

## CHAPTER 79.

## DEPOT GROUNDS OF RAILWAY CORPORATIONS.

S. F. 349.

AN ACT to amend section nineteen hundred and ninety-eight (1998) of the code, relating to depot grounds of railway corporations.

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

SECTION 1. **Additional depot grounds.** That section nineteen hundred and ninety-eight (1998) of the code be amended by striking out the word "completed" in the second line of said section. That section 1998 be further amended by inserting after word "operating" in second line of said section the words "or constructing".

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 Des Moines Leader and the Iowa State Register, newspapers published in Des Moines, Iowa.

Approved April 10, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 11, 1902

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

## CHAPTER 80.

## THE TAKING OF PRIVATE PROPERTY BY THE UNITED STATES FOR PUBLIC IMPROVEMENTS.

S. F. 299.

AN ACT amendatory of chapter four (4) title ten (X) of the code of Iowa, to enable the United States of America to take private property for public improvements.

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

SECTION 1. **May purchase or condemn.** That where the United States of America has undertaken or may hereafter undertake to improve any river, stream, or water course, forming a part of the boundary line of this state, or within this state, or to utilize any river, stream, or water course, for any purpose, deemed advisable, the said United States may purchase, or condemn land and private property, in accordance with the provisions of chapter four (4) title ten (10) of the code, for taking private property.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall be and is hereby declared to be in full force and effect from and after its publication in the Des Moines Register and Des Moines Leader, newspapers published in 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.*

## CHAPTER 81.

## INTERURBAN STREET RAILWAYS.

H. F. 248.

AN ACT relating to, defining, regulating and conferring rights and powers upon inter-urban street railways, and amending section two thousand and twenty-six (2026) of the code, relating to such railways.

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

**SECTION 1. Interurban railway defined.** Any railway operated upon the streets of a city or town by electric or other power than steam, which extends beyond the corporate limits of such city or town to another city, town or village, or any railway operated by electric or other power than steam, extending from one city, town or village to another city, town or village, shall be known as an interurban railway, and shall be a work of internal improvement.

**SEC. 2. What statutes apply.** The words railway, railway company, railway corporation, railroad, railroad company, and railroad corporation, as used in the code and acts of the general assembly, now in force or hereafter enacted, are hereby declared to apply to and include all interurban railways, and all companies or corporations constructing, owning or operating such interurban street railways, and all provisions of the code and acts of the general assembly, now in force or hereafter enacted, affecting railways, railway companies, railway corporations, railroads, railroad companies and railroad corporations, are hereby declared to affect and apply in full force and effect to all interurban railways, and to all interurban railway companies or railway corporations constructing, owning or operating such interurban railways.

**SEC. 3. When a street railway.** Any interurban railway shall, within the corporate limits of any city or town, or of any city acting under a special charter, upon such streets as it shall use for transporting passengers, mail, baggage, and such parcels, packages, and freight as it may carry in its passenger or combination baggage cars only, be deemed a street railway, and be subject to the laws governing street railways.

**SEC. 4. Powers of cities and towns.** Cities and towns and cities acting under special charters, shall have power to authorize or forbid the construction of such railways upon, or over, or along the streets, alleys and public grounds within their limits and to prescribe the conditions and regulations under which said railways shall be constructed and operated within said limits. But the right to operate as a street railway under section three (3) of this act shall not be granted for a period exceeding twenty-five (25) years. Nothing herein shall impair the obligation of contracts of such city or town heretofore made. This act shall not in any manner affect sections seven hundred and seventy-five (775) and seven hundred and seventy six (776) of the code, which shall be applicable to interurban railways.

**SEC. 5. Interurban railways on highways.** That section two thousand and twenty-six (2026) of the code be and the same is hereby amended by adding thereto the following:

"Where an interurban railway desires to operate its lines along or upon a public highway, and in the opinion of the board of supervisors of the county in which such highway is located, it is impracticable or inexpedient to increase the width thereof to one hundred (100) feet, such board of supervisors may permit such interurban railway company to construct and operate its railway along and upon such highway, under such restrictions and regulations as the board may deem advisable; but no such railway shall construct or operate its line along or upon such highway until a written statement of consent of three-fourths of the residents owning property abutting upon such highway shall have been obtained and filed with the auditor of the county in which the highway is located. And in all cases the location, construction and operation of such interurban railway shall be subject to the provisions of section two thousand and twenty-seven (2027) of the code."

**SEC. 6. Grade crossings—duties of employes—penalty.** Wherever the tracks of an interurban railway cross the tracks of any steam railway at grade the steam railway shall have the right of way and not be compelled to stop its trains and the interurban railway company operating said line shall cause

its cars to come to a full stop not nearer than ten (10) feet nor further than fifty (50) feet from such crossing, and before proceeding to cross said steam railway tracks shall cause some person in its employ first to cross said track ahead of said car or cars and ascertain if the way is clear and free from danger for the passage of said interurban cars, and said interurban cars shall not proceed to cross until signalled to do so by such person employed as aforesaid, or said way is clear for such passage over said tracks. Every person in charge of any interurban car or cars, who wilfully fails to comply with the provisions hereof and fails to bring the car or cars which he has in charge to stop, or causes the same to cross said steam railway tracks before the way is clear or he is signalled to do so, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisonment in the county jail not to exceed twelve (12) months in the discretion of the court. No steam railway shall obstruct the free passage of the cars of an intersecting interurban railway at such crossing.

**SEC. 7. 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 published at Des Moines, Iowa.

Approved April 7, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 8, 1902.

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

## CHAPTER 82.

### THE TAKING OF PRIVATE PROPERTY FOR INTERNAL IMPROVEMENT.

H. F. 182.

AN ACT to amend section two thousand and twenty-eight (2028) of the code, relating to the taking of private property for works of internal improvement.

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

**SECTION 1. Ways to lands which have none.** That section two thousand and twenty-eight (2028) of the code be, and the same is hereby amended as follows: Add after the word "thereto" in line six the following:

"But if a railway is to be constructed thereon, as provided in section two thousand and thirty-one (2031) the same may be located wherever necessary and practicable, but not exceeding one hundred feet in width".

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

Approved March 31, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 2, 1901.

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

## CHAPTER 83.

### CONDEMNATION OF REAL ESTATE FOR INSTITUTIONS OF THE UNITED STATES.

H. F. 167.

AN ACT providing for the condemnation of real estate by the state, for the use and benefit of institutions of the United States, and the payment of damages therefor. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]