

## CHAPTER 8.

## RELATING TO POWERS OF BOARDS OF SUPERVISORS.

H F. 181. AN ACT to amend Section 303, Chapter 2. of Title IV, of the Code in relation to the Powers of the Boards of Supervisors, and to Enlarge such Powers.

*Be it enacted by the General Assembly of the State of Iowa,*

Code, §303. SECTION 1. Section three hundred and three (303) of the Code is hereby amended by adding to subdivision No. 24 at the end thereof the following:

In counties with population of twenty thousand. *Provided further,* That the board of supervisors of any county having a population of more than twenty thousand, may in case of the destruction of any county building by fire or otherwise, rebuild the same or purchase such other grounds and buildings, or grounds upon which to erect such buildings, as may in their judgment be advisable for the purpose intended, and may pay for such grounds and buildings in full payment therefor, not exceeding twenty thousand dollars, including any and all money received for and on account of insurance on the property destroyed.

This act to apply when. *Provided,* That the provisions of this act shall not apply to any county where the loss shall have occurred after the first day of February, 1876, nor shall this act apply to the building of court houses or jails.

Publication. SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily Register, and Daily State Leader, newspapers published at Des Moines, Iowa, as provided by law.

Approved February 12, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 16, 1876, and in the *Iowa State Register*, February 17, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 9.

## INCORPORATION OF FAYETTE LEGALIZED.

S. F. 83. AN ACT To Legalize the Incorporation of the Town of Fayette.

Preamble. WHEREAS, Certain of the qualified electors of the town of Fayette, in the county of Fayette, and State of Iowa, did, on or about the 16th day of February, 1874, apply by petition to the circuit

court of said county for the appointment of commissioners to submit to the legal voters of said town the question of incorporating the same; and

WHEREAS, Said court did appoint five commissioners, who afterwards did call an election as required by law, and submitted said question to the legal voters thereof, at which election a large majority of the votes polled were in favor of incorporating said town; and

WHEREAS, In the affidavit of publication of the notice of election to submit to the electors the question of incorporation of said town, an error was made, and such affidavit was filed in the office of the clerk of said county, and copies thereof in the office of the recorder of said county, and of the secretary of state; and ordinances had been adopted, and other official acts been done by the officers of said town before such error was discovered; and

WHEREAS, In the publication of the notice of such election a slight error was made in the description of the boundaries of said town; and

WHEREAS, The said commissioners did afterwards call an election for the election of officers, at which election there were elected a mayor, a recorder, and five trustees, to constitute a council; to transact the business of said incorporated town, which council did appoint a treasurer, an assessor, and other officers; passed ordinances, adopted by-laws, and perform[ed] other duties as such council; and

WHEREAS, In March, 1875, the annual election of officers was held (notice of the same having been given as required by law) at which election a mayor, a recorder, an assessor, and five trustees were elected, which council and other officers of said town have performed the duties devolving upon them since they were elected and qualified, including the levy of taxes as authorized by law; and

WHEREAS, Doubts have arisen as to the legality of the said incorporation and of the legality of the ordinances enacted and the levy of taxes made by the officers of said town; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all acts done and proceedings had to enable the territory described in such petition to become incorporated under chapter ten of the Code of 1873, be, and the same are hereby declared to be valid and binding in all respects; and all such acts and proceedings are hereby legalized as fully as if the same had been in strict compliance with the provisions of the law relating to the incorporation of towns and cities. Acts of Incorporation legalized.

SEC. 2. That all elections, and all the acts of any and all the officers of such incorporation are hereby declared valid and binding in all respects. Elections.

SEC. 3. That all the ordinances enacted by the Fayette council, or board of trustees, and all levies of taxes, and all orders or warrants made or issued, and all other official acts of said council or board of trustees are hereby legalized and made binding in all respects. Ordinances.

SEC. 4. This act being deemed of immediate importance, shall take effect from and after its publication in the State Register, Publication

and also in the *Fayette News*, a newspaper published in said town of Fayette, without expense to the State.

Approved February 16, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 17, 1876, and in the *Fayette News*, February 23, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 10.

### UNITED STATES AND STATE PATENTS.

S. F. 427½. AN ACT relating to the Recording of United States and State Patents for Lands.

*Be it enacted by the General Assembly of the State of Iowa:*

When deemed to be matters of record.

Certified copies to be received as evidence.

No acknowledgments necessary.

[SECTION 1.] That United States and state patents for lands in this state, that have been or hereafter may be recorded in the recorder's office of the county in which the lands are situated, shall be deemed matters of record, and certified copies thereof, under the hand of the recorder, may be received and read in evidence in all the courts in this state, with like effect as other certified copies of original papers recorded in his office.

In order to entitle said patents to be recorded, no acknowledgment, as required by chapter six of the Code shall be necessary.

Approved February 16, 1876.

## CHAPTER 11.

### PROBATE OF WILLS.

S. F. 86. AN ACT to Amend Chapter 2, of Title 16, of the Code, Relating to Probate of Wills.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, 2340 amended.

Either party entitled to a jury.

SECTION 1. Section 2340, of chapter 2, of title 16, of the Code, is hereby amended by adding thereto the following, viz: Whenever the proving of a will is contested, either party shall be entitled to demand a jury and to the verdict of a jury on the issues involved.