

## CHAPTER 164.

## CONDEMNATION OF LAND WHERE MATERIAL CAN BE HAD FOR ROAD IMPROVEMENT.

Sub. for S. F. 517.

AN ACT repealing section twenty-hundred twenty-four-1 (2024-1) of the supplement to the code, 1907, and enacting a substitute therefor providing for condemnation of land where gravel or other suitable material for road improvement can be had, and roads leading thereto, requiring boards of supervisors to condemn said land, making said material accessible for general use for road improvement and providing punishment for use of said material for other than road purposes.

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

**SECTION 1. Repeal—board of supervisors—power to condemn.** That section 2024-1 of the supplement to the code, 1907, be and the same is hereby repealed, and the following substitute enacted in lieu thereof.

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.

**SEC. 2. Township trustees—right to use material.** 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.

**SEC. 3. Good roads clubs—right to use material—misuse—penalty.** 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. 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.

**SEC. 4. Non-feasance in office—removal.** 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.

SEC. 5. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 17 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 21, 1913.

W. S. ALLEN,  
*Secretary of State.*

## CHAPTER 165.

### PASSENGER RATES TO FAIRS OR EXPOSITIONS.

S. F. 327.

AN ACT to amend section two thousand seventy-seven (2077) of the supplement to the code, 1907, relative to passenger rates and providing passenger transportation charges to towns and cities within this state, at which fairs or expositions are or may hereafter be held.

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

SECTION 1. **Passenger rates—schedule—duties—railroad commissioners.** That section two thousand seventy-seven (2077) of the supplement to the code, 1907, is hereby amended by adding thereto the following:

“All railroad corporations, according to their classification, as herein prescribed, shall be limited to compensation per mile for the transportation of any person, with ordinary baggage not exceeding one hundred fifty pounds in weight, who shall purchase a round trip ticket from any point within this state to any town or city within said state at which an annual fair or exposition is being held, said ticket being good for return trip of said purchaser to point of origin during said fair or exposition, and at least one day after the conclusion of the same—as follows: Class “A”, one and one-half cents; class “B”, two cents; class “C”, two and one-half cents; and for children twelve years of age or under, one-half of the rate above prescribed, all of the aforesaid rates to apply to each mile travelled; provided, however, that said maximum rates of charge shall only apply on transportation to such points at which an annual fair or exposition has been held during one or more preceding years, and where the attendance during the immediately preceding year for any week or part thereof was not less than seventy-five thousand bona fide paid admissions; and it is further provided that upon application being made by any interested party, the state board of railroad commissioners shall, after full hearing, determine whether or not any given fair or exposition comes within the provisions of this statute, and in case such commission shall find that any given fair or exposition comes within said provisions, then, and in that case, the said commission shall prescribe the time and place at which the carriers shall perform the services for the rates of charge, as hereinbefore stated; and said commission shall by order designate what reasonable notice shall be given by said railway companies to the public of the rates aforesaid; and the said orders of the board of railroad commissioners shall be enforced in the same manner as is provided by law for the enforcement of other orders of the said commission.”