

# ACTS OF THE FOURTEENTH GENERAL ASSEMBLY

OF THE  
STATE OF IOWA.

PASSED AT THE ADJOURNED SESSION THEREOF, BEGUN AND HELD AT THE CITY OF DES MOINES, ON THE FIFTEENTH DAY OF JANUARY, A. D. 1873.

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## CHAPTER I.

AN ACT to Repeal Chapter Forty-one of [the] General Laws of the Fourteenth General Assembly.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter forty-one of the general laws of the Fourteenth General Assembly is hereby repealed.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in the Des Moines Republican and State Leader, newspapers published in Des Moines, Iowa.

Approved February 17, 1873.

I hereby certify that the foregoing act was published in the *Daily Iowa State Leader* February 19, and in the *Des Moines Daily Republican* February 18, 1873.

JOSIAH T. YOUNG, *Secretary of State*.

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## CHAPTER II.

AN ACT Authorizing Incorporated Cities and Towns to Lay out and Establish Market Grounds, and to take Private Property for such purpose.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the city council, board of aldermen or trustees of any incorporated city or town, whether organized under special charter or under the provisions of chapter fifty-one of the Revision

of 1860, and the acts amendatory thereto, shall have power to lay out and establish market grounds, and to take private property for such purpose, making the owners of such property just and adequate compensation, to ascertain which, the city council, board of aldermen or trustees shall cause to be summoned twelve disinterested freeholders residing in the city, who, being duly sworn for that purpose, shall inquire into and assess the damages which would be sustained by said owners by reason of the appropriation of their property, for such market grounds, which damages they shall apportion and assess upon the real estate that will have a frontage on such market grounds, and all real estate in the vicinity of the same, the owners of which may be benefitted by the locating and establishing of such market ground, in proportion as near as may be to the benefits resulting to each; all of which they shall return under their hands to the city council, board of aldermen or trustees of said incorporated city or town, and the assessment so made, shall be collected and paid over to the person or persons whose property has been taken for the purposes aforesaid.

SEC. 2. Any person deeming himself aggrieved by said assessment or apportionment may, in thirty days from the time when such person shall receive notice in writing by the mayor or other principal officer of such incorporated city or town, of such assessment or apportionment, appeal from such assessment or apportionment to the circuit court. Any such appeal shall be perfected by the injured party giving bond to the satisfaction of the mayor or other principal officer of such city or town conditioned for the payment of all costs which may be adjudged against the appellant. But such appeal shall not prevent the city or town from taking possession of said real estate, and establishing market grounds thereon and improving the same, if said city or town shall first tender the amount of damages assessed as aforesaid, to such appellant as aforesaid, and in no case shall the city or town be liable for the costs of appeal, unless the appellant obtains a more favorable decision in the circuit court than that from which he appeals.

SEC. 3. In all cases of appeal it shall be the duty of the mayor or other principal officer of the city or town to file all papers connected with such appeal in the office of the clerk of the circuit court, on or before the first day of the next term of said court. Said appeal shall be heard and determined as other appeals are heard and determined in said court, and the court shall certify its decision to the city council, board of aldermen or trustees, by whom the same shall be carried into effect.

SEC. 4. The city or town shall in all cases pay the costs of the first assessment.

SEC. 5. Said freeholders shall each receive two dollars a day for their services.

SEC. 6. The notice herein provided for, may be served by the city marshal or any other officer authorized by law to serve notices,

and the service and return shall be the same as in cases of original notices in the district court, and attended with like consequences, except that in case of minors service shall be made on their guardian, and in case of non-residents, service may be made on any person occupying the property or any agent for the property, residing within the city, and if there be none such, then service may be made by properly mailing a copy of the notice to the address of the party, which facts the officer's return shall show.

SEC. 7. This act shall cease to be in force on and after the taking effect of the code of 1873.

SEC. 8. This act being deemed of immediate importance shall take effect from and after its publication in the *Des Moines Register* and *Des Moines Daily Leader*.

Approved February 18th, 1873.

I hereby certify that the foregoing act was published in the *Daily Iowa State Leader* February 19, and in the *Daily Iowa State Register* February 20, 1873.

JOSIAH T. YOUNG, *Secretary of State*.

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### CHAPTER III.

AN ACT Making Appropriations for the Per Diem and Expenses of the Fourteenth General Assembly, Adjourned Session, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to the persons and for the purposes herein named.

SEC. 2. For the payment of per diem, postage, and stationery of the members, officers and employes of the Senate and of the House of Representatives the sum of forty-two thousand dollars, the amount to be paid upon general certificates showing the amount due each member, officer and employe respectively, which certificates shall be signed respectively by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and the Auditor of State shall issue warrants therefor.

SEC. 3. For payment of the chaplains of the Senate and House of Representatives, to be divided among themselves, the sum of two hundred and twenty-two dollars.

SEC. 4. For the payment of witness' and bailiffs' fees, and other expenses before the investigating committee upon State institutions, the sum of five hundred and twelve dollars, and thirty-six cents, to be paid on certificate of the chairman or clerk of said committee.