

shall cause to be filed with the secretary of state a duly certified transcript of a final decree of a court of record showing that the conveyance by the state passed no title whatever to the land therein described, because title thereto had previously, for any reason, been vested in others, then the money so paid for such conveyance shall be refunded by the state to the person or persons entitled thereto.

SEC. 13. Purchase moneys turned into state treasury. All moneys received for the sale or conveyance of any land under the provisions of this act, after the payment of the necessary expenses of survey and appraisement thereof, shall be paid into the state treasury.

SEC. 14. 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 and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 11, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 186.

MEANDERED LAKES AND LAKE BEDS.

H. F. 277.

AN ACT relating to the meandered lake beds in the state, and authorizing the executive council to survey, and sell the same.

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

SECTION 1. Survey and sale authorized. The executive council of the state is hereby authorized and empowered to survey the meandered lakes and lake beds within this state, and sell the same as hereinafter provided, and to determine what lakes shall be maintained as the property of the state and what meandered lake beds belonging to the state may be drained, improved, demised or sold.

SEC. 2. Signed statements—survey—report. Upon the presentation to the executive council of a statement signed by not less than fifty (50) freeholders, twenty of whom shall be actual residents of the township or townships in which said lake or lake beds are situated, of any county that any meandered lake or lake bed in such county is detrimental to the public health or the general welfare of the citizens of the county, and that it is unwise to maintain such meandered lake or lake bed as a permanent body of water, and that the interest of the state will be subserved by draining and improving such lake bed, the governor shall, within thirty (30) days after the receipt of such statement, appoint a competent engineer who shall at once examine the situation and condition of such lake or lake bed, make a survey and plat thereof, and ascertain whether its location is such that it can be drained and improved, and make a full report to the executive council of the area and depth of water in the lake and of its general physical condition, which report shall be accompanied by his plat, field notes and profile of his survey.

SEC. 3. Hearing—commissioner—notice. Upon receipt of the report of the engineer, the executive council shall determine whether such lake or lake bed shall be maintained and preserved as the property of the state, or whether the same shall be drained, improved and the land included within the meander lines thereof sold in the manner hereinafter specified; and to

that end they may hear evidence upon any question involved in such determination at such time and place within the county, or within the counties if more than one, as may be fixed by the council, and may appoint a commissioner to take evidence in the county or counties, if more than one, in which the lake or lake bed is located, or at such other place or places within the state as may be directed by the executive council; and notice of the time and place of hearing by the council or by such commissioner shall be published once each week for four consecutive weeks in some newspapers within the county, or in a newspaper within each of the counties if more than one, where the lake or lake bed is located, the last publication being at least ten (10) days prior to the day fixed for such hearing. The compensation of such commissioner shall be fixed by the executive council, which compensation and the cost of the publication of such notice shall be paid from the state treasury upon the order of the council.

SEC. 4. Preservation or sale—drainage. If the executive council shall determine that such lake or lake bed ought not to be drained, demised or sold, the same shall be kept and maintained as the property of the state for the benefit of the general public. If the executive council shall determine that it is to the interest of the state and the general public that the lake or lake bed, as to which the statement is presented, be drained, improved, demised or sold, it may permit the same to be drained under the provisions of the drainage law of the state, and the land included within the meander lines of such lake, which belongs to the state, shall bear its just proportion of the expense of draining such lake and shall be assessed for such expense in the same manner as the lands of private individuals are permitted to be assessed under the drainage laws of the state.

SEC. 5. Power to sell and convey—deed or patent. Whenever the executive council shall determine that any lake or lake bed within the state should be drained, improved, demised or sold, it shall have the right, either before or after such lake or lake bed is drained, to sell and convey by deed or patent the land lying within the meander lines of such lake or lake bed and which belongs to the state; and express authority is hereby given to the executive council to make such sale or sales for and in behalf of the state, and to execute and deliver to the purchaser of such land the necessary deed or patent to insure to him title thereto, which deed or patent shall be executed by the governor in behalf of the state, and have the seal of the state attached thereto. But no sale of any of the lands composing any of the lake beds of the state shall be made by the executive council until a complete survey thereof has been made and the same subdivided to correspond with the government subdivisions of public land.

SEC. 6. Appraisalment. After such lake or lake bed has been surveyed and the land composing the same subdivided as hereinbefore required, and a plat of such survey filed with the secretary of state, and the county auditor of the county in which said lake or lake bed is situated, the lands belonging to the state which lie within the meander lines of the original government survey, and composing the lake beds, shall be appraised by a commission appointed by the governor, consisting of three (3) disinterested freeholders of the state, one of whom shall be a resident of the county in which the land is situated, who shall examine and appraise said land, and return a written report of such appraisalment to the governor, which report shall be filed in the office of the secretary of state.

SEC. 7. Sale—abutting land owners—conveyance to counties, when. After the report of the appraisers has been received and filed in the office of the secretary of state, the executive council shall offer the land belonging to the state and composing such lake bed, and included in such survey and appraisalment, for sale, and the persons owning lands abutting upon such lake or lake bed and contiguous to lands owned by the state therein, shall have the first right to purchase the lands offered for sale by the state.

in an amount sufficient to make the lands owned by them which abut upon the lake or lake bed and are contiguous to lands of the state conform to the smallest government subdivisions of public lands, at the price fixed by the appraisers. All other lands included in such survey and composing the lake bed belonging to the state, which may be sold under the provisions hereof, shall be sold for the highest price obtainable; but no sale of any of said land shall be made at less than the appraised value thereof. Provided, however, that in any case where it is made to appear to the executive council by a duly certified copy of the deed, certified to by the recorder of deeds and the county auditor of the county in which the lake or lake bed is situated, and by the sworn statement of the present owner, that the board of supervisors of the county in which such lake or lake bed is situated has heretofore, in good faith, sold and conveyed by deed, any lake or lake bed in such deed named, specified and described, to a *bona fide* purchaser who has paid to the county the reasonable value of such lake or lake bed, and who has heretofore paid taxes or made valuable improvements in such lake bed; then and in such case the governor shall execute, or cause to be executed, to the county in which such lake or lake bed is situated, a deed or patent, under the seal of the state, conveying to said county all the right, title and interest of the state of Iowa in and to such lake or lake bed, and the title so conveyed shall enure to the grantee of such lake or lake bed holding the same under title derived from the county in which such lake or lake bed is situated, in the manner in this section provided.

SEC. 8. Cash sales—expenses. All sales of land under this act, except as otherwise provided in section seven of this act, shall be for cash, and the purchase price thereof shall be paid to the secretary of state and by him paid over to the state treasurer. All expenses of the survey of the lakes and lake beds herein provided for, and the appraisalment thereof, and all assessments made against the lands belonging to the state for draining such lakes or lake beds, shall be audited by the executive council, and by it certified to the auditor of state and paid out of the general fund of the state treasury upon the warrant of the auditor of state.

SEC. 9. Net proceeds. After deducting all costs and expenses connected with the survey, appraisalment, drainage and sale of said lands, the net proceeds derived from the sale thereof shall be transmitted by the treasurer of state to the county treasurer of the county in which the land is situated, and the county treasurer to whom such proceeds are transmitted shall execute his receipt in duplicate for the same to the treasurer of state, and one of such receipts shall be filed in the office of the county auditor in the county where the land is located. The money received by the county treasurer shall be placed to the credit of the county road fund and expended under the direction of the board of supervisors in the same manner as other road funds.

SEC. 10. 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" and "The Des Moines Daily Capital," newspapers published at the city of Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader May 4, 1904.

W. B. MARTIN,
Secretary of State.