

drains, discharging the same into any natural water course, or into any natural depression, whereby the water will be carried into some natural water course, and when such drainage is wholly upon the owner's land he shall not be liable in damages therefor to any person or persons or corporation. Nothing in this act shall, in any manner, be construed to affect the rights or liabilities of proprietors in respect to running waters or streams.

Approved April 29, A. D. 1904.

CHAPTER 71.

CONDEMNATION OF REAL PROPERTY FOR USE OF STATE.

S. F. 829.

AN ACT providing for the condemnation of real property for the use of the state. [Amendatory of chapter (4) of title ten (X) of the code, relative to the taking of private property.]

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

SECTION 1. Additional grounds for buildings. Whenever, in the opinion of the executive council of the state, public interest requires the taking of real estate as a site for any state building, or as additional grounds for any existing state building, or for any other state purpose, the state may take and hold, under its right of eminent domain, so much real estate as is necessary for the purpose for which the same is taken; and proceedings may be instituted in the name of the state of Iowa for the condemnation of such real estate under the provisions of chapter four (4) of title ten (X) of the code, which proceedings shall be conducted by some person appointed by the governor of the state.

SEC. 2. Damages—how paid. When the amount of damages is determined, the sheriff or clerk, as the case may be, shall certify the amount thereof to the executive council which shall, by an order endorsed upon the certificate, direct the payment of the same, and the auditor of state shall, upon receipt of such order, issue a warrant on the treasury for the amount, which warrant shall be paid out of any money appropriated by the general assembly for that purpose, or out of any money received from the sale of other property, the proceeds of which may have been authorized by law to be used for the purpose of the purchase of real estate for state use; and when the amount of such damages is paid to the sheriff, the clerk, or the person entitled thereto, the state, through its proper officer or agent, may enter upon the possession of the real estate taken, and use and occupy the same for state purposes.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Register and Leader, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 72.

CONDEMNATION OF REAL PROPERTY FOR COURT HOUSES AND JAILS.

H. F. 451.

AN ACT providing for the condemnation of real estate for erection of court houses and jails. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]

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

SECTION 1. Condemnation proceedings authorized. Whenever the interest of any county requires real estate for the erection of court houses

or jails by a county, such county may take and hold such real estate for the purpose for which same is taken, by condemnation proceedings. Such proceedings shall be instituted pursuant to a resolution of the board of supervisors of a county, and shall be instituted and prosecuted in the name of the county seeking such condemnation by the county attorney for such county, under the provisions of chapter four (4) of title ten (X) of the code.

SEC. 2. Damages—how paid. In cases where such condemnation is sought by a county, the sheriff or clerk, as the case may be, shall, when the amount of the damages is determined, certify the amount thereof to the board of supervisors and such board may direct payment thereof by resolution, and the county auditor shall thereupon issue his warrant therefor upon the proper fund of such county. In any case when the amount of the damages is paid to the sheriff or clerk, or the person entitled thereto, and the time for appeal has expired or final judgment entered upon appeal, the county may enter into possession of the real estate taken, through its proper officers or agents, and use and occupy the same for the purpose taken.

SEC. 3. Appeals. No county condemning or seeking to condemn land under the provisions of this act, shall be entitled to the possession of the lands condemned or sought to be condemned until the time for appeal to the district or supreme court from such condemnation has expired, or final judgment rendered on appeal, and in all appeals from the award of the sheriff's jury in such proceedings, the court shall have jurisdiction to pass upon the public necessity for the condemnation of such real estate, and shall determine the same without the intervention of a jury, and may make such order with reference thereto as it may deem proper within its discretion, and may modify, enlarge or diminish the area of grounds sought to be condemned, but all questions as to amount of damages shall be determined by ordinary proceedings as in other cases of condemnation.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect from and after publication thereof in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Polk county, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 73.

PURCHASE OR CONDEMNATION OF GRAVEL LANDS FOR ROAD PURPOSES.

S. F. 86.

AN ACT to empower boards of supervisors, township trustees, city and town councils to buy or condemn land for gravel and other material to improve roads, public highway[s], streets and alleys. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]

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

SECTION 1. Counties and townships. The board of supervisors of any county and the township trustees of any township are hereby authorized and empowered within their respective limits, and without the limits of any city or town to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel or other suitable material with which to improve the roads and highways of such county or township, including a sufficient roadway to such land by the most reasonable route, and pay for the same out of the county or township road funds.