

REPORT

OF THE

# Secretary of State

TO THE

GOVERNOR OF IOWA

OF THE

# Transactions of the Land Department

July 1, 1906, to June 30, 1908

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W. C. HAYWARD, SECRETARY OF STATE

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DES MOINES  
EMORY H. ENGLISH, STATE PRINTER  
1908

## REPORT

OFFICE OF SECRETARY OF STATE,  
DES MOINES, IOWA.

*To His Excellency, Albert B. Cummins, Governor of Iowa:*

SIR,—In accordance with the provisions of section 122 of the Code, I have the honor to submit the following report of the transactions of the Land Department during the biennial period ending June 30, 1908.

During this period the United States, through its proper officials, approved and patented to the state 1,416.91 acres of swamp land "in place." The state also received from the United States swamp land cash indemnity to the amount of \$45.88 on 36.70 acres of land, which I am advised was paid over to the county entitled thereto by the treasurer of state. Regarding the claim of the state for swamp land and swamp land indemnity I am in receipt of a letter from the Assistant Commissioner of the General Land Office, which says in part:

I will state for your information that the claim of the state to swamp land "in place" and to swamp land indemnity is practically adjusted. There is a large amount of swamp land indemnity pending but as there are no public lands in Iowa with which swamp land indemnity certificates could be satisfied, if issued, no action regarding the same can be taken.

The following statement gives the number of acres of the various classes of lands patented or certified by the state during the biennial period:

	Acres
Sixteenth section grant .....	920.000
Five hundred thousand acre grant.....	528.800
Mortgage school land .....	160.000
Escheated school land .....	7.000
Agricultural college land—mortgage .....	40.000
Agricultural college donated land.....	20.000
Swamp land "in place" .....	1,416.910
Railroad grant .....	240.000
Abandoned river channels, islands, etc.....	182.356
Meandered lakes and lake beds.....	1,074.150
Under acts quieting title.....	134.000
<b>Total .....</b>	<b>4,723.216</b>

The following statement gives the number of acres which remain unpatented and unsold at the close of the biennial period:

	Unpatented acres	Unsold acres
Sixteenth section grant .....	12,987.165	280.000
Five hundred thousand acre grant.....	7,124.920	.....
University land .....	794.670	572.340
University land (Saline grant).....	1,809.990	1,329.990
University land (donated and mortgage).....	520.000	520.000
Agricultural college land.....	229.480	229.480
Abandoned river channels, islands, etc.....	4,313.494	4,313.494
Swamp land .....	.....	.....
Railroad land (number of acres unpatented can not be estimated) .....	.....	.....
<b>Total .....</b>	<b>27,779.719</b>	<b>7,245.304</b>

I desire to recommend that the Thirty-third General Assembly be requested to appropriate the sum of \$33.43 for the purpose of refunding to Wellman and Manning of Ottumwa, the balance of their deposit for the purchase of a tract of land made under the provisions of chapter 240, acts of the Thirty-second General Assembly. The state expended this amount of their deposit for the survey and appraisalment of the land but was enjoined by the district court from selling the same. It was evidently the intention of the general assembly that the original applicants for the purchase of land under this law should be reimbursed the amount of their deposit in case they did not receive the land but in this case it is impossible to make the refund except through an appropriation for that purpose by the general assembly. A detailed statement of the case will be found on pages seventeen to nineteen of this report.

Fees received by the land department during the biennial period ending June 30, 1908, were:

For certificates and certified copies of records.....	\$ 777.10
From sale of meandered lakes and lake beds.....	4,181.78
From sale of abandoned river channels, islands, etc.....	6,507.53
<b>Total .....</b>	<b>\$11,466.41</b>

All of which have been paid into the state treasury as required by law.

Respectfully submitted,

W. C. HAYWARD,  
*Secretary of State.*

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## SCHOOL LANDS

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The school lands of the State of Iowa consist of the sixteenth section in every congressional township, or lands in lieu thereof, granted to the State by act of Congress, approved March 3, 1845; the lands acquired by the State under the act of Congress, approved September 4, 1841, known as the "500,000 Acre Grant," and the lands called the "Mortgage School Lands," the latter being the lands the State has acquired under foreclosures of mortgages given to secure loans of the school fund in the several counties.

The proceeds of the sales of lands acquired under the "Sixteenth Section Grant" and "500,000 Acre Grant," together with 5 per cent on the sales of the public lands within the State, granted by act of Congress, and the proceeds of the sale of intestate estates which escheat to the State, constitute the permanent school fund of the State of Iowa, the interest of which is used for the support of the common schools.

## SIXTEENTH SECTION GRANT.

TABLE NO. 1.

Giving the total number of acres in each county acquired by the state under the grant; the total number of acres patented; the number of acres patented during the biennial period ending June 30, 1908, and the number of acres remaining unpatented.

Counties	Total number of acres in each county	Total number of acres patented	Number of acres patented during the last two years	Number of acres remaining unpatented
Adair	10,240.00	10,240.00		
Adams	7,680.00	7,680.00		
Allamakee	11,548.79	11,674.38		125.59
Appanoose	10,240.00	9,880.00		360.00
Audubon	7,680.00	7,680.00		
Benton	12,653.03	12,543.40		109.63
Black Hawk	10,682.47	9,667.84	30.00	1084.63
Boone	10,325.80	10,185.80		140.00
Bremer	7,680.00	7,660.00		20.00
Buchanan	10,240.00	10,200.00		40.00
Buena Vista	10,040.80	10,040.80		
Butler	10,240.00	10,000.00		240.00
Calhoun	10,240.00	10,240.00		
Carroll	10,240.00	10,240.00		
Cass	10,240.00	10,080.00		160.00
Cedar	10,240.00	10,040.00		200.00
Cerro Gordo	10,192.38	10,169.38		23.00
Cherokee	10,240.00	10,240.00		
Chickasaw	7,680.00	7,640.00		40.00
Clarke	7,680.00	7,680.00	40.00	
Clay	10,230.92	10,150.92		80.00
Clayton	14,215.17	13,822.66		392.51
Clinton	12,681.50	12,446.57		234.93
Crawford	13,800.00	12,800.00	30.00	970.00
Dallas	10,240.00	10,100.00		140.00
Davis	10,622.46	9,800.46		822.00
Decatur	10,240.00	10,080.00	80.00	1080.00
Delaware	10,208.98	10,208.98		
Des Moines	8,229.37	7,134.28		1,095.09
Dickinson	10,385.85	6,791.85	160.00	3,434.00
Dubuque	11,224.00	11,224.00		
Emmet	7,532.89	7,422.89		110.00
Fayette	12,800.00	12,800.00		
Floyd	7,680.00	7,520.00		160.00
Franklin	10,240.00	10,080.00		160.00
Fremont	10,240.00	9,856.48	320.00	423.52
Greene	10,240.00	10,240.00		
Grundy	8,900.00	8,880.00		20.00
Guthrie	10,240.00	10,000.00		240.00
Hamilton	10,222.00	10,142.00		80.00
Hancock	10,240.00	10,160.00		80.00
Hardin	10,240.00	10,100.00		140.00
Harrison	12,494.34	11,722.37		771.97
Henry	7,680.00	7,460.00		220.00
Howard	10,240.00	10,080.00	40.00	156.00
Humboldt	7,680.00	7,460.00		220.00
Ida	7,680.00	7,680.00		
Iowa	10,181.38	9,901.38		280.00
Jackson	11,529.47	11,406.25		123.22
Jasper	12,800.00	12,800.00		
Jefferson	7,680.00	7,680.00		
Johnson	10,240.16	10,782.16		542.00
Jones	10,211.80	9,551.80		660.00
Keokuk	10,240.00	10,080.00		160.00
Kossuth	17,260.00	17,790.00		530.00
Lee	9,822.35	9,762.35		60.00
Linn	12,727.13	12,680.80		46.33
Louisa	7,443.00	7,423.00		20.00
Lucas	7,680.00	7,680.00		

## LAND DEPARTMENT.

TABLE No. 1—(Continued).

Counties	Total number of acres in each county	Total number of acres patented	Number of acres patented during the last two years	Number of acres remaining unpatented
Lyon	11,441.85	11,300.00		141.85
Madison	10,240.00	10,240.00		
Mahaska	10,207.07	10,127.07		80.00
Marion	10,240.00	9,880.00		360.00
Marshall	10,240.00	10,220.00	80.00	
Mills	8,000.00	7,880.00		120.00
Mitchell	10,240.00	9,900.00		340.00
Monroe	12,671.00	12,770.00	60.00	861.00
Montgomery	7,680.00	7,640.00		40.00
Muscatine	8,222.75	7,822.75		400.00
O'Brien	10,240.00	10,240.00		
Oceola	7,680.00	7,680.00		
Pago	10,240.00	10,080.00		160.00
Palo Alto	10,172.52	10,172.52		
Plymouth	15,082.25	15,082.25		
Pocahontas	9,861.75	9,861.75		
Polk	10,152.83	9,963.83		189.00
Pottawattamie	17,638.46	17,518.46		120.00
Poweshiek	10,240.00	9,900.00		340.00
Ringgold	10,240.00	10,220.00		20.00
Sac	10,240.00	10,240.00		
Scott	8,222.64	8,222.64		
Shelby	10,240.00	10,240.00		
Sioux	14,116.07	14,116.07		
Story	10,240.00	10,200.00		40.00
Tama	12,800.00	12,720.00	40.00	80.00
Taylor	10,240.00	10,220.00		20.00
Union	7,680.00	7,675.00		5.00
Van Buren	8,221.12	8,221.12		
Wapello	7,581.93	7,461.93		120.00
Warren	10,240.00	10,160.00		80.00
Washington	10,240.00	10,140.00		100.00
Wayne	10,240.00	9,880.00	80.00	480.00
Weber	12,676.00	12,516.00		160.00
Winnebago	7,680.00	7,680.00		
Winneshiek	13,800.00	13,700.00		100.00
Woodbury	10,600.00	10,190.00		410.00
Worth	7,680.00	7,680.00		
Wright	9,927.54	9,917.54		10.00
Total	1,012,823.77	1,000,826.00	920.00	12,097.77

## FIVE HUNDRED THOUSAND ACRE GRANT.

## SIXTEENTH SECTION GRANT—LANDS PATENTED.

TABLE NO. 2.

Giving a description of the sixteenth section school lands patented during the biennial period ending June 30, 1908, with names of patentees and counties in which the lands are situated.

Parts of Section	Section	Town.	Range	Acres	Name of Patentee	Date of Patent
		N	W			
Black Hawk County. lot 28	16	80	13	30.00	Carr Brown and J. F. Darby	Dec. 11, 1907
Clarke County. ne of sw	16	71	24	40.00	Israel Myers	July 9, 1906
Crawford County. s½ of ne of se	16	82	39	30.00	Samuel Patton	July 19, 1906
Decatur County. s½ of ne	16	67	26	80.00	J. M. Sylvester	Dec. 26, 1906
Dickinson County. sw	16	99	37	160.00	J. W. Steward	Dec. 6, 1906
Fremont County. nw ¼ of nw and w½ of sw	16	70	40	120.00	Michael Printz	Mar. 27, 1907
	19	70	43	120.00	T. C. Harris	June 8, 1908
Howard County. se of ne	16	99	14	40.00	August Petzake	Apr. 15, 1908
Marion County. lots 12 and 13	16	74	19	80.00	Richard Smith	Dec. 15, 1906
Monona County. se of se	12	83	46	40.00	Wm. McFarlane	Feb. 14, 1907
Tama County. n½ of sw of nw and s½ nw of sw	16	83	13	40.00	Henry Pippert	Jan. 5, 1907
Wayne County. s½ of sw	16	70	21	80.00	Charles Ryckman	Oct. 23, 1907
Total				929.00		

TABLE NO. 3.

Giving the total number of acres in each county acquired by the state under the grant; the total number of acres patented; the number of acres patented during the biennial period ending June 30, 1908, and the number of acres remaining unpatented.

Counties	Total number of acres in each county	Number of acres patented to June 30, 1908	Number of acres patented during the biennial period ending June 30, 1908	Number of acres remaining unpatented June 30, 1908
Adair	2,261.89	2,261.89		
Adams	1,930.00	1,930.00		
Allamakee	70,451.63	69,634.16		817.47
Appanoose	9,400.00	2,260.00		7,140.00
Benton	11,791.80	11,474.00	48.80	317.80
Black Hawk	5,382.84	5,382.84		
Boone	1,062.12	1,062.12		
Bremer	19,190.97	18,790.97		400.00
Buchanan	2,435.44	2,435.44		
Butler	478.51	478.51		
Cedar	6,285.42	6,285.42		
Chickasaw	5,279.26	5,279.26		
Clarke	16,209.00	15,829.00	40.00	380.00
Clayton	22,308.12	21,619.50		688.62
Clinton	20,855.70	20,822.94	40.00	332.76
Dallas	13,699.16	13,699.16		
Davis	934.95	934.95		
Decatur	40,637.48	40,192.97		444.51
Delaware	11,355.12	11,355.12		
Dubuque	19,194.27	15,934.27		3,260.00
Fayette	30,747.25	30,507.25		240.00
Floyd	3,484.08	3,484.08		
*Hamilton	10,314.40	10,314.40		
Hardin	1,200.00	1,200.00		
Harrison	5,581.97	7,381.97		
Iowa	22,979.17	23,879.17		800.00
Jackson	807.50	807.50		
Jasper	1,074.14	1,074.14		
Jones	30,422.52	30,052.52	180.00	370.00
Keokuk	670.61	670.61		
Linn	11,046.07	10,914.47		131.60
Louisia	640.00	640.00		
Lucas	640.00	640.00		
Madison	9,226.02	9,226.02		
Mahaska	9,227.75	9,227.75		
Marion	1,414.61	1,414.61		
Marshall	6,156.22	6,156.22		
Monroe	282.37	282.37		
Muscatine	357.23	357.23		
Polk	2,425.62	2,425.62		
Poweshiek	12,715.24	12,335.24		380.00
Ringgold	607.26	607.26		
Story	3,796.74	3,716.74		80.00
Tama	11,459.44	10,946.25	80.00	433.19
Taylor	10,321.67	10,321.67		
Union	7,009.42	6,932.42		77.00
Wapello	5,643.97	5,643.97		
Warren	15,546.91	15,307.62		239.29
Wayne	18,054.06	17,909.93		144.13
Webster	24,447.06	24,254.50	80.00	192.56
Winnebago	508,827.97	508,827.97		
Total	635,022.59	628,827.97	628.80	6,194.62

\*Includes 3,652.02 acres known as Des Moines River School Lands.  
 †Includes 2,100.49 acres Des Moines River School Lands.

## FIVE HUNDRED THOUSAND ACRE GRANT—LANDS PATENTED.

TABLE NO. 4.

Giving a description of the 500,000 acre school lands patented during the biennial period ending June 30, 1908, with the names of patentees and counties in which the lands are situated.

Parts of Section	Section	Town.	Range	Acres	Name of Patentee	Date of Patent
		N	W			
Benton County.						
lot 4	14	85	9	48.90	James Jackson	Feb. 30, 1907
Black Hawk County.						
es of ne	19	89	13	80.00	Amos Finch	May 9, 1908
Clarke County.						
se of ne	18	71	24	40.00	Israel Myers	July 9, 1906
Clinton County.						
nw of ne	17	89	5E	40.00	Lawrence Levasen	Aug. 16, 1906
sw of se	17	85	4	40.00	Eljah O. Roberts	Jan. 7, 1907
w of se	30	84	1	80.00	Edmund Seals	Feb. 21, 1908
Tama County.						
es of sw	6	83	16	80.00	Eli Inman	Dec. 12, 1906
Union County.						
sw of ne	36	71	28	40.00	Alex. Carnes Poe	Nov. 26, 1906
Winnebago County.						
se of ne	28	99	8	80.00	Joseph Brown	July 19, 1906
ne of sw	35					
Total				598.80		

## MORTGAGE SCHOOL LANDS.

TABLE NO. 5.

Giving a description of the lands bid in by the state, upon foreclosure of loans made from the school fund, which have been patented during the biennial period ending June 30, 1908, with the names of the patentees and dates of patents.

Parts of Section	Section	Town.	Range	Acres	Name of Patentee	Date of Patent
Decatur County						
es of sec	16	67	24	80.00	Edward Dillon	Apr. 14, 1907
nw of sec	35	69	24	40.00	W. A. Kendall	Sept. 25, 1907
sec of sw	36	69	25	40.00	J. M. Muse	Feb. 12, 1907
Total				160.00		

## ESCHEATED SCHOOL LANDS.

TABLE NO. 6.

During the biennial period ending June 30, 1908, the following tract of land, escheated to the school fund from the estate of Mat. Wilson, deceased, of Monroe County, was patented:

Description	Section	Town.	Range	Acres	Name of Patentee	Date of Patent
Beginning at se corner of sw of sec; thence n 40 rods; thence w 38 rods; thence s 40 rods; thence e to place of beginning	19	78	16	7.00	Willard H. Bates	July 19, 1906
Total				7.00		

## UNSOLD SCHOOL LANDS.

TABLE NO. 7.

Giving by particular description the unsold school lands at the close of the year ending June 30, 1908, as reported by the county auditors, and omitting the names of counties having no unsold school lands.

Counties	Parts of Section	Section	Town.	Range	Acres	Grant
		N	W			
Hancock	es half of se	16	97	24	80.00	Sixteenth section
Monona	se of se	16	85	43	40.00	Sixteenth section
Monona	sw of se	16	85	43	40.00	Sixteenth section
Monona	se of sw	16	85	43	40.00	Sixteenth section
Monona	sw of sw	16	85	43	40.00	Sixteenth section
Monona	sw of nw	16	83	43	40.00	Sixteenth section
	Aggregate No. of acres unsold				380.00	

TABLE NO. 8.

The following lots, taken under foreclosure of mortgages prior to January 1, 1874, for the use of the school fund, were reported as unsold at the close of the year ending June 30, 1908:

County	Number of Lot	No. of School	Town
Allamakee	5, 6, 7, 8	10	Capoli
Allamakee	6	7	Capoli
Allamakee	3	21	Capoli
Allamakee	3	23	Capoli
Allamakee	3	23	Capoli
Allamakee	3, 12	29	Capoli
Allamakee	3, 12	27	Capoli
Allamakee	Undivided half of lot 1	30	Capoli
Allamakee	6	27	Capoli
Allamakee	7	28	Capoli
Allamakee	1	33	Capoli
Allamakee	4, 10	38	Capoli
Allamakee	6, 12	39	Capoli
Allamakee	3, 12	40	Capoli
Allamakee	1	41	Capoli
Allamakee	3	42	Capoli
Allamakee	4	43	Capoli
Allamakee	3	44	Capoli
Allamakee	126, 118, 119, 120, 121	44	Capoli
Allamakee	Undivided half 36, 38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60, 62	44	Johnsonspoint

## THE UNIVERSITY LANDS.

The university lands consist of lands granted to the State by acts of Congress, approved July 20, 1840, and March 3, 1845, known as the "University Grant;" also lands acquired by the State under the "Saline Land Grant," under the act of Congress, approved March 3, 1845; and lands obtained by donation and the foreclosures of mortgages given to secure loans of the university funds

## UNIVERSITY LAND GRANT.

TABLE NO. 9.

