

WHEREAS, It was the intention to issue the said John Noble and W. A. Noble a certificate for the said forty acres of land, describing it as in township seventy-seven (77), and

WHEREAS, The patent issued for said land to said John Noble and W. A. Noble described the land as being in township seventy-nine (79) instead of township seventy-seven (77), and

WHEREAS, Said John Noble and W. A. Noble paid the state of Iowa in full for said land and were entitled to have a patent issued to them therefor for the south-west quarter (S. W.  $\frac{1}{4}$ ) of the north-east quarter (N. E.  $\frac{1}{4}$ ) of section twenty-seven (27) township seventy-seven (77) north of range twenty-three (23) west of the fifth P. M., Iowa, and

WHEREAS, The title to said land is still in the state of Iowa, therefore

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

**SECTION 1. Conveyance of title.** That the title to the south-west quarter (S. W.  $\frac{1}{4}$ ) of the north east quarter (N. E.  $\frac{1}{4}$ ) of section twenty-seven (27) township seventy-seven (77) north of range twenty-three (23) west of fifth P. M., Iowa, being a part of the Des Moines river land grant, does hereby pass from the state of Iowa to the said John Noble and W. A. Noble, and that the same vest in them pursuant to their said purchase.

**SEC. 2. Patent.** That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to issue to said John Noble and W. A. Noble a patent for the tract described in section one of this act, in the usual form, and deliver the same to the present owner of said tract, to be recorded in said county of Warren.

**SEC. 3. In effect.** This act, being deemed of immediate importance, shall be in force from and after its publication in the Des Moines Leader and the Iowa State Register, newspapers published in Des Moines, Iowa.

Approved March 7, 1902.

I hereby certify that the foregoing Act was published in the Des Moines Leader and the Iowa State Register, March 11, 1902.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 210.

### IMPROVEMENT OF THE CHANNELS OF MEANDERED STREAMS WITHIN THE CORPORATE LIMITS OF CERTAIN CITIES.

S. F. 234.

AN ACT to authorize the improvement of the channels of meandered streams dividing the territory within the corporate limits of certain cities and to authorize the reclaiming of lands between the meandered lines of said streams within said corporate limits and to create a commission therefor and defining its powers and prescribing its duties.

WHEREAS the title to the beds of the meandered streams in Iowa, including all the land between the meandered lines of such streams is vested in the state of Iowa and under control of the legislature, and

WHEREAS much of said lands between the meandered lines of such streams is land, not needed by the waters of such streams for channels or water courses, and

WHEREAS such lands as lie within the corporate limits of said cities would be of great value to the public if reclaimed by walls or embankments to secure an adequate channel for such streams, and

WHEREAS the courses of such streams through such cities could be beautified and made regular and sanitary and the expense of bridging greatly reduced, where they are now unsightly, irregular, unsanitary and of such great width that the expense of bridging and maintaining bridges is very great, and

WHEREAS the state can make no use of said lands and has an interest in the improvement of the channels of streams, therefore

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

**SECTION 1. Petition—river front improvement commission.** That whenever five hundred electors of any city whose corporate limits are divided by a meandered stream, shall, in writing, petition the governor of this state for the appointment of a commission, as provided for by this act, he shall within one month thereafter, appoint three electors, residents of the city of the said electors so petitioning, who shall constitute a body corporate, to be known as the river front improvement commission of....., inserting in said blank the name of the city of the said electors so applying.

**SEC. 2. Election.** That one commissioner shall be elected at each biennial city election after the passage of this act to succeed one of the commissioners so appointed, whose term shall expire when his successor is elected and qualified.

**SEC. 3. Organization—secretary—treasurer.** The commissioners shall, within ten (10) days after their appointment, qualify by taking the oath of office, determine, by lot, the order of the expiration of their terms, and organize by the election of one of their number as chairman; they shall also elect a secretary, not one of their number; and shall also elect a treasurer, not one of their number, who shall give bonds in the sum of twenty-five thousand dollars (\$25,000) the penalty of which may be increased by the commission. The treasurer shall receive and pay out all moneys under the control of said commission as ordered by it, but shall receive no compensation for his services. Each of the commissioners shall be reimbursed for the actual expenses incurred or money paid out by him in connection with the discharge of his official duties, but shall receive no compensation for his services. An itemized statement of all expenses and moneys received and paid out shall be made under oath and filed with the secretary and allowed by the commission.

**SEC. 4. Title to river bed.** That when said commissioners have been so appointed and qualified, the fee simple title to the bed of the meandered stream, separating the corporate limits of the city, for which they are appointed, shall immediately vest in the commission in trust for the public and the same while held by the commission shall be exempt from taxation, provided that the fee title to the channel or bed of the stream to be located and preserved as hereinafter provided shall remain in the state, and provided also, that the vested rights of riparian owners and owners of water powers, shall not be injuriously affected by this act.

**SEC. 5. Powers of commission.** Said commission may redeem lands between the meandered lines of such stream, construct, regulate and maintain dams across such stream, provide for and protect, by secure walls or banks, a channel adequate to carry flood waters of a volume equal to all reasonable expectations, based on past experience, and the area drained by such stream, according to expert authority; beautify such walls or banks; and park so much thereof as public interest may require; and where circumstances permit, make any part of the area redeemed and acquired suitable for sites for public buildings.

**SEC. 6. Profiles and specifications—approval.** That said commission may adopt plans, profiles and specifications for the improvement of the said river channel and banks, and the reclaiming of lands between the meandered lines of said stream within such city, and the construction of dams; but before the beginning of the execution of the same, such plans, profiles and specifications shall be approved by the executive council of Iowa.

