

## SPECIAL ACTS.

### CHAPTER 344.

#### SUBMITTING THE CREATION OF LARRABEE COUNTY TO THE LEGAL VOTERS OF KOSSUTH COUNTY.

H. F. 460.

AN ACT submitting the creation of the county of Larrabee to the legal voters of the county of Kossuth, Iowa.

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

SECTION 1. **Kossuth county—boundary.** That the northern boundary of the county of Kossuth shall be the southern boundary of sections 7, 8, 9, 10, 11 and 12 in township ninety-seven (97) north, of ranges twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) west of the fifth principal meridian, Iowa.

SEC. 2. **Larrabee county—boundary.** That the territory now lying in Kossuth county, Iowa, north of the northern boundary thereof, as provided in section 1 of this act, consisting of the north one third of township 97, all of townships 98, 99 and 100 north, of ranges 27, 28, 29 and 30 west of the fifth principal meridian in the state of Iowa, shall constitute the county of Larrabee.

SEC. 3. **Question submitted—ballot—form.** The proposition to change the boundary of said county of Kossuth as herein provided shall be submitted to the qualified electors of the county of Kossuth as now established at the general election held therein in the year 1914. The proposition shall be submitted in the following manner: The ballot shall have written or printed thereon the following: "Shall the new boundary of Kossuth county, Iowa, be established?" and on the right hand margin, opposite these words, two spaces shall be left, one for votes favoring the new boundary, and the other for votes opposing the same. In one of these spaces, the word "Yes" shall be written or printed, in the other, the word "No", and to the right of each space, a square shall be written or printed to receive the voting cross. The elector shall designate his vote by a cross mark thus: X, placed in the proper square, all of which shall be substantially as provided by section 1106 of the code of 1897 for submitting constitutional amendments or other public measures to be voted upon.

SEC. 4. **In effect.** The provisions of this act shall take effect when the governor shall issue his proclamation as hereinafter provided, declaring that said proposed boundary has been submitted to the people of Kossuth county at a general election, and has been approved by a majority of the votes cast at said election for and against it.

SEC. 5. **Vote—how canvassed—certified to secretary of state—proclamation—primary election.** It shall be the duty of the board of supervisors of Kossuth county to canvass the votes on said proposition at the same time the

votes cast at said general election are canvassed, and immediately thereafter the county auditor of Kossuth county shall certify to the secretary of state the form of the proposition submitted to the electors and the number of votes cast for and against the same, which certificate shall be recorded in the records of the office of the secretary of state. If a majority of the votes cast for and against the proposition shall be in favor of said change of boundary, the governor shall issue his proclamation declaring the result of such election, and fixing a day for a primary election of the qualified voters of said Larrabee county, which election shall be held in their regular voting precincts, except that the voters heretofore residing in Fenton, Burt and Portland townships, in Kossuth county, shall vote at the several voting precincts immediately joining their former townships on the north, at which primary election there shall be nominated candidates for the following offices: A representative in the general assembly, three supervisors, a clerk of the district court, county treasurer, county auditor, county recorder, sheriff, superintendent of schools, county attorney, and all township officers, the date for which primary election shall not be more than ninety days nor less than sixty days after said proclamation. Any person desiring to become a candidate for any of the county offices named shall file a petition in the form as now provided in the primary election law of this state, with the county auditor of Kossuth county, signed by at least twenty-five voters of the said county of Larrabee. The county auditor of Kossuth county shall prepare primary ballots for said primary election in proper form and provide for the distribution of such ballots in the several voting precincts as by law provided. He shall prepare and have published a notice of such primary election, which notice shall contain a copy of the official primary ballot, in four newspapers of general circulation within the county of Larrabee, such publication to be in at least two issues of said newspapers prior to the date of said primary election, and no other or different notice of said primary election shall be required. The election officials who conducted [conduct] the 1914 general election shall conduct said election in the several precincts, unless, for any consideration, any of such officials cannot serve, in which event the remaining members of the election board may fill the vacancy. At such primary election, the candidate of each party receiving the highest number of the votes cast for the office for which he was a candidate, shall be the nominee of his party for such office.

