

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

SECTION 1. Additional tax. That any city in this state which has voted aid to any company for the construction of a highway or combination bridge across any navigable boundary river of this state; a condition of which vote, or the granting or acceptance of such aid, was that the city should have the right to purchase such bridge from the company so aided, its successors or assigns; may, at any time after such taxes voted in aid are collected, vote an additional tax of not exceeding five per centum of the assessed value of the taxable property of such city for the purpose of securing the funds necessary to enable it to make such purchase. (Such taxes shall be payable in such annual installments not less than ten as the electors may determine.)

SEC. 2. Question submitted. The question of whether or not such additional taxes shall be voted shall be submitted to the electors of such city before the city elects to make such purchase and the submission thereof shall be governed in all respects by sections seven hundred sixty (760), seven hundred sixty-one (761), seven hundred sixty-two (762), seven hundred sixty-three (763) and seven hundred sixty-four (764) of the code so far as the same are applicable.

SEC. 3. Bonds or warrants—tolls. After such taxes are voted the city may issue its bonds, warrants or other certificates drawing such interest not exceeding six per cent per annum as the city council may determine, payable from such taxes as they are collected, and from no other source, and pledging them for their payment. Such taxes shall be used for no other purpose and such bonds, warrants or certificates shall not be sold for less than their par or face value with accrued interest. The city council shall fix the rate of tolls or charges for passing over the bridge, and such tolls shall be large enough to pay the interest upon the bonds, warrants or certificates issued for its purchase together with the expense of maintaining and operating it.

SEC. 4. Vote of tax in cities after annexation. In any case where aid has been extended and bridges erected in two separate cities and subsequent thereto, one of such cities has been annexed to the other, the electors residing in the territory which comprise either of the separate cities before annexation, may vote taxes upon the property in such territory for the purchase of such bridge, and the proceedings in such case shall be the same as in the preceding sections of this act provided, except that the petition to the city council shall be signed by a majority of the resident freehold tax payers of the territory in which the vote is to be had, and the taxes when voted and properly certified, shall be levied only upon the property in such territory.

Approved March 27, 1902.

CHAPTER 43.

RELATING TO THE CONSTRUCTION OF VIADUCTS AND COMPENSATION OF ABUTTING PROPERTY OWNERS.

H. F. 416.

AN ACT to amend sections seven hundred and seventy-one (771), seven hundred and seventy-three (773) and seven hundred and seventy-four (774) of the code, relating to the construction of viaducts over or under railroads on public streets and highways and to the compensation of owners of property abutting on such streets and highways.

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

SECTION 1. Assessment of damages. That section seven hundred and seventy-one (771) of the code be and the same is hereby amended by adding after the word "fund" in the last line of said section, the following, to-wit: "Or in cities having a population of fifty thousand or over from any other fund or funds legally available therefor."

SEC. 2. Apportionment of cost—use of viaduct. That section seven hundred and seventy-three (773) of the code be and the same is hereby amended by inserting after the word "council" and before the word "after" in the fifth line of said section, the following, to-wit:

"The council shall fix a time and place where it will consider such matters and any objections that may be made to the construction of such viaduct and the approaches thereto. Not less than twenty days written notice of such hearing shall be given to the company or companies owning or operating the track or tracks over or under which it is proposed to construct such viaduct. Said notice may be served in the same manner and upon the same persons or officers as in the case of an original notice. Such cities shall have power to regulate the use of such viaducts and to authorize or forbid the use thereof by street railway companies and to require the payment of compensation for such use."

SEC. 3. Refusal to comply—penalty. That section seven hundred and seventy-four (774) of the code be and the same is hereby amended by inserting after the word "may" and before the word "construct" in the fourth line thereof, the following, to-wit:

"Enforce the construction, maintenance or repair of such viaduct and approaches by proceedings in mandamus and the court shall require the issues to be made up at the first term to which such action is brought and shall give the same precedence over other civil business. Refusals to comply with, or violations of, the orders of the court in such proceedings may be punished as contempts, by fine and imprisonment as provided in section two thousand one hundred and nineteen (2119) of the code; or the city may".

Approved April 5, 1902.

CHAPTER 44.

NOTICE OF THE LEVY OF SPECIAL ASSESSMENTS.

S. F. 203.

AN ACT to amend section eight hundred and twenty-three (823) of the code of Iowa, relating to notice of the levy of special assessments.

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

SECTION 1. Notice of assessment—how given. That section eight hundred and twenty-three (823) of the code of Iowa, be and is hereby, amended by striking out of line two (2) thereof the words "at least ten days".

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

Approved April 2, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 4, 1902.

W. B. MARTIN,
Secretary of State.

CHAPTER 45.

RELATING TO PARK COMMISSIONERS IN CERTAIN CITIES.

S. F. 213.

AN ACT to amend sections eight hundred fifty (850) and eight hundred fifty-nine (859) of the code, as amended by [Chapter twenty-five (25) of] the acts of the Twenty-seventh General Assembly, and as amended by [Chapter thirty (30) of] the acts of the Twenty-eighth General Assembly, in relation to park commissioners in certain cities.