Giving the total actual number of acres in each county approved to the state under the grant; the total number of acres patented by the state; the number of acres remaining unpatented, and the number of acres remaining unsold at the close of the year, ending June 30, 1908.

Counties	Total number of acres in each county	Total number of acres patented	Number of acres remaining unpatented	Number of acres remaining unsold
Appanoose	640.00	640.00		
Bonne	2,615.48	2,615.48		
Dallas	572.07	572.07		
Davis	1,207.36	1,207.36	40.00	40.00
Decatur	2,560.00	2,560.00		
Hardin	10,105.72	10,105.72	220.00	130.00
Iowa	646.65	605.68		40.97
Jasper	4,611.35	4,611.35		
Jefferson	1,280.00	1,280.00		
Lucas	4,645.44	4,273.19	272.34	272.34
Polk	5,194.13	5,194.13		
Scott	645.16	645.16		
Story	5,921.49	5,080.04	141.36	
Union	638.30	638.30		
Wapello	1,000.00	1,000.00		
Warren	3,218.00	3,138.00	80.00	80.00
Total	45,928.60	45,134.29	794.67	572.34

## SALINE LAND GRANT.

TABLE NO. 10.

Giving the total number of acres in each county approved to the state under the grant, the total number of acres patented by the state; the number of acres remaining unpatented, and the number of acres remaining unsold at the close of the year ending June 30, 1908.

Counties	Total number of acres in each county	Total number of acres patented	Number of acres remaining unpatented	Number of acres remaining unsold
Appanoose	12,964.63	11,524.69	1,339.99	1,049.29
Davis	640.00	600.00	40.00	40.00
Decatur	2,560.00	2,400.00	160.00	160.00
Lucas	25,822.56	25,652.36	240.00	30.00
Monroe	1,130.00	1,130.00		
Van Buren	640.00	640.00		
Wayne	2,400.79	2,400.79		
Total	45,218.45	44,408.46	1,800.00	1,230.00

## UNSOLD UNIVERSITY LANDS.

The following descriptive lists of the unsold State University lands at the close of the biennial period ending June 30, 1908, was kindly furnished by Lovell Swisher, of Iowa City, treasurer of the State University, who has charge of the sale of these lands, under direction of the Board of Regents of said institution:

## UNIVERSITY LAND GRANT—LANDS UNSOLD.

TABLE NO. 11.

Parts of Section	Section			Acres	County
	section	Town.	Range		
ne of sw	31	N	W	40.00	Davis
se of nw	31	70	15	40.00	Hardin
aw of ne	3	83	19	40.00	Hardin
e half of se of ne	3	83	19	30.00	Hardin
ne of sw	3	89	19	40.00	Hardin
ne fr quarter of ne	5	88	19	20.00	Lucas
ne fr quarter of nw	5	71	33	48.05	Lucas
nw fr quarter of nw	5	71	33	48.19	Lucas
sw of nw	5	71	33	40.00	Lucas
ne of ne	9	71	33	40.00	Lucas
se of se	33	77	34	40.00	Warren
Total				572.34	

## SALINE LAND GRANT—LANDS UNSOLD.

TABLE NO. 12.

Parts of Section	Section			Acres	County
	Section	Town.	Range		
ne of ne	31	N	W	40.00	Appanoose
sw of se	21	70	16	40.00	Appanoose
ne of ne	10	70	16	40.00	Appanoose
nw of se	10	70	15	40.00	Appanoose
sw of ne	10	70	15	40.00	Appanoose
se of ne	10	70	15	40.00	Appanoose
sw of nw	10	70	15	40.00	Appanoose
ne of sw	10	70	15	40.00	Appanoose
se of se	10	70	15	40.00	Appanoose
ne of ne	9	70	16	40.00	Appanoose
nw of se	9	70	16	40.00	Appanoose
nw of ne	1	69	17	40.00	Appanoose
ne of ne	1	69	17	40.00	Appanoose
de of ne	22	70	17	40.00	Appanoose
nw of nw	23	70	17	40.00	Appanoose
nw of sw	13	70	16	40.00	Appanoose
sw of sw	13	70	16	40.00	Appanoose
se of sw	13	70	16	40.00	Appanoose
nw of ne	33	70	16	40.00	Appanoose
se of ne	33	70	16	40.00	Appanoose



TABLE NO. 12—(Continued).

Parts of Section	Section			Acres	County
	Section	Town.	Range		
se of se.....	25	70	17	40.00	Appanoose
ne of sw.....	1	69	17	45.59	Appanoose
ne of se.....	10	70	12	40.00	Davis
sw of se.....	32	69	24	40.00	Decatur
se of sw.....	32	69	34	40.00	Decatur
nw of se.....	33	69	24	40.00	Decatur
sw of se.....	33	69	24	40.00	Decatur
nw of se.....	33	71	21	40.00	Lucas
sw of ne.....	15	71	21	40.00	Lucas
Total.....				1,329.99	

## LANDS DONATED TO STATE UNIVERSITY—LANDS UNSOLD.

TABLE NO. 13.

Parts of Section	Section			Acres	County
	Section	Town.	Range		
ne of nw.....	33	N	W	40.00	Calhoun
se of se.....	14	24	38	40.00	Crawford
nw of ne.....	33	26	14	40.00	Tama
s half of.....	33	95	35	339.00	Clay
Total.....				440.00	

## LANDS ACQUIRED BY FORECLOSURE—LANDS UNSOLD.

TABLE NO. 14.

Parts of Section	Section			Acres	County
	Section	Town	Range		
se of nw.....	34	N	W	40.00	Johnson
sw of nw.....	34	79	7	40.00	Johnson
sw of sw.....	31	79	16	40.00	Poweshiek
Total.....				120.00	

## RECAPITULATION OF UNSOLD UNIVERSITY LANDS

	Acres
University grant.....	572.34
Saline grant.....	1,329.99
Donated lands.....	440.00
By foreclosure.....	120.00
Aggregate unsold.....	2,462.33

## THE AGRICULTURAL COLLEGE LANDS

The agricultural college lands consist of lands acquired by the State under the act of Congress, approved July 2, 1862, known as the "Agricultural College Grant;" also land acquired by the State under the "Five Section Grant" made by the act of Congress, approved March 9, 1845; also lands acquired by purchase, by donation and by foreclosure of mortgages given to secure loans of the college funds.

## AGRICULTURAL COLLEGE GRANT.

TABLE NO. 15.

Giving the total actual number of acres in each county acquired by the state under the grant as shown by the official plats of the townships; the total number of acres patented by the state, and the number of acres remaining unpatented at the close of said period.

Counties	Total number of acres in each county	Total number of acres patented to June 30, 1906	Number of acres patented during annual period ending June 30, 1906	Number of acres remaining unpatented
Buena Vista.....	5,897.58	5,897.58		
Calhoun.....	3,093.89	3,093.89		
Cherokee.....	2,249.09	2,249.09		
Clay.....	8,719.48	8,719.48		
Dickinson.....	4,984.95	4,984.95		
Emmet.....	16,733.43	16,733.43		
Greene.....	4,178.93	4,178.93		
Hamilton.....	2,481.50	2,481.50		
Humboldt.....	3,093.13	3,093.13		
Ida.....	8,328.37	8,328.37		
Kossuth.....	84,198.20	83,963.81		*234.39
Lyon.....	1,130.00	1,130.00		
O'Brien.....	1,030.00	1,030.00		
Palo Alto.....	27,723.11	27,723.11		
Plymouth.....	3,849.00	3,849.00		
Pocahontas.....	3,549.04	3,549.04		
Sac.....	640.00	640.00		
Sioux.....	1,280.00	1,280.00		
Webster.....	3,249.72	3,249.72		
Winnebago.....	3,429.75	3,429.75		
Woodbury.....	10,103.49	10,103.49		
Worth.....	196.56	196.56		
Wright.....	4,045.45	4,045.45		
Total.....	304,322.09	303,966.51		*355.58

\* The nw quarter of 30-97-28 and the s half of ne of 29-95-30, containing 229.48 acres, were approved to the state under this grant. The said tracts were also patented to the state under the swamp land grant and disposed of by the state as swamp lands.

TABLE NO. 16.

Giving a description of the Agricultural College lands obtained by foreclosure of endowment fund loans and patented during the biennial period ending June 30, 1908, with name of patentee and date of patent.

Part of Section	Section	Town	Range	Acres	Name of Patentee	Date of Patent
Polk County. sw <sup>1</sup> of sw <sup>4</sup> -----	13	70	24	40.00	B. F. Kemper-----	July 22, 1908
Total -----				40.00		

TABLE NO. 17.

Giving a description of the lands donated to the Agricultural College and which were patented during the biennial period ending June 30, 1908, with name of patentee and date of patent.

Part of Section	Section	Town	Range	Acres	Name of Patentee	Date of Patent
Story County. n <sup>1</sup> of ne <sup>1</sup> of ne <sup>1</sup> -----	19	84	24	20.00	Fred McCoy-----	Mch. 20, 1908
Total -----				20.00		

## THE SWAMP LANDS

The swamp lands consist of lands which have been acquired by the State under the act of Congress, approved September 28, 1850, known as the "Swamp Land Grant," and the acts of Congress, approved March 2, 1855, and March 3, 1857, acts amendatory of and supplemental to the act making the grant.

Since the date of the grant the State has selected about 4,572,816.27 acres of swamp lands. The department of the interior has held that a large amount of the lands embraced in these selections was not of the character defined and granted by the act of 1850. The State has acquired 873,016.40 acres of swamp lands in place, and 321,976.98 acres of indemnity swamp lands; and has received cash indemnity for about 471,072.64 acres. The State has received in lands and cash only about 1,666,066.02 acres out of the 4,572,816.27 acres selected.

The following statement shows the status of the swamp land grant accounted to the State by the General Government.

1. Total quantity of swamp lands in place and swamp land cash and land indemnity in Iowa, selected, approved and patented, from September 28, 1850, to June 30, 1908:

Selected -----	4,572,816.27 acres
Approved—Lands in place-----	943,858.82 acres
Patented—Lands in place-----	873,016.40 acres
Approved—Cash indemnity (\$87,477.50) on basis of-----	471,072.64 acres
Approved—Land indemnity -----	341,832.97 acres
Patented—Indemnity lands -----	321,976.98 acres

2. Total quantity of swamp land selections rejected from July 1, 1906, to June 30, 1908:

Number of acres-----	97,700.00
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3. Total quantity of swamp land selections remaining unadjusted on June 30, 1908:

Swamp lands in place—claims-----	(not compiled)
Swamp lands indemnity claims-----	487,005.77

## SWAMP LANDS PATENTED.

During the biennial period ending June 30, 1908, 1,416.91 acres of swamp lands in place have been patented to the State, all of which have been in turn patented by the State to the counties entitled thereto. The following is a descriptive list of the lands so patented.

TABLE NO. 18.

Descriptive list of swamp lands patented to the state by the United States and patented by the state to the counties entitled thereto, during the biennial period ending June 30, 1908.

Parts of Section	Section	Town.		Acres	County	Date of U. S. Patent	Date of State Patent
		N	W				
se of se.....	30	90	23	49.00	Wright.....	Mch. 12, 1907	Mch. 22, 1907
se of se.....	34	90	34	49.00	Wright.....	Mch. 12, 1907	Mch. 22, 1907
lot No. E.....	31	95	28	33.22	Kossuth.....	May 31, 1907	July 5, 1907
lots Nos. 5, 6, 7, 8, 9, 10.....	29	97	3	155.54	Allamakee.....	Oct. 26, 1907	Nov. 4, 1907
w half of sw, ne of sw, s half of sw.....	2	86	37				
ne of nw.....	4	85	37				
sw of ne, ne of se	6	83	37				
ne of ne, se of se	10	86	37				
w half of nw, w half of sw.....	14	89	37				
half of ne, ne of se, sw of ne.....	22	86	37				
ne of ne, s half of ne, n half of se, sw of sw.....	28	89	37	900.00	Sac.....	Feb. 3, 1908	Feb. 27, 1908
se of se.....	27	89	39	40.00	Webster.....	Mch. 18, 1908	Mch. 31, 1908
ne of ne.....	23	85	31	40.00	Greene.....	Apr. 9, 1908	Apr. 20, 1908
sw of ne.....	8	88	31	40.00	Calhoun.....	Apr. 9, 1908	Apr. 20, 1908
nw of sw.....	7	77	44	38.15	Pottawattamie.....	Apr. 9, 1908	Apr. 20, 1908
ne of sw.....	11	84	49	40.00	Monona.....	Apr. 9, 1908	Apr. 20, 1908
Total.....				1,416.91			

## THE RAILROAD LANDS

The railroad lands of Iowa consist of all lands granted by the various acts of congress to aid in the construction of certain railroads in the State of Iowa. Lands which inured to the State under these grants have either been patented or certified to the State by the proper government officials, and in turn were granted to the railroad companies entitled thereto by the legislature of Iowa. The lands inuring to the railroad companies, under the act of Congress, approved June 2, 1864, were certified and approved direct to the said companies by the commissioner of the general land office and the Secretary of the Interior. Certified copies of lists of lands approved under this act are of record in the state land office.

The biennial report of this department for the period ending June 30, 1901, contained a complete list of all the acts of congress and of all the acts of the general assembly of Iowa relative to the railroad grants. The demand for that report has been so great that the edition is exhausted and it has been deemed best to reprint in this report that part of the 1901 report giving the acts of congress and of the general assembly relating to the various railroad grants.

The railroad land grants have been practically all adjusted by the department of the Interior and there are but few tracts yet to be approved under the grants of congress. These are mostly tracts which have been held up by the department on account of conflicts with other grants.

During the biennial period ending June 30, 1908, the state has approved two tracts of land under the railroad grants. The southeast one-quarter of section 1, township 89, north, range 36, containing 160 acres, was approved to the Dubuque and Sioux City Railroad Company, April 13, 1907. The east one-half of southeast one-quarter of section 21, township 86, north, range 35, containing 80.00 acres, was approved to the Cedar Rapids and Missouri River Railroad Company, February 4, 1908.

## ABANDONED RIVER CHANNELS, SAND BARS OR ISLANDS.

Chapter 212, Acts of the Thirty-first General Assembly, authorizes the survey, appraisement and sale of "land between high water mark and the center of the former channel of any navigable stream, where such channel has been abandoned, so that it is no longer capable of use, and is not likely again to be used, for the purposes of navigation, and all land within such abandoned river channels, and all bars or islands in the channels of navigable streams not heretofore surveyed or platted by the United States or the state of Iowa, and all within the jurisdiction of the state of Iowa." Under the provisions of this act the following islands have been sold during the past two years.

### TWO ISLANDS IN THE MISSISSIPPI RIVER BELOW DUBUQUE.

These two islands lying in sections 14 and 23 in township 88, north, range 3 east of the 5th P. M., were covered by application of John Heer, filed May 24, 1905. The cost of the survey of these islands was \$87; cost of appraisement \$36.90. After the survey of these islands had been completed it was found that one of the islands, known as lots "A" and "B" in section 14, township 88, north, range 3 east of the 5th P. M., had been already conveyed to the state under the Swamp Land Act by the United States and the state had conveyed it to Dubuque county. The other island containing 33.50 acres was appraised at \$167.50. It was sold to Mrs. John Heer, the highest bidder, for \$239.53. Patent was issued January 21, 1907.

### FIVE ISLANDS IN THE MISSISSIPPI RIVER ABOVE DUBUQUE.

These islands are in section 36, township 90, north, range 2 east of the 5th P. M.; section 1, township 89, north, range 2 east of the 5th P. M., and section 6, township 89, north, range 3 east of the 5th P. M. and were covered by application of Theo. Scharle, county auditor of Dubuque county, filed July 24, 1907. The cost of the survey of these islands was \$140; cost of appraisement, \$33.62. Total appraised value of the five islands was \$668.62; total amount received for the five islands, \$1,268.

**Island No. 1**—Lying in section 36, township 90, north, range 2 east of the 5th P. M., containing 8.70 acres. Appraised value, \$40.00. Sold to Tim Sullivan, the highest bidder, for \$95.00. Date of patent, March 10, 1908.

**Island No. 2**—Lying in section 36, township 90, north, range 2 east of the 5th P. M.; section 1, township 89, north, range 2 east of the 5th P. M., and in section 6, township 89, north, range 3 east of the 5th P. M., containing 90.90 acres. Appraised value \$454.50. Sold to Tim Sullivan, the highest bidder, for \$946.00. Date of patent, March 10, 1908.

**Island No. 3**—Lying in section 6, township 89, north, range 3 east of the 5th P. M., containing 19.31 acres. Appraised value, \$154.48. Sold to G. A. Grimm, the highest bidder, for \$201.00. Date of patent, March 10, 1908.

**Island No. 4**—Lying in section 6, township 89, north, range 3 east of the 5th P. M., containing 1.22 acres. Appraised value, \$14.64. Sold to G. A. Grimm, the highest bidder, for \$21.00. Date of patent, March 10, 1908.

**Island No. 5**—Lying in section 6, township 89, north, range 3 east of the 5th P. M., containing one-half acre. Appraised value, \$5.00. Sold to G. A. Grimm, the highest bidder, for \$6.00. Date of patent, March 10, 1908.

### SIOUX CITY LAND.

In the last report of the land department, page 48, it was noted that a court action, instituted by the Dumbarton Realty Company claiming title to this land, had been instituted and that by order of the district court the state had been stopped from proceeding with the disposal of the land. The case came on for trial before Judge Oliver in November, 1906, and a decision was rendered adverse to the claims of the state. During the time allowed by statute for the state to appeal to the supreme court of Iowa the court reporter for Judge Oliver was taken sick and died and it was impossible to secure a certified transcript of the testimony given in the trial. The state asked for a new trial that the questions involved might be passed upon by the supreme court. The district court granted the request and from this decision granting a new trial, the plaintiffs have appealed.

