required to file with the board of supervisors on or before the first Monday in each year, a full and itemized account verified by the township clerk, showing each item of expenditures and receipts of all moneys received and disbursed during the preceding year for road purposes in said township, which report must remain on file with the county auditor. A synopsis of this report shall be published in the published proceedings of the January session of the board of supervisors.

This duty of the trustees is in addition to that required of them under section 1527-s16, Supplemental Supplement, 1915, under express provisions of which the trustees are required to recommend what in their judgment should be done upon the township road system, during the coming season; also to prepare a list of the culverts and bridges which they believe should be constructed by the board of supervisors in their township during the succeeding year, giving the locations of such culverts and bridges, the materials out of which such culverts should be constructed, the approximate size of such bridges and culverts, and any other recommendations concerning same which they deem fit to give. This last named report of the township trustees must be filed on or before the first day of January of each year, or oftener if the emergency requires. It must be filed in the office of the county auditor. The township clerk of each township must also mail a copy to each member of the board of supervisors.

All moneys received by the board of supervisors for road purposes can be paid out only on the order of said board, and for purposes specifically indicated in the statute. By the provisions of section 1527-s10, Supplemental Supplement, 1915, no warrants can be issued by the county auditor upon the funds of the county road system in payment for any work or construction of highways, except for dragging, maintenance, or repairs not designated by the engineer, unless the bills for which the warrants were issued are filed in itemized form and certified to by the county engineer, both as to correctness, and as to the fact that the improvement had been made in accordance with the plans and specifications. To violate this provision renders the county auditor liable on his bond for the amount of the warrant illegally issued.

The township trustees are prohibited by the provisions of section 1527-s13, Supplemental Supplement, 1915, from allowing any bills for dragging, maintenance, or repair work until itemized bills therefor have been certified to by the township road superintendent. The township clerk is prohibited from issuing warrants upon funds of the township road system in payment for any such work until these requirements have all been complied with. If he illegally issues any such warrants he will become liable on his bond for the amount of same.

By the provisions of section 1572 of the Code, bridges erected or maintained by the public constitute parts of the road, and must not be less than sixteen feet in width. Officers have no authority to fix the width of a bridge at less than sixteen feet. See Gould vs. Schermer, 70 N. W. (Ia.), 697.

All permanent work on the township road system must be done under and in accordance with the plans and specifications of the county engineer which have been approved by the State Highway Commission and the bills for such work should be certified to by the county engineer in the same manner as are the bills for such work upon the county road system. (See section 1527-s14, Supplemental Supplement, 1915.)

140  
Township Funds, Unlawful  
Expenditure of Cemetery  
Fund

141  
Township Reports

142  
Warrants on County  
Road Funds

143  
Warrants on Township  
Road Fund

144  
Width of Bridges

145  
Work upon Township  
Road System, Engineer  
Must Certify to Bills



146  
Wide Tires, Use of upon  
Public Highways

Sections 1570-d and 1570-e, Supplement to the Code, 1913, provide for a rebate to be paid to users of wagons having wheel tires not less than three inches in width. To entitle the user of such a wagon to a rebate on his road taxes, he must subscribe to an affidavit that for the preceding year he has used only such wagons upon the public roads. The affidavit must be filed with the township trustees, who must then allow the owner using such wide tires one-fourth of the road tax levied upon his property, not to exceed, however, \$5.00 in any one year.

147  
Willow Hedge, Cutting of

Owners of osage orange, willow, or any other hedge fence along the public road are required, under section 1570, Supplement to the Code, 1913, to trim such hedges once each year and to burn or remove the trimmings so cut from the highway. If the owner of the hedge fails to comply with this provision, the proper officers under the present law should serve notice in writing upon the owner and if said owner fails to comply with the notice within sixty days, then the proper road officials may cause same to be trimmed and assess cost thereof against the land. Willows, brush, or other obstructions in the highway are not required to be removed by the owner of the abutting land. If such growths become obstructions in the use or improvement of the highway, then they may be removed by the road officials in charge of such highways, and the cost thereof paid out of the road fund.

