

CH. 163.]

CHAPTER LXXIX.

[H. F. 296.

WATER-POWER IMPROVEMENTS.

AN ACT to Promote Water-Power Improvements.

APRIL 20.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby granted to any corporation which shall organize after the passage hereof, in accordance with the provisions of chapter fifty-two of the Revision of 1860, laws of Iowa, for the purpose of utilizing and improving any water-power within this State, or in the streams lying upon the borders thereof, the right to take and hold, under the provisions of this act, so much real estate as may be necessary for the location, construction, and convenient use of its canals, conduits, mains, and water-ways, or other means device or employed in the utilization of such water-power, for any of the purposes in this act mentioned, and for the construction of such buildings and their appurtenances as may be required for the purposes aforesaid. Such corporation may also take, remove, and use, for the construction and repair of its said canals, water-ways, buildings, and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken. Compensation shall be made for the lands and materials so taken and used by such corporation, to the owner or owners thereof, in compliance with and in the manner provided in sections one, two, three, four, five, six, and seven, of "An act granting the right of way to railroad companies," passed and approved January 18, 1853. And all the provisions contained in the said mentioned sections of the said act, relating to railroad companies, shall be taken and construed to apply to the corporations taking and using lands and materials hereunder. Such use of the lands and materials as aforesaid is hereby declared to be a public use.

Revision : ch. 52.

Private corporations authorized to take and hold lands for the improvement of water-powers.

May remove earth, gravel, etc.

Compensation for same.

4th G. A. : ch. 81.

Sec. 2. Corporations, so organized as aforesaid, may use, raise, or lower, any turnpike, plank road, or other highway, for the purpose of having their said canals, water-ways, mains, and pipes pass over, along, or under the same; and in such case such corporation shall put such turnpike, plank road, or other highway, as soon as may be, in good repair and condition, for the safe and convenient use of the public. And such corporations may construct and carry their canals, conduits, water-ways, mains,

May raise or lower highways.

May construct canals, etc., over or under railroads, canals, etc.

Proviso: municipal control in cities and towns.

or water-pipes across, over, or under any railroad, canal, stream, or water-course, when it shall be necessary for the construction or operation of the same, but shall do so in such manner as not unnecessarily to impede the travel, transportation, or navigation upon, or other proper use of, such railroad, canal, or stream: *Provided*, That the powers conferred in this section must be exercised in cities and towns with the consent and under the control of the city council[s] or trustees of said municipal corporations.

Granted right of way over public lands.

SEC. 3. Corporations so organized, as aforesaid, are hereby authorized to pass over, occupy, and enjoy any of the school, University, and saline, or other lands of this State, whereof the fee, or any use, easement, or servitude therein, is in the public, without making compensation therefor: *Provided*, No more of such land shall be taken than is required for the necessary use and convenience of such corporation[s].

Powers of corporations under this act:

to borrow money and execute mortgages;

to erect and maintain canals, mills, etc.;

to let or lease property;

to maintain water-works.

SEC. 4. Corporations in addition to those composed by virtue hereof, and by virtue of the provisions of the general corporation laws aforesaid, shall have the following powers: To borrow money for the purpose of constructing, renewing, or repairing their works, and to make, execute, and deliver all such contracts, bonds, notes, bills, mortgages, deeds of trust, and other conveyances, charging or numbering their property, including all and singular their franchises, and the rights, powers, and privileges, which shall be acquired by virtue of the provisions hereof, or any part or parcel hereof; and the grantee of any such corporations, and the purchaser of the said property, franchises, rights, and privileges, and any part thereof, under and by virtue of any judicial sale thereof, shall take and hold the same as fully and effectually, to all intents and purposes, as the same were held and enjoyed by such corporation; to erect, maintain, and operate canals, conduits, mains, water-ways, mills, factories, and other buildings and machinery, including water-ways, sluices, and conduits, for the purpose of carrying waste water, off from said premises, to the stream from which the same was taken, or other convenient place; to let, lease, or sell and convey any portion of their water-supply, and any of the buildings, mills, or factories, or machinery aforesaid, for such sums, prices, rents, tolls, and rates, as shall be agreed upon between the parties; to lay down, maintain, and operate such water-mains, conduits, leads, and service-pipes as shall be necessary to supply any building, village, town, or city with water.

SEC. 5. Each corporation, organized as aforesaid, shall take, hold, and enjoy, the privilege of utilizing and improving the water-power, and the rights, powers, and privileges hereby conferred, which shall be specifically mentioned and described in its articles of incorporation: *Provided*, It shall proceed in good faith to make the improvements and employ the powers in its said articles of incorporation mentioned, and shall within two years from the date of its organization provide the necessary capital, complete the preliminary surveys, and actually commence the work of improving and utilizing the water-power, and furnishing the supply of water, so mentioned in its articles of incorporation: *Provided, also*, That said water-works and canals be completed within five years from the time when said corporation has been organized.

Authorized to utilize and improve water-power.

Provide: good faith required; necessary capital to be supplied, and work commenced, within two years after organization.

Provide: work to be completed in five years.

In force when.

SEC. 6. This act, being deemed of immediate importance, shall take effect from the date of its publication in the *Daily State Register*, and *State Leader*, newspapers published in Des Moines, Iowa.

Approved, April 20th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 25, 1872.

ED WRIGHT, *Secretary of State*.

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CHAPTER LXXX.

[S. F. 28.

CHANGES IN SCHOOL-BOOKS.

AN ACT to Prevent frequent Changes in School-Books.

APRIL 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter the board of directors of any district-township or independent district shall not order, or direct, or make any change in the school-books, or series of text-books, used in any school under their superintendence, direction, or control, more than once in every period of three years, except by a vote of the electors of the district-township or independent district, and any laws or parts of laws, inconsistent herewith, be, and the same are hereby, repealed.

Board of directors not to make change in school-books more than once in three years, except by vote of electors.

Approved, April 22d, 1872.