

WHEREAS, He duly qualified and took the oath of office as said justice of the peace, and entered upon the discharge of the duties of said office, and rendered judgment[s], took acknowledgment of deeds, and did perform all and singular such acts as were required of him as justice of the peace as aforesaid during the years of 1871 and 1872; and

WHEREAS, Through inadvertence or neglect the board of supervisors of said county of Hamilton failed to make any record of the qualification of said Lars Henryson as justice of the peace as aforesaid, or to record his official bond; and

WHEREAS, There is no record of his qualification or authority to act as justice of the peace as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the judgments rendered and acknowledgments taken by said Lars Henryson while so acting as justice of the peace, and all official acts done and performed by him during his term of office, be and the same are legalized, and they shall be as valid and have the same force and effect as though his qualification had been duly entered of record as required by law.

SEC. 2. This act shall take effect and be in force from and after its publication in The Daily State Register and The Hamilton Freeman without expense to the State.

Approved March 12th, 1874.

I hereby certify that the foregoing act was published in the *Iowa Daily State Register* March 21, and in *The Hamilton Freeman* March 25, 1874.

JOSIAH T. YOUNG, Secretary of State.

## CHAPTER XXIX.

### IN RELATION TO RIVER SCHOOL LANDS IN WEBSTER AND HAMILTON COUNTIES.

AN ACT to Quiet and Confirm the Title to certain Lands in Webster and Hamilton Counties and Adjust the Matters connected therewith. S. F. 206.

WHEREAS, The State of Iowa has heretofore sold and contracted to sell certain lands situated in the counties of Webster and Hamilton, in this state, as school-lands inuring to the state of Iowa under the act of Congress approved September 4th, 1841, known as the five hundred thousand acre grant; and

WHEREAS, Said lands are now claimed by the Des Moines Navigation and Railroad Company and its grantees, adversely to the title and contracts of the state as aforesaid, and suits are pending and being brought against such persons holding the same under the state of Iowa by such adverse claimants for the possession thereof, and such litigation will involve such persons in costs, expenses, and trouble, and the interests of the state may not therein be fully protected, and its title to that class of lands may therein be declared void; therefore,

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| <p>Governor to proceed to have title adjudicated.</p>                     | <p>SECTION 1. <i>Be it enacted by the General Assembly of the State of Iowa,</i> That the governor of this state be and he is hereby empowered and directed to proceed to have the question of title to said lands adjudicated by a court of competent jurisdiction, and to that end he may employ counsel in aid of the attorney-general, in behalf of the state, and at the expense thereof, that he either cause intervention to be made by the state of Iowa as defendant in any cause now pending against any grantee of the state, as aforesaid, or by original process cause suit to be brought in the name of the state of Iowa against any person claiming said land adversely, to test the title thereof, and shall appeal from the judgment of any inferior court to appellate court in case judgment should therein be adverse to the title of the state as aforesaid, and shall defend in such appellate court any appeal brought by such adverse party, and said state shall in all respects have the same rights and be subject to the same rules, and such suit or suits shall in all respects be conducted, as though the same were pending between individuals, and any court having jurisdiction of the subject matter, if the action <i>was</i> [were] pending between individuals, shall have full and complete jurisdiction therein.</p> |
| <p>May employ counsel to aid Attorney general.</p>                        |  |
| <p>Intervention.</p>  |  |
| <p>Original suit.</p>   |  |
| <p>Prosecution of suit.</p>   | <p>SEC. 2. Such suit or suits shall be prosecuted without any unnecessary delay. Any state officer having the custody of any certificate, patent, list of selections, or any other document affecting the title of the state shall, upon request of the governor, furnish certified copies thereof without costs to the state, and such certified copies shall be competent and admissable in evidence in such litigation with the same force and effect as the originals.</p>   |
| <p>Certified copies of documents.</p>                                     |  |
| <p>Agreed statement of facts.</p>   | <p>SEC. 3. The counsel for the state in such litigation may agree upon the facts material in said cause with any adverse party, and may submit the same to the court upon such agreed facts: <i>Provided,</i> That such agreed facts shall be approved as true in all respects by the governor and register of state land-office; and, pending litigation in one case wherein the question of title shall be clearly and directly in issue, the court having jurisdiction thereof may, upon the application of the state, by its counsel, order the prosecution of all other cases wherein the same question may be involved to be stayed until final judgment shall be rendered in the case litigated, and in such cases bail shall not be required.</p>  |
| <p>Same to be approved by Governor and register of state land office.</p> |  |
| <p>Pending one suit, others to be stayed.</p>                             |  |
| <p>Upon adverse determination Governor to negotiate for title.</p>        | <p>SEC. 4. In case the question of title shall be finally adjudged against the state of Iowa, the governor shall negotiate with the adverse owners for a relinquishment of the title to the state of Iowa of all lands of that class which have been sold by the state of Iowa, by and through John Tolman, school-fund commissioner of Webster county, and such as are held under contract from the state by virtue of the provisions of chapter 156 of the laws of the Seventh General Assembly of the state of Iowa, approved March 93, 1858, and such as the state of Iowa would by reason of any law of said state be required to convey to the claimant, if the same were in law and fact a part of the 500,000 acre grant, whether the same be now held by the original claimant, his heirs or bona fide</p>  |
| <p>1858: ch 56.</p>   |  |

