

CHAPTER 20.

ELECTION OF OFFICERS IN CITIES OF THE FIRST CLASS.

H. F. 287.
18th G. A.
chapter 33,
§ § 1 and 2
amended.

AN ACT to Amend Sections One and Two, of Chapter 33, of the Laws of the Sixteenth General Assembly, in Relation to the Election of certain Officers in certain Cities of the First Class, and to Revive that portion of Section 534 of the Code thereby repealed.

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

Officers to be
elected.

SECTION 1. That section 1, of chapter 33, of the laws of the sixteenth general assembly, be and the same is hereby amended, by inserting after the word "elect," in the sixth line thereof, the words, "one city marshal, one city solicitor, one city physician, one building commissioner."

SEC. 2. That section 2 of the same chapter, be and the same is hereby amended, by striking out, after the word "of," in the first line of said section, the words, "each city shall elect a city marshal, who shall be ex-officio chief of police, who shall hold his office for the term of one year," and by inserting in lieu thereof, the words, "every such city shall elect."

Code, § 534 re-
vived.

SEC. 3. That so much of section 534 of the Code as was superseded by chapter 33 of the sixteenth general assembly, is hereby revived, anything in sub-division 1 of section 45 of the Code, to the contrary notwithstanding.

Publication.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 26th, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 26, and in the *Iowa State Register*, February 27, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 21.

GRANTING LANDS TO THE CHICAGO, MILWAUKEE & SAINT PAUL RAILWAY COMPANY.

F. 18.

AN ACT in relation to the Lands Granted to the State of Iowa by Act of Congress, entitled, "An Act for a Grant of Lands to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State," Approved May 12th, 1864, and to Grant to and Impose upon the Chicago, Milwaukee and St. Paul Railway Company, the Powers and Liabilities mentioned in Chapter Four (4), Title (10) of the Code.

Preamble.

WHEREAS, The McGregor and Sioux City Railway Company, now known as the McGregor and Missouri River Railway Com-

pany, has failed to comply with the provisions of the act of the twelfth general assembly of the State of Iowa, approved March 31, 1868, entitled, "An Act making a grant of land to the McGregor and Sioux City railway company;" therefore,

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

SECTION 1. That all lands or rights to lands heretofore granted to the McGregor and Sioux City Railway Company be, and the same are hereby absolutely and entirely resumed by the State of Iowa. Resumption of lands granted to McG. & S. C. Railway Co.

SEC. 2. That all lands and rights to lands, whether in severalty, jointly, or in common, and including all lands or rights to lands, or any interest therein, or claims thereto, whether certified or not, embraced within the overlapping or conflicting limits of the two grants, or roads made and described by the act of congress hereinafter designated, granted to the State of Iowa, to aid in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State in a westerly direction, by the most practicable route on or near the forty-third parallel of north latitude, until it shall intersect, in the county of O'Brien, a railroad running from Sioux City, Iowa, to the Minnesota state line, by act of congress, approved May 12, 1864, and entitled "an act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said state," be and the same are hereby granted to and conferred upon the Chicago, Milwaukee & St. Paul Railway Company, which company now owns and operates the said railroad from McGregor to Algona, upon the following express terms and conditions, viz: Conferring same upon the C. M. & St. P. R'wy Co.
That the last named company shall, in extension of its present line of road from McGregor to Algona, build and construct its road from Algona, in Kossuth county, to Emmetsburg, in Palo Alto county, and locate and establish its depot upon the grounds selected by the McGregor & Missouri River Railway Company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish its depot upon section seven (7), township (96), range 36, on or before the first day of January, 1879; thence on the most direct and practicable route to a point of connection with the Sioux City & St. Paul Railroad, within one-half mile of the corporate limits of Sheldon, in O'Brien county, on or before the first day of January, 1880. Conditions of grant.

SEC. 3. When the said railroad shall have been built and constructed to Spencer, in Clay county, then and thereupon the governor of the state shall patent and transfer to the Chicago, Milwaukee and St. Paul railway company all lands and rights to lands, and all interest or claims therein, mentioned in section two (2) of this act, and lying east of said point and co-terminus with the completed portion of said road; and when said railroad shall have been built and constructed to the point of connection with the Sioux City and St. Paul railroad, then and thereupon the governor of this state shall patent and transfer to said Chicago, Milwaukee and St. Paul railway company all the remaining lands belonging to or embraced in said grant appertaining to their line When patent for lands shall be given.

