

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

30 railroad corporation. If the commissioners find that the exercise by
 31 the interurban railway of the power of eminent domain is reasonable
 32 and proper in the circumstances, they shall accompany their report
 33 with plans and specifications approved by them and showing in reason-
 34 able detail the nature of the changes, improvements and work and the
 35 extent thereof necessary for the present and prospective uses of such
 36 interurban railway; whereupon the interurban railway shall have
 37 power to acquire, by condemnation, the rights to the water and to
 38 do the work and make the improvements and changes approved by
 39 the commissioners, and so certified by them to the clerk.

1 SEC. 2. Statutes made applicable. All provisions of sections
 2 1996 and 1997 of the code, conferring upon railroads the right to
 3 condemn for reservoirs, and the laying of pipe lines, for the purpose
 4 of acquiring water for their engines, shall apply to interurban rail-
 5 ways in respect to acquiring water supply for power house purposes.

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 Register and Leader and The Des Moines Capital,
 4 newspapers published in Des Moines, Iowa.

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 Register and Leader April 29, 1915.

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

CHAPTER 256.

CITY OF FORT DODGE.

S. F. 626.

AN ACT to legalize Ordinance No. 533 of the ordinances of the city of Fort Dodge,
 Iowa, relative to an ordinance adopted March 29, 1913, fixing the salary of the mayor
 and the members of the city council of said city.

WHEREAS, the city council of the city of Fort Dodge, Iowa, did on the
 29th day of March 1913, adopt an ordinance fixing the salary of the mayor
 and city council in attempted compliance with chapter 102, laws of the
 thirty-fifth general assembly, section ten hundred fifty-six-a28 (1056-a28),
 supplement to the code, 1913, and

WHEREAS, doubts have arisen respecting the legality of said ordinance
 owing to the fact that it was adopted prior to the 4th day of July, 1913,
 and

WHEREAS, the mayor and city council have been proceeding under the
 provisions of said ordinance during their term of office commencing April
 7, 1913. Therefore,

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

1 SECTION 1. Ordinance legalized. That said Ordinance No. 533
 2 of the ordinances of the city of Fort Dodge, Iowa, adopted March 29,