General Index

	Page
A	
Abandoned highway, considered when determining damages of abutting land owners	33
Abandonment of old right of way, notice of such intention required	35
Abandonment of public highways under peculiar facts	84
Action on contractor's bond, limitation of	29
Accounts of engineer must be itemized	55
Acquiescence not binding as to locations of boundary line of highway	82
Additions to county road system, when authorized	18
Advertising for bids, when required	22
Advertisement for bids required on contracts	68
Adverse possession of roads does not run against public	90
Additional levies may be made in townships by petition	92
Affidavit to be filed before rebate for use of wide tires may be allowed	94
Annual report of commission, when to be filed	7
Anticipation of taxes levied for purpose of paving city highways	48
Appeal from action of Board in condemnation proceedings	34
Appeal from action of the board in establishing highway drainage district, or in awarding damages, procedure for	40, 41
Apportionment of cost in establishing highway drainage improvement	39
Apportionment of motor vehicle fund	61
Approaches to farms requiring culverts	76
Approaches to all bridges to be maintained	92
Approval of final survey and report of engineer by commission, matters to be considered	15
Approaches to all bridges must be kept smooth	24
Application by township trustees to board of supervisors for engineer	91
Assessments on land within city paving districts, extent authorized	46
Assessment plat in city pavement district, preparation of	47
Assessments against property owners for failure to destroy weeds, law governing	64
Assistants of commission, how appointed, duties and compensation of	7
Attorney General, duty of to defend suits for infringement of patents	56
Attorney General to act as attorney for commission	6
Attorney General, violations of duties by county officers to be reported to	8
Auditor, duty of in regard to motor vehicle road fund	61
Auditor, bond of	69
Auditor, duties of	73
Auditor, regulations governing issuance of county warrants	74
Auditor, duty to appoint appraisers	32
Auditor, duty of to make assessments against tracts of land within highway drainage districts	40
Auditor, duties of in regard to county road system	10
Auditor, duty of to mark county maps	11
Auditor, duty of in regard to survey and plans approved by commission for improvement of county road system	15
B	
Auditor prohibited from issuing warrants unless bills are itemized and certified by engineer	19
Auditor, liability of for unlawful issuance of warrants	21
Auditor, duty of to file statement of cost of bridges culverts and railroad crossings with commission	21
Auditor may issue warrants for pay rolls, when	24
Authority to compel the dragging of roads	78
Authority of road officials relative to brush on public highways	94
Bench marks on permanent bridges and culverts, recording of	14
Bidding required on public contracts	68
Bidding for public work, when required	22
Bids, opening and recording of	23
Bills must be itemized and certified to by engineer	19
Bills for drainage must be certified to by engineer	80
Bills, when they must be itemized	19
Bills for work on township road system	25
Bills for dragging must be itemized	78
Bills for permanent road work on township system certified to by engineer	93
Blanket contracts prohibited	23
Board of supervisors to appoint county engineer	9
Board of supervisors may remove county engineer	9
Board of supervisors has supervision over county engineer	9
Board of supervisors may designate order in which sections of county road system should be surveyed	14
Board of supervisors must construct and maintain all bridges and culverts	16
Board of supervisors, required to make fills on bridges and culverts, when	16
Board of supervisors may authorize partial payments	20
Board of supervisors, duties of in regard to making of public contracts	22
Board of supervisors may authorize payment of pay rolls, when	24
Board of supervisors, duty of to cause survey of township road system for permanent work	26
Board of supervisors may contract with township trustees, when	26
Board of supervisors, duty of to repair and drag county road system	27
Board of supervisors, duty of to remove obstructions on public highways	28
Board of supervisors, duty of in regard to contractors' bonds	28
Board of supervisors, duties of in condemning land	32
Board of supervisors, duties of in regard to highway drainage improvements	38
Board of supervisors, duty of to improve highway drainage district	42
Board of supervisors may petition board of railroad commissioners for hearing on railroad crossings	43
Board of supervisors may grant permission to bring water mains upon public highways	45
Board of supervisors, duty to purchase or condemn land for gravel pits	51
Board of supervisors, grounds for removal of	53



	Page
Board of supervisors has authority to decide how taxes are paid .....	68
Board of supervisors, duty of to pass upon unliquidated claims .....	72
Board of supervisors, duty of to build culverts ..	75
Board of supervisors, duty of in regard to disposal of gravel pits .....	82
Board of supervisors have power to establish, vacate and change roads .....	91
Board of railroad commissioners, hearings before relative to railroad crossings .....	43
Bonds of assistants of commission .....	7
Bond of county engineer .....	9
Bond of engineer covers damage for false certificate .....	19
Bond of auditor covers unlawful issuance of warrants .....	21
Bond of township clerk covers unlawful issuance of warrants .....	25
Bonds of contractors, terms of .....	28
Bonds of contractors, sureties on .....	28
Bonds of contractors, sureties not relieved .....	29
Bonds of supervisors, amount of .....	54
Bonds of supervisors filed with clerk of district court .....	54
Bonds of auditor, liability under .....	69
Bonds of engineer, liability under .....	69
Bond of township clerk, liability under .....	69
Bonds of public contractors, liability under .....	69
Bonds of supervisors .....	69
Boundaries of highways can not be fixed by acquiescence .....	82
Boundaries can not be interfered with by establishment of highways .....	83
Bridge and culvert work on corporation line of city of first class .....	10
Bridge work on public highways planned by county engineer .....	13
Bridge fund, how constituted .....	18
Bridge and culvert work, plans, specifications, etc., must be filed .....	23
Bridge patents, duty of attorney general to defend suits infringing .....	56
Bridge tax within cities of the first class .....	72
Bridge, failure to build does not amount to vacation of highway .....	83
Bridges within cities of the first class, whose duty to build .....	10-11
Bridges, how distinguished from culverts .....	14
Bridges, duty of board of supervisors to construct and maintain .....	16
Bridges, out of what fund paid .....	16
Bridges and culverts, responsibility for making fills on .....	16
Bridges and culverts, duplicate statement of cost to be filed with commission .....	21
Bridges over drainage ditches, requirements of ..	23
Bridges, recommendations of township trustees regarding .....	27
Bridges, securing land to avoid unnecessary expensive structures .....	31
Bridges and culverts, duty to construct .....	70
Bridges, what they consist of .....	70
Bridges, width of .....	71
Bridges within cities and towns .....	71
Bridges, county is required to keep reasonably safe .....	69
Bridges, liability for unsafe condition of, when ..	69
Bridges within cities of the first class .....	69
Bridges, mandamus will not lie to compel supervisors to build .....	69
Bridges, when necessary to submit question of building to voters .....	72
Bridges over drainage ditches .....	78
Brush on public highways .....	94
Buildings used as dwellings can not be destroyed	

