

## Legislation on State Parks

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four acres on Wolf Creek, Tama County, to be known as the Theodore F. Clark Park, the donors to provide a suitable and permanent memorial structure to be placed thereon to commemorate Mrs. McCornack's father, Theodore F. Clark.

JULY 16-17, 1920

*Resolutions.*—That the Board recommend to the Executive Council the purchase of some twenty-five acres as a nucleus of a larger tract in the Tete des Morts region, Jackson County; that the Board request the owner of the small white pine area of one acre or more farther up the Tete des Morts River to protect the trees from destruction so the area may later be acquired by the state; that the Board recommend to the Executive Council the purchase of some twenty-five acres in the Morehead Caves area; that the request from Bayfield, Muscatine County, be put up to the people there and if they show willingness to assist, the Board will then consider the matter.

*Subjects Referred.*—A communication about Stone Park, Sioux City, was referred to Ford; a communication about the Beaman project was referred to Pammel and Harlan.

JULY 28, 1920

*Resolution.*—That the Board recommend to the Executive Council to set aside \$10,000 for work on Lake Manawa, Pottawattamie County, in order to conserve it, citizens of Council Bluffs to acquire and turn over to the state some eighty acres adjacent to the lake.

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## LEGISLATION ON STATE PARKS

Legislation upon public state parks in Iowa consists of four legislative enactments, two by the Thirty-seventh General Assembly, one by the Thirty-eighth and one by the Thirty-ninth. To make this legislation more available to the public, these acts are set out herewith.

### CHAPTER 333

#### H. F. 609

Acts of the Thirty-seventh General Assembly

*Be It Enacted by the General Assembly of the State of Iowa*

Section 1. Curator authorized to accept gifts, etc. The curator of the historical department of the state of Iowa is hereby authorized and empowered, as trustee for the state of Iowa, to accept gifts

of property, real, personal or mixed, for the benefit or endowment of the historical department of Iowa, or for the commemoration of the lives of worthy citizens, or for the purpose of perpetuating historic events, or for scenic or scientific purposes. Any gift accepted under this act shall be immediately reported to the board of trustees of said historical department.

Section 2. Investments—rules. The curator and the board of trustees of the historical department of Iowa shall have authority and power to invest, in accordance with the provisions of the trust, any such gifts or endowments, and establish and enforce rules for the purpose of governing and maintaining such endowments or memorials, as may be created, or established under and pursuant to this act.

Approved April 24, A. D. 1917.

#### CHAPTER 236

##### S. F. 328

Acts of the Thirty-seventh General Assembly

#### *Be It Enacted by the General Assembly of the State of Iowa*

Section 1. Public state parks—beautification. The state fish and game warden, by and with the written consent of the executive council, is hereby authorized to establish public parks in any county of the state, upon the shores of lakes, streams or other waters of the state, or at any other places which have by reason of their location become historic or which are of scientific interest, or by reason of their natural scenic beauty or location become adapted therefor, and said fish and game warden, under the supervision of the said executive council, is hereby authorized to improve and beautify such parks. When so established they shall be made accessible from the public highways, and in order to establish such parks said executive council shall have the power to purchase or condemn lands for such purposes and to purchase and condemn lands for said highway purposes.

Sec. 2. Dams—resulting damages. The state fish and game warden shall, under the direction of the executive council, have the power to erect dams across streams and across the outlets of lakes for the purpose of raising the water level therein, and any damages occasioned to riparian owners by reason of the raising of such water level shall be paid for out of the fund hereinafter provided for.

Sec. 3. Title in state—sale—conditions. The title to all lands purchased or donated for park or highway purposes under the provisions of this act shall be taken in the name of the state and if thereafter it shall be deemed advisable to sell any portion of the land so purchased the proceeds of such sale shall be placed to the credit of the

said fish and game protection fund to be used for such park purposes, except that on request of any of the donors of the fund with which such land was purchased the amount contributed by the donor making such request shall be refunded to such donor without interest, provided that application for such refund must be made within six months from the date of the sale of such lands, and provided, also that no such lands shall be sold except in compliance with legislative enactment designating specifically the lands to be sold.

Sec. 4. Donations. The executive council is empowered and authorized on behalf of the state to receive donations of land for either park or highway purposes in conformity with the provisions of this act, and lands so donated shall not be sold, and if abandoned by legislative enactment, shall revert to the original owner.

Sec. 5. Donations under conditions. The state treasurer shall have authority to receive and accept, on behalf of the state, donations for the purpose of aiding in the carrying out of the provisions of this act, and the donor may specify the place where and the purpose or purposes for which said donation is to be used or expended, and when such specification is made to the executive council by the donor the donated funds shall be expended for no other purpose.

Sec. 6. Improvements—expenses. The state fish and game warden shall permit the improvement of such parks, when established, or the improvement of bodies of water, upon the border of which such parks may be established, by the expenditure of private or other funds, such improvement to be done, however, under the direction of the state fish and game warden, by and with the consent of the executive council. The executive council may call upon any agencies of the state for assistance and information. When such state agencies' traveling expenses are not otherwise provided for, they shall be paid from the fish and game protection fund as other traveling expenses are paid.

Sec. 7. Powers in municipalities and individuals. Municipalities, or individuals, or corporations organized for that purpose only, acting separately or in conjunction with each other, may establish like parks outside the limits of cities or towns, and when established without the support of the fish and game protection fund, the municipalities, corporations or persons establishing the same, as the case may be, shall have control thereof independently of the executive council. Provided, however, that none of the said municipalities, individuals or corporations, acting under the provisions of this section shall establish, maintain or operate any such park as herein contemplated for pecuniary profit.

