

Taking effect.

SEC. 2. This act shall be in force from and after its publication in the Floyd County Advocate, and Charles City Intelligencer, newspapers published in Charles City, Iowa, *provided*, such publication shall be without expense to the State.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Floyd County Advocate*, on the *— day of —, and in the *Charles City Intelligencer*, on the *— day of —, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 73.

TETE DES MORTS BRANCH RAILROAD.

APRIL 7.

AN ACT to Carry out the Provisions of an Act of Congress, approved May 15, 1856, granting Lands to Iowa to aid in the Construction of Railroads, and to Secure the early Completion of the Tete des Morts Branch of the Dubuque and Sioux City Railroad.

1869: ch. 124.

Grant to D., B. and S. R. R. Co. resumed.

Proviso.

Compensation for work done.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Dubuque, Bellevue and Sabula Railroad Company, having failed and refused to accept the terms and conditions of chapter 124, of the acts of the Twelfth General Assembly, relating to the construction of the Tete des Morts branch railroad, and the grant of land connected therewith; and said company not having proceeded in good faith to construct said branch road, and open the same for business, as required by said act; therefore, all the right, title, and interest in and to the land granted or intended to be granted to said Dubuque, Bellevue and Sabula Railroad Company, by any of the provisions of said chapter 124 of the acts of the Twelfth General Assembly, be and the same is hereby absolutely and entirely resumed by the State: *Provided, however*, That nothing in this act shall be construed to prevent the said Dubuque, Bellevue and Sabula Railroad Company from claiming and recovering reasonable compensation for any work actually done by said company, on the line of said branch road, from any person or company to whom said land-grant may hereafter be transferred, and who may proceed to construct said branch road.

*See Addenda.

SEC. 2. The right of the Dubuque, Bellevue, and Sabula Railroad Company to the land-grant conferred upon it by chapter 124, of the acts of the Twelfth General Assembly, having ceased and determined, there shall be and is hereby granted to, and conferred upon, the Dubuque, Bellevue and Mississippi Railway Company, to aid in the construction of the Tete des Morts branch road, required to be built by the act of Congress granting lands to Iowa to aid in the construction of railroads in said State, a *pro rata* of six sections per mile of said land-grant: *Provided*, That said Dubuque, Bellevue, and Mississippi Railway Company shall not encumber or dispose of said lands until the said branch road shall be completed and open for business; and that said branch shall be completed within two years from the first day of January, A. D. 1870. Said lands shall be of an average quality and value of the lands granted by Congress as aforesaid, to aid in the construction of railroads in Iowa; and the Governor of Iowa shall select, or cause to be selected, the lands hereby granted to the Dubuque, Bellevue, and Mississippi Railway Company, or cause the same to be reserved from lands outside of the six-mile limit of said grant, and upon completion of said branch road as above provided, he shall execute a patent for said lands to said Dubuque, Bellevue, and Mississippi Railway Company.

Grant conferred on D. B. and M. Railway Co.

Road to be completed before '72.

Governor to select lands, or cause them to be reserved.

Patent.

SEC. 3. The Dubuque, Bellevue, and Mississippi Railway Company is hereby required to signify its acceptance of the terms and conditions of this act by a written instrument, signed by the president of said company, and filed with the Governor, within thirty days after the passage of this act; and said company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff, for the transportation of freight and passengers, as may from time to time be enacted by the General Assembly of the State of Iowa. If the said Dubuque, Bellevue, and Mississippi Railway Company shall fail or refuse to accept this grant, upon the conditions herein imposed, and in the time and manner herein prescribed, the Census Board of this State is hereby required by proper writing, with the seal of the State affixed thereto, to confer the same upon such party or company as shall, in their judgment, be competent to carry into effect, in good faith, the enterprise hereinbefore provided for, which shall accept the grant, by a proper written instrument, duly executed and attested, and shall file the same in the office of the Secretary of this State, sub-

Co. to accept within 30 days; to be subject to rules, regulations, enacted by G. A.

If co. does not accept, Census Board to grant.

Grantee to file acceptance with Sec. of State.

ject to all the limitations and provisions of this act, and the same shall be applicable to such grantee, subject to all the terms and conditions of this act, as fully as if named originally herein.

Taking effect.

SEC. 4. This act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published in Des Moines.

Approved, April 7th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 10, and in *The Daily Des Moines Statesman*, April 13, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 74.

CERTAIN BIRDS NOT TO BE KILLED.

APRIL 7. AN ACT for the Protection of Birds.

Preamble.

WHEREAS, The birds of this State are useful to the farmer, gardener, and horticulturist, from the great amount of noxious insects which they annually destroy; and,

WHEREAS, It is the judgment of this General Assembly that their wanton and useless destruction should not only be strictly prohibited, but that every encouragement be given for their rapid propagation; therefore,

Killing or trapping certain birds not lawful; exceptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall not be lawful for any person to kill, trap, ensnare, or in any manner destroy any of the birds of this State, excepting birds of prey, the migratory aquatic birds, and those which are useful for food, and the killing of which, at certain seasons of the year, is now permitted by law: *Provided*, That persons killing birds for scientific purposes, or for preservation in museums and cabinets, shall be exempt from the penalties of this act, upon making satisfactory proof of the purposes for which they have killed any such bird or birds.

Proviso.

Killing for scientific purposes, &c, allowed.

Eggs of young not to be destroyed.

SEC. 2. That this prohibition shall also apply to the destruction of the eggs or young of all such birds.

SEC. 3. Any person so offending shall be guilty of a misdemeanor, and upon conviction thereof, before any