	Page
to change highway .....	35
Burial grounds can not be used in changing highway .....	35
<b>C</b>	
Cattle ways, responsibility for construction and maintenance .....	72
Cattle passes, fences connecting may be removed ..	81
Cemetery fund, unlawful expenditure of .....	93
Certificate of engineer on bills, when required ..	19
Certificate of engineer on pay rolls .....	24
Certificate of engineer on drainage bills .....	80
Certificate of engineer necessary on bills before warrants are issued .....	93
Certificate of township road superintendent required on bills .....	94
Changes of plans, no defense for surety on contractors' bonds .....	28-29
Changes or relocations of highways .....	82
Change in road system, how made .....	90
Cities, apportionment of motor vehicle road fund to .....	61
Cities and towns, purposes for which motor vehicle road fund can be used .....	61
Cities of the first class responsible for bridges ..	69
Cities and towns, bridges within .....	71
Cities of first class, control of bridge fund in ..	72
Cities and towns, former drag law still operative as to .....	77
Cities and towns, dragging of unpaved highways within limits of .....	78
Cities and towns must drag main traveled roads which connect with county road system ....	78
Cities and towns, roads and bridges within .....	85
Cities of certain kind have control over county bridge fund collected within their limits ....	59
Cities of second class, when responsible for bridges and culverts .....	59
Cities of certain kind may issue bridge bonds, when .....	60
Citizens may take gravel from county gravel pits for making public road improvements .....	52
City thoroughfares, improvement of .....	46
City authorities, duties of in regard to establishing paving districts .....	46
City highways can not be paved except when streets are at an established grade .....	48
City one-mill drag tax, authorized .....	49
City of less than 8,000 may levy one mile dragging fund .....	49
City and town authorities, responsibility of in regard to destruction of weeds .....	65
City officials, penalty for failing to comply with provisions of weed law .....	66
City special bridge fund .....	59
City or town auditor or clerk, duty of in regard to motor vehicle road fund .....	61
Claims for damages due to change in course of road or stream, time for filing of .....	33
Claims for damages, out of what fund paid ....	34
Claims for damages on account of establishing highway drainage district, time for filing of ..	38
Claims against county passed upon by board ....	68
Claims against county should be presented in writing .....	72
Color combinations and designs used in marking highway routes, registered .....	50
Commission, duty of to pass upon final survey and report of engineer .....	15
Commission must approve contracts of over \$2,000 ..	23
Commission to apportion cost of highway drainage improvement .....	39
Combinations of public contractors .....	57
Combinations between public contractors, penalty for .....	57

	Page
Commercial clubs may take gravel from county gravel pits .....	52
Condemnation of land for road purposes .....	31
Condemnation of land, purposes for .....	31
Condemnation proceedings, procedure for .....	32
Condemnation of land, funds with which purchased .....	32
Condemnation of land already subjected to public use .....	32
Condemnation of land for gravel pits .....	52-84
Construction of bridges and culverts, duty of on board of supervisors .....	16
Contracts, partial payments may be made on, when .....	20
Contracts for less than \$1,000 need not be advertised .....	22
Contracts for over \$1,000 must be advertised ..	22
Contracts for road improvement, regulations governing the making of .....	22
Contract between board of supervisors and township trustees, when authorized .....	26
Contracts, validity of .....	72
Contracts for over \$2,000 must be approved .....	73
Contracts of over \$1,000 must be let after publicly advertised .....	73
Contracts of less than \$1,000 may be let privately under certain conditions .....	73
Contracts for dragging made by superintendent of township road system .....	73
Contracts for draining public highways .....	79
Contracts for dragging to be made by township road superintendent .....	92
Contractors' bonds, terms of .....	28
Contractors must guarantee that they have not entered into unlawful combinations with other contractors .....	57
Contractors compelled to testify as to unlawful combinations .....	57
Contractor with public, bonds of .....	69
Control of highways vested in public officials ..	82
Convicts from state penitentiaries, working upon county road system .....	17
Cost, decrease in improvement or maintenance grounds for change of country road system....	13
Cost of public improvement, detailed statement of, part of permanent record in auditor's office ..	23
Cost of highway drainage improvement, how apportioned .....	39
Cost of making highway drainage improvement advanced out of county road fund .....	40
Cost of building drainage tile across public highways .....	79
Cost of proposed improvement to be estimated by engineer .....	81
County attorney should notify State Highway Commission of threatened suits for infringement of patents .....	56
County attorney, duty of to prosecute railroad which refuses to destroy weeds on right of way	67
For county auditor (see auditor.)	
County bridge fund, to be used in building bridges and culverts .....	16
County bridge fund .....	18
County drainage fund .....	17
County engineer, how appointed, term of office, compensation of, out of what funds compensation paid, bond of, tenure of office of, how terminated, under direction of board of supervisors	9
County engineer required to divide county road system into sections .....	13
County engineer, duty to establish permanent witness corners .....	14
County engineer must certify to bills .....	19
County engineer liable on his bond for false certificate .....	19

