

or jails by a county, such county may take and hold such real estate for the purpose for which same is taken, by condemnation proceedings. Such proceedings shall be instituted pursuant to a resolution of the board of supervisors of a county, and shall be instituted and prosecuted in the name of the county seeking such condemnation by the county attorney for such county, under the provisions of chapter four (4) of title ten (X) of the code.

SEC. 2. Damages—how paid. In cases where such condemnation is sought by a county, the sheriff or clerk, as the case may be, shall, when the amount of the damages is determined, certify the amount thereof to the board of supervisors and such board may direct payment thereof by resolution, and the county auditor shall thereupon issue his warrant therefor upon the proper fund of such county. In any case when the amount of the damages is paid to the sheriff or clerk, or the person entitled thereto, and the time for appeal has expired or final judgment entered upon appeal, the county may enter into possession of the real estate taken, through its proper officers or agents, and use and occupy the same for the purpose taken.

SEC. 3. Appeals. No county condemning or seeking to condemn land under the provisions of this act, shall be entitled to the possession of the lands condemned or sought to be condemned until the time for appeal to the district or supreme court from such condemnation has expired, or final judgment rendered on appeal, and in all appeals from the award of the sheriff's jury in such proceedings, the court shall have jurisdiction to pass upon the public necessity for the condemnation of such real estate, and shall determine the same without the intervention of a jury, and may make such order with reference thereto as it may deem proper within its discretion, and may modify, enlarge or diminish the area of grounds sought to be condemned, but all questions as to amount of damages shall be determined by ordinary proceedings as in other cases of condemnation.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect from and after publication thereof in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Polk county, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 73.

PURCHASE OR CONDEMNATION OF GRAVEL LANDS FOR ROAD PURPOSES.

S. F. 86.

AN ACT to empower boards of supervisors, township trustees, city and town councils to buy or condemn land for gravel and other material to improve roads, public highway[s], streets and alleys. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]

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

SECTION 1. Counties and townships. The board of supervisors of any county and the township trustees of any township are hereby authorized and empowered within their respective limits, and without the limits of any city or town to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel or other suitable material with which to improve the roads and highways of such county or township, including a sufficient roadway to such land by the most reasonable route, and pay for the same out of the county or township road funds.

SEC. 2. Cities and towns. Cities and towns including cities under special charter are hereby authorized and empowered within or without their limits to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel, stone or other suitable material with which to improve the streets and alleys of such city or town, including a suitable roadway thereto by the most reasonable route, and pay for the same from the general fund, grading fund, or from the highway or poll taxes of such city or town, or partly from each of said funds.

SEC. 3. Condemnation proceedings. Proceedings for condemnation of land as contemplated in this act shall be in accordance with the provisions relating to taking private property for works of internal improvements.

SEC. 4. Reversion of lands. When lands that have been condemned and taken under this act, and not used for the purpose herein specified for the period of five consecutive years, such lands shall then revert to the owner or owners of the tract from which it was taken.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Jefferson Bee, a newspaper published in Jefferson, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Jefferson Bee, April 7, 1904, and the Register and Leader April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 74.

LIABILITY OF COMMON CARRIERS.

H. F. 183.

AN ACT in relation to common carriers additional to section two thousand and seventy-four (2074) of the code.

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

SECTION 1. Actions against joint carriers. That in cases where a railway company makes a contract to carry property to a point beyond the terminus of its own railway and in such contract provides that it shall not be liable for the destruction of, or damage to, such property beyond the terminus of its own railway and said property is injured or destroyed between the place of shipment and the place of destination named in the said contract, the initial carrier and the connecting carrier, or carriers if more than one, over whose line or lines of railway the property is carried between the said place of shipment and the said place of destination, may be joined as defendants in one action, brought in the county from which shipment is made and service of original notice may be made on the connecting carrier, or on each of the connecting carriers if more than one, in any county of the state where such carrier has a station agent by serving such notice on such station agent.

SEC. 2. Liability of joint carriers. On proof being made by the shipper or his agent that the property shipped has been destroyed or damaged while in transit between the said place of shipment and the said place of destination, the liability of a common carrier shall attach to all the defendants and judgment shall be entered accordingly unless one or more of the defendants shall prove that it or they were not liable, in which case judgment shall go only against the remaining defendant or defendants.

Approved April 9, A. D. 1904.