**SEC. 6. Special election—how conducted.** The governor shall also issue a proclamation fixing a day for the special election by the electors of Larrabee county, under the laws governing general elections and conducted in the manner as therein provided, except as the same are herein changed, which date shall be not less than thirty nor more than sixty days after the date of the primary election herein provided for. Said election shall be held at the same precincts as provided in section 5 hereof, relating to the primary election. At such election, the several officers provided for in section 5 hereof shall be elected and the result of such election, including the canvass of the vote, shall be declared in the same manner as other elections for county and township officials, and for such purposes the board of supervisors of Kossuth county shall convene on the Monday following said election, at their usual meeting place, at which time it shall be determined by lot which of the supervisors elected shall hold office until January 1, 1917, which until January 1, 1918, and which until January 1, 1919, and the result of such determination entered of record as a part of said canvass. The county auditor of Kossuth county shall prepare a notice of the election provided for in this section, which notice shall contain a copy of the official ballot, and he shall have

same published at least ten days before said election, in four newspapers of general circulation within Larrabee county, and no other or different notice of said election shall be required. The terms of the several officers named in this act, excepting the supervisors, the term of whose office is fixed above, shall be till the next regular election, and until their successors are elected and qualified.

**SEC. 7. County seat—towns to be voted upon—how selected.** At the primary election to be held as provided in section 5 of this act, there shall be placed on the ballot the name of any town or towns as may file a petition, containing at least two hundred fifty legal voters of Larrabee county, asking that the county seat of said county be located at said town, and the two towns receiving the largest number of votes at said primary election shall be placed upon the official ballot at the special election to be held as hereinbefore provided, in an appropriate manner, by the county auditor of Kossuth county, and the town receiving the largest number of votes at said election shall be the county seat of said Larrabee county.

**SEC. 8. Election same as primary and general.** All the laws of the state of Iowa pertaining to primary elections, except as changed by this act, shall apply to the primary election provided for in section 5 hereof, and the laws pertaining to general elections shall apply to the special election provided for in section 6 hereof, except insofar as same may be changed by the provisions of this act. And the county auditor of Kossuth county shall do and perform all the duties required by his office concerning said primary and special elections, and shall follow the provisions of the primary and general laws, except as changed in this act.

**SEC. 9. Boards of supervisors—duties—temporary quarters.** The board of supervisors, elected as provided herein, shall assume the duties of their office as soon as the result of the election is officially declared by the board of supervisors of Kossuth county, and the board of supervisors of said Larrabee county shall have full power, at any time thereafter, to provide suitable temporary quarters or buildings at the place selected as the county seat of said county, as a place in which to conduct the business of said county until the necessary permanent buildings are erected. The remaining officers elected under this act shall assume the duties of their office whenever the board of supervisors of said Larrabee county have the proper arrangements therefore. [therefor.] Until the election and qualification of the officers of Larrabee county, all the public business pertaining to Larrabee county or any of its citizens, shall be conducted by the officers of Kossuth county, the same as if no division had been made.

**SEC. 10. Supervisor residing in Larrabee county—office ceases.** Any supervisor of Kossuth county residing within the territory of Larrabee county shall cease to be a member of the said board of supervisors of Kossuth county upon the election of the board of supervisors in Larrabee county.

**SEC. 11. Change of boundary not to disqualify, except county supervisors.** The fact that the proposition to change the boundary of Kossuth county shall be adopted at the general election in 1914 will not disqualify any person residing in the territory set off as Larrabee county who may be elected to any office in Kossuth county, Iowa, at said election, to hold such office, except the offices of county supervisors, providing the person or persons so elected shall become a resident or residents of Kossuth county prior to the date upon which such person is required to qualify as provided by law.

