

duties and responsibilities imposed upon road supervisors; and that the cost of maintaining, repairing, renewing and improving said roads, except county bridges, after deducting the road and road poll taxes collected from those who are liable to the payment of the same within said road district, shall be paid out of any general funds in the hands of the state treasurer not otherwise appropriated."

Approved April 1, A. D. 1909.

CHAPTER 94.

USE OF PUBLIC HIGHWAYS FOR ERECTING AND MAINTAINING POLES AND WIRES FOR TRANSMISSION OF ELECTRICITY.

S. F. 319.

AN ACT authorizing boards of supervisors to grant the use of public highways for erecting and maintaining poles and wires for the transmission of electricity, and fixing the liability for damages arising from the construction thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

SECTION 1. Board of supervisors authorized to grant use of highway—conditions. The board of supervisors of any county may, upon written application designating the particular highways, the use of which is desired, grant to any person or corporation engaged in the manufacture of electric light and power, the right to erect and maintain poles and wires, for the purpose of conducting electricity for lighting, heat and power purposes, in any public highway in their county for a period not to exceed twenty years, subject to the following conditions and such further reasonable regulations as the legislature or the board of supervisors may hereafter prescribe: The grantee shall in no case have the exclusive right to use such highway for the conducting of the electricity. The poles and fixtures shall be so constructed as to not incommode the public in the use of any road or the navigation of any stream. When any road along which such lines have been constructed shall be changed, the person or corporation shall, upon ninety days notice in writing remove said lines to said road as established. The grantee shall use only strong and proper wires, properly insulated, attached to strong and sufficient supports and insulated at all points of attachment. They shall replace all wires with new wires whenever by ordinary wear or other causes they are no longer safe, and remove all wires, the use of which is abandoned. They shall properly insulate every wire carrying electric light, heat or power currents where it enters a building and within such building so as to avoid danger from fires. Where such wires are carried across or under wires used for other service, there shall be suspended under or over said power, heat or light service lines, properly constructed and insulated guard nets, or shall be protected by such other equally efficient devices as will prevent contact with such other service lines, in case of sagging or breaking of such wires. After July 1, 1909, no such grant shall be made until notice of the hearing of said application shall be published once each week for two consecutive weeks in a newspaper printed and published in the county seat, and of general circulation in said county, stating the time when said application will be acted upon and designating the particular highways named in said application. The grantees shall be responsible for all damages that may arise from such construction and operation under this grant or from a failure to comply with said provisions.

SEC. 2. Failure to comply—penalty. Any person or corporation having received a grant as above stated who fails to comply with the provisions of the preceding section shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and approval and publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 8, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 95.

PERMANENT ROADS.

S. F. 217.

AN ACT to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

SECTION 1. Permanent road improvement districts. The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session, to establish permanent road improvement district or districts and to cause to be constructed as hereinafter provided, by grading, guttering and curbing and paving or macadamizing permanent highways, and to provide for the making and reconstruction of any such highway improvement and to assess not less than fifty per cent of the cost thereof on abutting or adjacent property as provided in this act.

SEC. 2. Petition—survey—notice of hearing. Such highway improvement district may be ordered or established whenever a petition of persons residents in the county owning a majority of the acres of land within said proposed improvement district shall be first filed in the office of the county auditor, setting forth the necessity for the same, the starting point, route and terminus, and the lands to be included within said district. The auditor shall thereupon place a copy of the petition in the hands of the county surveyor or a competent engineer, as selected by the board, who shall make a survey of the proposed improvement and return a plat and profile thereof to the auditor, which return shall set forth a full and detailed description thereof, its availability, necessity and probable cost, with a description of each tract of land owned by different persons within said proposed improvement district and such other lands as in his opinion should be included, with such other facts as he may deem material, which shall be submitted to the board for its approval. If said report is approved the board shall direct the auditor immediately thereafter to cause notice in writing to be served on the owner of each tract of land within said improvement district who is a resident of the county, of the pendency and prayer of said petition and of the recommendations of the engineer and the session of the board of supervisors at which the same will be heard, which notice shall be served ten days prior to said session, in the same manner that original notices are required to be served. In case any such owner is a non-resident of the county such notice as to him shall be