

CH. 235.] CHAPTER CIII. [S. F. 283.

LEGALIZING A SALE OF SCHOOL-LANDS IN WAYNE COUNTY.

AN ACT to Legalize the Sale of certain School-lands in Wayne County by the Clerk of the Board of Supervisors. APRIL 24.

WHEREAS, The clerk of the board of supervisors of Wayne county did, at two several times, viz.: on the 30th day of January, and on the 29th day of May, 1869, sell to D. C. Williams the north-west quarter of the north-west quarter of section nine, township sixty-seven, range twenty-one, and to Max Hartwig the south-east quarter of the north-east quarter of section thirty-five, township sixty-nine, range twenty-two, the same being owned by the county in trust for the school-fund, acquired by purchase on foreclosure of school-fund mortgages, and the clerk having sold said lands, for less than the judgment for principal, interest, and costs, without the necessary order from the board of supervisors; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sale of said lands by the clerk of the board of supervisors be, and the same is hereby, legalized, as fully and completely as though the same had been ordered by the board of supervisors, said lands having been sold on appraisement.

Sale of school-lands for less than judgment, without order of board, legalized.

Approved, April 24th, 1872.

CH. 236.] CHAPTER CIV. [H. F. 379.

POCAHONTAS COUNTY SWAMP LANDS.

AN ACT to Legalize and Confirm the Sale and Conveyance of the Swamp-lands of Pocahontas County, Iowa, which are now patented to said County.

WHEREAS, In the year 1859, a contract was entered into between the county of Pocahontas, Iowa, and Wm. E. Clark, for the disposal of the swamp-lands of said county to said Clark, for and in consideration of the construction of a bridge across the west fork of the Des Moines river, and for and in consideration of one good

Preamble.

and substantial public building for the use and benefit of said county, all of which will more fully appear by reference thereto; and

WHEREAS, Said contract was duly submitted to a vote of the people of said county for ratification, and the same duly ratified and confirmed by a vote of the people of said county, all of which more fully appears upon the records of said county; and

WHEREAS, Said lands have been, under said contract, duly conveyed and reconveyed, and are now in the hands of various purchasers and occupants, including a large number of settlers residing thereon; and

WHEREAS, Doubts have arisen as the validity of said contract and the validity of the deed made under said contract—

1. Because the county was not organized prior to the 21st of February, 1855, and the title to said lands was not perfected in the State when said lands were sold and disposed of as aforesaid;

2. Because the building which was erected was a public building for the purpose of a court-house, and for the purpose of education, and not for the purpose of education only;

3. Because the county was not in fact the owner of said lands at the time of their disposal, but received patents therefor long after said disposal;

4. Because the lands were not sold at a fixed price not less than one dollar and twenty-five cents per acre;

5. Because the deed was executed and acknowledged in Webster county, and not in Pocahontas county, by the county judge;

6. Because the title of the act under which said contract was made, did not include the construction of bridges, although that was one of the purposes named in the body of the act by section 986 of the Revision; and

WHEREAS, On account of said doubts as to the legality of said acts, a proposition was, at the October election, 1871, submitted to the people of said county as to whether an act to legalize the sale and conveyance of said property should be applied for, and said proposition carried by an almost unanimous vote of the votes of said county; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the sale of the swamp-lands of Pocahontas county, Iowa, which are now patented to the State of Iowa, and by the State of Iowa to said county of Pocahontas, and by said county of Pocahontas conveyed to the said Wm. E. Clark, John

Sale of swamp-lands to Wm. E. Clark, etc., legalized.

M. Stockdale, his assignee, and their grantees, under and by virtue of said contract, dated October 18th, 1859, or thereabouts, and the conveyance to said Clark, Stockdale, and their grantees under said contract, so far as relates to the lands now patented to said county, and no further, be, and the same is hereby, ratified, confirmed, and made binding upon said county, as fully, in every particular, as if the law had been complied with in the particulars named, and as if the county had owned said lands prior to the year 1855, as if the title to said lands had then been perfected in the State prior to that time, as if the building erected had been for purposes of education, as if said lands had been sold for one dollar and twenty-five cents per acre, as if said deed had been executed and acknowledged in said county, by and before proper officers, and as if the title of the act had included the term bridges under which act said sale was made : *Provided, however,* That this act shall in no manner e[a]ffect any lands claimed by any pre-emptor, homestead settler, or any person or corporation claiming under any grant to any railroad company when the same may come in conflict with any of the lands now patented by the State to said county of Pocahontas as aforesaid : *And provided, further,* That this act shall not affect any pending litigation in relation to any of said lands.

Proviso : conflicting claims not affected.

Proviso saving pending litigation.

Sec. 2. This act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Leader, newspapers published at Des Moines, Iowa, without expense to the State.

In force when.

Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, May 3, 1872.

J D WRIGHT, *Secretary of State.*

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CHAPTER CV.

[S. F. 238.

ORDINANCES OF THE CITY OF WAVERLY.

AN ACT to Legalize the Ordinances of the City of Waverly, Iowa. APRIL 24.

WHEREAS, Doubts have arisen as to the legality of some of the ordinances of the city of Waverly, Iowa; therefore,

Preamble.