

Code, §162B
amended.
Board of
trustees.

striking out from the second and third lines thereof, the words "one person from each of the counties in which the said homes are located, and one from the state at large," and by inserting in lieu thereof the words "three persons from the state at large."

Approved March 15, 1876.

CHAPTER 95.

CITIES AND TOWNS.

S. F. 22. AN ACT to Amend Section 500, Chapter 10, Title 4, of the Code.

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

SECTION 1. That section five hundred, of chapter ten, title four, of the Code of Iowa, be amended by striking out the word "three" in the third line of said section, and inserting the word "five"; *provided*, that the provisions of this act shall not apply to cities having over 6,000 inhabitants, or less than 4,500 inhabitants, and in all other cases such loans shall not exceed the sum of three per cent. on such property.

SEC. 2. This *bill* [act] being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, papers published in Des Moines.

Approved March 15, 1876.

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

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 96.

MCGREGOR AND MISSOURI RIVER RAILROAD COMPANY.

S. F. 34, 58½,
and 96. AN ACT Relating to the Lands heretofore Granted to the McGregor and Missouri River Railroad Company, Resuming said Lands, and Re-granting the same upon new conditions to said Company, and Providing for Forfeiture thereof, and in case of such forfeiture, for the Disposition to be made of said Lands.

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

SECTION 1. That, whereas the McGregor and Sioux City railway company, now known as the McGregor and Missouri River railway company has failed to comply with the conditions and provisions of the acts of the twelfth general assembly of the state of Iowa, approved March 31st, 1868, entitled an act making a grant

Falling to
comply with
chap. 58, 12th
G. A.

of land to the McGregor and Sioux City railway company, now therefore, all lands or rights to lands saving and excepting all those tracts and parcels lying within twenty miles on either side of the located or constructed line of the Sioux City and St. Paul railroad company, and within what is known as the "overlapping [overlapping] limits," heretofore granted or intended to be granted to the McGregor and Sioux City railway company, be and the same are hereby absolutely and entirely resumed by the state of Iowa.

The lands granted are hereby resumed.

SEC. 2. That all of said lands and rights to lands, be and are hereby granted to and conferred upon the McGregor and Missouri River railway company, upon the following express terms and conditions, viz: That the McGregor and Missouri River railroad company, then called the McGregor and Sioux City railway company, shall build and construct their railroad from Algona, in Kossuth county, to Emmetsburg, in Paltto Alto county, and locate and establish their depot upon the depot grounds of said company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish their depot upon section 7, in township 96, range 36, on or before the 1st day of January, A. D. 1877, and that the said McGregor and Missouri River railway company shall build and construct their railroad thence on the most direct and practicable route to the point of connection, in O'Brien county, within half mile of Sheldon, with the Sioux City and St. Paul railroad on or before the 1st day of December, A. D. 1877.

And granted to McGregor and Mo. River R. R. Co.

On conditions.

Provided, That federal legislation be had in 1876, by which the McGregor and Missouri River railway company is permitted to make its junction with the Sioux City and St. Paul railroad west or south-west of Primghar, outside of O'Brien county; then in that event said McGregor and Missouri River railroad shall be constructed from Spencer to Primghar, and thence to such point of intersection with the Sioux City and St. Paul railroad, as the McGregor and Missouri River railroad company may designate. And if federal legislation is had after 1876, than said McGregor and Missouri River railway company may intersect the Sioux City and St. Paul railroad at such point as the McGregor and Missouri River railroad company may determine. And, *provided further*, said railroad company or any other railroad 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 freights and passengers, as may from time to time be enacted and provided for by the general assembly of the state of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and in the acts of congress granting said lands to the state of Iowa, and the filing by any railroad company of the bond hereinafter provided, shall be taken and accepted as an acceptance by the company so filing, of the above proviso and each part thereof.

Proviso: federal legislation.

Accepting these provisions, shall be subject to legislative regulations.

SEC. 3. When the said railroad shall be built and constructed to Spencer, in Clay county, then and thereupon the governor of the state shall patent and transfer to said McGregor and Missouri River railway company, all the lands conveyed or appertaining

When R. R. Co. shall be entitled to patent.

to said grant lying east of said point and coterminous with the completed portion of said railroad; and when said railroad shall have been built and constructed to the point of connection in O'Brien county, with the Sioux City and St. Paul railroad, then and thereupon the governor of the state shall patent and transfer to said McGregor and Missouri River railway company all the remaining lands belonging to or embraced in said grant, appertaining to this line of railroad.

Proviso: shall first file bond.

Provided, That before any such patents shall issue, the said McGregor and Missouri River railway company, shall file with the secretary of state a good and sufficient bond, approved by the governor, in the sum of fifty thousand dollars, liquidated damages, within sixty days after the passage of this act, conditional upon the faithful performance of the provisions of this act, for the completion of said road to the point of connection in O'Brien county, with the Sioux City & St. Paul railroad, within the time specified in section two of this act.

Proviso: lands shall revert to state on failure to construct road.

Provided further, That if said McGregor and Missouri River railway company shall fail to build and construct their railroad within the time specified in this act, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act shall revert to the state of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act, by reason of railroad already constructed.

Terms on which road is to be built.

SEC. 4. The said railroad shall be built upon and subject to all the terms and conditions named in the act of 1868 above cited, save in such respects as said terms and conditions are changed or amended by this act.