Proviso:
bond of \$200,000 to be filed with Secretary of State.

of railroad, including all or any part or moiety of the lands in said overlapping limits, which by the terms of said act of congress appertain to their line of road: *Provided*, That within twenty days from the passage of this act, the said Chicago, Milwaukee and St. Paul Railway Company shall file with the secretary of state a bond, to be approved by the governor, in the penal sum of two hundred thousand dollars, conditioned for the faithful performance on its part of all the provisions and conditions of this act, which sum is agreed upon as liquidated damages for the failure of said company to comply with the conditions of said act.

SEC. 4. All the rights, powers, and liabilities mentioned and provided in chapter four (4), title ten (10), of the Code are hereby granted to and imposed upon the said Chicago, Milwaukee and St. Paul Railway Company.

Upon failure to file bond.

SEC. 5. Should the said Chicago, Milwaukee and St. Paul Railway Company fail to file the bond or acceptance mentioned in section three (3) of this act within the time prescribed, or fail to build and construct its road in accordance with the conditions, or any of them, set out in section 2 of this act, then and thereupon all lands and rights by this act conferred shall revert to the state of Iowa.

Terms upon which road is to be built.

SEC. 6. The said railroad shall be built upon and subject to all the terms and conditions named in the act of 1868, approved March 31, 1868, granting said lands to the McGregor & Sioux City Railway Company, save as such terms and conditions are changed by this act or are inapplicable. And said railroad company accepting the provisions of this act, its lessees or assignus, 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.

In case of failure by C. M. & St. P. Railway to file bond.

SEC. 7. In case the Chicago, Milwaukee & St. Paul Railway Company shall fail to file the bond or acceptance provided for in section 3 of this act, within the time prescribed, then any other railroad company first filing with the secretary of state the bond aforesaid, may be, by the advice and consent of the executive council, substituted to all the rights and subject to all the provisions and conditions of this act conferred upon or made with reference to the Chicago, Milwaukee & St. Paul Railway Company, in which case the acceptance provided for in section 3 of this act, must be filed with the bond aforesaid.

Lands held in good faith under pre-emption or homestead laws, deemed released.

SEC. 8. The acceptance of the provisions of this act shall be deemed a release by the company accepting the same, of all claims to unpatented lands 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 of the United States; and upon the making of the final proof of the 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 patents for such lands to persons entitled thereto; and also all lands embraced in said grant which have been patented by the

governor of this state, under the provisions of section 7, of chapter 58, of the laws of the twelfth general assembly; and said lands so patented are hereby expressly reserved from the operation of this act, and the title of said patentees, and their assigns, to the lands so patented, are hereby ratified and confirmed.

SEC. 9. If it shall be found that the Sioux City and St. Paul Railroad Company has constructed its road over any portion of the lands granted by this act, so much land as may be now used and appropriated for right-of-way and fencing at cuts for protection against snow as may be reasonably necessary, not exceeding in width one hundred feet, except at cuts, and in such case not exceeding two hundred feet in width, is hereby granted to said Sioux City and St. Paul Railroad Company, and expressly excepted from the grant to said Chicago, Milwaukee and St. Paul Railway Company, and if it shall be found that section thirteen, town (township) ninety-nine, range forty-two, or any part or interest therein shall be embraced within the limits of lands granted by this act to the Chicago, Milwaukee and St. Paul Railway Company, said section being heretofore certified by the state to the Sioux City and St. Paul Railroad Company as inuring to it as a part of its land grant, and said last named company having erected thereon valuable side tracks, depots, grain elevators, hotel, and other improvements, and having platted a town or village thereon, sold and donated lots, and dedicated streets and parks for public uses, said section is reserved and excepted from this grant to said Chicago, Milwaukee and St. Paul Railway Company, and the title thereto is hereby confirmed to the said Sioux City and St. Paul Railroad Company on condition that said company shall execute a valid conveyance to the State of Iowa in trust for said Chicago, Milwaukee and St. Paul Railway Company, or other grantee of the state, as the governor may direct, of an equal quantity of equal quality of land owned by said Sioux City and St. Paul company, as would have inured to the Chicago, Milwaukee and St. Paul Railway Company by said section thirteen, said selection and conveyance to be approved by the governor. The provisions of this section are hereby declared to be express conditions of the grants made by this act.

Certain lands
to be conced-
ed to S. C. &
St. P. R. R. Co.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 27, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*