**SEC 7. Additional powers—annual report.** Said commission may acquire real estate and riparian and other rights within such city in the vicinity of such stream by donation, or purchase, or by condemnation for the public uses herein authorized in the manner provided by law for the taking of private

property for public use, and shall take the title to property in the name of the commission and its successors, in trust for the public, and hold the same exempt from taxation. It may sell and convey or lease, or exchange any property acquired by it, by virtue of this act and otherwise. It shall have exclusive control of all the lands acquired by it, and of the banks and waters of such stream for carrying out the purposes of this act, may make contracts and sue and be sued. It shall keep a record of all its transactions, which shall during ordinary business hours be open to inspection by the public and shall make an annual report of all moneys received and expended by it and for what general purposes, and of all moneys owing to it and by it and for what general purposes, to the city council at the regular November meeting, and publish such report in some newspaper in the city.

**SEC. 8. Bonds—mortgages.** For the purpose of paying for real estate and improvements and accomplishing the purposes of its creation, said commission may issue bonds in such amounts as it may deem necessary, and may execute trust deeds or mortgages upon its property acquired by virtue of this act and otherwise or any part thereof to secure the payment of said bonds and interest thereon.

**SEC. 9. Cities may aid in making improvements.** That such city shall not be liable for any indebtedness incurred by said commission or for any bond issued by said commission. That such cities are hereby authorized to aid in making the improvements specified in this act by appropriating money from its general fund or from the surplus remaining at the end of the fiscal year in any special fund, except in cases where such diversion of moneys is especially prohibited by statute, and may appropriate in aid of the improvements herein provided for, the reasonable saving effected in the building of bridges and otherwise by reason of said improvements.

**SEC. 10. Rules and regulations—penalty.** Said commission may, in writing, prescribe rules and regulations for the government of the public grounds under their control and persons resorting thereto, which rules and regulations shall be enforced when entered in the record of the proceeding of the commission, and a copy thereof signed by the commissioners has been posted at each gate or principal entrance to any such public grounds and a wilful violation thereof shall be a misdemeanor, punishable by fine not exceeding twenty-five dollars (\$25). Anyone who shall cut, break or deface any tree or shrub growing in such public grounds, without authority, shall be guilty of a misdemeanor and be punished by fine not exceeding one hundred dollars (\$100) or by imprisonment not exceeding thirty (30) days in jail. Any magistrate in the city shall have jurisdiction to try such offenses.

**SEC. 11. Police protection—water supply.** The mayor, on written request of the commission, shall furnish adequate police protection for such public grounds and the city shall furnish such water supply as may be necessary therefor, and properly light the same at its expense. The commission shall be entitled to the services of the city engineer, when requested, without expense to it. It shall have the power to permit or forbid the erection of poles or the stretching of wires for electric light, street railway or other purposes by persons or corporations, in such public grounds or in or along streets, highways or over public places laid out or controlled by it.

**SEC. 12. Wharves, landing places, bath and boat houses.** That said commission shall have power, in and over the bed and banks of such river as specified, to construct and regulate the use of wharves, landing places, bath houses, boat houses and other suitable structures and shall have exclusive jurisdiction over the water of such stream, within the corporate limits of such city and may maintain said stream in a suitable condition for boating, skating and other public amusements and purposes.

**SEC. 13. What prohibited.** No member of the commission shall, during the time for which he has been appointed or elected, or for one year thereafter, be appointed to any office in the gift of the commission which shall be

created, or the emolument of which shall be increased, during the term for which he was elected, nor shall he be interested directly or indirectly in any contract for work or service to be performed for the commission or in the purchase or sale of any property sold to or by the commission.

SEC. 14. **Vacancies.** In case vacancy arises in the commission, the governor of the state shall fill such vacancy by appointment for the unexpired portion of the term or until the next election as the case may be.

SEC. 15. **Cities affected.** The provisions of this act shall apply only to cities acting under special charter and cities of the first class acting under the general incorporation laws having a population of less than twenty five thousand (25000).

SEC. 16. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa, without expense to the state.

Approved March 14, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, March 15, 1902.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 211.

### PUBLICATION OF AN EXTRA EDITION OF THE CODE.

S. F. 2,6.

AN ACT to provide for the publication of an edition of seven thousand and five hundred (7500) copies of the code.

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

SECTION 1. **Code supplement—committee to publish.** That the code supplement supervising committee appointed under the provisions of "An act to provide for the compilation of the laws of the Twenty-seventh, Twenty-eighth and Twenty-ninth General Assemblies, to annotate the same and code and rules of the supreme court to and including the May term, 1902 of the supreme court and to publish said compilation and annotations as a supplement to the code, and to provide for the appointment of a supervising committee, and making an appropriation therefor," enacted by the Twenty-ninth General Assembly of the state of Iowa, shall cause to be published an edition of seven thousand and five hundred (7500) copies of the code, in accordance with the provisions of "An act to provide for the annotation, indexing, distribution and sale of the code and statutes hereafter enacted, and the appointment of a supervising committee, and the election of an editor and prescribing their duties," enacted by the Twenty-sixth General Assembly, extra session, and which took effect May 5th 1897, so far as applicable. Said committee may cause the plates to be corrected where errors in print occur, also may change the citations therein from Northwestern Reporter to Iowa Reports, and may print therewith the new index prepared for the supplement to the code or omit the index and may publish therewith references to amendments and subsequent enactments.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved March 22, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, March 25, 1902.

W. B. MARTIN,  
*Secretary of State.*