### COUNCIL BLUFFS LAND.

The application of Chas. R. Hannan of Council Bluffs, spoken of on page 45 of the last report of the land department, for a certain sandbar or island in the Missouri River is still pending in the United States courts. The Omaha Bridge and Terminal Railway Company by stipulation with the attorney general of Iowa agreed to pay the state \$5,000 for 28.226 acres of land in which they were interested and dismiss their action in the case. The money was received by the state and patent was issued to the company June 27, 1907. The other plaintiffs in the suit went to trial with the case and a decision was rendered by Judge Smith McPherson adverse to the claims of the state. From this decision the state has appealed.

### ISLANDS IN MONONA AND WOODBURY COUNTIES.

Bird, Hunter's and Governor's islands in Monona county and Best, Grand and Long islands in Woodbury county have all been surveyed and appraised under the provisions of chapter 212, acts of the Thirty-first General Assembly. These islands were advertised for sale by the state as required by law but no bids have been received for their purchase.

### ABANDONED CHANNEL OF THE DES MOINES RIVER IN OTTUMWA.

Chapter 240, Acts of the Thirty-second General Assembly, provides in section 1,—“the lands within the former channel of the Des Moines River within the corporate limits of the City of Ottumwa and formed by accretion in consequence of the changes of the channel of such river, the title to which is now or shall become vested in the state by judicial determination, shall be sold and disposed of as hereinafter provided.”

Section 2 provides that any person desiring to purchase such land shall file a written application therefor with the secretary of state accompanied by a deposit of \$25 to pay the cost of the survey and appraisement of the land.

Section 3 provides that the secretary of state shall have the land surveyed and that the report of the survey and the field notes shall be filed in his office.

Section 4 provides that after the report of the surveyor is received the secretary of state shall appoint three disinterested freeholders to appraise the land and that notice of such appraisement shall be given the original applicant who shall be entitled to patent if he shall deposit with the secretary of state the difference between his original deposit and the appraised value.

Section 5 relates to the fees to be paid to the surveyor and the appraisers.

Section 6 provides that in case the original applicant is unwilling to pay the appraised value of the land that he may deposit such sum, which together with his original deposit, as will make the amount which he is willing to pay for the land and that if within a period of ninety days no other person has appeared and deposited and offered to pay a greater amount, that, then the original applicant shall be entitled to patent but if a greater amount is deposited and offered and the original applicant does not within the said ninety days offer to pay the appraised value or an amount in excess of that of the highest bidder that then patent shall issue to the highest bidder and the deposit of the original applicant shall be returned. If the original applicant within the ninety days offers to pay the appraised value or an amount in excess of any other bidder that he shall be entitled to patent.

Section 7 provides that the governor shall issue a patent for such lands as are sold under the provisions of this act and recites particular things which shall appear in the patent and that a record of the patent shall be made in the office of the secretary of state.

Section 8 provides that if within ten years from the date of the issuance of the patent, upon the filing of a certified transcript of a decree of a court of record which shows that the conveyance of the state passed no title to the land therein described because title had previously been vested in others that the purchase money should be refunded to the person entitled thereto.

Section 9 provides that all moneys received from the sale of land under this act shall after the expenses of survey and appraisement are paid be deposited in the state treasury.

Section 10 is the enacting clause.

The act was approved May 9, 1907, and became effective May 11, 1907.

Under the provisions of the foregoing act Chas. A. Wellman and Calvin Manning, by their attorneys, Smith and Lewis, filed in the office of the secretary of state, May 29, 1907, an application, together with a deposit of \$25, to purchase a "tract of land lying along the north bank of the Des Moines River immediately west of what is known as the Market street bridge across the river." It being evident that the deposit of \$25

required to be made by the law to pay for the expenses of the survey and appraisement of the land was inadequate for that purpose and there being no other means provided to meet these expenses, the secretary of state upon receiving the application of Wellman and Manning asked them to make a further deposit of \$50 for the purpose of fully covering these expenses. He also asked them to amend their original application stating in more specific terms the location of the tract of ground they sought to purchase. This they did and on June 3, 1907, filed an amended application and a further deposit of \$50 making their total deposit \$75. The county surveyor of Wapello county was appointed to make the survey and on July 15, 1907, he filed a report and the field notes of the survey. The appraisers were appointed and on July 25, 1907, they viewed the land and appraised it for the total sum of \$2,250. The original applicants were notified of the appraisement on July 26, 1907, but court proceedings were brought on the same date in the district court at Ottumwa wherein the city of Ottumwa prayed for the issuance of an injunction restraining the secretary of state from selling and Wellman and Manning from buying the tract of land before described. A temporary injunction was issued which was made permanent on October 17, 1907.

The original applicants filed a certified copy of the decree of court granting the permanent injunction in the office of the secretary of state and asked that the amount of their deposit, \$75, be returned to them. The expenses of the survey and appraisement amounted to \$33.43 which left remaining of the original deposit, \$41.57. This amount was returned to Wellman and Manning, the original applicants.

It is provided in the act that if the original applicant pay the appraised value of the land that his original deposit shall be applied to and become a part of the purchase price, and if in case other parties purchase the land, then the deposit of the original applicants shall be returned them from the purchase money. In this particular case the state and the original applicants were enjoined from selling and buying this land after \$33.43 of the applicants deposit had been expended in surveying and appraising the land and there is no provision of statute for returning this amount to the original applicants as is evidently contemplated by the law. As money can only be paid from the state treasury upon order of the general assembly it will be necessary that \$33.43 be appropriated by the Thirty-third General Assembly before the original applicants will receive the return of the full amount of their original deposit.

SAND HILL LAKE lying in sections ten (10), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-six (26), twenty-seven (27), and thirty-four (34) in township eighty-six (86) north, range forty-seven (47) west of the 5th P. M., Woodbury county, Iowa.

## MEANDERED LAKES.

Chapter 186, Acts of the Thirtieth General Assembly, authorized the Executive Council to survey the meandered lakes and lake beds in the state and to determine what lakes shall be maintained and what meandered lake beds may be drained, improved, demised or sold. This act was amended by chapters 196 and 197, Acts of the Thirty-second General Assembly. Chapter 196 vested authority with the executive council to grant authority to construct, equip and maintain canals between any of the lakes so maintained and chapter 197 provides that any person or corporation who has heretofore purchased from any county any lake or lake bed in aid of or because of the construction of a work of internal improvement shall be considered a bona fide purchaser provided an actual sale of such lake or lake bed had not been previously made by the Executive Council.

Under the provisions of chapter 186, Acts of the Thirtieth General Assembly the Executive Council has ordered the following lakes to be maintained; Rush Lake in Osceola county; Four Mile Lake in Emmet county; Virginia and Medium Lakes in Palo Alto county; and South Twin Lake in Calhoun county.

The following lakes have been authorized drained and disposed of in accordance with the act of the General Assembly: Rat and Swan Lakes in Pocahontas county; Rice Lake in Winnebago county; Bright's Lake in Worth county; Sand Hill Lake in Woodbury county; Rush and Lard Lakes in Sac county; Cheever Lake in Emmet county; Elbow Lake in Palo Alto county; Pond Grove Lake in Calhoun county; Bass Lake No. 1 in Humboldt county and Bass Lake No. 2 in Humboldt and Webster counties.

During the past two years patents have been issued to the following lots in Sand Hill Lake, Lard Lake, Rush Lake, Bass Lake and Bass Lake No. Two.

Lot	Section	ACRES	Amount Paid	To whom patented	Date of Patent
F	10	30.40	\$282.00	Pierce Galvin.....	Nov. 19, 1906
G	10	173.13	13.50	Oscar Sylvester.....	Nov. 19, 1906
A	11	11.08	18.87	Herbert F. Eveleth.....	Oct. 30, 1906
B	11	24.27	30.47	Herbert F. Eveleth.....	Oct. 31, 1906
C	11	25.65	30.47	James E. Eveleth.....	Oct. 30, 1906
D	11	27.00	185.00	James E. Eveleth.....	Oct. 29, 1906
E	11	16.07	30.35	J. D. Russell.....	Oct. 29, 1906
F	11	9.02	22.50	W. A. Mathers and Maggie M. Mathers.....	Nov. 5, 1906
G	11	2.00	3.25	Herman Fortin.....	Oct. 11, 1906
H	11	10.82	12.53	R. D. Wilcut.....	Oct. 29, 1906
A	11	36.38	35.58	Herman Fortin.....	Oct. 11, 1906
B	12	5.93	7.04	Herman Fortin.....	Oct. 11, 1906
C	12	25.97	32.47	Timothy Rohan.....	Nov. 5, 1906
D	12	20.48	25.50	Herman Fortin.....	Nov. 5, 1906
A	12	18.08	23.73	Pierre Lacroix.....	Oct. 29, 1906
B	12	39.31	32.14	Pierre Lacroix.....	Oct. 29, 1906
C	12	19.07	22.77	Herman Fortin.....	Oct. 11, 1906
D	12	25	.31	Herman Fortin.....	Oct. 11, 1906
E	12	6.70	8.44	Herman Fortin.....	Oct. 11, 1906
F	12	8.00	10.73	Herman Fortin.....	Oct. 11, 1906
G	12	11.00	14.50	Pierre Lacroix.....	Nov. 7, 1906
H	12	15.61	30.80	Pierre Lacroix.....	Nov. 7, 1906
A	14	1.12	1.40	Pierre Lacroix.....	Oct. 29, 1906
B	14	12.63	15.70	Pierre Lacroix.....	Oct. 29, 1906
C	14	24.04	30.05	Pierre Lacroix.....	Oct. 29, 1906
A	23	36.33	22.95	Franklin Shannon.....	Oct. 29, 1906
B	23	9.87	12.34	Frank Shannon.....	Oct. 29, 1906
C	23	9.50	11.63	Frank Shannon.....	Oct. 29, 1906
D	23	9.95	12.44	Frank Shannon.....	Oct. 29, 1906
E	23	19.82	24.79	Pierre Lacroix.....	Jan. 19, 1907
G	23	12.30	15.28	Nellie O'Brien.....	Nov. 19, 1906
H	23	12.62	20.53	Franklin Shannon.....	Oct. 29, 1906
J	23	6.28	7.83	Franklin Shannon.....	Oct. 29, 1906
K	23	19.88	22.60	Thomas M. Hawk.....	Nov. 1, 1906
A	24	12.25	16.30	Thomas M. Hawk.....	Nov. 1, 1906
B	24	6.00	8.83	Pierre Lacroix.....	Oct. 29, 1906
C	24	4.05	5.00	A. M. Sedig.....	Oct. 11, 1906
D	24	30.20	37.81	A. M. Sedig.....	Oct. 11, 1906
E	24	8.80	1.04	A. M. Sedig.....	Oct. 29, 1906
B	29	20.90	26.13	J. E. Kane.....	Nov. 7, 1906
C	29	19.24	24.05	J. E. Kane.....	Nov. 7, 1906
D	29	6.00	7.60	J. E. Kane.....	Nov. 7, 1906
E	29	16.83	21.08	Esther J. Widner.....	Nov. 7, 1906
H	29	3.77	4.73	Esther J. Widner.....	Nov. 7, 1906
J	29	30.25	37.50	Esther J. Widner.....	Nov. 7, 1906
A	27	30	1.13	Thomas M. Hawk.....	Nov. 1, 1906
B	27	15.91	18.80	Thomas M. Hawk.....	Nov. 1, 1906
C	27	9.26	12.58	John Muthall.....	Oct. 11, 1906
E	27	15.93	20.81	A. M. Sedig.....	Oct. 11, 1906
A	34	9.05	11.33	Hets of J. M. McAllister.....	Nov. 20, 1906
B	34	7.30	9.00	John Muthall.....	Oct. 11, 1906
Total		772.20	\$ 1,556.68		

LARD LAKE lying in sections eight (8) and seventeen (17) in township eighty-nine (89) north, range thirty-five (35) west of the 5th P. M., Sac county, Iowa.

Lot	Section	Acres	Amount Paid	To whom patented	Date of Patent
D	8	17.06	198.10	M. M. Fyfe	Oct. 6, 1906
E	17	15.00	113.50	Harrison C. Rogers	Oct. 6, 1906
A	17	12.12	93.50	Harrison C. Rogers	Oct. 6, 1906
B	17	16.52	123.90	Harrison C. Rogers	Oct. 6, 1906
Total		60.72	455.40		

RUSH LAKE lying in sections four (4), five (5), eight (8) and nine (9) in township eighty-nine (89) north, range thirty-five (35) west of the 5th P. M., Sac county, Iowa.

Lot	Section	Acres	Amount Paid	To whom patented	Date of Patent
A	4	2.85	15.97	Eugene R. Sisson	Oct. 6, 1906
A	5	4.86	21.50	O. K. Eveleth	Oct. 6, 1906
A	8	17.13	111.34	John T. Redfield	Oct. 6, 1906
B	8	12.31	50.02	John T. Redfield	Oct. 6, 1906
C	8	.30	1.95	M. M. Fyfe	Oct. 6, 1906
A	9	17.81	115.77	Eugene R. Sisson	Oct. 6, 1906
B	9	30.39	167.15	Sophia Menmann	Aug. 19, 1907
C	9	38.32	199.76	Dwight Lodge No. 518, I. O. O. F.	Oct. 6, 1906
D	9	11.30	75.73	M. M. Fyfe	Oct. 6, 1906
E	9	2.94	19.11	M. M. Fyfe	Oct. 6, 1906
E	9	24.14	122.77	M. M. Fyfe	Oct. 6, 1906
G	9	40.00	1,000.00	M. M. Fyfe	Nov. 18, 1907
H	9	39.79	218.84	Eugene R. Sisson	Oct. 6, 1906
Total		240.14	2,169.70		

#### BASS LAKE AND BASS LAKE NO. TWO.

Under the provisions of chapter 186, Acts of the Thirtieth General Assembly as amended by chapter 197, Acts of the Thirty-second General Assembly the executive council directed that patent issue to Humboldt county for the lake bed of Bass Lake and that part of the lake bed of Bass Lake No. Two that lies in Humboldt county. The patent was issued by the governor under date of July 19, 1907.

## QUIETING TITLE.

The Thirty-second General Assembly passed several acts authorizing the issuance of deeds or patents for the purpose of quieting title to lands in the state. The following is a list of such acts with the action taken on each of them.

Chapter 243, acts of the Thirty-second General Assembly, authorizes issuance of a patent to the southwest quarter of the northwest quarter of section five, township eighty-three, north, range sixteen, west of the 5th P. M. to S. S. Judge. The act became effective March 1, 1907, and patent was issued April 29, 1907.

Chapter 244, acts of the Thirty-second General Assembly, authorizes the executive council to quit claim to F. C. Lovrein, his heirs and assigns, the right, title and interest of the state to that part of Rat Lake lying in section fifteen, township ninety-three, north, range thirty-four, west of the 5th P. M. lying south of the meander lines of said lake as described in the United States government survey. The deed was issued October 14, 1907.

Chapter 245, acts of the Thirty-second General Assembly, authorizes the issuance of patent to Cornelis De Geest to the southeast quarter of the northwest quarter of section eleven, township seventy-five, north, range eighteen, west of the 5th P. M. The patent was issued July 16, 1907.

Chapter 246, acts of the Thirty-second General Assembly, authorizes the issuance of a deed to Mary A. T. Sanders conveying all of the right, title, and interest the state has in and to a strip of land situated in the west end of lot three in section three, township seventy-nine, north, range six, west of the 5th P. M. in Johnson county, Iowa, lying between the public highway, known as "Foster Road" and the bank of the Iowa River and extending north one hundred and fifty feet from the east end of the dam and water-power on the Iowa River, known as the "Terril dam," situated between lots three and six in said section three and extending south one hundred and fifty feet from the dam. The deed was issued November 23, 1908.

## ACTS OF CONGRESS RELATIVE TO RAILROAD GRANTS

ACT OF MAY 15, 1856.

"A Bill making a Grant of Lands to the State of Iowa, in alternate sections, to aid in the construction of certain Railroads in said State."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be and is hereby granted to the State of Iowa, for the purpose of aiding in the construction of Railroads from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of Platte river; from the City of Davenport, via Iowa City and Fort Des Moines to Council Bluffs; from Lyons City northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel; across the said State of Iowa to the Missouri river; from the city of Dubuque to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land, designated by odd numbers, for six sections in width on each side of said roads. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections or any parts thereof, granted as aforesaid, or the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the Governor of said State to select subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached as aforesaid; which lands (thus selected in lieu of those sold and to which pre-emption rights have attached as aforesaid, together with the sections and parts of sections by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of Iowa, for the use and purpose aforesaid: *Provided*, that the land to be so located shall in no case be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: *Provided further*, that the lands hereby granted for and on account of said roads severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever. *And provided further*, that any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved from the operations of this act, except so far as it may be found necessary to locate the routes of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said roads, shall not be sold for less than the double minimum price of the public lands when sold, nor shall any of said lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed, as aforesaid, and included within a continuous length of twenty miles of each of such roads, may be sold; and so from time to time until said roads are completed, and if any of said roads are not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads, under the direction of the Postoffice Department, at such price as Congress may by law direct; *provided*, that until such price is fixed by law, the Postmaster General shall have the power to determine the same. Approved May 15, 1856.

ACT OF MAY 13, 1864.

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 it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota, at such point as the said State of Iowa may select between the Big Sioux and the west fork of the Des Moines river; also, to said State, for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding 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 the said road running from Sioux City to the Minnesota State line, in the county of O'Brien in said State, every alternate section of land, designated by odd numbers, for ten sections in width on each side of said roads; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section or any part thereof granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the State of Iowa for the uses and purposes aforesaid: *Provided*, That the land so selected shall in no case be located more than twenty miles from the lines of said roads: *Provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be and the same are hereby reserved and excepted from the operations of this act,



except so far as it may be found necessary to locate the routes of said roads through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of said roads, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder or at above the minimum price as aforesaid: *Provided*, That actual bona fide settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement and occupation, as now provided by law, purchase the same at the increased minimum price: *And provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the Legislature of Iowa, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

SEC. 4. *Be it further enacted*, That the lands hereby granted shall be disposed of by said State, for the purposes aforesaid only, and in manner following, namely: When the Governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the Governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner, for a like number; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are, from time to time, made as aforesaid, additional sections of land shall be patented as aforesaid, until said roads, or either of them, are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other: *Provided*, That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least twenty miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the State may resume said grant, and so dispose of the same as to secure the completion of a road on said line and upon such terms, within such time, as the State shall determine: *Provided further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided further*, That said lands shall not in any manner be disposed of or incumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States.

