

**SEC. 2. Cities and towns.** Cities and towns including cities under special charter are hereby authorized and empowered within or without their limits to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel, stone or other suitable material with which to improve the streets and alleys of such city or town, including a suitable roadway thereto by the most reasonable route, and pay for the same from the general fund, grading fund, or from the highway or poll taxes of such city or town, or partly from each of said funds.

**SEC. 3. Condemnation proceedings.** Proceedings for condemnation of land as contemplated in this act shall be in accordance with the provisions relating to taking private property for works of internal improvements.

**SEC. 4. Reversion of lands.** When lands that have been condemned and taken under this act, and not used for the purpose herein specified for the period of five consecutive years, such lands shall then revert to the owner or owners of the tract from which it was taken.

**SEC. 5. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Jefferson Bee, a newspaper published in Jefferson, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Jefferson Bee, April 7, 1904, and the Register and Leader April 8, 1904.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 74.

### LIABILITY OF COMMON CARRIERS.

H. F. 183.

AN ACT in relation to common carriers additional to section two thousand and seventy-four (2074) of the code.

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

**SECTION 1. Actions against joint carriers.** That in cases where a railway company makes a contract to carry property to a point beyond the terminus of its own railway and in such contract provides that it shall not be liable for the destruction of, or damage to, such property beyond the terminus of its own railway and said property is injured or destroyed between the place of shipment and the place of destination named in the said contract, the initial carrier and the connecting carrier, or carriers if more than one, over whose line or lines of railway the property is carried between the said place of shipment and the said place of destination, may be joined as defendants in one action, brought in the county from which shipment is made and service of original notice may be made on the connecting carrier, or on each of the connecting carriers if more than one, in any county of the state where such carrier has a station agent by serving such notice on such station agent.

**SEC. 2. Liability of joint carriers.** On proof being made by the shipper or his agent that the property shipped has been destroyed or damaged while in transit between the said place of shipment and the said place of destination, the liability of a common carrier shall attach to all the defendants and judgment shall be entered accordingly unless one or more of the defendants shall prove that it or they were not liable, in which case judgment shall go only against the remaining defendant or defendants.

Approved April 9, A. D. 1904.