	Page
County engineer, duty of to certify pay rolls ....	24
County engineer, duty of to survey county road system for permanent work .....	26
County engineer, duty of to repair and drag county road system .....	27
County engineer prohibited from becoming interested in public contracts .....	27
County engineer, duty of to designate locations of poles upon public highways .....	28
County engineer may recommend changes in course of road or stream, when .....	31
County engineer, duties of in condemnation of land for road purposes .....	31
County engineer, duties of in establishing highway drainage district .....	37
County engineer, duties of in regard to highway drainage improvement .....	42
County engineer to file itemized accounts .....	55
County engineer, bonds of .....	69
County engineering corps, salary of, how paid ..	77
County engineer must approve drainage bills ....	80
County engineer can not at same time by supervisor .....	84
County funds, purposes for which they can be used .....	17
County motor vehicle road fund, what it consists of .....	18
County motor vehicle road fund .....	61
County motor vehicle road fund, apportionment of ..	61
County motor vehicle road fund, purposes for which available .....	62
County motor vehicle road fund, permanent culverts can be paid out of .....	62
County may lease road equipment to township ..	86
County officers under supervision of highway commission .....	8
County road system, what it consists of .....	10
County road building fund .....	29
County road system, must be outside limits of cities and towns .....	10
County road system on corporate line of cities and towns .....	10
County road system, improvement of by board of supervisors .....	10
County road system, maps of .....	11
County road system, hearing on establishment of ..	11
County road system, modification of .....	12
County road system, grounds for modification of ..	12
County road system, improvement of .....	13
County road system, division of into sections ....	13
County road system, additions to .....	18
County road system, responsibility for repair and dragging of .....	27
County road system, dragging of, out of what funds paid .....	78
County road system .....	90
County road book, what included .....	91
County road funds, expenditure of can not be by districts .....	86
County road cash fund, expenditure of on township road system .....	75
County road equipment, use of by township ....	26
County treasurer, duty of in regard to motor vehicle fund .....	61
County required to keep reasonably safe bridges	69
Countries not liable for unsafe condition of highways .....	83
Culverts, statutory width of roadway on .....	13
Culverts, how distinguished from bridges .....	14
Culverts, duty of board of supervisors to construct and maintain .....	16
Culverts, out of what funds paid for .....	16
Culverts, for temporary use on township road system to be furnished by board of supervisors ...	16
Culverts, for temporary use on township road system to be placed by township trustees .....	16



	Page
Culverts, for temporary use on township road system delivered by board to convenient railway station .....	16
Culverts and bridges, responsibility for making fills on .....	17
Culverts, openings of must be kept clean .....	25
Culverts, built by board of supervisors .....	75
Culverts, plans for made by engineer .....	75
Culverts, built under standard specifications .....	75
Culverts must be 20 ft. roadway .....	76
Culverts, how paid for .....	76
Culverts as approaches to farm bridges .....	76
Culverts, general provisions governing .....	76
Cutting of brush on public highways .....	94

## D

Damages due to cattle way out of repair, who responsible for .....	72
Damages for unsafe condition of bridges, when not collectable .....	69
Damage to fences along public highways .....	83
Dangerous corners, securing land to avoid .....	31
Dangerous crossings or curves, county road system may be changed to eliminate .....	12
Date of filing report of township clerk .....	92
Date of filing report of township trustees .....	93
Day labor, how paid .....	24
Day labor, plans for work done under .....	77
Dedication of highways for use of public .....	83
Defacing of markings designating highway routes made a crime .....	51
Delay in securing condemned land does not interfere with other part of improvement .....	35
Detailed statement of cost of public work retained by auditor .....	23
Disbursement of county funds .....	74
Disposal of gravel pits .....	82
District judges fix the amount of supervisors bonds .....	54
District road superintendent, law creating, repealed .....	30
Disturbing of government corners, penalty for .....	14
Division of county funds .....	74
Drainage ditches, requirements of bridges over .....	23
Drainage of highways .....	37
Drainage district, improvement of made by board of supervisors .....	42
Drainage of surface water from public highway .....	79
Drainage ditches, bridges over .....	78
Drainage, outlet for on public highways .....	79
Drainage across highways .....	79
Drainage of county road system, plans for .....	79
Drainage contracts .....	79
Drainage on township road system, out of what fund paid .....	80
Drainage districts, establishment of .....	80
Drainage area to be estimated by engineer .....	81
Drag tax, expenditure of .....	25
Drag fund of township, transfer of, when .....	26
Drag fund, township .....	58
Drag statute, earlier one (1911) repealed .....	58
Draggable roads, when and how selected .....	24
Draggable roads, what they include .....	24
Draggable roads, responsibility for care of .....	24
Dragging of roads, compensation for .....	25
Dragging equipment, how paid for .....	25
Dragging of county road system, responsibility for .....	27
Dragging of township road system, contracts for .....	73
Dragging statute, former one repealed except as to weeds .....	77
Dragging, duty of superintendent of township road system .....	77
Dragging, itemized bills for .....	78
Dragging of unpaved highways within cities and towns .....	78
Dragging fund of township, transfer of unused balance .....	78

