

## CHAPTER 8.

## PERMANENT SURVEY OF LANDS.

S. F. 98. AN ACT to Provide for the Permanent Survey of Lands.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That, whenever the owner or owners of adjacent tracts of land shall desire to establish permanently the lines and corners thereof between them, he, she, or they may enter into a written agreement to employ and abide by the survey of some surveyor; and after said survey is completed, a plat thereof with a description of all corners and lines plainly marked and described thereon, together with the written agreement of the parties, shall be recorded in the recorder's office of the county where the lands are situated: or after any survey of lands is completed and the parties interested therein as owners are satisfied with such survey, or when the owners of adjoining lands desire to perpetuate existing lines and corners heretofore made between them, it shall be lawful for them to cause a plat thereof to be made with a description of all such lines and corners made thereon, which plat shall be acknowledged before some officer authorized to take the acknowledgment of deeds, and signed by each of said owners as an agreement between them so far as relates to such lines and corners; all of which shall be recorded in the recorder's office of the county in which the lands are situated; and the lines and corners so made, and described and recorded, shall be binding upon the parties entering into said agreement and signing said plats, their heirs, successors, and assigns, and shall never be changed.

**SEC. 2.** Whenever one or more proprietors of land in this state, the corners and boundaries of whose lands are lost, destroyed, or *are* in dispute, or who are desirous of having said corners and boundaries permanently established, *and who* will not enter into agreement as provided by section first of this act, it shall be lawful for said proprietor or proprietors that they shall cause a notice in writing to be served on the owner or owners of adjacent tract or tracts, if known and residing in the county where said lands are situated, or if not known and not residing in such county, by publishing in a newspaper published in such county, and if no newspaper shall be published then by putting up in four different public places in said county, a written or printed notice to the effect that on a day named therein he, she, or they will make application to the district court of the county in which said lands are situated, at its next succeeding term, for the appointment of a commission of one or more surveyors to make survey of and permanently establish said corners and boundaries, which notice shall be posted up at least four weeks before the time appointed for said application; and one of said notices shall be in the precinct or township in which said corners and boundaries are situated.

Surveys upon agreement of owners of adjacent lands.

Record.

Plats of completed surveys.

Perpetuation of existing lines and corners.

Record Lines and corners binding.

Mode of obtaining survey where owners do not agree to same.

Notice; and how served.

SEC. 3. Upon the filing of proper petition and proof of due notice aforesaid, the said court shall appoint a commission of one or more surveyors, entirely disinterested, to make said survey, who shall proceed to make said survey and report his or their proceedings to that or the next term of said court, accompanied by a plat and notes of said survey; and each of said surveyors shall be authorized to administer an oath to any of the assistants necessary in the execution of said survey, to faithfully and impartially perform their respective duties, and take the evidence under oath administered by the surveyor, and incorporate the same with his or their survey, of any person or persons, who may be able to identify any original government corner, or witness thereto, or government line, tree, or other noted object, or any other legally established corner, or other corners that have been recognized as such by the adjoining proprietors for over ten years.

District court to appoint commission to survey and report.

Oath.

Evidence.

SEC. 4. Upon the filing of said report, any person whose interests may be affected by said survey shall be at liberty to enter his objections to said report, and the court shall hear and determine said objections, and enter an order or judgment either approving or rejecting said report, or modifying and amending the same according to the rights and interests of the parties, or may refer the same back to said commission to correct their report and survey in conformity with the judgment of the court; or the court may for good reason set aside said commission and appoint a new one, who shall proceed anew, and determine the boundaries and corners of the lands in question. The corners and boundaries established in said survey, as approved in the final judgment of the court, if not appealed from within thirty days, shall be held and considered as permanently and unalterably established according to said survey. The expenses and costs of the surveys and suit shall be apportioned among all the parties according to their respective interests.

Objections to report.

Order of court.

Report set aside.

Survey final, when.

Costs to be apportioned.

Approved March 5th, 1874.

## CHAPTER 9.

### COUNTY INDEBTEDNESS.

AN ACT to Amend Section 289 and Section 290 of the Code of 1873 H. F. 81.  
[Title IV., Chapter 1: "Of Counties."]

*Be it enacted by the General Assembly of the State of Iowa,* That section 289 of the code of 1873 be amended as follows: Strike out, in the first and second lines of said section, the words, "Having a population exceeding seven thousand inhabitants";—strike out of the third line of said section, the figures "1872" and insert the figures "1874";—strike out of section 290, eighth line, the figures "1872" and insert the figures "1874."

Any county may fund debt existing January 1, 1874.

Approved March 5th, 1874.