SEC. 5. *And be it further enacted*, That as soon as the Governor of said State of Iowa shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said roads, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

SEC. 6. *And be it further enacted*, That the United States mail shall be transported on said roads and branch, under the direction of the Postoffice Department, at such prices as Congress may by law provide: *Provided*, That until such price is fixed by law, the Postmaster General shall have power to fix the rates of compensation.

SEC. 7. *And be it further enacted*, That there be, and is hereby, granted to the State of Minnesota, for the purpose of aiding in the construction of a railroad from St. Paul and St. Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi, to the southern boundary of the State, in the direction of the mouth of the Big Sioux river, four additional alternate sections of land per mile, to be selected upon the same conditions, restrictions and limitations, as are contained in the act of Congress entitled, "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of a certain railroad in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad, in said State," approved March 3, 1857: *Provided*, That the land to be so located by virtue of this section may be selected within twenty miles of the line of said road, but in no case a greater distance therefrom.

Approved May 12, 1864.

ACT OF JUNE 2, 1864.

AN ACT to amend an act entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain Railroads in said State, approved May 15, 1856."

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Mississippi and Missouri Railroad Company, a corporation established by the laws of the State of Iowa, and to which the said State granted a portion of the land grant mentioned in the title of this act, to aid in the construction of a railroad from Davenport to Council Bluffs, in said State, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line for connection with the Iowa branch of the Union Pacific Railroad: *Provided, nevertheless*, that said new line, if located, shall in every case pass through the corporate limits of the cities of Des Moines and Council Bluffs; and the right of way over the public lands of the United States is hereby granted to said Railroad Company for that purpose: *Provided*, that said line shall pass through the town of Newton, in Jasper county, or as near said town as may be found practicable, and not further north of said town than the north line of section twenty-two, township eighty, north of range nineteen, according to the United States surveys. If the citizens of the county of Jasper shall first pay to said company the difference in cost, if any, between the line proposed by the company and the one contemplated by this proviso, including extra cost of right of way, if any, said difference in cost to be estimated by competent engineers to be selected by the parties.

SEC. 2. *And be it further enacted*, That whenever such new location shall have been established, the said Railroad Company shall file in the General Land Office in Washington a map definitely showing such new location; and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a pre-emption claim or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of such newly located line, an amount of land per mile equal to that originally authorized to be granted to aid in the construction of said road by the act to which this is an amendment; and if the amount of land granted by the original act to aid in the construction of said railroad shall not be found within the limits of six miles from such line, then such selections may be made along such line within twenty miles thereof: *Provided*, that the said company shall not be entitled to and shall not receive any land under this grant which is situated within fifteen miles of the line of the Burlington and Missouri River Railroad, as indicated by the map of said road now on file in the General Land Office.

SEC. 3. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under the laws of the State of Iowa, and to which said State granted a portion of the land grant mentioned in the title of this act to aid in the construction of a railroad from Burlington, in said State, to the Missouri River, shall be entitled to receive, and the Secretary of the Interior shall cause to be certified and conveyed to said Company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a pre-emption claim or right of homestead settlement has not attached, and on which a *bona fide* settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of said road as now located, an amount of land per mile equal to that mentioned in the act to which this act is an amendment, as intended to aid in the construction of said road; and if the amount of land granted by the original act to aid in the construction of said road shall not be found within the limit of six miles from the line of said road, then such selections may be made along such line within twenty miles thereof.

SEC. 4. *And be it further enacted*, That the Cedar Rapids and Missouri River Railroad Company, a corporation established under the laws of the State of Iowa, and to which the said State granted a portion of the land mentioned in the title to this act, may modify or change the location of the uncompleted portion of its line as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line to the Missouri river, and to a connection with the Iowa branch of the Union Pacific Railroad, and for the purpose of facilitating the more immediate construction of a line of railroad across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company aforesaid, the Cedar Rapids and Missouri [River] Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad Company; and the Cedar Rapids and Missouri River Railroad Company shall be entitled, for such modified line, to the same lands and to the same amount of lands per mile and for such connecting branch the same amount of land per mile, as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and, for the said purpose, the right of way through the public lands of the United States is hereby granted to said Company, and it is further provided, that whenever said modified main line shall have been established, or such connecting line located, the said Cedar Rapids and Missouri River Railroad Company shall file in the General Land Office of the United States a map definitely showing such modified line and such connecting branch aforesaid; the Secretary of the Interior shall reserve and cause to be certified and conveyed to said company, from time to time, as the work progresses on the main line, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a pre-emption right or right of homestead settlement has not attached, and on which a *bona fide* settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within fifteen miles of the original main line, an amount of land equal to that originally authorized to be granted to aid in the construction of the said road by the act to which this is an amendment, and if the amount of land per mile granted, or intended to be granted, by the original act to aid in the construction of said railroad shall not be found within the limits of the fifteen miles therein prescribed, then such selections may be made along such modified line and connecting branch within twenty miles thereof: *Provided*, however, that such new location or modified line shall pass through or near Booneville, in Boone county, and intersect the Boyer river not further south than a point at or near Denison, in Crawford county. *And provided further*, that in case the main line shall be so changed or modified as not to reach the Missouri river at or near the forty-second parallel north latitude, it shall be the duty of said Company, within a reasonable time after the completion of

its road to the Missouri river, to construct a branch road to some point in Monona county, in or at Onawa City; and to aid in the construction of such branch the same amount of lands per mile are hereby granted as for the main line, and the same shall be reserved and certified in the same manner; said lands to be selected from any of the unappropriated lands as heretofore described within twenty miles of said main line and branch and said Company shall file with the Secretary of the Interior a map of the location of the said branch. *And provided further*, that the lands hereby granted to aid in the construction of the connecting branch aforesaid shall not vest in said company nor be encumbered or disposed of except in the following manner: When the Governor of the State of Iowa shall certify to the Secretary of the Interior that said Company has completed in good running order a section of twenty consecutive miles of the main line of said road west of Nevada, then the Secretary shall convey to said Company one-third, and no more, of the lands granted for said connecting branch; and when said Company shall complete an additional section of twenty consecutive miles, and furnish the Secretary of the Interior with proof as aforesaid, then the said Secretary may convey to said Company another third of the lands granted for said connecting branch; and when said Company shall complete an additional section of twenty miles, making in all sixty miles west of Nevada, the Secretary upon proof furnished as aforesaid, may convey to the said Company the remainder of said lands to aid in the construction of said connecting branch; *provided*, however, that no lands shall be conveyed to said Company on account of said connecting branch road until the Governor of the State of Iowa shall certify to the Secretary of the Interior that the same shall have been completed as a first class road. And no lands shall be conveyed to said Company situate and lying within fifteen miles of the original line of the Mississippi and Missouri Railroad as laid down on the map on file in the General Land Office. *Provided further*, that it shall be the duty of the Secretary of the Interior, and he is hereby required to reserve a quantity of land embraced in the grant described in this section sufficient, in the opinion of the Governor of Iowa, to secure the construction of a branch railroad from the town of Lyons, in the State of Iowa, so as to connect with the main line in or west of the town of Clifford, in said State, until the Governor of the State shall certify that said branch railroad is completed according to the requirements of the laws of said State. *Provided further*, that nothing herein contained shall be so construed as to release said Company from its obligations to complete the said main line within the time mentioned in the original grant. *Provided further*, that nothing in this act shall be construed to interfere with or in any manner impair any rights acquired by any Railroad Company named in the act to which this is an amendment, or the rights of any corporation, person or persons, acquired through any such Company; nor shall it be construed to impair any vested right of property, but such rights are hereby reserved and confirmed. *Provided*, however, that no land shall be conveyed to any company or party whatsoever, under the provisions of this act, and the act amended by this act, which has been settled upon and improved in good faith by a *bona fide* inhabitant under color of title derived from the United States, or from the state of Iowa, adverse to the grant made by this act or the act to which this act is an amendment; but each of said companies may select an equal quantity of public lands as described in this act within the distance of twenty miles of the line of each of said roads in lieu of lands thus settled upon and improved by *bona fide* inhabitants in good faith, under color of title as aforesaid.

SEC. 5. *And be it further enacted*, That the Mississippi and Missouri Railroad Company shall have the right to transfer and assign all or any part of the grant hereby made to said company to any other company, or persons, if in the opinion of said company, the construction of said railroad across the State of Iowa will be thereby sooner and more satisfactorily completed; but such assignee shall not in any case be released from the liabilities and conditions accompanying this grant nor acquire perfect title in any other manner than the same would have been acquired by the grantee herein named: *Provided*, That said transfer and assignment shall first be authorized by the Governor of the State of Iowa.

SEC. 6. *And be it further enacted*, That the Dubuque & Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of their present land grant. A map of the change shall be filed with the Commissioner of the General Land Office within one year after the passage of this act.

SEC. 7. *And be it further enacted*, That all of the conditions and limitations contained in the act to which this act is an amendment, and not expressly changed by this act, shall attach to and run with the grants made by this act, except as the said conditions and limitations have been modified, and may hereafter be modified, by the General Assembly of the State of Iowa.

SEC. 8. *And be it further enacted*, That no lands hereafter granted shall be certified to either of said companies until the Governor of the State of Iowa shall certify to the Secretary of the Interior that the said company has completed, ready for the rolling stock, within one year from the first day of July next, a section of not less than twenty miles from the present terminus of the completed portion of said railroad, and in each year thereafter an additional section of twenty miles; but the number of sections per mile originally authorized shall be certified to each company upon proof, as aforesaid, of the completion of the additional sections of the road as aforesaid. And upon the failure of either company to complete either section as aforesaid, to be annually built, the portion of land remaining uncertified shall become subject to the control and disposition of the legislature of the State of Iowa, to aid in the completion of said road.

SEC. 9. *And be it further enacted*, That all lands hereafter certified to either of the land grant railroads in said State, and lying opposite any completed section of such road, shall be offered for sale by the company to which they shall be certified within three years from the completion of such section, if then certified; and if not, then within three years from the date of such certificate at reasonable prices; and if not all sold within that period, then during the fourth year all such lands remaining unsold shall be exposed to public sale, after previous notice posted at the county seat of the county in which such lands shall be situated, to the highest bidder, and in tracts not exceeding one hundred and sixty acres.

Approved June 2, 1864.

#### ACT OF JULY 1, 1864.

AN ACT to Regulate the Compensation of Registers and Receivers of the Land Offices in the several States and Territories, in the Location of Lands by States and Corporations under Grants from Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That from and after the passage of this act, in the location of lands by states and corporations under grants from congress for railroads and other purposes, (except for agricultural colleges,) the registers and receivers of the land-offices of the several states and territories, in the districts where such lands may be located, for their services therein, shall be entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the state or corporation making such location, the same to be accounted for in the same manner as fees and commissions on warrants and pre-emption locations, with limitations as to maximums of salary prescribed by existing laws, in accordance with such instructions as shall be given by the commissioner of the general land-office.

SEC. 2. *And be it further enacted*, That the Burlington and Missouri River Railroad Company may so far change or modify the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious route to the terminus of said line on the Missouri River, said new line to be located within the limits of the land grant made by the United

States to aid in its construction; and said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act.

Approved July 1, 1864.

#### ACT OF MARCH 3, 1865.

AN ACT extending the time for the completion of certain land grant railroads in the states of Minnesota and Iowa, and for other purposes.

(Section 10 of this act is the only part thereof relating to the State of Iowa.)

SEC. 10. *And be it further enacted*, That the time mentioned in an act entitled "An Act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said state," for the completion of the roads named in said act, be and the same is hereby, extended two years.

Approved March 3, 1865.

#### JOINT RESOLUTION NO. 7—APPROVED FEBRUARY 10, 1866.

A RESOLUTION extending the time for the completion of the Burlington & Missouri River Railroad.

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled*, That in case the Burlington and Missouri River Railroad Company shall complete the section of twenty miles from the present terminus of its road by the first day of December, Anno Domini, eighteen hundred and sixty-six, and the certificate of the Governor shall be filed with the Secretary of the Interior of such completion, then the said company shall be entitled to its lands, due by reason of the completion of said section of twenty miles, as provided in section eight of the Act entitled "An Act to amend an Act entitled 'An Act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,'" and its rights shall be in all respects the same as if the same section should have been completed on the first day of July next.

Approved February 10, 1866.

#### ACT OF MARCH 2, 1868.

AN ACT extending the time for the completion of the Dubuque and Sioux City Railroad.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That the time for completing a line of railroad from Dubuque to Sioux City, in the State of Iowa, for the construction of which lands were granted in alternate sections to said state, by act entitled "An Act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of railroads in said State," approved, May fifteenth, eighteen hundred and fifty-six, be, and the same is extended until the first day of January, eighteen hundred and seventy-two, subject to the reverter mentioned in said act at the expiration of the time herein limited: *Provided*, (That) said road shall be constructed on the most practical route by the way of Webster City and Fort Dodge to Sioux City, which route shall be at all points within the limits of said land grant, and the same shall be completed to Fort Dodge on or before the first day of July, eighteen hundred and sixty-nine, and thereafter at the rate of not less than forty miles each year; and the said road shall be constructed, operated and maintained as one continuous and unbroken line of road from Dubuque to Sioux City; and no lands shall be disposed of, or patented or certified for said purposes more than forty miles in advance of the point to which said road may be constructed from time to time.

Approved March 2, 1868.

## ACT OF JANUARY 31, 1873.

AN ACT to quiet the title to certain lands in the State of Iowa.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That the title to the lands in the State of Iowa heretofore approved and certified by the Department of the Interior for railroad purposes, to aid in the construction of a railroad from the city of Dav-  
enport, via Iowa City, to Council Bluffs, under the grants made by Congress, according to the adjustments thereof made at the General Land Office, be, and the same is hereby, confirmed to the Mississippi and Missouri Railroad Com-  
pany and the Chicago, Rock Island and Pacific Railroad Company, and their assigns, they being the corporations to whom the said lands were certified: *Pro-  
vided,* That this act shall be construed as conveying only any reversionary or  
other interest which the United States may have in said lands, and all lands set-  
tled upon in good faith and now claimed by homestead or pre-emption settlers  
shall be excluded from the operations of this act.

Received by the President January 20, 1873.

(NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been pre-  
sented to the President of the United States for his approval, and not having been  
returned by him to the House of Congress in which it originated within the  
time prescribed by the Constitution of the United States, has become a law  
without his approval.)

## ACT OF JUNE 22, 1874.

AN ACT for the relief of Settlers on Railroad Lands.

*Be it enacted by the Senate and House of Representatives of the United States  
of America in Congress Assembled,* That in the adjustment of all rail-  
road grants, whether made directly by any railroad company or to any  
State for railroad purposes, if any of the lands granted be found in the  
possession of an actual settler whose entry or filing has been allowed under  
the pre-emption or homestead laws of the United States, subsequent to the time  
at which, by the decision of the land office, the right of said road was de-  
clared to have attached, to such lands, the grantees, upon a proper relinquish-  
ment of the lands so entered or filed for, shall be entitled to select an equal  
quantity of other lands in lieu thereof, from any of the public lands not mineral  
and within the limits of grant not otherwise appropriated at the date of selec-  
tion, to which they shall receive title the same as though originally granted.  
And any such entries or filings, thus relieved from conflict, may be perfected  
into complete title as if such lands had not been granted; *provided,* that nothing  
herein contained shall in any manner be so construed as to enlarge or extend  
any grant to any such railroad, or to extend to lands reserved in any land  
grant made for railroad purposes; *and provided further,* that this act shall not  
be construed so as in any manner to confirm or legalize any decision or ruling  
of the Interior Department, under which lands have been certified to any rail-  
road company, when such lands have been entered by pre-emption or home-  
stead settler, after the location of the line of the road, and prior to the notice  
to the local land office of the withdrawal of such lands from market.

Approved June 22, 1874.

## ACT OF APRIL 21, 1876.

AN ACT to confirm pre-emption and homestead entries of public lands within  
the limits of railroad grants in cases where such entries have been made  
under the regulations of the Land Department.

*Be it enacted by the Senate and House of Representatives of the United States  
of America in Congress assembled,* That all pre-emption and homestead entries,  
or entries in compliance with any law of the United States, of the public lands,  
made in good faith by actual settlers, upon tracts of land of not more than  
one hundred and sixty acres each, within the limits of any land-grant, prior

to the time when notice of the withdrawal of the lands embraced in such grant  
was received at the local land office of the district in which such lands are sit-  
uated, or after their restoration to market by order of the General Land Office,  
and where the pre-emption and homestead laws have been complied with, and  
proper proofs thereof have been made by the parties holding such tracts or  
parcels, they shall be confirmed, and patents for the same shall issue to the par-  
ties entitled thereto.

Sec. 2. That when at the time of such withdrawals as aforesaid valid pre-  
emption or homestead claims existed upon any lands within the limits of any such  
grants which afterward were abandoned, and, under the decisions and rulings  
of the Land Department, were re-entered by pre-emption or homestead claim-  
ants who have complied with the laws governing pre-emption or homestead  
entries, and shall make the proper proofs required under such laws, such entries  
shall be deemed valid, and patents shall issue therefor to the person entitled  
thereto.

Sec. 3. That all such pre-emption and homestead entries which may have been  
made by permission of the Land Department, or in pursuance of the rules and  
instructions thereof, within the limits of any land-grant at a time subsequent  
to expiration of such grant, shall be deemed valid, and a compliance with the  
laws and the making of the proof required shall entitle the holder of such claim  
to a patent therefor.

Approved April 21, 1876.

## ACT OF JUNE 15, 1878.

AN ACT to restore certain lands in Iowa to settlement under the homestead  
law, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States  
of America in Congress assembled,* That the Secretary of the Interior be, and  
he is hereby, directed to restore to settlement under the pre-emption and home-  
stead law, by published notice, all vacant unappropriated lands heretofore with-  
drawn from the Mississippi and Missouri Railroad, in the State of Iowa, sit-  
uated more than twenty miles from the amended line of route as located under  
the act approved June second, eighteen hundred and sixty-four, entitled "An  
Act to amend an act making a grant of land to the State of Iowa in alternate  
sections to aid in the construction of certain railroads in said State," approved  
May fifteenth, eighteen hundred and fifty-six; *Provided,* That all actual settlers  
now residing on said lands shall be permitted to enter not exceeding one hun-  
dred and sixty acres for each head of a family or single man over twenty-one  
years of age, embracing improvements, in preference to any other person, on  
making proof of such settlement in accordance with rules to be prescribed by  
the Secretary of the Interior; *And provided further,* That all actual settlers now  
residing upon the lands hereinbefore mentioned shall be permitted to make the  
final proof now required by law, and receive their patents at the expiration  
of five years from the date of their actual settlement.

