

SEC. 2. Terms and conditions. The said interurban or other railway company shall furnish to the executive council a plat, showing its proposed line of road through said premises, and upon the approval of such 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 four (4), title ten (10) of the code, but no such right of way shall be acquired without the approval of said council. In the event of approval of location, as aforesaid, the council is authorized to negotiate for and agree upon the damages sustained by the state by reason of taking said right-of-way. No such certificate shall issue until the said interurban or other railway company shall have filed with the executive council an agreement in writing, binding itself, its successors and assigns to construct and maintain, without expense to the state of Iowa, a side track, extending to the heating plant of the said Iowa state hospital for the insane, as the same now is or may hereafter be located; and said agreement shall also require the said railway company to erect and maintain a station or stations, suitable in character, size and design, at such place or places on said hospital grounds as the executive council may designate. The poles upon the right-of-way shall be of iron or steel, ornamental in design and painted, or of such other material as may be required by the executive council.

SEC. 3. Deed. Upon payment by said company to the state treasurer the compensation and value fixed by agreement, or by condemnation, as the case may be, and upon filing of the agreements required in section 2 of this act, the governor of Iowa shall execute and deliver to said company a deed, conveying to said railway company, its successors and assigns, said right-of-way, but such deed shall not operate to convey the fee title of said right-of-way.

Approved April 13, A. D. 1907.

CHAPTER 243.

RELIEF OF GRANTEES OF JACOB W. APPLGATE.

S. F. 87.

AN ACT for the relief of the grantees of Jacob W. Applegate, and for the purpose of having a patent issued in the name of S. S. Judge for a certain tract of land.

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

WHEREAS, On May 29, 1854, Noah Myers, school fund commissioner, made and executed to Jacob W. Applegate a contract for the south west quarter ($\frac{1}{4}$) of the south west quarter ($\frac{1}{4}$) of section (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, Jacob W. Applegate on May 23, 1859, gave to Henry Judge a warranty deed to the south two thirds (2-3) of the south west quarter ($\frac{1}{4}$) ter ($\frac{1}{4}$) of the south west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, Jacob W. Applegate on May 23, 1859, by warranty deed, conveyed to Archibald Dunbar the north one-third (1-3) of the south west quarter ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, Archibald Dunbar and wife conveyed to John W. Dunbar on November 2, 1870, by warranty deed, the middle one-third (1-3) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., and,

WHEREAS, John W. Dunbar and wife deeded to Archibald Dunbar, Sr., on July 12, 1871, the middle one-third (1-3) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, Archibald Dunbar and wife conveyed by warranty deed to Henry Judge on June 4, 1873, the north one third (1-3) of the south half ($\frac{1}{2}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, It appears from the records kept by the auditor of Tama county, Iowa, that a contract was issued by Noah Myers, school fund commissioner, to Wm. Allman, on September 19, 1853, for the west half ($\frac{1}{2}$) of the south west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and certificate of final payment was issued to him on December 28, 1854, and,

WHEREAS, It appears that the contract made by Noah Myers, school fund commissioner, with Jacob W. Applegate to the south west quarter ($\frac{1}{4}$) of the south west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, was an error and the description should have been the south west quarter ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, and,

WHEREAS, Henry Judge has been in the peaceable and adverse possession by virtue of the above deeds to the south west quarter ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, since June 4, 1873, and,

WHEREAS, Henry Judge has conveyed by warranty deed the said south west quarter ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, to S. S. Judge, who is now the owner of said real estate, and,

WHEREAS, The title to the said land is still in the state of Iowa, now, 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 ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of section five (5) in township eighty-three (83) north of range sixteen (16) west of the fifth P. M., in Tama county, Iowa, does hereby pass from the state of Iowa to S. S. Judge, and that the same shall vest in him pursuant to said purchase.

SEC. 2. Patent. That the governor of the state and the secretary of the state are hereby authorized and directed to issue to the said S. S. Judge a patent for the tract of land described in section one of this act in the usual form, and deliver it to the said S. S. Judge, to be recorded in the proper county.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in effect and force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Toledo Chron-

icle, a newspaper published in Toledo, Tama county, Iowa, said publication to be without expense to the state.

Approved February 22, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader, February 26, 1907, and the Toledo Chronicle, February 28, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 244.

TO CONFIRM TITLE TO CERTAIN LAND IN F. C. LOVREIN

S. F. 9.

AN ACT to confirm the title of F. C. Lovrein in a strip of land on section fifteen, township ninety-three north, range thirty-four west of the fifth principal meridian lying between the true south boundary line and the meandered south boundary line of Rat Lake in said section; and authorizing the executive council to quit claim said strip to him.

WHEREAS, In meandering the south boundary line of Rat Lake in the above named section, the government surveyors did not conform to the true south boundary line of said lake but deflected such meander into and across the bed of said lake, thereby making a material mistake so that there is a strip of wet and marsh land of about fifty-four acres which is within the bed of said lake, but which appears to be, under the government survey, a part of the lands lying south of said lake now owned by F. C. Lovrein and known as lots one, two, three and four in said section, and

WHEREAS, The state of Iowa (having theretofore received title to said lots from the United States) on May 3d, 1881, patented said lots to the remote grantors of said Lovrein as containing one hundred sixty-nine acres as is shown by such government survey; while in fact such lots contain but one hundred fifteen acres outside of said lake bed; and the state has levied taxes for a quarter of a century upon said lots as if they contained one hundred sixty-nine acres and included within them the strip of wet and marsh land above described, and

WHEREAS, The said Lovrein and his grantors have in good faith paid such taxes, and have in like good faith paid full value for the whole of the one hundred sixty-nine acres believed to be contained within said lots relying upon the said survey of the government and the said patent of the state; and the claim of the said Lovrein to said strip of wet and marsh [land] is a just and equitable one, and

WHEREAS, On account of the fact that the state of Iowa claims to own the land lying in the bed of all meandered lakes within its boundaries; and of the fact that it has recently caused a new survey to be made of said lake under authority of chapter 186 of the laws of the 30th General Assembly in which new survey said strip has been included within the bed of said lake and within the lands subject to drainage and sale by the state, doubts have arisen as to the title of the said Lovrein to said strip of land, now therefore

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

SECTION 1. Title confirmed—patent. That the title to that part of Rat Lake in section fifteen, township ninety-three north, range thirty-four west of the fifth principal meridian lying south of the south meander lines of said lake as described in the United States government survey is hereby confirmed