On failure of the McG. & Mo. R. R. Co. to comply with this act, any other Co. may be substituted.

SEC. 5 Should the McGregor and Missouri River railway company fail to build and construct their railroad to Spencer, in Clay county, on or before the 1st of January, A. D. 1877, or fail to file the bonds required by this act within the time prescribed, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act, shall revert to the state of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act by reason of railroad already constructed; and any other railroad company first filing with the auditor of state, a good and sufficient bond in the sum of fifty thousand dollars, to be approved by the governor, and executive council, as provided in section three for a faithful performance of the provisions of this act, may be by advice of the governor and consent of the executive council, substituted to all the rights and subject to all the provisions of this act, to the same extent as if the lands were conferred upon said company and named by this act; and said company shall have the same time as is provided by section two of this act for the building of the road. Said grant shall then enure to the benefit of the Iowa, Dakotah and Black Hills railroad company, who shall have the right to file its bonds and accept said grant for thirty days thereafter, subject to the limitations and restrictions hereinbefore or herein-after provided.

I. D. & B. H. R. R. Co.

Sec. 6. Nothing contained in this act shall be so construed as to effect or change the rights of the McGregor and Missouri River railroad company, or of the Sioux City and St. Paul railroad company, as now existing in relation to lands where their rights conflict, or overlap, nor shall this act in any manner affect either company in any pending litigation, and if the McGregor and Missouri River railroad company shall obtain right or title to any lands heretofore patented to the state for the benefit of the Sioux City and St. Paul railroad company, over which the last named company has constructed its road, then the McGregor and Missouri River railroad company shall for the consideration of one dollar convey and release to the Sioux City and St. Paul railroad company a right of way over said lands on its present line, fifty feet in width on each side in ordinary cases, and in cases where cuts occur, such additional width as may be necessary for protection against drifting snow not exceeding one hundred and fifty feet in width on each side of said center line of track, and if any of said lands in dispute as to title shall be finally adjudged to the Sioux City and St. Paul railroad company, and be owned by it when the McGregor and Missouri River railroad company construct[s] its road or particularly designates its precise route or track to a junction with said Sioux City road, then the last named company shall for the consideration of one dollar convey to the McGregor and Missouri River railroad company, a like right of way as above for its road. It is further made an express condition of this grant that should the McGregor and Missouri River railway company be finally adjudged to be the owner of section thirteen (13,) town ninety-nine (99,) range forty-two (42) which has been heretofore patented to the state, for the use of the Sioux City and St. Paul railroad company, it being the section of land on which Sibley is located, in Osceola county, on which large expenditures and expensive improvements have been made by the Sioux City and St. Paul railroad company, it shall be the duty of the McGregor and Missouri River railway company to permit the Sioux City and St. Paul railroad company to purchase said section at the price of two dollars and fifty cents per acre, and upon the tender of the purchase money therefor, the last named company shall be entitled to receive said land by a conveyance of all the title received by said McGregor and Missouri River railway company of the United States or from the state of Iowa, and the Sioux City and St. Paul railroad company shall thereupon confirm said plat of Sibley and complete the title of Osceola county to the ground given for the court house, and also confirm the title to all donations of lots heretofore made for school houses and church lots and fulfill and confirm all contracts made with individuals for the sale of lots in Sibley, and it is further provided that in case the McGregor and Missouri River railway company shall be constructed to a connection with the Sioux City and St. Paul railroad company at Sheldon, then the last named company in consideration of the foregoing beneficial privileges, shall donate right-of-way and suitable depot grounds in the village of Sheldon, to said McGregor & Missouri River railway company.

Relating to
the "overlap-
ping limits."

Sec. 13, Tp. 99,
R. 42.

SEC. 7. The acceptance of the provisions of this act shall be deemed a release by the company accepting the same of all claims to unpatented land, selected for and belonging to the original grant, which have been entered and occupied in good faith pursuant to the provisions of the pre-emption or homestead laws; and upon the making of final proof of occupation and improvement now required by law, and of good faith as aforesaid to the satisfaction of the register of the state land office, the governor is hereby authorized to execute a patent for such land to the persons entitled thereto.

SEC. 8. This act being deemed of immediate importance, it shall be in force from and after its publication in the *Iowa State Leader*, and *State Register*, daily papers published in Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 22, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 97.

LEASING CONVICT LABOR AT THE PENITENTIARY.

S. F. 263. AN ACT to amend Section 4, Chapter 35, of the Private, Local, and Temporary Acts of the Fifteenth General Assembly.

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

SECTION 1. That section 4, of chapter 35, of the private, local, and temporary acts of the fifteenth general assembly, be, and the same is hereby repealed, and that the following be enacted in lieu thereof:

SEC. 4. That all the acts of said commissioners shall be approved by the executive council before they shall be binding on the state, and that the labor of the convicts of said penitentiary shall be leased by said commissioners at such rates and for such time as they shall deem for the best interest of the state, and they shall have authority to modify or cancel any existing contract in relation to the lease of said convict labor, with the approval and consent of the contracting parties and consent of the executive council when they shall deem it for the best interests of the state.

SEC. 2. The commissioners, with the consent of the executive council, may remove convicts confined at Fort Madison, to the penitentiary at Anamosa in such manner, at such time, and in such numbers as they may think for the best interests of the state.