

and submit the same to said executive council and if the same shall meet the approval of said executive council, and upon payment by said company to the state treasurer of the compensation agreed upon, the governor of Iowa shall execute and deliver to said railway company, its successors or assigns, a deed for said right of way.

**SEC. 3. Suitable sidings—depot.** In considering the advisability of granting such right of way, the executive council will take into consideration the feasibility of suitable sidings, depot and other facilities for the convenient handling of freights, and the accommodation of passengers as may be reasonably afforded by the operation of the line of railway proposed to be located, constructed, maintained and operated over, upon and across said industrial school lands; and said executive council shall, as one of the conditions, require the construction of a proper siding to the coal house located at said school.

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

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

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

## CHAPTER 192.

### RIGHT OF WAY OVER GROUNDS OF STATE INSTITUTION AT COUNCIL BLUFFS.

H. F. 241.

AN ACT to authorize the granting to the Council Bluffs, Tabor & Southern Electric Railway company, its successors or assigns, a right of way through lands owned by the state of Iowa and used by the school for the deaf, at Council Bluffs, Iowa.

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

**SECTION 1. Authority to acquire right of way.** That the Council Bluffs, Tabor & Southern Electric Railway company, its successors or assigns, are hereby authorized to acquire a right of way over and through lands of the state used in connection with the school for the deaf at Council Bluffs, Iowa, upon the terms and conditions herein provided.

**SEC. 2. Terms and conditions.** That said railway company, its successors or assigns, shall furnish to the executive council, a plat showing its proposed line of road through said premises, and upon the approval of said location by said council, it shall issue a certificate to that effect, which certificate shall confer upon said railway company the right to acquire the said right of way, as provided in chapter IV (4) title X (10) of the code, but no such right of way shall be acquired without the approval of the said council. In the event of the approval of location as aforesaid, the council is authorized to negotiate for and agree upon the damages sustained by the state by reason of the taking of said right of way; but the said executive council shall, as one of the conditions require said railway company to establish and maintain at a point convenient to said school a suitable station, at which to receive and discharge passengers, and to construct a switch to the coal house at said school.

**SEC. 3. Deed.** Upon the payment by said company to the state treasurer of the compensation and value so fixed, the governor of Iowa shall execute and deliver to the said company a deed conveying to the said company, its successors or assigns, the said right of way.

**SEC. 4. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa, without expense to the state.

Approved February 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 29, 1904, and the Register and Leader, March 1, 1904.

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

## CHAPTER 193.

### RELINQUISHMENT OF CERTAIN LANDS IN DICKINSON COUNTY TO THE UNITED STATES.

S. F. 256.

AN ACT to authorize and empower the governor of Iowa to relinquish and re-convey to the United States, certain lands in Dickinson county, Iowa, granted to the state of Iowa by the act of congress entitled, "An act for a grant of land to the state of Iowa in alternate sections to aid in the construction of a railroad in the state of Iowa," approved May 12, A. D. 1864, which have not been earned pursuant to the provisions of said act.

WHEREAS, By an act of the general assembly of the state of Iowa, the same being chapter 107 of the laws of the 19th General Assembly, all un-earned lands granted to the Sioux City and St. Paul Railway company, by act of congress May 12, A. D. 1864, were absolutely and entirely resumed by the state of Iowa and the same absolutely vested in said state as if the same had never been granted to said railroad company; and,

WHEREAS, By act of the general assembly of the state of Iowa, the same being chapter 71 of the laws of the 20th General Assembly, the governor of the state of Iowa was authorized and directed to certify to the secretary of the interior all lands which had heretofore been patented to the state to aid in the construction of said Sioux City and St. Paul railroad, excepting the lands situated in the counties Dickinson and O'Brien; and,

WHEREAS, All of section fifteen (15) and the northwest quarter (N. W.  $\frac{1}{4}$ ) of section seventeen (17) in township ninety-eight (98) north of range thirty-eight (38) west of the 5th P. M. Dickinson county, Iowa, had been at the dates of the acts of the general assembly hereinbefore referred to, patented by the United States to the state of Iowa; and,

WHEREAS, By decree of the supreme court of the United States, dated October 21, 1895, and reported in the 159th United States reports, page 349, said court decreed said lands to belong to the United States; therefore,

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

**SECTION 1. Authority to relinquish.** That the governor of the state of Iowa is hereby authorized and directed to certify and relinquish to the secretary of the interior all of section fifteen (15), and the northwest quarter (N. W.  $\frac{1}{4}$ ) of section seventeen (17) in township ninety-eight (98), north of range thirty-eight (38), west of the 5th P. M., Dickinson county, Iowa.

**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 Spirit Lake Beacon, a newspaper published at Spirit Lake in Dickinson county, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 2, 1904, and the Spirit Lake Beacon, April 8, 1904.

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