Sec. 2. That this act shall not include any lands embraced in the confirma-  
tory act approved January thirty-first, eighteen hundred and seventy-three, en-  
titled "An act to quiet title to certain lands in the State of Iowa."

Approved June 15, 1878.

## ACT OF MARCH 3, 1879.

AN ACT to grant additional rights to homestead settlers on public lands within  
railroad limits.

*Be it enacted by the Senate and the House of Representatives of the United  
States of America in Congress assembled,* That from and after the passage of  
this act, the even sections within the limits of any grant of public lands to any  
railroad company, or to any military road company, or to any State in aid of  
any railroad or military road, shall be open to settlers under the homestead

laws to the extent of one hundred and sixty acres to each settler, and any person who has, under existing laws, taken a homestead on any even section, within the limits of any railroad or military road land-grant, and who, by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted to do so without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Approved March 3, 1879.

#### ACT OF JANUARY 13, 1881.

AN ACT for the Relief of Certain Settlers on Restored Railroad Lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That all persons who shall have settled and made valuable and permanent improvements upon any odd numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead or timber-culture acts of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal sub-divisions, at the price of two dollars and fifty cents per acre, and to receive patents therefor.

Approved January 13, 1881.

#### ACT OF JULY 10, 1886.

AN ACT to provide for taxation of railroad-grant lands, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That this act shall apply only to lands situated opposite to and co-terminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney-General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 1 hereof, the Secretary of the Interior shall out of such collection reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the cost of such surveying, selecting, and conveying.

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

SEC. 4. That section twenty-one of chapter two hundred and sixteen, approved July second, eighteen hundred and sixty-four, is hereby so amended as that the costs of surveying, selecting and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section two of this act, and nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment or repeal.

Approved July 19, 1886.

#### ACT OF MARCH 3, 1887.

AN ACT to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That the Secretary of the Interior be, and is hereby authorized and directed to immediately adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

SEC. 2. That it shall appear, upon the completion of such adjustments respectfully, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to and for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior, to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

SEC. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any *bona fide* settler has been erroneously canceled on account of any railroad grant and the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public land laws: *Provided*, That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be

disposed of under the public land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon.

SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intentions to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney General shall cause suit or suits to be brought against such company for said amount. *Provided*, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase-money therefor from the grantee company, less the amount paid to the United States by such company as by this act required: *And Provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land-grant for conditions broken, or as authorizing an entry for the same or as a waiver of any rights that the United States may have on account of any breach of said conditions.

SEC. 5. That where any said company shall have sold to citizens of the United States or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being co-terminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupations have not since been voluntarily abandoned, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the first day of December, eighteen hundred and eighty-two, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

SEC. 6. That where such lands have been sold and conveyed, as the property of any railroad company, for the State and county taxes thereon, and the grant to such company has been thereafter forfeited, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue. *Provided*, That said lands were not, previous to or at the time of the taking effect of this grant, in the possession of or subject to the right of any actual settler.

SEC. 7. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State, corporation or individual would be rightfully entitled.

Approved March 3, 1887.

## ACT OF SEPTEMBER 23, 1880.

AN ACT to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and co-terminous with the portion of any such railroad not now completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or station grounds of any railroad company heretofore granted.

SEC. 1. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January first, eighteen hundred and eighty-eight, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of one dollar and twenty-five cents per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the first day of January, eighteen hundred and ninety, under deed, written contract, or license as aforesaid, or his assignees, has made partial or full payments to said railroad company, prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of one dollar and twenty-five cents per acre, if so much has been paid, and not more, credited to him on account of and as a part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: *Provided*, That in all cases where parties, persons or corporations, with the permission of such State or corporation, or its assignees, are in possession and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other moveable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person has in good faith made or asserted the right to make a pre-emption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers

by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March third, eighteen hundred and eighty-seven, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Sec. 4. That section five of an act 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 seventeenth, eighteen hundred and sixty-four, and section seven of an act entitled "An act extending the time for the completion of certain land grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March third, eighteen hundred and sixty-five, and also section five of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State," approved July fourth, eighteen hundred and sixty-six, so far as said sections are applicable to the lands embraced within the indemnity limits of said grants, be and the same are hereby repealed; and so much of the provisions of section four of an act approved June second, eighteen hundred and sixty-four, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State,'" approved May fifteenth, eighteen hundred and fifty-six, be, and the same are hereby repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or six miles granted limits of the roads mentioned in said act of June second, eighteen hundred and sixty-four, or the act of which the same is amendatory.

Sec. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison Line," being a line drawn from Wallula, Washington, easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section twenty-seven, in township seven north, of range thirty-seven east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July first, eighteen hundred and eighty-five, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of two dollars and fifty cents per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity; *Provided*, That the rights of way and riparian rights heretofore attempted to be conveyed to the City of Portland in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August eighth, eighteen hundred and eighty-six, and which are described as follows: A strip of land fifty feet in width, being twenty-five feet on each side of the center line of a water pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the legislative assembly of the State of Oregon approved November twenty-fifth, eighteen hundred and eighty-five, providing for the means to supply the City of Portland with an abundance of good, pure, wholesome water over and across the following described tracts of land: Sections nineteen and thirty-one in township one south, of range six east; sections twenty-five, thirty-one, thirty-three, and thirty-five, in township one south, of range five east; sections three and five in township two south, of range five east; section one in township two south, of range four east; sections twenty-three, twenty-five, and thirty-five in township one south, of range four east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby confirmed unto the

City of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the herein-before-described strip of land, over and across the above described sections for the purpose of constructing, maintaining, and repairing a water pipe line aforesaid.

Sec. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation or person to lands which are excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared, to the benefit of the completed line.

Sec. 7. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, or upon which there were bona fide pre-emption or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed and persons claiming the right to enter as aforesaid may perfect their entry under the law. And on condition that the Gulf and Ship Island Railroad Company within ninety days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all of said company's interest, right, title, and claim in and to all such lands as have been sold, asserted, or claimed as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in anywise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroads may cross the New Orleans and Northeastern Railroad in said State, until one year after the passage of this act. And there may be selected and certified to or in behalf of said company lands in lieu of those hereinbefore required to be surrendered to be taken within the indemnity limits of the original grant nearest to and opposite such part of the line as may be constructed at the date of selection.

Sec. 8. That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of eighty-four miles. And the Secretary of the Interior in making settlement and certifying to or for the benefit of the said company the lands earned thereby shall include therein all the lands sold, conveyed or otherwise disposed of by said company not to exceed the total amount earned by said company as aforesaid. And the title of the purchasers to all such lands are hereby confirmed so far as the United States are concerned.

But such settlement and certification shall not include any lands upon which there were bona fide pre-emptors or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad company is on condition that it shall within ninety days from the passage of this act, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands within the limits of its grant, as have heretofore been sold by the officers of the United States for cash, where the government still retains the purchase money, or with the allowance or approval of such officers have been entered in good faith under the pre-emption

or homestead laws, or as are claimed under the homestead or pre-emption laws as aforesaid, and the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed, and all such claims under the pre-emption or homestead laws may be perfected as provided by law. Said company to have the right to select other lands, as near as practicable to constructed road, and within indemnity limits in lieu of the lands so relinquished. And the title of the United States is hereby relinquished in favor of all persons holding under any sales of the local land officers, of the lands in the granted limits of the Alabama and Florida Railroad grant, where the United States still retains the purchase money but without liability on the part of the United States. Approved September 29, 1890.

ACT OF FEBRUARY 18, 1891.

AN ACT to amend an act entitled an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes" approved September twenty-ninth, eighteen hundred and ninety, be, and the same is hereby amended so that the period within which settlers, purchasers, and others under the provisions of said act may make application to purchase lands forfeited thereby or to make or move to perfect any homestead entries which are preserved or authorized under said act when such period begins to run from the passage of the act shall begin to run from the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices, for their direction in the disposition of said lands: *Provided,* That nothing herein shall extend any time or enlarge any rights given by said act to any railroad company. Approved February 18, 1891.

ACT OF FEBRUARY 24, 1891.

AN ACT for the relief of settlers upon certain lands in the State of Iowa.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That all actual settlers upon the lands heretofore relinquished by the State of Iowa to the United States because theretofore erroneously conveyed to said State on account of the grant for the Sioux City and St. Paul Railroad, and restored to the public domain and opened to settlement and entry under the decision and order of the Secretary of the Interior, dated July twenty-sixth, eighteen hundred and eighty-seven, shall, if found entitled to enter the same, be allowed, when making final proof, for the time they have already actually resided upon and cultivated the same. Approved February, 24, 1891.

ACTS OF THE GENERAL ASSEMBLY OF IOWA  
RELATIVE TO RAILROAD GRANTS

CHAPTER 1.

ACTS OF THE FIFTH GENERAL ASSEMBLY—EXTRA SESSION.

AN ACT to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of Railroads in said State, approved May 15, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands, rights, powers and privileges granted to, and conferred upon, the State of Iowa, by the act of Congress entitled "An Act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of railroads in said State, approved May 15, 1856," be and the same are hereby accepted upon the terms, conditions and restrictions, contained in said act of Congress.

SEC. 2. That so much of the lands, interest, rights, powers, and privileges as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a railroad from Burlington, on the Mississippi river, to a point on Missouri near the mouth of Platte River, are hereby disposed of, granted and conferred upon, the Burlington and Missouri River Railroad Company, a body corporate, created and existing under the laws of the State of Iowa.

SEC. 3. That so much of the lands, interest, rights, powers, and privileges as are or may be granted or conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a railroad from Davenport via Iowa City and Ft. Des Moines to Council Bluffs, are hereby disposed of, granted and conferred to and upon the Mississippi and Missouri Railroad Company, a body corporate, created and existing under the laws of the State of Iowa.

SEC. 4. That so much of the lands, interest, rights, powers and privileges as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a railroad from Lyons City northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad near Maquoketa, thence on said main line, running as near as practicable to the forty-second parallel, across the said State to the Missouri River, are hereby disposed of, granted and conferred to and upon the Iowa Central Air Line Railroad Company, a body corporate, created and existing under the laws of the State of Iowa.

SEC. 5. That so much of the lands, interest, rights, powers and privileges as are or maybe granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a railroad from the city of Dubuque to a point on the Missouri River at or near Slouss City, with a branch from the mouth of the Tete Des Mortis to the nearest point on said road, to be completed as soon as the main line is completed to that point, are hereby disposed of, granted and conferred to and upon the Dubuque and Pacific Railroad Company, a body corporate, created and existing under the laws of the State of Iowa.

SEC. 6. The lines and routes of the several roads above described shall be definitely fixed and located on or before the first day of April next, after the passage of this act, and maps or plots, showing such lines or routes, shall be filed in the office of the Governor of the State of Iowa, and also in the office of the Secretary of State of the State of Iowa. It shall be the duty of the Governor, after affixing his official signature, to file such map in the Department hav-



ing the control of the public land in Washington; such location being considered final only so far as to fix the limit and boundary within which lands may be selected; and if it shall appear that the lands that have been donated by the act of Congress aforesaid, for the construction of the several lines above indicated, cannot be obtained by said companies within the limits and along any part of the line aforesaid, the Governor shall from time to time appoint agents to make such selections as may be authorized or granted by Congress for the lines aforesaid; but the compensation of such agents and the costs, expenses and charges attendant upon and occasioned by making such selections, shall be fixed, regulated, paid, and borne by each of said Railroad Companies respectively, upon and for its own line.

Sec. 7. The Iowa Central Air Line Railroad Company shall furnish, equip and operate the branch of their Railroad that will be constructed under this grant from Lyons City to the point of intersection with the main line of their road near Maquoketa, in the same manner with their main line from the west, and as completely as though the same was a continuation of said main line, and shall never give any preference to the main line of said road, or any part thereof, as defined in their articles of incorporation, by business arrangements, tariff of prices, or otherwise, over the said branch of their Railroad.

Sec. 8. The grants aforesaid are made to each of said companies respectively, upon the express condition, that in case either of such Railroad Companies shall fail to have completed and equipped seventy-five miles of its road within three years from the first day of December next, thirty miles in addition in each year thereafter, for five years, and the remainder of their whole line of road in one year thereafter, or on the first of December, A. D. 1865, then and in that case it shall be competent for the State of Iowa to resume all rights conferred by this act upon the company so failing and to resume all rights to the lands hereby granted and remaining undisposed of by the company so failing to have the length of the road completed in manner and time as aforesaid.

Sec. 9. The roads aforesaid shall be constructed upon a gauge with a width of four feet, eight and one-half inches, and the iron used in the track shall be of approved quality and pattern, and the said roads shall be completed and finished in a style and of a quality equal to the average of other first class western roads, and when the roads, or any of them, authorized to be constructed by this act, shall be intersected by the roads of any other Railroad Company now constructed, or hereafter to be constructed, it shall be the duty of such road or roads, receiving the benefit of this act, to furnish all proper and reasonable facilities and to join such other company in making all necessary crossings, turnouts, sidelings and switches, and other conveniences necessary for the transportation of all freight and passengers over either or any road or roads hereby mutually accommodated, whether said passengers or freight are brought by the roads benefited by this act, or any other road or roads now constructed, or which may hereafter be constructed, and at such rates as shall not in any case exceed the regular tariff or charges on such road or roads.

Sec. 10. All persons, who at the time said grant was made, held valid claims by actual occupation and improvement upon any of the lands embraced in said grant, shall be protected in the same, and entitled to purchase and enter the same upon the terms and conditions hereinafter provided.

Sec. 11. Any person, wishing to avail himself of the provisions of this act, shall within three months of the passage thereof, file his application for that purpose with the Judge of the county where such lands may be situated, and shall prove to the satisfaction of said Judge that his claim is valid, and that the same existed at the time said grant was made; and upon such proof being made, such Judge shall give to the applicant a certificate of the fact, and such certificate shall entitle the holder or his *bona fide assignee* to enter such land at the rate of two dollars and fifty cents per acre: *Provided*, That no person claimant, or the assignee of a claim, shall be entitled to more than one hundred and sixty acres of land under this act; *And provided further*, that the person asserting a claim, whether as claimant or assignee, shall file his affidavit that he has not either directly or indirectly received the benefits of the

provisions of this act. Before any rights shall be acquired under such certificate, a copy of the same together with the evidence shall be served on the secretary of the company interested, and such company shall have the right to appeal from the decisions of such Judge to the District Court. In the same time within ninety days after the service of such papers, and the same shall be tried as other appeal cases, and an appeal may be taken to the Supreme Court by either party, in the same manner as appeals in other cases.

Sec. 12. Such certificate on being filed with the secretary of the company upon whose line of road such lands may be situated, when no appeal has been taken as herein provided, shall entitle the holder or his assignee to the possession of said land, until the title shall become vested in the company; upon payment thereafter to the Treasurer of the company for said land at the price above designated, such person shall receive from the Secretary of the Company a patent to such land, not exceeding in quantity one hundred and sixty acres. Such deed or patent shall vest in the purchaser all the title of said company in and to such lands, except so far as to reserve to the company all such right of way and station grounds as may be actually necessary for the

Sec. 13. The said companies shall each severally assent to and accept the provisions of this act, by a written instrument, under the seal of such corporation, with the signatures of the proper officers, within ninety days after the passage of this act, which said acceptance shall be filed in the office of the Secretary of State, and be by the Secretary recorded in the book by him kept for the recording of articles of association.

Sec. 14. Said Railroad Companies, accepting the provisions of this act, shall at all times be subject to such rules and regulations as may from time to time be enacted and provided for by the General Assembly of Iowa, not inconsistent with the provisions of this act, and the act of Congress making the grant.

Sec. 15. It shall be the duty of the companies receiving the benefits of this act, to make a regular annual report of their proceedings at the usual time and place of electing their officers, exhibiting a detailed statement, as far as practicable, of the amount of their expenditures, liabilities, &c. a copy of which shall be filed in the office of the Secretary of State.

Sec. 16. *Be it further enacted*, That any of said companies accepting the grants of lands under this act, shall take the same with the conditions imposed and incumbrances specified in this act, and shall in no event have any claim or recourse whatever upon the State of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter, and Iowa City Republican.

Approved July 14, 1856.

## CHAPTER 129.

### ACTS OF THE SIXTH GENERAL ASSEMBLY.

AN ACT authorizing the McGregor, St. Peters and Missouri River Railroad Company to accept and appropriate a grant of land.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the McGregor, St. Peters and Missouri Railroad Company is hereby authorized and empowered in the name and behalf of the State of Iowa, to accept any grant of land which may be made to said State by the present or any subsequent Congress for the purpose of aiding in the construction of a railroad from McGregor's landing westerly through said State.

Sec. 2. The acceptance of said grant shall be signified by said company filing duplicate certificates to that effect under the seal of said corporation, signed by the president and secretary thereof; one in the office of the Sec-

retary of State of the State of Iowa, the other in the office of the Secretary of the Interior, at Washington, which shall be held and regarded as an acceptance by the State, which shall bind said company to the performance of the conditions of such grant.

SEC. 3. All the rights, title and interest in the lands so granted to the State of Iowa for the purpose aforesaid are hereby granted and conferred upon the said company to its full and complete extent as the same may exist in the State, subject to all the qualifications and restrictions contained in such grant, and it shall be the duty of the Governor of the State, whenever called upon, to execute to the company the proper patents and acquittances therefor.

SEC. 4. The Governor is hereby authorized and required to appoint such agent or agents as may be required, to select or locate any of the lands so granted, which said agent or agents shall each receive three dollars per day for the time actually employed in making such selections, to be paid by said company.

SEC. 5. The line and route of said road shall be definitely fixed and located within one year after the approval of such grant, and maps and plats showing such line and route shall be filed in the office of the Governor, and also in the office of the Secretary of State of the State of Iowa. It shall be the duty of the Governor, after fixing his official signature thereto, with the seal of the State, to cause the same to be filed in the office of the Secretary of the Interior at Washington.

SEC. 6. All that part of sections 9, 10, 11, 12, 14, 15 and 16, of an act entitled an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled an act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of railroads in said State, approved May 15, 1856, which act was approved July 14, 1856, as may be applicable to the terms and conditions of said grant; are hereby declared to be in force, and binding on said company.

SEC. 7. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican, without exception to the State.

Approved January 27, 1857.