	Page
Dragging of county road system, out of what fund paid .....	78
Dragging of county roads, responsibility for .....	78
Dragging of county roads, authority to compel .....	78
Duplications of names, color combinations, or designs used in connection with registered highway routes prohibited .....	50
Duties of State Highway Commission .....	6
Duties of commission to assist in defense of patent suits .....	9
Duties of township road superintendent .....	24
Duties of county auditor .....	73
Duties of cities and towns to drag main traveled roads connecting with county road system .....	78
Duty of railroad corporation to destroy weeds .....	67
Duty of engineer regarding encroachment upon public highway .....	86
Duty of trustees to appoint township road superintendent .....	91
Duty of owners of willow hedges to cut .....	94
Duty of road officials relative to cutting of brush on public highway .....	94

## E

Earth fills on bridges and culverts, responsibility for work .....	16
Emergency work .....	21
Employment of inspectors .....	85
Employment of township road superintendent .....	90
Encroachments upon public roads, duty of engineer regarding .....	86
For engineer (see county engineer.)	
Engineer, how appointed, term of office, compensation of, out of what funds compensation paid, bond of, tenure of office of, how terminated, under direction of board of supervisors .....	9
Engineer's certificate on bills, when required .....	19
Engineers to file itemized accounts .....	55
Engineers' itemized accounts, what to include .....	55
Engineer's office, equipment for .....	77
Engineer, duty of as to encroachment upon public roads .....	86
Engineer, duty of to make estimate of cost .....	87
Engineer, expenses of in attending road school .....	86
Engineer to survey township roads .....	91
Engineering corps, funds out of which wages are paid .....	77..
Entrances to private property can not be destroyed .....	87
Equipment for engineering office .....	77
Establishment of highway drainage district .....	38
Establishment of drainage districts .....	80
Estimate of cost to be made by county engineer .....	81
Estimates of drainage areas to be made by county engineer .....	81
Estimate of cost must be made by county engineer .....	87
Examination of map of county road system by commission .....	12
Excavation on public highways constitutes obstruction .....	85
Expenditure of county road cash fund .....	75
Expenses of removing telephone poles from public highways .....	28
Expense incurred in highway drainage improvement afterwards abandoned, how paid .....	41
Expenses of defending suits involving infringement of patents paid out of general revenue to the state .....	56
Expenses of county engineer in attending road school .....	86
Experiences of particular counties available for others .....	7
Extension of time, no defense to surety on contractor's bonds .....	28

## F

	Page
Factors considered in choosing county road system .....	91
Fees paid for registering highway routes must be turned into state treasury .....	51
Fence may constitute obstruction .....	85
Fences along highways, removal of .....	83
Fences upon public highways, removal of .....	28
Filling and placing of temporary culverts, responsible for .....	16
Fills over temporary culverts to be made by township road superintendent .....	92
Fills upon bridges within cities and towns .....	71
Fills upon bridges and culverts, responsibility for making .....	70
Floating indebtedness, bonding of, when permitted .....	18
Free holders may petition board of railroad commissioners for hearing on railroad crossings .....	43
Free holders may recommend change in course of road or stream, when .....	31
Funds out of which damages caused by condemnation proceedings are paid .....	34
Funds out of which are paid the costs of making highway drainage improvements .....	39
Funds of county spent under direction of board .....	68
Funds of county, division of .....	74
Funds of county, disbursement of .....	74
Funds available for drainage of county road system .....	80
Funds out of which bridges and culverts are paid for .....	16
Funds, out of which county advances funds for making fills on bridges and culverts .....	17

## G

General plans for construction and maintenance of public highways, devised by commission .....	6
Government monuments .....	81
Government corners, witness corners for .....	14
Governor, power to direct attorney general to defend patent suits .....	56
Grade line of temporary improvement on county road system .....	15
Grades for paving city highways .....	48
Graft of road officials prohibited .....	27
Graft, public officials can not be interested in public contracts .....	84
Gravel pits, purchase of, condemnation of land for .....	51
Gravel pits of counties, who may take gravel therefrom .....	52
Gravel pits condemned .....	81
Gravel from county pits free .....	82
Gravel pits, disposal of .....	82
Grounds for modifying county road system .....	12
Grounds for removal or continuing .....	89
Guarantee of public contractor that he entered into no unlawful combinations .....	57
Guide boards, construction of .....	82

