

**SEC. 2. Apportionment of cost—use of viaduct.** That section seven hundred and seventy-three (773) of the code be and the same is hereby amended by inserting after the word "council" and before the word "after" in the fifth line of said section, the following, to-wit:

"The council shall fix a time and place where it will consider such matters and any objections that may be made to the construction of such viaduct and the approaches thereto. Not less than twenty days written notice of such hearing shall be given to the company or companies owning or operating the track or tracks over or under which it is proposed to construct such viaduct. Said notice may be served in the same manner and upon the same persons or officers as in the case of an original notice. Such cities shall have power to regulate the use of such viaducts and to authorize or forbid the use thereof by street railway companies and to require the payment of compensation for such use."

**SEC. 3. Refusal to comply—penalty.** That section seven hundred and seventy-four (774) of the code be and the same is hereby amended by inserting after the word "may" and before the word "construct" in the fourth line thereof, the following, to-wit:

"Enforce the construction, maintenance or repair of such viaduct and approaches by proceedings in mandamus and the court shall require the issues to be made up at the first term to which such action is brought and shall give the same precedence over other civil business. Refusals to comply with, or violations of, the orders of the court in such proceedings may be punished as contempts, by fine and imprisonment as provided in section two thousand one hundred and nineteen (2119) of the code; or the city may".

Approved April 5, 1902.

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## CHAPTER 44.

### NOTICE OF THE LEVY OF SPECIAL ASSESSMENTS.

S. F. 203.

AN ACT to amend section eight hundred and twenty-three (823) of the code of Iowa, relating to notice of the levy of special assessments.

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

**SECTION 1. Notice of assessment—how given.** That section eight hundred and twenty-three (823) of the code of Iowa, be and is hereby, amended by striking out of line two (2) thereof the words "at least ten days".

**SEC. 2. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers printed and published at Des Moines, Iowa.

Approved April 2, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 4, 1902.

W. B. MARTIN,  
*Secretary of State.*

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## CHAPTER 45.

### RELATING TO PARK COMMISSIONERS IN CERTAIN CITIES.

S. F. 213.

AN ACT to amend sections eight hundred fifty (850) and eight hundred fifty-nine (859) of the code, as amended by [Chapter twenty-five (25) of] the acts of the Twenty-seventh General Assembly, and as amended by [Chapter thirty (30) of] the acts of the Twenty-eighth General Assembly, in relation to park commissioners in certain cities.

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

**SECTION 1. Election of park commissioners in certain cities.** That section eight hundred fifty (850) of the code be and the same hereby is amended by striking out the last three words of the first line and the first word of the second line thereof, being the following: "Of the first class".

**SEC. 2. Same.** That section eight hundred fifty (850) of the code, as amended by section one (1), chapter twenty-five (25) of the acts of the Twenty-seventh General Assembly, and as amended by section one (1), chapter thirty (30) of the acts of the Twenty-eighth General Assembly, be and the same hereby is amended by striking out the word "twenty" in the last line of section one (1), chapter thirty (30) of the acts of the Twenty-eighth General Assembly, and inserting in lieu thereof the following words: "Twelve thousand five hundred".

**SEC. 3. Park commissioners in other cities and towns.** That section eight hundred fifty-nine (859) of the code, as amended by section two (2), chapter twenty five (25) of the acts of the Twenty-seventh General Assembly, and as amended by section four (4), chapter thirty (30) of the acts of the Twenty-eighth General Assembly, be, and the same is hereby amended by striking out the word "twenty" in the last line of section four (4), chapter thirty (30), of the acts of the Twenty-eighth General Assembly, and inserting in lieu thereof the following words: "Twelve thousand five hundred".

Approved April 12, 1902.

## CHAPTER 46.

### RELATING TO PARKS IN CITIES AND TOWNS.

S. F. 243.

AN ACT to amend sections eight hundred and sixty (860), eight hundred and sixty-one (861) and eight hundred and sixty-two (862) of the code, relating to voting taxes for the purchase of real estate for parks and constructing dams and improvements of parks and rivers, condemning real estate for parks and jurisdiction of cities having a population under twenty thousand (20,000) and towns, over parks without their corporate limits.

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

**SECTION 1. Taxes for river improvements.** That section eight hundred and sixty (860) of the code is hereby amended by inserting after the word "parks" in the sixth line thereof the following words "and rivers and constructing dams for the purpose of beautifying and improving parks and rivers"; also by striking out the word "both" in the sixth line of said section and inserting the word "all" in lieu thereof.

**SEC. 2. Powers of park commissioners.** That section eight hundred and sixty-one (861) of the code is hereby amended by inserting after the word "parks" in the sixth line thereof the following words, "and rivers constructing dams for the purpose of beautifying and improving parks and rivers"; also by inserting after the word "grounds" in the sixth line thereof the following words "within or without the corporate limits"; also by adding to said section the following:

"If the park commissioners and the owners of any property desired by them for park purposes or for constructing dams for the purpose herein provided situated within or without the corporate limits cannot agree as to the price to be paid therefor said park commissioners may cause the same to be condemned in the manner provided for taking land for city purposes."

**SEC. 3. Jurisdiction—penalty.** That section eight hundred and sixty-two (862) of the code is hereby amended by inserting before the word "any" in the first line thereof the following words: "The jurisdiction of such cities and towns shall extend over all lands used for parks without the corporate limits and all ordinances of such cities and towns shall be in full force and