

CHAPTER 93.

THE CONSTRUCTION OF BRIDGES.

AN ACT authorizing the construction of Bridges in the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any corporation, company, person or persons shall wish to construct a bridge across any navigable river in this State, said corporation, company, person or persons shall give notice of the same in some newspaper published in the county in which said bridge is to be constructed, for four consecutive weeks, or if there is no such paper published in said county, then by posting up notices in five conspicuous places in said county, one of which shall be on the door of the house where the last District Court was held.

Persons wishing to build bridge must give notice

SEC. 2. Said notice shall state where the said bridge is to be built, the name or names of the owner or owners of the land on both sides of said river, where the bridge is to be erected, the corporation, company, person or persons intending to erect the same, and the time necessary for the completion of the structure.

What the notice must contain.

SEC. 3. Said notice shall inform the public, that at the next term of the District Court in and for the county in which said bridge is to be built, provided four weeks intervene from the first publication or posting, the said corporation, company, person or persons will petition the District Court for authority to build said bridge.

Company applies to District Court

SEC. 4. Said petition shall be filed with the Clerk of the District Court at least ten days before the term at which it is to be heard, and shall contain the name or names of the owner or owners of the land as in the notice, the place where the bridge is to be built, the name of the corporation, company, person or persons designing to build the same, a description of said bridge and a prayer for authority to proceed.

Petition filed.

Particulars stated.

SEC. 5. Any person supposing himself about to be aggrieved, may become a party to the proceeding on application, and make defense.

Aggrieved party may defend.

SEC. 6. The Court shall render such a decree as may

seem proper under the circumstances, and the said Court shall fix the rate of toll; *Provided*, That no bridge shall be constructed without a suitable draw, or that shall in any way interfere with the navigation of the river, and *Provided*, That no rate of toll shall be established higher than the highest rates allowed by law to corporations, companies, person or persons under legislative charters heretofore granted for the construction of bridges over the navigable waters of the State, and *Provided*, That this section so far as it provides for a draw, shall not be held to apply to the Des Moines river above a point immediately below the bridge known as Scott's bridge, in Polk county, nor to the Iowa river at a point two miles below the junction of the Cedar and Iowa rivers, nor to the Cedar river above said point, said rivers not being deemed navigable above said points, nor to the town of Wapello in Louisa county, said rivers not being deemed navigable above said points.

SEC. 7. Said decree shall fully authorize the construction of said bridge, the power being herein conferred on said Court, and shall be equal in force and obligation to bridge charters heretofore granted by the Legislature.

SEC. 8. Said Court shall have full power and authority to require of the petitioner a bond to be executed to the county in which the proceeding is had, in such penalty as the Court may fix, conditioned to the payment of any damage that any person may sustain by reason of the construction of said bridge, which bond shall be filed in the office of the Recorder of the county, and any person damaged as aforesaid, shall be privileged to institute suit on the same unless such person shall have made himself a party to the original petition, and no damage shall have been decreed, or unless said damage was sustained before the notice was given as aforesaid, and the person damaged failed to make himself a party to the original petition.

SEC. 9. Where the extremities of said bridge lie in different counties, the proceeding may be commenced in either county, but the same notice shall be given in both

counties, stating where and when the proceeding will be heard.

SEC. 10. The County Judge may cause the erection of a bridge over any stream in the county of which he is Judge, where said stream is not navigable, *Provided*, The expense does not exceed five hundred dollars, and for that purpose he may enter into contract with one or more persons which shall be binding on the county. Co. Judge may build bridge.

SEC. 11. Where the expense of the erection of any bridge is greater than five hundred dollars, the County Judge may enter into a contract with any person or persons for the construction of the same, *Provided*, That one hundred of the qualified voters of the county petition the County Judge for that purpose, said petition must state the place of building such bridge, and the stream, and shall be heard at the first regular term of the County Court after the same is filed in the office of County Judge, *Provided*, Ten days have intervened.— Notice of the time when said petition shall be heard and the object shall be posted up in five conspicuous places in said county, one of which shall be on the door of the County Court room. Co. Judge may contract. Petition. Notice.

SEC. 12. All acts and parts of acts inconsistent with this are hereby repealed. Conflicting laws repealed.

SEC. 13. This act shall be in force from and after its publication in the Iowa Weekly Citizen and Iowa State Journal. Take effect.

Approved March 22d, 1858.

I hereby certify that the foregoing Act was published in the Iowa Weekly Citizen March 31st, 1858, and in the Iowa State Journal on the 27th of March, 1858.

BELJAH SELLS,
Secretary of State.