## H

Hearing on advisability of establishing highway drainage district .....	38
Hearing upon report of commission to apportion cost of making highway drainage improvements .....	40
Hearings before board of railroad commissioners on matters connected with railroad crossings .....	43
Hearing on proposed resolution establishing city paving district .....	47
Hearing on establishment of county road system .....	11
Highway abandoned under facts of peculiar case .....	84
Highway commission, work of in connection with railroad crossings .....	44
Highway commission, powers and duties as to registration of highway routes .....	50

## I

Highway commission must keep permanent record of registered highway routes .....	50
Highway commission should be notified of threatened suits for infringement of patents .....	56
Highway commission, funds available for use of .....	62
Highway commission, location of, organization of, vacancy on, attorney for, salary of members of, general duties of, grounds for removal of, records of, assistants and employees of .....	5 6-7
Highway commission, duty of in enforcing the road laws .....	8
Highway commission may remove county engineer .....	9
Highway commission to examine maps of county road system .....	12
Highway commission authorized to designate roads when board fails .....	13
Highway commission, duties of in regard to grade lines for temporary improvement .....	15
Highways, changes or relocations of .....	82
Highways, control of vested in public officials .....	82
Highways, dedication of for use of public .....	84
Highways, defined .....	82
Highway drainage district, establishment of .....	38
Highway drainage district, when authorized .....	37
Highways, drainage outlet on .....	79
Highways, establishment requiring removal of buildings .....	83
Highway fences, removal of .....	83
Highways located by original monuments .....	83
Highway not vacated by failure to rebuild bridge .....	83
Highway not abandoned by use of less than full width .....	83
Highways, obstructions on .....	85
Highways, power to regulate is vested in legislature .....	84
Highway, public entitled to full width of established highway .....	84
Highways, removal of obstructions upon .....	28
Highways, responsibility for unsafe condition of .....	83
Highway routes, registration of .....	50
Highway routes, must be twenty-five miles in length to be registered .....	50

## J

Improvement of changed highways .....	34
Improvement of city thoroughfares .....	46
Improvement associations may take gravel from county gravel pits .....	52
Improvement of roads upon state lines .....	11
Improvement of county road system .....	13
Incorporated cities and towns, control of roads within .....	90
Information, duty of commission to designate .....	7
Infringements of patents, duty of attorney general to defend suits for .....	56
Inspectors, employment of .....	85
Investigations, highway commission to conduct .....	8
Itemized accounts of engineer .....	55
Itemized accounts to be filed by township trustees .....	93
Itemized bills must be certified to by engineer .....	19

## K

Labor on roads or poll tax .....	92
Labor of poor on roads .....	92
Land owners entitled to right of way from his land .....	84
Legislature has power to regulate use of highways .....	84
Length of culverts authorized by statute .....	13
Levy of a paving tax for paving city highways .....	48
Liability of auditor relative to warrants on county road funds .....	93
Liability of township clerk with reference to warrants on township road funds .....	93
Limitation of action on contractor's bond .....	29
Location of office of highway commission .....	5