#### CHAPTER 182.

##### ACTS OF THE SIXTH GENERAL ASSEMBLY.

AN ACT supplement to an act entitled an act to accept the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress, entitled an act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of railroads in said State, approved May 15, 1856, which said act of the Legislature of Iowa was approved July 14, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the said companies may make such disposition of the lands granted by the act to which this is a supplement, by mortgage or deed of trust, as may be deemed proper for the purpose of securing any amount of construction bonds necessary for the completion of such roads; which may bear such rate of interest not to exceed ten per cent per annum, and may sell the same for the best price that can be procured. Said companies, nor either of them, shall ever be allowed to plead that such bonds are usurious or invalid: *Provided,* That the monies realized from the sale of the bonds aforesaid shall be applied exclusively to the construction and equipment of said roads.

SEC. 2. Any mortgage or deed of trust made upon the lands, roads, or the property of either, shall bind and be a valid lien upon all the property mentioned in such deed or mortgage including rolling stock; and the purchasers

under a trustees sale or foreclosure of mortgage, shall have and enjoy all the rights of a purchaser on execution sale. *Provided further,* That nothing contained in this act shall be so construed as in any manner to interfere with, change or modify the rights of this state or of the United States to any lands granted by Congress to this state and by this state to certain railroad companies therein, as security for the completion of said roads, or to transfer any right in said lands otherwise than as subject to all the conditions imposed by the grant made by the United States to this State, and by the grant by this State to said companies or by either of said grants; *and, provided further,* that the faith of the State is in no way pledged for the payment of said bonds.

SEC. 3. Any mortgage or trust deed made as before mentioned shall be recorded in the office of the recorder of each county through which said road runs or wherein it owns or holds lands, and shall be notice to all the world of the rights of all parties under the same.

SEC. 4. This act to take effect from after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

#### CHAPTER 17.

##### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT extending the time for completion of 75 miles of road by the Dubuque and Pacific Railroad Company.

WHEREAS, It has been represented that the Dubuque and Pacific Railroad Company did not complete seventy-five continuous miles of said road by the first day of December last, as required by the 8th section of the act approved fourteenth July, A. D. 1856, commonly called the Land Grant Act, but have since completed the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said subsequent completion of said seventy-five miles shall be deemed a substantial compliance with the provisions of said section by said Company.

SEC. 2. This act to take effect from and after its publication in the Iowa State Register and the Dubuque Herald, at the expense of said Company.

Approved March 7th, 1860.

#### CHAPTER 25.

##### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT to resume all rights conferred upon the Iowa Central Air Line Railroad Company by an act approved July 14, 1857, (1856) and to repeal certain laws in relation thereto.

WHEREAS, By the act of Congress approved May 15, 1856, there were granted to the State of Iowa certain lands to aid in the construction of certain railroads in said State, upon certain terms, conditions, and restrictions under which said lands might be disposed of; and whereas, the General Assembly of the State of Iowa, by an act approved July 14, 1856, accepted said grant of lands upon the terms, conditions and restrictions contained in said act of Congress, and contracted with Iowa Central Air Line Railroad Company for the sale upon certain terms of that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from Lyons City north-westerly to a point of intersection with the main line of the Iowa Central Air Line Railroad near Maquoketa, thence on said main line running as near as practicable to the forty-second parallel across the said State to the Missouri River, in consideration of the undertaking on the part of said Company, and subject

to the conditions and restrictions contained in said act and the act of Congress aforesaid; and whereas, the said Iowa Central Air Line Railroad Company has wholly failed to perform their part of the conditions of said acts, and has utterly failed to construct any part of said railroad as required by law, and by the terms of their contract, and has failed to complete and equip any portion of said road, thereby, at the option of said State, annulling all their rights to the lands and privileges, under and by virtue of said acts by reason whereof the State of Iowa has the right to resume all said rights and privileges, and all the rights in relation to said lands so as aforesaid conferred upon said company by said State; and whereas, no part of said lands have been actually conveyed by this State to said Company, nor by said Company disposed of pursuant to the provisions of said acts, and inasmuch as the interest of the State in said lands and the construction of the road to aid which said lands were granted by Congress, as also the good faith of the State in executing the trust confided to it by Congress, require that the State should resume said rights and privileges and all rights to the lands aforesaid; now therefore:

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That all rights to the lands, interests, rights, powers, and privileges heretofore conferred or intended to be upon the Iowa Central Air Line Railroad Company, by an act approved July 14, 1856, entitled "An Act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled 'An Act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State.'" approved May 15, 1856, be and the same are hereby absolutely and entirely resumed by the State.

SEC. 2. The fourth section of said act approved July 14, 1856, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal, published at the City of Des Moines.

Approved March 17, 1860.

#### CHAPTER 36.

##### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT entitled an act declaratory of the meaning of an act entitled an act for extending the time of completion of seventy-five miles of road by the Dubuque and Pacific Railroad Company, approved 7th of March, 1860. WHEREAS, The first section of the act above recited reads as follows:

*Be it enacted by the General Assembly by the State of Iowa,* That said subsequent completion of said seventy-five miles shall be deemed a substantial compliance with the provisions of said section by said Company.

SEC. 1. Now, therefore, *Be it enacted by the General Assembly of the State of Iowa,* That said first section shall be considered, and is hereby declared to mean, that said completion of said seventy-five miles by said Company shall be deemed to be a substantial compliance by said company with that portion of said eighth section which required seventy-five miles of said road to have been finished by the first day of December last.

SEC. 2. That this law shall be in force from and after its publication in the Iowa State Register and Dubuque Herald, at the expense of said railroad Company.

Approved March 26, 1860.

#### CHAPTER 37.

##### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT to carry into execution the trust conferred upon the State of Iowa, in respect to the lands granted by an act of Congress, approved May 15, 1856, to aid in the construction of a railroad from Lyons City, across the State of Iowa, and near the forty-second parallel to the Missouri River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the lands, interests, rights, powers and privileges as have been or may be granted and conferred in pursuance of the act of Congress, entitled "An Act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of Railroads in said State," approved May 15, 1856, to aid in the construction of a railroad from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line running as near as practicable to the forty-second parallel across the State of Iowa to the Missouri River, are hereby disposed of, granted and conferred to and upon the Cedar Rapids and Missouri River Railroad Company, a body corporate, created and existing under the laws of the State of Iowa; *Provided, however,* That no portion of the grants of land provided for in this act shall be applied to the liquidation of any debt or obligation heretofore made or contracted by the said Cedar Rapids and Missouri River Railroad Company, or the Chicago, Iowa and Nebraska Railroad Company; *Provided, further,* That it is hereby declared to be the true intent and meaning of this act, that the State of Iowa according to the conditions herein specified, conveys and grants to the Cedar Rapids and Missouri River Railroad Company, her right, title to and interest in the aforesaid lands, and nothing more; and in no event shall said Company have any claim or recourse against the State for any defect in the title or conveyance of said lands.

SEC. 2. The grant by this act conferred upon said Company is made upon the express condition that in case said Company shall fail to have completed and equipped forty miles of its road along the route aforesaid and west from some convenient point on the Cedar River, near the forty-second parallel, within one year from the first day of December next, after the passage of this act, thirty miles in addition, each year thereafter, for two years, and the remainder of their whole line of road in two years thereafter, or by the first day of December, 1865, then and in that case is shall be competent for the State of Iowa to resume all rights conferred by this act upon said Company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of to the Company so failing to have the length of the road completed in manner and time as aforesaid.

SEC. 3. The provisions of the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the first chapter of the laws of Iowa, passed at the extra session of the Fifth General Assembly, and approved July 14, 1856, so far as the same are applicable to this Company under the provisions of this act, and the one hundred and eighty-second chapter of the laws of this State, enacted by the Sixth General Assembly, and approved January 28, 1857; and the eighty-fifth chapter of the laws of this State enacted by the Seventh General Assembly, and approved March 29, 1858, so far as said enactments are not inconsistent with the provisions of this act, be and the same are hereby made applicable to this Company, receiving the benefits of the grant hereby conferred; and it is further provided, the said Railroad shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; and if the said Company shall accept this grant upon the condition aforesaid, which acceptance shall appear by an express writing, under the seal of said corporation, with the signatures of its President and Secretary, and shall be filed in the office of the Secretary of the State of Iowa, within ninety days after the approval of this act by the Governor, it shall take

the same with the conditions imposed, and incumbrances specified in this act; and shall in no event have any claim or recourse whatever upon the State of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.

Sec. 4. It is hereby further provided, that said Cedar Rapids and Missouri River Railroad Company shall be entitled to the full amount of land authorized by said act of Congress, as the work progresses, for the first three sections of road of twenty miles each which shall be constructed by said Company; but thereafter as the work progresses, they shall be entitled to an equal *pro rata* apportionment of the lands remaining subject to appropriation in aid of this work, to be ascertained by a division of the quantity of lands so remaining by the number of whole sections of twenty miles each, extending from the point of construction then reached to the Missouri River.

Sec. 5. It is further expressly provided, that this act shall not be so construed as to give title to any portion of said lands to the Company, accepting the provisions hereof, otherwise than as the work progresses and as provided in the act of Congress aforesaid, conferring the lands upon the State of Iowa, namely: When they shall have completed each section of twenty miles of road aforesaid that they shall be entitled to the amount of land apportioned thereto, and not before; and they shall not become entitled to the first one hundred and twenty sections authorized by act of Congress, until such first section of their road shall have been completed, at which time they shall become entitled to the first apportionment of land. Nor shall this act be so construed as in any manner to prevent the General Assembly of this State from resuming, upon failure of either of the conditions named in the second section of this act, all lands to which the said Company shall not have become entitled by completion of one or more sections as aforesaid of the said road.

Sec. 6. And it is further expressly provided that said Company shall build, or cause to be built, before the first day of January, 1861, a Railroad of like gauge and equal in quality to the Chicago, Iowa and Nebraska Railroad, from Pearl street, in Lyons City, to a point of intersection with the said Chicago, Iowa and Nebraska Railroad within the corporate limits of Clinton City, with such switches and side tracks as the business of said town of Lyons may require; and to operate or cause to be operated the same by running passenger and freight cars, of the same class with those used by the Chicago, Iowa and Nebraska Railroad, in close connection forever with all regular trains at any time run on said Chicago, Iowa and Nebraska Railroad, without occasioning any unnecessary delay to freight or passengers at said point of intersection; and the charge per mile for transportation of freight or passengers shall never exceed the regular charges for like service on the Chicago, Iowa and Nebraska Railroad; the intent and meaning of this section being to secure to the citizens of Lyons the same privileges and benefits of a Railroad connection that are enjoyed by any other place on said Chicago, Iowa and Nebraska Railroad; and it is hereby expressly provided that no lands shall be certified by the Governor to said Cedar Rapids and Missouri River Railroad Company until they have complied with all the requirements of this section.

Sec. 7. Said Company shall not commence to build or construct said road at any point further west from the Mississippi River than the town of Marlon, in Linn county, Iowa, and the Governor of the State shall not certify any of the lands herein transferred to said company, until that portion of the road between said town of Marlon and the City of Cedar Rapids, together with so much more of said road as to make in the aggregate at least twenty miles shall be completed, equipped and operated by said Company or its successors.

Sec. 8. And be it further enacted, that it shall be deemed a felony for the President and Directors or Managers of the said Railroad Company accepting the grant of land to be conveyed by this act, to wilfully misapply any of the land herein granted, to any other purpose than the carrying into effect the true meaning and intent of this act, and the President, Directors or Managers of said Railroad Company who may be guilty of any such wilful misapplication of the lands herein granted, shall be liable to a fine of not less than

five thousand dollars, or imprisonment in the county jail not less than twelve months and not more than three years, or both such fine and imprisonment, at the discretion of the court before whom any case may be tried.

Sec. 9. It is further expressly provided, that if said Cedar Rapids and Missouri River Railroad Company shall fail or refuse to accept of this grant upon the conditions hereby imposed, and in time and manner, as aforesaid, the Census Board of this State is hereby authorized, by proper writing with the seal of the State affixed thereto, to confer the same upon such party or company as shall in their judgment, be competent to carry out the enterprise hereinbefore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of Secretary of this State, subject to all the preceding sections of this act, and the same shall in that case be applicable to such grantee, subject to all the foregoing terms and conditions of this act, as fully as if named and originated herein.

Sec. 10. This act shall take effect and be in force from and after its publication in the Iowa State Register and in the Iowa State Journal.

Approved March 26th, 1860.

(Chapter 85 of the acts of the Seventh General Assembly mentioned in the above act does not relate to the Railroad Grants. It authorized railroad companies to borrow money on their property and execute bonds, etc.)

#### CHAPTER 153.

##### ACTS OF THE NINTH GENERAL ASSEMBLY.

AN ACT to require the Dubuque and Sioux City Railroad Company to release certain Swamp, School and River Lands, on the line of said Road, and providing for the compensation therefor by an extension of the time of building said Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That from and after the taking effect of this Act, the Governor of the State of Iowa shall not certify to the Secretary of the Interior that any part of the road is completed on the line of the Dubuque and Sioux City Railroad, as now provided for by section four (4) of the Act of Congress making said grant, approved May 15th, A. D. 1856; nor shall said road be entitled to receive any certificate for lands on said line of road until said company shall have executed a deed of release of all the swamp and overflowed lands now approved or that may be hereafter approved by the Surveyor General, in any county within the fifteen mile limits of said road, to the county in which such swamp and overflowed lands may be situated, including all such swamp or overflowed lands as were returned and certified to the General Land Office, and ratified to the State by Act of Congress of March 3d, 1857, nor until said Dubuque and Sioux City Railroad Company shall transfer their interests in those tracts of land in Webster and Hamilton counties, heretofore sold by John Tulman, School Fund Commissioner of Webster county, within the fifteen mile limits of the grant of said road (whether the same are held by patents from the State, or contracts made with said Commissioner), to the Register of the State Land Office, in trust, to enable said Register to carry out and perform said contracts in all cases where he is called upon by the parties in interest to do so, before the first day of January, A. D. 1864, (after which date he is authorized and required to reconvey those tracts aforesaid not demanded or claimed as aforesaid at that time to said Railroad Company,) nor until the said Dubuque and Sioux City Railroad Company shall execute deeds of release to the State of Iowa of all lands sold by the State prior to the 7th day of May, A. D. 1854, of the odd sections above the Racoon Fork of the Des Moines River within five miles of said river, and of such other of said lands as have been sold since that date and prior to the first day of January, A. D. 1863, and now improved and occupied by actual settlers residing thereon, who have purchased the same in good faith, not exceeding, however, one hundred and sixty acres to any one land settler.

SEC. 2. The deeds of release herein provided for shall be executed and acknowledged by said Company, in the same manner as any other deed for the conveyance of real estate, but it shall not be necessary to describe the separate parcels of said lands, and a general release of each kind of land herein described, viz: as "swamp lands," &c., to the State, shall be a valid and legal release of each separate parcel of said lands to the county in which any part thereof may be, and of the Des Moines River Lands and School Lands aforesaid, to the present claimants of title by sale through the State or said School Fund Commissioner, as the case may be.

SEC. 3. The said deeds of release shall be filed and recorded in the office of the State Register of the State Land Office, and either the record or the certificate of said Register shall be sufficient evidence of the compliance of said Companies with the provisions of this Act.

SEC. 4. In consideration of the foregoing relinquishment by said road, the time of completion of any part of said road not now completed, shall be extended one year beyond the time of the taking effect of this Act; *Provided*, That the entire road shall be completed by the time provided for by said Act of Congress.

SEC. 5. All Acts and parts of Acts in any manner conflicting with the provisions of this Act, are hereby repealed.

SEC. 6 This act shall take effect and be in force from and after its publication according to law.

Approved April 7, 1862.

#### CHAPTER 121.

#### ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

AN ACT to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Grant.

WHEREAS, By act of Congress, approved, August 8, 1846, there was granted to the State of Iowa, certain lands for the improvement of the Des Moines River, and under said grant lands lying along said river and within five miles thereof above the Raccoon Forks, were certified to the State by the Department of the Interior, and were sold by the proper State authorities to individuals, and patents issued therefor, and the proceeds of such sales applied to the improvement of the river; and

WHEREAS, The Supreme Court of the United States has decided that the Des Moines River grant of lands extended only to the "Raccoon Forks"; and

WHEREAS, Since said decision Congress has extended the Des Moines River grants to the Northern boundary of the State, and relinquished to the State, all title which the United States retained in the tracts of land along the Des Moines River, heretofore certified by the Department of the Interior as part of the original Des Moines River Grant, and which is now held by *bona fide* purchasers of the State of Iowa; and

WHEREAS, A large portion of the lands sold by the State to individuals and since falling within the limits of the grant known as that of the Mississippi and Missouri Railroad, has become forfeited to the State, by the failure of said road to comply with the conditions of its grant, and recognizing it as the duty of the State at all times to protect individuals holding its patent for lands purchased in good faith, and for a valuable consideration, in the quiet possession of their farms and houses; therefore,

SECTION 1. *Be it Enacted by the General Assembly of the State of Iowa*, That the lands and all rights to the hereinafter described lands and the interests, rights, powers and privileges in and to, and concerning such lands, lying within five miles of the Des Moines River on either side thereof heretofore conferred or intended to be conferred upon the Mississippi and Missouri Railroad Company, if any such lands, rights, interest, powers, or privileges, were

ever so conferred by an Act approved July 14th, 1856, entitled "An Act to accept of the Grant and carry into execution the trust conferred upon the State of Iowa by an Act of Congress entitled an Act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State," and by an Act of Congress approved May 13th, 1856 entitled "An act Making a Grant of Lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," and by an Act of Congress approved June 2d, 1864, entitled "An Act to amend an act entitled an act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," be and the same are hereby absolutely and entirely resumed by the State of Iowa.

*Provided further*, That the resumption herein provided for shall not be considered as a waiver of the right of the State to resume the remaining lands conferred or intended to be conferred upon the Mississippi and Missouri Railroad Company.