assignees or persons claiming the same by title derived in good faith from or through such original claimant, and he shall ascertain the fair value of all such lands exclusive of the improvements thereon, and the price and terms upon which such adverse owners will release the same to the state of Iowa for the use of the parties claiming the same under the state, and shall report such facts to the next general assembly; and no writ of execution for the recovery of the possession thereof shall be issued against any person embraced within the provisions of this act until after adjournment of the general assembly of the state of Iowa convening next after such report is filed.

To report ascertained value to next G. A.

Writ of execution not to issue until when.

SEC. 5. In case the title of said land is adjudged to be in the state of Iowa as school-land, as aforesaid, the register of the state land-office shall carry out all contracts made by the state, by its proper officers, as above herein set out; and the governor shall cause patents to be issued therefor, to the parties entitled thereto, under the provisions of section four of this act, upon the payment of the sum of *one* 1 25-100 dollars per acre; and he shall cause the remaining lands of that class, within the counties aforesaid, to be appraised and sold in pursuance of the laws now in force relating to school-lands: *Provided*, That any person residing on such land, or any person who has made valuable improvements thereon, prior to the first day of January, 1874, and who is not the owner of more than one hundred and sixty acres of land, may be permitted to purchase the lands embraced in his or her claim, so that the land thus purchased, with the other land now owned by such person, shall not exceed in the aggregate one hundred and sixty acres, at the price of five dollars per acre.

In case of favorable decision, register to carry out contracts made by state.

Patents to issue to owners upon payment of \$1.25 per acre.

Sale of remaining land. Proviso: occupants may purchase.

SEC. 6. The provisions of this act shall be liberally construed, so as to grant full relief to persons holding under the state according to the principles of equity and justice, and in case the title is adjudged against the state and its grantees, the executive council may audit and allow to such persons all costs and expenses they have necessarily incurred in defending their titles, but not exceeding fifty dollars attorney's fees shall be allowed in any one case.

Construction of act.

Upon adverse decision, exec. council to allow costs.

SEC. 7. This act shall not be construed to affect the title to said land in any manner, nor shall any section be construed as an admission upon the part of the state in disparagement of its title to any of the lands embraced in this act.

Act not to affect title.

SEC. 8. That, for the purposes of the litigation contemplated by this act, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, to be paid out upon accounts duly verified and approved by the executive council, and for the purposes of the other provisions of this act there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of thirteen hundred dollars, or so much thereof as may be necessary, to be paid out upon requisition of the governor.

\$3,000 appropriated for litigation.

How paid.

\$1,300 for other purposes.

Publication clause. SEC. 9. This act shall take effect and be in force from and after its publication in *The Daily Iowa State Register* and *Fort Dodge Messenger*.

Approved March 12th, 1874.

I hereby certify that the foregoing act was published in *The Fort Dodge Messenger* March 26, and in *The Daily Iowa State Register* March 27, 1874.

JOSIAH T. YOUNG, Secretary of State.

## CHAPTER XXX.

### LEGALIZING ACTS OF A JUSTICE IN TAYLOR COUNTY.

S. F. 113. AN ACT to Legalize the Acts of H. H. Tyler, while acting as Justice of the Peace of Platte Township, in Taylor County.

Preamble: re-elected J. P. acting with out requalifying. WHEREAS, H. H. Tyler, during the year 1872 and a part of the year 1873, acted as justice of the peace in Platte township, in Taylor county, under the impression that it was not necessary for him to qualify, he being his own successor in said office; therefore,

Acts legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the acts of the said H. H. Tyler, while so acting as justice of the peace, be and the same are hereby declared to be valid and legal as if he had qualified within the time prescribed by law.

Publication clause. SEC. 2. This act being deemed of immediate importance shall take effect and be in full force from and after its publication in *The State Register* and *Bedford Argus*, which publication shall be without cost to the state.

Approved March 12th, 1874.

I hereby certify that the foregoing act was published in the *Bedford Argus* March 19, and in *The Iowa Daily State Register* March 4, 1874.

JOSIAH T. YOUNG Secretary of State.

## CHAPTER XXXI.

### ELECTION OF JUSTICES AND CONSTABLES LEGALIZED.

H. F. 25. AN ACT to Legalize the Election of Justices and Constables in the Year A. D. 1873.

Elections in 1873 legalized as though held in an even year. *Be it enacted by the General Assembly of the State of Iowa:* SECTION 1. That the election of all justice of the peace and constables, in the year A. D. 1873, be and the same is hereby made as legal and valid, to all intents and purposes, as though