M	Page	Page	
Main traveled roads within cities, improvement of	46	Partial payments, basis upon which made	20
Main traveled roads within cities and towns must be dragged	78	Patents, suits for infringement of to be defended by attorney general	56
Maintenance of bridges and culverts, duty of with board of supervisors	16	Patent suits, duty of highway commission to assist in defense of	9
Maps showing county road system	11	Pavements of city thoroughfares, construction of	47
Maps showing county road system, to be sent to commission	12	Paving districts within cities, authority to establish	46
Maps, examination of by commission	12	Paving districts within cities, notice of hearing upon establishment of	47
Markings designating highway routes, injuring or defacing of, prohibited	51	Paving district within city, objections to	47
Markings designating registered highway routes subsequently abandoned may be again used	51	Paving of city highways, one-half the expense must be paid by property owners within the district	48
Materials for road improvement, regulations governing the purchase of	22	Payment of pay rolls for labor furnished under day labor system	77
Minimum width of bridges, sixteen feet	93	Payment of pay rolls	87
Misconduct in office, grounds for removal of supervisors	53	Pay rolls, how they may be paid	87
Misdemeanor, violation of act for registering highway routes constitutes	51	Pay rolls, may be met in advance of completion of work	24
Modification of county road system, grounds for	12	Penalizing contractors for unlawful combinations	57
Motor vehicle road fund, how created	18	Penalty for making false statements in engineer's itemized account	55
Motor vehicle county road fund	61	Penalty for failure of railroad to destroy weeds upon right of way	67
Motor vehicle fund, part apportioned to state highway commission	62	Penalty for failure to establish permanent witness corners	14
Motor vehicle fund, part apportioned to state treasurer	62	Permanent improvement of county road system	87
Municipalities, control of roads within	90	Permanent improvement of county road system, report of county engineer on	13
N		Permanent work on county road system must be according to survey and plans approved by commission	15
Neglect of duty, ground for removal of supervisors	53	Permanent record of public work in auditor's office	23
New telephone lines, location of by engineer	28	Permanent work on township road system, plans for	26
Notice to be given owners of land to be condemned	33	Placing and filling of temporary culverts, responsibility for	16
Notice of intention to condemn land, form for	35	Plans and specifications for bridges and culverts must be filed	87
Notice of hearing on advisability of establishing drainage district, may be published	38	Plans and specifications must show detailed requirements	87
Noxious weeds, defined	63	Plans and specifications must be approved by highway commission	88
O		Plans and specifications for township road system must be approved by commission	88
Obstructions to change in course of road or stream, time for filing	33	Plans and specifications for township road work	91
Objections to establishment of highway drainage district, time for filing of	38	Plans and estimates of cost for railroad crossings	8
Obstructions in public highways, removal of	28	Plans and specifications of engineer for improvement of county road system, work must be done according to	15
Obstructions upon public highways, when they can be removed	28	Plans for bridge and culvert work must be filed	23
Obstructions upon public highways, procedure to be adopted	28	Plans for permanent work upon township road system	26
Obstructions on public highways	85	Plans and specifications for permanent work on township road system	26
Obstruction, an excavation on public highway is obstructing entrances to private property prohibited	86	Plans and specifications for highway drainage district	37
Office of township superintendent of dragging now abolished	91	Plans for culverts	75
Officers, removal of	89	Plans for work done by day labor	77
Officers of county have no authority to build bridges less than 16 ft. width	93	Plans for drainage of county road system must be approved by commission	79
Officials can not be interested in public contracts	84	Plans for draining public highways must be approved by commission	79
One mill drag fund of township	58	Plans for drainage on township road system	80
Opening of public bids	23	Poll tax or labor on roads	92
Openings to all water ways to be kept free from debris	92	Prices on material furnished by commission	7
Orchards can not be destroyed by change in course of highway	35	Prisoners convicted of misdemeanor working upon county road system	18
Organization of highway commission	5	Private property entitled to egress and ingress	86
Original monuments govern location of highways	83	Procedure to change road systems	90
Ornamental grounds can not be destroyed by change in highway	35	Procedure for selecting county roads for county road system	29
Outlet on public highways for drainage	79	Procedure for condemnation proceedings	32
P		Procedure for vacating highways	83
Partial payments on public work, when authorized	86		
Partial payments on contracts, when authorized	20		

	Page		Page
Property owners, duty of to destroy weeds	63	Road cash fund	17
Public lettings	88	Road equipment of county may be leased to town-	
Public officials prohibited from participating in		ship	86
public contracts	27	Roads, relocation of	89
Public officials not liable for giving notice of re-		Roads, defined	82
moval of obstructions from public highways	28	Roads, adverse possession of	90
Public officials, penalty for failure to comply with		Road funds, refund to municipalities	89
provisions of weed law	66	Roads, control of inside incorporated corporations	90
Public may be estopped to deny abandonment of		Road funds of townships	18
public highway	83	Road systems, county and township	90
Public funds of county, expenditure must be by		Road improvement companies take gravel from	
board action	86	county gravel pits	5
Purchase of land for gravel pits	52	Roads on incorporate lines	90
		Road officials, duties of to notify township trus-	
R		tees of weeds on public highways	65
Railroad crossings, plans, specifications and esti-		Road systems, care of	90
mates of cost for	8	Roads in platted territory	88
Railroad crossings, duplicate statement of cost to		Road system, increase of	90
be filed with commission	21	Road work on county road system planned by	
Railroad crossings, securing land to avoid	31	county engineer	13
Railroad crossings, rights of railroad at	43	Road system, division of into sections	91
Railroad crossings, duties of railroad at	48	Road work on township road system, bills for	25
Railroad crossings paid for at public expense		Road system, determination of	91
held in trust	44	loads upon state lines, improvement of	11
Railroad may petition board of railroad commis-		Road systems, work on township roads	91
sioners for hearing on railroad crossings	43	Roadway of culverts, width of	13
Railroads, duties of to destroy weeds	63	Road systems, procedure provided	91
Reassessments made on account of highway drain-		Roadway of culverts, must be twenty feet	76
age improvement, made according to old per-		Road taxes, rebate of for use of wide tires	94
centage	42		
Recent road legislation	85	S	
Recommendations of township trustees regarding		Salary of members of state highway commission	6
bridges and culverts	27	School for good roads, expense of county engi-	
Recommendation of trustees as to culverts	93	neer, how paid	86
Record of operations of commission	7	Special bridge fund for cities	59
Refud of road funds to municipalities	89	Special city bridge tax, when authorized	59
Refunding bonds, when authorized	18	Specifications and plans for bridge and culvert	
Registered highway routes, discontinuance of	51	work must be filed	87
Registration of highway routes	50	Specifications and plans must show detailed re-	
Registration fee for registering highway routes	50	quirements	87
Registration of highway routes, certificate of	50	Specifications and plans for permanent work on	
Regulations of use of highway vested in legis-		township road system	26
lature	84	Specifications and plans must be approved by	
Relocation of roads	89	commission	88
Removal of members of highway commission	5	Standard plans and specifications furnished by	
Removal of supervisors, grounds for	89	commission	6
Removal of telephone poles from public high-		Standard specifications for bridges and railroad	
ways, expense of	28	crossings furnished by commission	21
Removal of officers	89	Standard specifications for culverts	75
Repair work, regulations for, applied to township		State line roads	11
road system	89	State treasurer, duty of in regard to motor ve-	
Repair work, what is	20	hicle fund	61
Repair work, regulations governing	20	Statement of county engineer, penalty for falsi-	
Repair work, purchase of materials for	21	fying in	55
Repair work, contracts for	21	Statement of cost of bridges, culverts and rail-	
Repair and dragging of county road system, re-		road crossings, filed with commission	21
sponsibility for	27	Statement of final cost of public improvements,	
Repair of highway drainage improvement to be		part of permanent record in auditor's office	23
made by board of supervisors	42	Stream, securing land to change course of	31
Repair on highway drainage improvement, how		Stream, work of changing done by board of super-	
paid for	42	visors	34
Repair of railroad crossings, duty of railroad to	43	Streets and city thoroughfares, duties of city of-	
Report of engineer on improvement of county road		ficials to destroy weeds on	65
system, what it should contain	13	Suits involving patents, duty of commission to aid	
Report of township clerk to township trustees	92	defense	9
Report of township clerk	27	Suits for infringements of patents, duty of attor-	
Report of township trustees to board of super-		ney general to defend	56
visors	93	Superintendent of township road system, report	
Report of township clerk, what to include	27	of	25
Report of township clerk, when due	27	Superintendent of county road system prohibited	
Requirements for bridges over drainage ditches	23	from becoming interested in public contracts	27
Responsibility of township trustees, care of roads	90	Superintendent of township road system, penalty	
Responsibility of board of supervisors for care		for failure to comply with provisions of weed law	66
of roads	90	Superintendent of township road system, duties	
Responsibility for care of township roads placed		of as to dragging	77
on township road superintendent	92	Superintendent of dragging, office abolished	91