	Parts of Sections			Acres
	Section	Town	Range	
s3 sec. n.w1, s2 ne1, n.w1 ne1	7	79	22	629.44
sw 1 ne1, n.w1 n.w1, sw1 n.w1, se1	17	79	23	320.00
sw1 n.w1, w1 sw1	31	80	23	143.24
lot 6	9	78	24	43.72
s3 sec. and fractional left bank	17	78	24	320.47
all	19	78	24	653.12
n.w1 n.w1	31	78	24	16.62
n.w1 ne1, e1 sw1, n.w1 n.w1	20	78	24	106.06
n1 sw1, ne1 sw1	29	78	24	120.00
ne1, e1 n.w1, n1 se1	31	78	24	225.00
e1 n1 n.w1, s1 sw1	1	79	24	508.62
sw1 n.w1	8	79	24	49.00
n.w1 sw1, lots 5 and 6	8	79	24	121.70
w1 ne1, sw1 ne1, e1 se1, and w1	7	79	24	523.42
wa ne1, w1 se1, w1 sw1	11	79	24	246.01
se1 sw1	13	79	24	46.00
e1, sw1 and e1 n.w1	13	79	24	500.00
all	15	79	24	640.00
w1 sw1, se1 sw1, lots 7, 8, 9	17	79	24	225.25
all	19	79	24	642.74
w1 sw1, sw1 n.w1	31	79	24	120.00
s1 sec. n.w1, s1 ne1, n.w1 ne1	23	79	24	600.00
s1 n.w1, w1 sw1	25	79	24	100.00
n1 ne1, n1 n.w1	29	79	24	100.00
n.w1	31	79	24	150.35
s1 sw1	7	80	24	21.01
sw1	9	80	24	100.00
n.w1 and se1	15	80	24	320.00
ne1 ne1	17	80	24	49.00
ne1 and w1	21	80	24	480.00
ne1 and w1	23	80	24	400.00
ne1 and w1	25	80	24	400.00
ne1 ne1, sw1 sw1, se1	27	80	24	240.00
e1 ne1, and sw1 ne1	29	80	24	120.00
sw1 and w1 ne1	31	80	24	240.00
all	31	80	24	527.43
e1 ne1	25	80	24	80.00
s1, n.w1, s1 ne1, and n.w1 ne1	7	78	25	643.85
e1, n.w1, and e1 sw1	8	78	25	617.12
e1 ne1, sw1 ne1, and se1 n.w1	11	78	25	100.00
ne1 se1	22	78	25	40.00
w1 ne1, se1 ne1, w1, se1	22	78	25	600.00
all	25	78	25	640.00
n1, n1 sw1, se1, sw1 se1	27	79	25	600.00
w1 ne1, w1 se1 and w1	27	79	25	480.00
s1 ne1	35	79	25	80.00
ne1, n1, se1 n.w1, e1 sw1, se1	9	80	25	252.81
ne1, w1, e1 se1	9	80	25	560.00
lots 1, 2, 3, 4, 7, 8	11	80	25	105.82
ne1, w1, e1 se1	12	80	25	180.18
n1, se1 sw1, and sw1 se1, and n1 se1	15	80	25	450.00
sw1 ne1, s1 n.w1, n1 sw1	17	80	25	300.00
se1 sw1, w1 se1	17	80	25	150.00

Parts of Sections	Section	Town.	Range	Range
e1 ne1, and e1 nw1, nw1 nw1	21	80	35	300.00
e1 e1 nw1, e1 sw1 sw1 sw1	22	80	35	320.00
n1, sw1, n1 se1, se1 se1	23	81	35	400.00
e1 ne1, nw1 ne1, w1 sw1, e1 se1	27	80	35	380.00
sw1 ne1 se1 nw1, n1 sw1, sw1 se1	29	80	35	300.00
nw1 e1 sw1, se1	31	80	35	400.00
e1 ne1, nw1, and e1 se1	33	80	35	320.00
n1 ne1, nw1 se1	11	80	36	120.00
w1 nw1	12	80	36	80.00
n1	21	81	36	320.00
n1, se1	23	81	36	480.00
Amounting in all to				19,734.48

Sec. 2. That in lieu of the land hereby confirmed to individual purchasers, the Register of the State Land Office shall set apart to, and for the Mississippi & Missouri Railroad Grant an equal number of acres from the Grant known as "Indemnity Lands," (reserved in Section 5 of Chapter 108 of the Acts of the 10th General Assembly) granted by acts of Congress approved July 12th, 1852, and accepted by the General Assembly by Joint Resolution, dated September 11th, 1862, *Provided*, That none of the indemnity lands set apart in this section shall be certified to the Mississippi and Missouri Railroad Company unless the Supreme Court of the United States shall decide that the lands, described in Section 1, of this Act, were included in the Grant of Lands made to the State of Iowa by Act of Congress approved May 15th, 1854; *Provided*, further that before any of the indemnity lands aforesaid shall be certified to the said Railroad Company all the incumbrances created or suffered by said Company upon the said lands hereby confirmed, or any part thereof shall be removed therefrom.

Sec. 3. That before any lands included in the Grant to the Mississippi and Missouri Railroad Company shall be certified to said Company or its assignees, and before the Governor of this State shall certify to the completion of any part of said Road, they shall file with the Register of the State Land Office a formal and legal release of all lands described in the first section of this act, and an acceptance in lieu thereof of the indemnity lands set apart by said Register.

Sec. 4. That should the rights and grants conferred upon the Mississippi and Missouri Railroad Company by act of the General Assembly approved July 14th, 1856, be at any time resumed by the State and granted to another company, then all the provisions of this act shall be held to apply to the company upon which such rights and grants are conferred.

Approved April 2d, 1866.

(Chapter 108, of the Tenth General Assembly, and Joint Resolution approved September 11, 1862, mentioned in the above act, will be found under head of the Des Moines Valley Railroad Company.)

## CHAPTER 134.

### ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

AN ACT to accept of the Grant and carry into execution the Trust conferred upon the State of Iowa, by an 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."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* That the lands, rights, powers and privileges conferred upon 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, 1854, be and the same are hereby accepted upon the terms, conditions, and restrictions contained in said Act of Congress.

Sec. 2. That so much of the lands, interests, rights, powers, and privileges as are or may be granted and conferred in pursuance of the Act of Congress aforesaid, for the purpose of aiding in the construction of a railroad from Sioux City, in the said State of Iowa, to the south line of the State of Minnesota, at such point as the said State of Iowa may select between the Big Sioux and the west fork of the Des Moines River be, and are hereby disposed of, granted and conferred upon the Sioux City and St. Paul Railroad Company, a body corporate existing under and by virtue of the laws of the State of Iowa.

Sec. 3. That said Company shall locate and definitely fix the line and route of said road as soon as practicable after the passage of this Act, and shall file a map showing such line or route in the office of the Governor of the State of Iowa, and also in the office of the Secretary of State of the State of Iowa; and it shall be the duty of the said Governor after affixing his official signature thereto, to file, or cause to be filed such map in the office of the Secretary of the Interior. But the location of such line or route, however, shall be considered final only so far as to fix the limit and boundary within which lands may be selected under, and by virtue of said Act of Congress.

Sec. 4. That said road shall be constructed upon the usual gauge of other first class roads in this State, and the iron used in the tracks shall be of approved quality and pattern; and the said road shall be constructed and finished in a style and of a quality equal to the average of other first class western roads; and when the said road shall be intersected by any other railroad hereafter constructed, it shall be the duty of the company receiving the benefit of this Act to furnish all proper and reasonable facilities, and to join such other company in making all necessary crossings, turnouts, sidings, and switches, and other conveniences for the transportation of all freight and passengers over their road, and the rates for transportation shall not in any case exceed the regular tariff of charges on said road.

Sec. 5. The said company shall assent to and accept the grant by this act conferred by a written instrument under the seal of such corporation, and signed by its President and Secretary, and shall file the same in the office of the Secretary of State of the State of Iowa within six months after the passage of this Act.

Sec. 6. The said Company is hereby authorized and empowered to select and designate the point upon the south line of the State of Minnesota, to which the said road shall be built, between the "Big Sioux" and the "west fork" of the Des Moines Rivers, as designated in said Act of Congress.

Sec. 7. The company accepting the provisions of this Act shall at all times be subject to such rules, regulations and restriction of rates for the transportation of passengers and freight as may be enacted and imposed by the General Assembly of the State of Iowa, not inconsistent with the provisions of this Act and the Act of Congress making the grant aforesaid.

Sec. 8. The said Company accepting the grant of land under the provisions of this Act, shall take the same with the conditions imposed and the terms provided by this Act, and in no event shall said Company have any claim or recourse upon the State of Iowa by reason of the conditions imposed by this Act.

Sec. 9. All persons who, at the time said grant was made, held valid claims by actual occupation and improvement upon any of the lands embraced in said grant, shall be protected in the same and entitled to purchase enter the same upon the terms and conditions provided in Sections 1308 and 1309, Chapter 55, of the Revision of 1860.

Sec. 10. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, a newspaper published in Des Moines, and the Sioux City Journal, a newspaper published in Sioux City, said publication to be without expense to the State.

Approved April 3d, 1866.

## CHAPTER 144.

## ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

AN ACT to accept the grant of land to the State of Iowa, made by Act of Congress of May 12, 1864, and to carry out the provisions of said Act, 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 said State."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* That the lands, rights, powers, duties, and trusts conferred upon the State of Iowa by an Act of Congress, approved July 13th, 1864, 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 said State, are hereby accepted by said State, upon the terms, conditions, and restrictions contained in said Act of Congress.

SEC. 2. Whenever any lands shall be patented to the State of Iowa, in accordance with the provisions of said Act of Congress, said lands shall be held by the State in trust for the benefit of the Railroad Company entitled to the same by virtue of said Act of Congress, and to be deeded to said Railroad Company as shall be ordered by the Legislature of the State of Iowa, at its next regular session, or at any session thereafter.

SEC. 3. This Act being deemed by the General Assembly of Immediate Importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved April 20th, 1866.

## CHAPTER 10.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to authorize the Governor to release Lands which have been certified to the State by Authority of the Secretary of the Interior, under any of the Land-Grants where Settlers Rights have Intervened prior to the Time when the Title vested in the State, and for the purpose of correcting Errors in Transfers to the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor, when satisfied by the Commissioner of the General Land-Office that any lands to which the State may have acquired color of title, by their having been certified to the State under any of the several grants, that such color of title is inferior to the rights of any valid interfering pre-emptor or claimant, is authorized, and is hereby authorized and required to release by deed of relinquishment such color of title to the United States, to the end that the requirements of the Interior Department may be complied with, and such tract or tracts of land may be patented by the general government to the legal claimants.

SEC. 2. *Be it further enacted,* That whenever the Governor is satisfied by proper record evidence that any tract or tracts of lands, which may have been deeded by virtue of any donation or sale to the State, is not the land intended to have been described, and that an error has been committed in making out the transfers, in order that such error may be corrected, he is authorized to quit-claim the same to the proper owner thereof, and receive a deed or deeds for the lands intended to have been deeded to the State originally.

SEC. 3. *Be it further enacted,* That 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 Homestead*, two papers published at Des Moines, Iowa.

Approved February 5, 1868.

## CHAPTER 13.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT Providing for and Requiring the early Construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs, Iowa, upon certain conditions therein named.

WHEREAS, The State of Iowa, by an Act passed and approved on the 14th day of July, A. D. 1856, granted to the Mississippi and Missouri Railroad Company (a corporation then in existence under the laws of this State), certain lands in said act designated, to aid in building a railroad from Davenport to Council Bluffs; and

WHEREAS, Subsequently, to-wit: on the 26th day of May A. D. 1866, another corporation was formed, called the Chicago, Rock Island and Pacific Railroad Company in Iowa, to purchase (in part) and build a railroad between the same points, and along or near the line of the said Mississippi and Missouri Railroad; and

WHEREAS, The said Mississippi and Missouri Railroad Company became insolvent, and the said Chicago, Rock Island and Pacific Railroad Company became the purchaser, at a judicial sale, of all the rights of the said Mississippi and Missouri Railroad Company; and

WHEREAS, The Chicago, Rock Island and Pacific Railroad Corporation subsequently, to-wit: on the 26th day of August, A. D. 1866, consolidated its stock and corporate rights with that of the Chicago and Rock Island Railroad Company, a corporation existing by virtue of the laws of the State of Illinois, with a stipulation and agreement between the said consolidated companies that the whole line would adopt the corporate name of the Chicago, Rock Island and Pacific Railroad Company; and

WHEREAS, The said consolidated company has completed the said line of road as far as the City of Des Moines, and desire to complete the same to the Missouri River as rapidly as possible, and for this purpose desire the use of said lands so granted to aid in the completion of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the consolidation of the Chicago & Rock Island Railroad Company, a corporation created by the laws of the State of Illinois, with the Chicago Rock Island and Pacific Railroad Company of this State, under the name of the last named corporation, be and the same is hereby recognized for the purposes named in their articles of consolidation as recorded in this State.

SEC. 2. The said consolidated company is hereby required to construct, complete and operate its railroad from the city of Des Moines to a point at or near Council Bluffs, on the Missouri River, as required by the articles of incorporation of the said Chicago, Rock Island and Pacific Railroad Company, in this State, so as to enable it to connect its line of road with the Union Pacific Railroad, at as early a period as practicable, and within two years from the passage of this act, and to apply the lands heretofore granted by the General Assembly to the Mississippi and Missouri Railroad Company to the building and completion of said line of railroad, for which purpose the State of Iowa hereby grants unto the said consolidated railroad company, all right or interest the State may have in said land: *Provided,* said railroad company, accepting the provisions of this act, shall at all times be subject to such rules, regulations and rates of tariff for the transportation of freight and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act and in the acts of Congress granting the same to the State, and extending the time for the completion of said road; *provided,* said consolidated railroad company shall also apply to such construction, completion and the equipment thereof, all the proceeds of forty-nine thousand shares of said capital stock, issued and sold by said consolidated company, or for it, by or under the direction of its executive committee, or the agents thereof, since the 13th day of September last, or

so much thereof as may be necessary for that purpose; and the issuing and sale of said shares of the capital stock of said consolidated company as full paid shares, and sale of the same for less than the sum of one hundred dollars per share by its officers, are hereby confirmed and declared valid, and the same are and shall be deemed and taken to be full paid shares of said consolidated company, issued and sold for the purpose of completing said line or road from Des Moines to Council Bluffs, and not liable to any calls or assessments; and provided, further, that the board of directors of said consolidated company shall postpone the annual meeting of the stockholders for the election of directors thereof, until the first Wednesday of June, A. D. 1869; and that said board of directors shall make and file with the Secretary of this State, on or before the first days of July and January until said road is completed, a report in writing verified by the president or engineer, showing the progress of the work, the portions of the road finished, how much under contract, and the amount expended thereon; and provided, further, the said consolidated railroad company shall signify their acceptance of the provisions of this act, by filing in the office of the Secretary of State of this State, a written acceptance thereof by the president and secretary of said company, within ninety days from the passage of this act.

SEC. 3. In case said consolidated company shall neglect to comply with any of the requirements of this act, it shall forfeit to this State all its franchises and corporate rights acquired by or under the laws of this State; and all lands in such case which have been granted to aid in the construction of said road, or any part thereof, by this State or the United States, held by said consolidated company, or by any person or persons by, through or under them, shall be forfeited, and shall revert to this State, any conveyance or incumbrance by said company to the contrary notwithstanding.

SEC. 4. Any person who, at the date of the filing in the proper department at Washington of the maps showing the location of the route or line of the Mississippi and Missouri Railroad, in compliance with the requirements of section six, chapter one, of the acts of the extra session of the Fifth General Assembly, was in the actual occupation, and had made improvements on any of said lands, and has remained in the continuous occupation of the same to the date of the taking effect of this act, and the grantee of any person having such occupancy with improvements, when such grantee and his grantor have been in such continuous occupation, shall have the right to purchase one hundred and sixty acres of the land thus occupied and improved upon the terms and conditions hereinafter provided.

SEC. 5. Any person wishing to avail himself of the preceding section shall, within four months of the taking effect of this Act, file his application for such purchase in the county court of the county in which such lands may be situated, with the proofs in writing showing his right to make such purchase under the provisions of the preceding section, and showing that he has never directly or indirectly received any of the benefits secured to actual settlers, on any lands embraced in said grant, either by this act or by the provisions of sections ten, eleven and twelve, of an act in the preceding section mentioned; a copy of which application and proofs shall be personally served upon the secretary of said company. If such proofs shall establish the right of the applicant to make such purchase, and that he has not, either directly or indirectly, purchased any other lands embraced in said grant under the provisions of this act or of the act above mentioned, the Court shall give him a certificate setting forth such facts, a copy of which shall be personally served upon the secretary of said company. The applicant shall, within ninety days after the execution of such certificate, pay to the Treasurer of the State, for the use of said company, one dollar and twenty-five cents per acre for the lands described in the certificate, for which the Treasurer shall execute duplicate receipts, one of which shall be indorsed on said certificate, and the other shall be delivered to the secretary of said company. Either party shall have the right to appeal from the decision of the county court to the district court, in the same manner as appeals are taken from the judgment of justices of the peace, within ninety days after the decision of the county court; and the same shall be tried in the district court as a cause triable by

the first method of trying equity causes, the applicant being the plaintiff, and the company the defendant; and the court, in its final decree, shall make such order touching the title and disposition of the moneys deposited with the State Treasurer as the law and the facts require. When no appeal is taken in the time above described, the title shall vest in the applicant, and the moneys so paid to the Treasurer of State shall be held by him and paid to said company, when it shall have been vested with a complete title to said lands under this act.

SEC. 6. That nothing contained in this act shall be so construed as to effect (affect) any rights heretofore acquired by third parties to any lands claimed under said grant; and the provisions of an act of the General Assembly of Iowa, entitled, "An Act to quiet the title to certain lands sold by the State of Iowa, to individuals, as a part of the Des Moines River grant," approved, April 2, 1866, are hereby ratified and confirmed: Provided, That said consolidated railroad company shall relinquish to the county of Pottawattamie all right or claim which it now has or may hereafter acquire to any bonds or agreements to take stock or indebtedness heretofore voted by the county of Pottawattamie to or in aid of the construction of the Mississippi and Missouri railroad, so far as said consolidated railroad company is concerned, all acts, votes, decrees or agreements on the part of Pottawattamie county to issue bonds to the Mississippi and Missouri Railroad Company, are hereby declared null and void.

SEC. 7. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the *Daily State Register* and the *Iowa Evening Statesman*, newspapers published at Des Moines, Iowa.

Approved February 11, 1868.

#### CHAPTER 16.

##### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to Resume all the Lands and Rights conferred upon the McGregor Western Railroad Company, by or under an Act of Congress approved May 12, A. D. 1864.

