

be in force from and after its publication in the Iowa State Register and Des Moines Times.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 25.

### CITIES AND TOWNS.

AN ACT Supplemental to an Act for the Incorporation of Cities and Towns, Chapter 51 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Charter of any City or Town heretofore granted by the General Assembly may be abandoned, and such City or Town, may be organized into a City or Town, with the same territorial limits under the Act for the Incorporation of Cities and Towns. Chapter 51 of the Revision of 1860 to which this Act is supplementary by pursuing the course hereinafter prescribed.

Charter may be abandoned and city be organized under chap. 51, Rev. 1860.

SEC. 2. Upon the petition of fifty legal voters in any such Incorporated City or Town to the City Council or Trustees praying that the question of abandoning the Charter be submitted to the legal voters of such City or Town, it shall be the duty of the City Council or Trustees to immediately direct a Special Election to be held, at which such question shall be decided.

Abandoning of old charter to be referred to a vote of the people.

SEC. 3. At the same meeting of the Council or Trustees, at which such election is directed, the Council or Trustees shall specify by Resolution, the time and place or places of holding the same, and appoint the Judges and Clerks of the Election.

Council shall fix time and place of holding election.

SEC. 4. It shall be the duty of the Mayor, or in case there is no Mayor, the President of the Council or Board of Trustees, to at once issue a Proclamation giving notice of the election so directed to be held, of the question submitted to the electors and the time and place of holding the election; the said Proclamation shall be published for four consecutive weeks in some newspaper, if there is one published in such City or Town

Election proclamation must issue.

and if there is none published therein, then such Proclamation shall be published by posting a copy thereof in five public places within the Corporate limits of such City or Town, one of which shall be on the door of the Mayor's office.

Manner of voting.

SEC. 5. At such election those who desire to vote in favor of the abandonment of the Charter shall deposit a ballot on which shall be written or printed the words "In favor of abandonment," those desiring to vote against the abandonment shall deposit a like ballot with the words "Against abandonment."

Mode of conducting.

The Election shall be conducted in other respects, as Elections for City officers are conducted under the Charter.

Returns of election made to city council.

The abstract of votes shall be returned to the City Council or Board of Trustees, who shall canvass the same and declare the result, which shall be entered on the Journal.

Change of charter to be dependent on the vote of the legal voters.

SEC. 6. If a majority of the votes cast at such Election shall be in favor of the abandonment of the Charter, the said Charter shall without further proceedings be taken as abandoned, subject to the provisions of Section 1140 of the Revision of 1860 and such City or Incorporated Town shall be considered organized, and shall have all the rights and be subject to all the limitations of a City of the first or second class, or of an Incorporated Town, according to the number of its population, under the General Act for the Incorporation of Cities and Towns.

In case a majority of the votes shall be against such abandonment no further proceedings shall be taken under this Act, until after the expiration of one year from the time of such Election.

Vested rights not to be affected by change.

SEC. 7. All rights and property of every description which were vested in any municipal corporation under its former organization shall be deemed and held to be vested in the same municipal corporation under the organization made by this Act, and no right or liabilities either in favor of or against such corporation existing at the time of taking effect of this Act, and no suit or prosecution of any kind shall be affected by such change, but the same stand or progress as if no such change had been made: *Provided*, That when a different remedy is given by the Act to which this is supplemental, which can properly be made applicable to any right existing at the time such change is made, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

SEC. 8. Chapter 51 of the Revision of 1860 shall not apply to any City or Incorporated Town which was Incorporated before the 18th day of July, 1858, upon the adoption thereof as above provided.

Approved September 11th, 1862.

## CHAPTER 26.

### AGRICULTURAL COLLEGE.

AN ACT to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an Act of Congress entitled, "An Act donating public Lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands, rights, powers and privileges granted to and conferred upon the State of Iowa, by the Act of Congress, entitled, "An Act donating public lands to the several States and Territories, which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862, be and the same are hereby accepted by the State of Iowa, upon the terms, conditions and restrictions contained in said Act of Congress.

SEC. 2. The Governor is hereby authorized and required to appoint one Commissioner to select and locate the lands donated by the said Act of Congress, under such restrictions as the Governor may direct. *Provided,* That in selecting the lands mentioned in this Act, only so many acres shall be selected in any County, as there may be acres in such County subject to entry at one dollar and twenty-five cents per acre, over and above the number of acres of Swamp Lands selected in such County and that no lands selected as Swamp Lands, shall be selected by the Commissioner appointed under this Act.

SEC. 3. The Commissioner shall report to the Governor at such time as he shall designate a full and complete list and description of the lands selected, which list the Governor shall lay before the Board of Trustees of the Iowa State Agricultural College and Farm at their first annual meeting thereafter for their approval and sanction; and when so approved, the Governor shall take