# Index by Statutory Sections

CODE	Page		Page
Section 2017	43	Section 1527-s13a	26
Section 1182	54	Section 1527-s14	26
Section 5486	43	Section 1527-s16	27
		Section 1527-s21-a	28-29
		Section 1527-r1	31
		Section 1527-r2	32
		Section 1527-r3	33
		Section 1527-r4	35
		Section 1527-r5	35
		Section 1527-r6	35
		Section 1527-r7	35
		Section 1989-b	37
		Section 1989-b1	37
		Section 1989-b2	38
		Section 1989-b3	38
		Section 1989-b4	38
		Section 1989-b5	39
		Sections 1989-b6-7-8	40
		Sections 1989-b9-10	41
		Sections 1989-b11-12-13	42
		Section 2017	43
		Section 1527-b	45
		Section 840-h	46
		Section 840-i	46
		Section 840-j	46
		Sections 840-k-l-m-n	47
		Section 840-o-p-q-r	48
		Section 887-a	49
		Section 1527-s21b	55
		Section 1527-s22c	55
		Section 758	59
		Section 758-a	59
		Section 758-d	59
		Section 758-e	60
		Section 1571-m32	61
		Section 1565-a	63
		ACTS THIRTY-THIRD GENERAL ASSEMBLY	
		Chapter 98	30
		ACTS THIRTY-FIFTH GENERAL ASSEMBLY	
		Section 21, Chapter 122	29
		Section 2, Chapter 123	30
		Section 24, Chapter 122	30
		Section 1, Chapter 113	54
		Section 2, Chapter 4	56
		Section 11, Chapter 128	66
		Specific Questions and Answers	68-94

CODE	Page
Section 2017	43
Section 1182	54
Section 5486	43
SUPPLEMENT TO THE CODE, 1913	
Section 1527-s4	11
Section 1527-s6, s-7	13
Section 1527-s15	27
Section 1527-s17, s-18	28
Section 1527-s19	29
Section 1303	29
Section 2674-f	30
Section 1527-s21	30
Section 1527-a	36
Section 1527-s22	50
Sections 1527-s23-24-25	50
Sections 1527-s26-27-28-29	51
Section 2024-i	52
Sections 2024-i1-2	52
Section 2024-i3	53
Section 1182-a	54
Section 64-a	56
Section 1279-c	57
Section 1570-b2	58
Section 1565-b	63
Section 1565-c	63
Section 1565-d	64
Section 1565-e	65
Section 1565-f	65
Section 1565-g	65
Section 1565-i	66
Section 1565-j	66
Section 2110-i	67
Section 2110-j	67
Section 2110-k	67
SUPPLEMENTAL SUPPLEMENT, 1915	
Section 1527-s	5
Section 1527-s1 and s2	6
Section 1527-s3	9
Section 1527-s5	12
Section 1527-s8	15
Section 1527-s9	18
Section 1527-s10	19
Section 1527-s11	21
Section 1527-s13	24





TE  
1  
.I8  
A3  
1915

Iowa State Highway Comm.  
Recent road legislation  
of Iowa.

Iowa  
352.7  
Io9r