

CHAPTER 254.

HUMBOLDT COUNTY.

S. F. 592.

AN ACT to legalize the action of the board of supervisors of Humboldt county, Iowa, in the passing of a resolution providing for the payment of engineers in drainage districts on an acreage and percentage basis, and legalizing the acts of the said board of supervisors in making payments in accordance with the said resolution.

WHEREAS, the board of supervisors of Humboldt county, Iowa, did, on the 6th day of May, 1914, pass a resolution as follows:

"It is moved by Byrne and seconded by Sayers that from and after this date, the civil engineers appointed on drainage districts in Humboldt county be allowed as full compensation got all drainage work performed on account of said appointment, either by themselves or parties employed by them, as follows:

For preliminary and permanent surveys for districts comprising 500 acres or less, 15 cents per acre; for preliminary and permanent surveys for districts comprising more than 500 acres, 10 cents per acre; for construction work for districts costing from one hundred dollars to five hundred dollars, 12% of contract price; for construction work for districts costing from five hundred dollars to one thousand dollars, 10% of the contract price; for construction work for districts costing from one thousand dollars to three thousand dollars, 8% of the contract price; for construction work for districts costing from three thousand dollars to fifteen thousand dollars, 6% of the contract price; for construction work for districts costing from fifteen thousand dollars to forty thousand dollars, 4% of the contract price; for construction work for districts costing from forty thousand dollars to sixty thousand dollars, 3% of the contract price; for construction work for districts costing sixty thousand dollars and over, 2½% of the contract price, and while employed on assessment of benefits, they are to receive seven dollars per day without expense and furnish transportation for benefit commissioners," and

WHEREAS, engineers have been employed as provided by said resolution and payments made in accordance therewith; and

WHEREAS, doubts have arisen as to the legality of the action of the said board of supervisors in said matter, now, therefore,

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

1 SECTION 1. Proceedings in re drainage legalized. That the ac-
2 tions of the board of supervisors of Humboldt county, Iowa, in the
3 passage of the said resolution and the paying of the engineers under
4 the provisions thereof, be and are hereby legalized and declared to be
5 valid and legal, the same as though the law in all respects had been
6 fully complied with.

1 SEC. 2. Pending litigation. This act shall not affect pending
2 litigation.

1 **SEC. 3. Publication clause.** This act being deemed of immediate
2 importance shall take effect and be in force from and after its pub-
3 lication in the Des Moines News and the Des Moines Capital, news-
4 papers published at Des Moines, Iowa, without expense to the state.

Approved April 19, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines Capital April 27, 1915, and in the Des Moines News April 29, 1915.

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

CHAPTER 255.

INTERURBAN RAILWAYS.

S. F. 330.

AN ACT to provide for the acquisition of water supply for power house purposes by condemnation by interurban railways, and making applicable to interurban railways sections nineteen hundred ninety-six (1996) and nineteen hundred ninety-seven (1997) of the code.

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

1 **SECTION 1. Access to water supply—condemnation, etc.** Any
2 interurban railway corporation owning or operating or constructing
3 an interurban railway, operated in whole or in part by electric power,
4 shall have the power to acquire by condemnation the right of access
5 to all necessary streams or other sources for the purpose of supplying
6 its power house with water, and of making the necessary changes and
7 improvements, and to repair or renew the same from time to time,
8 in such streams, or upon the lands from which it is to obtain said
9 water supply, in the same manner as is provided by law for the taking
10 of private property for works of internal improvement. The owners
11 of the lands affected shall be compensated in the award for all damages
12 resulting to their lands on account of the exercise by such interurban
13 railway of any of its rights hereunder, including damages due to
14 change of flow in, or the straightening of a stream. The owner of
15 the land affected shall not be deprived of access to the water nor the
16 use thereof in common with such interurban railway on his own land,
17 and the dwelling house, outhouse, orchard, and garden of any such
18 person shall not be overflowed or otherwise injuriously affected by any
19 proceedings under this section. Before any proceedings shall be in-
20 stituted therefor, such interurban railway shall make written applica-
21 tion, accompanied by proper drawings and specifications showing the
22 improvements and proposed changes in detail, to the railway com-
23 missioners, who shall give notice to the owners of lands to be affected,
24 and examine into the matter, and report by certificate to the clerk of
25 the district court in the county in which the land affected is situated.
26 If said railroad commissioners find that the rights of the public are
27 in any way affected by such changes or improvements, they shall give
28 such notice as in their judgment will properly advise the public of said
29 proposed change, the expenses thereof to be paid by the interurban