**SEC. 12. Proposition accepted—commission appointed by governor—duties—right to appeal.** In the event a majority of the votes cast at the general election in 1914 for and against the proposition to change the boundary

of Kossuth county shall have been cast in favor of said proposition, the governor shall within thirty days after the date of said election appoint a commission of three members, one of whom shall be a resident of Kossuth county, one a resident of Larrabee county, and one a resident of neither county, of which commission the non-resident member shall be chairman and one other member secretary. Such board, after each member has subscribed to an oath administered by a notary public to the faithful performance of the work of his office, shall do and perform the following duties: It shall make a thorough investigation of all of the property, real and personal, in the two counties, subject to taxation; shall appraise all of the assets of the counties, and fix the value thereof; shall ascertain the indebtedness of Kossuth county, and shall fix and determine the amount and value of the funds in each department or office of said county, and it shall equalize and apportion the indebtedness and the different funds equitably and fairly between the two counties in proportion to the value of the taxable property in each county as shown by the last preceding assessment rolls; it shall examine all the public records and documents in Kossuth county, and select such in each office in Kossuth county as pertain wholly to Larrabee county, and order the transfer of same to the proper offices in Larrabee county. Said commission shall also provide for the making of certified copies of all records and public documents that pertain partly to Larrabee county, and that may be required in the administration of the affairs of said Larrabee county, and order the transfer of same to the proper offices in Larrabee county, and said board shall do and perform all other duties additional not herein defined as may be necessary to transfer, apportion, and divide equitably the indebtedness and funds of said county. Said commission shall prepare a certificate signed by all the members thereof, which shall be duly acknowledged and filed for record in the office of the recorder in and for Larrabee county, which certificate shall contain a complete statement of the findings of said board and a reference to the books, documents and records which it has certified, and ordered transferred to said Larrabee county, and all such documents, records, books and papers so certified by it shall be admissible [admissible] in evidence the same as are other county records in the state of Iowa. Either county may appeal from the finding of such commission or any part thereof to the district court of either Larrabee or Kossuth county, but any such appeal shall include every question known to such county and to which it objects at the time the appeal is taken.

**SEC. 13. Commissioners—salary—expenses.** The commissioners provided for in section 12 hereof to reside in Kossuth and Larrabee counties shall receive six dollars per day and actual expenses, and the non-resident member ten dollars per day and actual expenses, for the time actually spent in the performance of their duties as herein provided. Kossuth county and Larrabee county shall each pay one half of the expense of such division, payment to be provided for by the board of supervisors of each county.

**SEC. 14. Larrabee county in same congressional, judicial and senatorial districts.** The county of Larrabee shall be and remain in the same congressional, judicial and senatorial districts that it now is, until otherwise provided by law.

**SEC. 15. Joint drains.** Drainage districts lying in both Kossuth and Larrabee counties shall hereafter be considered joint drains and be governed by the laws providing for such joint drains.

**SEC. 16. Joint drainage districts.** All the expenses incurred in the division provided for herein, including the cost of the primary and special elections, and the expense incurred by the commission referred to in section 12

hereof, other than the personal expenses of said commission, shall be paid by the county of Larrabee and the board of supervisors of such county shall make the necessary provision therefor.

SEC. 17. **In effect.** This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Register and Leader, and the Bancroft Register, two newspapers of general circulation, which publication shall be without expense to the state.

Approved April 18 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader April 21, 1913 and in the Bancroft Register, May 22, 1913.

W. S. ALLEN,  
*Secretary of State.*

#### CHAPTER 345.

#### TO REIMBURSE CLIFFORD THORNE FOR EXPENSE OF PRINTING BRIEFS AND TRAVELING EXPENSES WHILE IN ATTENDANCE AT THE FINAL HEARING BEFORE THE INTERSTATE COMMERCE COMMISSION.

H. F. 286.

AN ACT to make an appropriation for the payment of the expenses of printing of briefs and the traveling expenses of one of the railroad commissioners, Clifford Thorne, while in attendance at the final hearing in the case before the interstate commerce commission involving general advancement in rates.

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

SECTION 1. **Amount appropriated.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four hundred forty-five dollars and ninety-nine cents, (\$445.99) for the printing of briefs, and the traveling expenses of one of the state railroad commissioners, Clifford Thorne, while in attendance at the final hearing in the case before the interstate commerce commission involving general advance in freight rates during the month of January, 1911.

SEC. 2. **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 Capital and the Register & [and] Leader, being newspapers published in Des Moines, Iowa.

Approved April 17, A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 21, 1913.

W. S. ALLEN,  
*Secretary of State.*