Sec. 8. Extension of roads to lakes. The board of supervisors

of any county in which there is a body of water which may be improved under the provisions of this act is hereby authorized, at their discretion, to add to the county road system from the township roads, such roads as will make said body of water more accessible, or unite existing county roads to make a county road around a meandered lake.

Sec. 9. Board of conservation—appointment—duties. The said executive council shall designate three persons who, with the curator of the historical department, shall constitute a board of conservation, who shall serve without pay. Such board of conservation shall investigate places in Iowa, valuable as objects of natural history, forest reserves, as archaeology and geology, and investigate the means of promoting forestry and maintaining and preserving animal and bird life in this state and furnish such information to the executive council for the conservation of the natural resources of the state, from time to time, and said recommendations shall be printed in such numbers as the council shall authorize, and shall be furnished each member of the succeeding general assembly.

Sec. 10. Regulations—mutilation. The fish and game warden and the executive council, acting jointly, shall from time to time make such regulations as they deem necessary or advisable for the management, control or policing of said lands, and shall cause said regulations to be printed on card board, wood or metal signs and posted in said parks. The destruction or mutilation of said signs bearing said regulations shall be deemed a misdemeanor. Said regulation, however, shall in no wise interfere with the local police powers.

Sec. 11. Annual appropriation. For the purpose of carrying into effect the provisions of this act there shall be appropriated out of the fish and game protection fund the sum of fifty thousand dollars, and there shall be annually thereafter appropriated from such fund the same sum, provided in no event shall the amount thus appropriated and expended exceed one-half of the total annual receipts for such fund.

Approved April 12, A. D. 1917.

#### CHAPTER 368

S. F. 531

Acts of the Thirty-eighth General Assembly

*Be It Enacted by the General Assembly of the State of Iowa*

Section 1. Board of conservation. That wherever the words "fish and game warden" appear in chapter 236 acts of the 37th general assembly, they shall be stricken out and the words "board of conservation" shall be inserted in lieu thereof.

Sec. 2. Public state park fund. That wherever the words "fish and game protection fund" appear in said chapter 236 acts of the 37th general assembly, the same shall be stricken out and the words "public state parks fund" shall be inserted in lieu thereof.

Sec. 3. Substitute enactment—appropriation. That section 11 of chapter 236 acts of the 37th general assembly be stricken out and the following inserted in lieu thereof: "Section 11. For the purpose of carrying into effect the provisions of this act, there shall be appropriated out of the fish and game protection fund any portion thereof which is in the judgment of the executive council, unnecessary for the support and maintenance of the fish and game department, and in addition thereto there shall be appropriated annually out of any monies in the state treasury not otherwise appropriated, the sum of \$100,000.00."

Approved April 25, A. D. 1919.

#### CHAPTER 135

#### S. F. 783

#### Acts of the Thirty-ninth General Assembly

#### *Be It Enacted by the General Assembly of the State of Iowa*

Section 1. Purchase or condemnation — trustee — payment. That whenever a person or persons has acquired by purchase or contract a tract or tracts of land for park purposes for the purpose of future delivery, the state board of conservation shall investigate the desirability of said land for park purposes and if the board reports favorably then said board and the executive council may purchase the same from the person or persons by whom the same was acquired, or said board and the executive council may institute condemnation proceedings under the statutes provided for that purpose to acquire the land at a reasonable price. The state board of conservation shall act as trustee until said lands are paid for by the state. Payment for said lands shall be made out of the appropriation made by the legislature for the purchase and improvement of state parks.

Sec. 2. Acquisition by counties — election — tax. That authority is hereby granted to any county or counties to vote money for the purchase of land for park purposes for the benefit of the community and state, and said lands when so acquired shall not be turned over to the state and be placed under the management of the state board of conservation as a part of the state park system. Before any such purchase can be made, the question shall be submitted to the voters of the county or counties in the manner provided by law for the conducting of elections, and said submission to the voters shall be at a regular election and the amount of money required for the purchase

of said lands shall be placed upon the ballot. If it is favorable to said proposition, then the board of supervisors may levy a sufficient tax to pay for the said lands.

Sec. 3. Meandered streams and lakes. That the state board of conservation is hereby authorized to take control and management of all meandered streams and lakes belonging to the state for park purposes, the jurisdiction over which has not otherwise been conferred by law.

Sec. 4. "Gitche Manito." That a certain tract of land now belonging to the state and known as Gitche Manito, or Jasper Pool, located in Lyon county, be turned over to the state board of conservation for park and scientific purposes.

Approved April 5. A. D. 1921.

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### MILITARY MOVEMENT AGAINST SALT LAKE

St. Louis Mo., Feb. 20, 1858.

The Independence correspondent of *The Republican* under date of the 16th says, the Salt Lake mail arrived last night. Conductor Dearer reports snow from one to six feet deep on the mountains. Weather intensely cold. He left Camp Scott January 1. The troops were in good spirits, earnestly wishing for good weather and reinforcements to make a descent on Salt Lake City. From Mormon prisoners and stragging Utah Indians Johnson is well advised as to the movements of the Saints. Active preparations continue for the resistance of troops in the spring. Their municipal regulations are very stringent. Suspicion fastens on everybody the least inclined to favor the actions of the United States government.

—*Tri-Weekly Iowa State Journal*, Des Moines, Feb. 27, 1858.

(In the newspaper collection of the Historical Department of Iowa.)

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