WHEREAS, By an Act of Congress approved May 12th, A. D. 1864, 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 said State," certain lands were granted to the State of Iowa for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding 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 practical route, on or near the forty-third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, which said grant was made to and accepted by the State of Iowa, upon the conditions, restrictions and qualifications therein named; and

WHEREAS, Said Act of Congress further provides that in the event of the failure of said McGregor Western Railroad Company to build twenty miles of said road during each and every year from the date of its acceptance of said grant, then the State may resume said grant, and so dispose of the same as to secure the completion of a road on said line; and

WHEREAS, Said McGregor Western Railroad Company has wholly failed to build said railroad as therein required, and to perform the conditions of said grant, and has forfeited all right to the benefits of said grant; now, therefore,

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That all lands and all rights to said lands, granted or intended to be granted to the McGregor Western Railroad Company by said Act, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are as fully and absolutely vested in said State as if the same had never been granted to said railroad company.

SEC. 2. 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 *Iowa Statesman*, newspapers published at Des Moines, Iowa.

Approved February 27, 1868.



## CHAPTER 26.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT Resuming certain Rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an Act approved July 24, 1856, and Acts amendatory thereof, and to repeal certain Laws in relation thereto.

WHEREAS, By an Act of Congress, approved, May 15, 1856, there was granted to the State of Iowa, certain lands to aid in the construction of certain railroads in said State, upon certain terms, conditions and restrictions under which said lands might be disposed of; and

WHEREAS, The General Assembly of the State of Iowa, by an act approved, July 14, 1856, accepted said grant of lands upon the terms, conditions and restrictions contained in said act of Congress; and transferred and granted to the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from the city of Dubuque to a point on the Missouri river, at or near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, in consideration on the part of said company that it would complete and equip within the time therein specified; and

WHEREAS, Said Company having failed to complete and equip said road, as required in said act, obtained by an act of the General Assembly of Iowa, approved, April 7, 1862, an extension of time for the completion of said road in further consideration of the release of certain lands in said last mentioned act described; and.

WHEREAS, The said Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, has failed and refused to execute the said releases, and has failed to complete and equip the number of miles of their said road as by said acts of transfer and extension they were required to have completed and equipped at this time; thereby, at the option of the State, annulling all their right and title to the lands so transferred to said company by said act of July 14, 1856, excepting only one hundred and twenty sections of said land for each twenty miles of said road, now completed and equipped, whereby the State has the right to resume all the right, title and interest in and to the remainder and residue of the land originally granted to the said company; and

WHEREAS, The good faith of the State, in carrying into execution the trust conferred upon her by said act of Congress, requires that all the remaining land and all title to the same should be resumed, to the end that the road, to aid which the same was granted, may be speedily completed; now therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That all the right, title or interest in and to the land heretofore granted, or intended to be granted to the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company by an act approved July 14, 1856, entitled "An Act to accept the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State, approved, May 15, 1856," and acts amendatory and supplementary of the same, be and the same are hereby absolutely and entirely resumed by the State; provided, however, that nothing in this act contained shall be construed to affect or in any manner impair the title of said company to the one hundred and twenty sections of said land for each and every twenty miles of their road which is now completed and equipped.*

SEC. 2. The fifth section of said act, approved July 14, 1856, and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, published at Des Moines, and The Iowa North-West, published at Fort Dodge, Iowa.

Approved March 10, 1868.

## CHAPTER 42.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to amend an Act approved April 26, 1866, entitled "An Act to accept the Grant of Land to the State of Iowa, made by Act of Congress of May, 12, 1864, and to carry out the Provisions of said Act, 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 said State," and to make Effectual the Acceptance by the State of Iowa to said Grant of Land.

WHEREAS, In said Act of the General Assembly of the State of Iowa, approved April 20, 1866, the word "July" occurs in the first section thereof by mistake, instead of the word "May," therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That said act, approved April 20, 1866, is hereby amended by striking out of the first section thereof the word "July," and by substituting instead thereof the word "May," so that the date of approval of the act of Congress, therein referred to, will be correctly stated as having been May 12, 1864, and which was intended to have been therein stated, and the acceptance of said grant of land intended to be made by said act approved April 20, 1866, is hereby ratified and confirmed.*

SEC. 2. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the *Daily Iowa State Register* and *Iowa Homestead*, newspapers published at Des Moines, Iowa.

Approved March 24, 1868.

## CHAPTER 58.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT Making a Grant of Land to the McGregor & Sioux City Railway Company, or, in case of their failure to accept the same, to the Forty-Third Parallel Company, and to execute the Trust conferred by 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 said State," approved, May 12, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That all the lands, rights and privileges that are granted to the State of Iowa by an act of Congress, approved, May 12, 1864, for the purpose of aiding 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, at or near the forty-third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, are hereby granted and conferred to and upon the McGregor & Sioux City Railway Company, a corporation organized under the laws of the State of Iowa; Provided, Said railroad company accepting the provisions of this act 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, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and in the Acts of Congress granting said lands to the State of Iowa.*

SEC. 2. This grant is made upon the express condition that said railway company shall have constructed and in running order a line of railway as required by the provisions of the act of Congress making said grant to the State, and of this act, upon the most practicable route, on or as near as practicable.

able to the forty-third parallel of north latitude, running within one mile of New Hampton, in Chickasaw county, and running from thence by way of, and within one mile of St. Charles City, Mason City, and Algona, until it shall intersect, in the county of O'Brien, in this State, the proposed railroad running from Sioux City to the Minnesota State line.

SEC. 3. This grant is conferred on the McGregor & Sioux City Railway Company on the further express conditions that in case said company shall fail to have its railway built and completed in good running order as far west as to Chickasaw, in range fourteen, in Chickasaw county by the first day of September, 1869; or in case said company shall fail to build and complete in good running order at least twenty miles in addition in each and every year thereafter, and the whole of said road by the first day of December, 1875; then, and in case of any such failure, or on failure to comply with any of the conditions of this act, the State of Iowa may at any time resume all rights conferred by this act, and resume all rights to the lands hereby granted, and which may remain undisposed of to said company on account of road actually built in compliance with the terms of this act; provided, that if in any one year more road shall be built than is required by this act it shall be regarded and treated as road built in the next succeeding year or years.

SEC. 4. This railway shall be constructed upon the usual gauge of other first class railroads in this State, and shall be constructed and finished in a style and of a quality equal to the average of other first class Western railroads.

SEC. 5. The said company shall be entitled to the benefit of the selections of land already made under the grant to the State of Iowa, of lands to aid in the construction of a railroad from McGregor westward on or near the forty-third parallel, approved, May 12, 1864; and the line located under said grant shall be binding only so far as applicable to said selections.

SEC. 6. It is hereby made the duty of the Governor, when ten consecutive miles of railroad has been built, in accordance with the provisions of this act, to certify that fact to the Secretary of the Interior, and so on for each consecutive ten miles thereof, as the same shall be completed, and whenever the said McGregor and Sioux City Railway Company shall have completed in good running order, according to the provisions of this act, its railway to a point within one mile of St. Charles City, in Floyd county, it shall be the duty of the Governor of this State to cause patents to be issued to said railway company for one hundred and fifty sections of said land, and when the said railway company shall in like manner have completed its railway to the east line of range twenty-two, in Cerro Gordo county, then the said Governor shall cause patents to be issued to said railway company for one hundred and fifty sections of land; and when the said railway company shall in like manner have completed its railway to a point within one mile of Algona, in Kosuth county, then the Governor shall cause patents to be issued to said company for one hundred and fifty sections more of said lands, and when the said railway company shall in like manner have completed its railway to the Little Sioux river, then the said Governor shall cause patents to be issued to said company for all the balance of the lands granted for that purpose, provided, that the said railway company shall not convey or encumber any of said lands prior to the time it shall be entitled to patents therefor, as provided in this act; and this act shall not be so construed as to grant to said railway company, or any person or persons whomsoever, any of said lands for any railroad heretofore built.

SEC. 7. All lands embraced in said grant which were entered prior to January 1, 1866, under the homestead laws of the United States, shall be patented by the Governor of this State to the parties by whom the same were so entered, or to their heirs or grantees, upon the payment by them into the State Treasury, within two years of the passage of this act, of the price of such lands as homesteads under the laws of the United States; and the money so paid for such lands shall be held for and paid over to said railway company when such lands would have been earned by said company by the extension of said road as required in this act.

SEC. 8. It is further expressly provided that if said McGregor and Sioux City Railway Company shall fail or refuse to accept of this grant upon the conditions hereby imposed and in time and manner as herein required, the Forty-Third Parallel Railway Company may accept the grant within sixty days thereafter, and shall thereby become substituted to all the rights and subject to all the conditions hereinbefore mentioned, to the same extent as if said Forty-Third Parallel Railway Company had been mentioned in this Act in the place of the McGregor and Sioux City Railroad(way) Company, wherever the same occurs therein.

SEC. 9. The said McGregor and Sioux City Railway Company shall assent to and accept the provisions of this Act by a written instrument under the seal of such corporation, with the signatures of the proper officers, within sixty days after the passage of this Act; which said acceptance shall be filed in the office of the Secretary of State, and be by him recorded in the book by him kept for the recording of articles of association. And, as a further condition of this grant, and at the time of the acceptance hereinbefore required, and as a part thereof, the said McGregor and Sioux City Railway Company shall procure and file with the Secretary of State, a full, absolute, legal, and effectual waiver, release, and surrender of all claims, right, or interest, or pretended claim, right or interest of the McGregor Western Railroad(way) Company, its successors or assigns, in or to any of the lands granted to this State by Act of Congress approved May 12, A. D. 1864, which claim, right, or interest arises out of or is on account of any railroad already constructed; provided, That if the Congress of the United States shall make any additional grant of land to the State of Iowa, to aid in the construction of a railroad from McGregor or any intermediate point to a point in O'Brien county, and the said McGregor and Sioux City Railway Company, their successors or assigns, shall comply with all the provisions of this Act, and shall construct their railroad to O'Brien county, in the manner and time as provided in this Act, then this release shall not operate to deprive said last named company, their successors or assigns, of land in said contemplated additional grant for any railroad constructed on said line between McGregor and O'Brien county.

SEC. 10. 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 Evening Statesman*.

Approved March 31, 1868.

#### CHAPTER 124.

##### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to Legalize, Confirm and Carry out a contract between the Dubuque and Sioux City Railroad Company and the Iowa Falls and Sioux City Railroad Company, and to extend the Time for completing said Railroad from Dubuque to Sioux City, to Grant certain Lands to the Dubuque, Bellevue, and Sabula Railroad Company, for the Building of the Teto Des Morts Branch, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That a contract entered into between the Dubuque and Sioux City Railroad Company of the first part, and the Iowa Falls and Sioux City Railroad Company of the second part, transferring so much of the Dubuque and Sioux City Railroad as remains to be constructed together with the franchisees, right of way, depot grounds, and other appurtenances of said road to be completed, also transferring all right and title of the said Dubuque and Sioux City Railroad Company to so much of the lands granted by Congress to aid in the construction of said road as shall appertain to, or be legally applicable to the construction of the uncompleted part of the Dubuque and Sioux City Railroad as aforesaid, except as to the lands hereinafter granted to the Dubuque, Bellevue and Sabula Railroad Company, be and is hereby legalized and confirmed.

Sec. 2. That the *pro rata* of six sections of land per mile reserved by said contract to the Dubuque and Sioux City Railroad Company and the *pro rata* of six sections per mile, conveyed by said contract to said Iowa Falls and Sioux City Railroad Company, shall be adjusted between said companies as follows, to-wit: The land actually conveyed to third parties shall be set apart to said Dubuque and Sioux City Company, not exceeding six sections per mile for the road now built, and if over that amount shall be taken off the west end of the last installment of the lands so conveyed; and in case less than that amount of lands have been conveyed as aforesaid, then a sufficient amount shall be taken to make up such *pro rata* from that portion of the land grant next adjoining and immediately west, as near as practicable, to the lands last conveyed by said Dubuque and Sioux City Railroad Company.

Sec. 3. That a *pro rata* of six sections per mile of said land-grant and the same is hereby granted to and conferred upon the Dubuque, Bellevue and Sabula Railroad Company, to aid in the construction of said road, known as the Tete Des Morts branch, required to be built by the act of Congress granting said lands to the State of Iowa; *Provided*, That said company shall not encumber or dispose of said lands until the said branch road shall be completed and opened for business and that said branch road shall be completed within two years from the first day of January next. Said lands shall be of an average quality and value of so much of said lands granted by the United States as now remain undisposed of, and the Governor of Iowa shall select or cause to be selected, the land hereby granted to said Dubuque, Bellevue and Sabula Railroad Company, or cause the same to be reserved from lands outside of the six-mile limits of said grant, and upon completion of said branch, as above provided, he shall execute a patent for said lands to said company.

Sec. 4. That so much of said land grant as is applicable to the uncompleted portion of the road as aforesaid, west of Iowa Falls, excepting the lands hereby granted to said Dubuque, Bellevue and Sabula Railroad Company, is hereby granted to and conferred upon the said Iowa Falls and Sioux City Railroad Company, subject to the terms and conditions of the act of Congress granting the said lands, dated the fifteenth day of May, A. D. 1856, and the act amendatory thereto, and the act of Congress passed the present session, and also subject to the terms and conditions of this act as herein expressed as follows, to-wit: The road shall be completed as a first-class road from Iowa Falls on the route now surveyed, located, and partly graded, through Webster City and Fort Dodge, and the depot buildings shall be erected on the grounds heretofore donated by the people of said towns for that purpose, and shall be completed thence to Sioux City, which route shall be at all points within the limits of the said land-grant. The track of said road shall be laid with a good substantial rail, weighing not less than fifty-six pounds per lineal yard. The road shall be completed to Fort Dodge by the first day of July, 1869, the time now fixed by act of Congress; one-half of the balance within one year from that time, and the remainder before the first day of January, A. D. 1872; and said road, when any twenty miles shall be completed, shall be subject to the lease of the Illinois Central Railroad Company, transferred to the Iowa Falls and Sioux City, by the Dubuque and Sioux City Railroad Company, and shall be operated as one continuous and unbroken through line of railroad from Dubuque to Sioux City.

Sec. 5. Said lands so granted as aforesaid, to the Iowa Falls and Sioux City Railroad Company, shall be patented by the Governor to said company as the same shall be earned by the building of said road, but no patent shall be issued by him for any portion of said lands until at least seventy-five miles of road shall be completed, and "no patent shall be made for any lands more than forty miles in advance of the point to which said road may be constructed from time to time," as provided by said act of Congress. No patent shall be made for any lands located within fifty miles of Sioux City, until said company shall have its entire road completed to Sioux City, except for such road as said company may cause to be built and operated from Sioux City eastward, and when said company shall have forty miles of road built and operated from Sioux

City eastward then this restriction shall cease, and such lands may be patented for any road built by said company; and no patent shall include lands situated in more than one county, and such patent shall be, by said company, recorded in the county where said lands lie, and a certified copy of the record of the same may be used as evidence with the same effect as the original. And in case any of said lands hereby granted are now, and were on the first day of January last, occupied by actual settlers residing thereon and improving the same, upon such settler making proof to the satisfaction of the Register of the State Land Office of such settlement and improvement, he shall be entitled to purchase not exceeding one quarter section of land of the State at the rate of \$1.50 per acre, and when such land shall have been earned by the extension of said road, upon the payment to the said company of the said sum, the Governor shall execute a patent to such actual settler for said land.

Sec. 6. The legislature shall have the power to resume the lands not earned at the time of such resumption, on default of said company to build said road to Fort Dodge by the first day of July, 1869, or any portion of the road within the time limited therein, or in case they shall be satisfied that said company is not pushing forward the work on said road with reasonable diligence, so as to warrant the belief that the whole line will be completed to Sioux City by the first day of January, 1872.

Sec. 7. The said Iowa Falls and Sioux City Railroad Company shall signify their acceptance of the terms and conditions of this act, by written instrument, signed by the president of said company, to be filed with the Governor within thirty days after the passage of this act. The company accepting the provisions of this act shall, at all times, be subject to such rules and regulations, and rates of tariff for the transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa. If the said Iowa Falls and Sioux City Railroad Company shall fail or refuse to accept of this grant upon the conditions hereby imposed and in the time and manner as herein required, the Census Board of this State is hereby authorized by proper writing, with the seal of the State affixed thereto, to confer the same upon such party or company as shall, in their judgment, be competent to carry the enterprise heretofore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of the Secretary of this State, subject to all the sections of this act, and the same shall be applicable to such grantee, subject to all the terms and conditions of this act as fully as if named originally herein.

Sec. 8. Nothing in this act contained shall be construed to affect in any way the titles, rights, or interests of persons or corporations not expressly named in this act.

Sec. 9. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Daily Iowa State Register* and *Daily Evening Statesman*, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

#### CHAPTER 73.

#### ACTS OF THE THIRTEENTH GENERAL ASSEMBLY.

AN ACT to carry out the provisions of an act of Congress, approved May 15, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tete Des Morts branch of the Dubuque and Sioux City Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Dubuque, Bellevue and Sabula Railroad Company, having failed and refused to accept the terms and conditions of chapter 124 of the acts of the Twelfth General Assembly, relating to the construction of the Tete Des Morts Branch Railroad, and the grant of land connected therewith; and said company not having proceeded in good faith to construct said branch road, and open

the same for business, as required by said act; therefore, all the right, title, and interest in and to the land granted or intended to be granted to said Dubuque, Bellevue and Sabula Railroad Company by any of the provisions of said chapter 124 of the acts of the Twelfth General Assembly, be and the same is hereby absolutely and entirely resumed by the State; *provided, however,* that nothing in this act shall be construed to prevent the said Dubuque, Bellevue and Sabula Railroad Company from claiming and recovering reasonable compensation for any work actually done by said company on the line of said branch road, from any person or company to whom said land grant may hereafter be transferred, and who may proceed to construct said branch road.

Sec. 2. The right of the Dubuque, Bellevue and Sabula Railroad Company to the land grant conferred upon it by chapter 124 of the acts of the Twelfth General Assembly, having ceased and determined, there shall be and is hereby granted to and conferred upon the Dubuque, Bellevue and Mississippi Railway Company, to aid in the construction of the Tete Des Morts branch road, required to be built by the act of Congress granting lands to Iowa to aid in the construction of railroads in said State, a *pro rata* of six sections per mile of said land grant; *Provided,* that said Dubuque, Bellevue and Mississippi Railway Company shall not encumber or dispose of said lands until the said branch road shall be completed and open for business; and that said branch, shall be completed within two years from the first day of January, A. D. 1870. Said lands shall be of an average quality and value of the lands granted by Congress as aforesaid, to aid in the construction of railroads in Iowa; and the Governor of Iowa shall select or cause to be selected, the lands hereby granted to the Dubuque, Bellevue and Mississippi Railway Company, or cause the same to be reserved from lands outside of the six mile limit of said grant, and upon completion of said branch road as above provided, he shall execute a patent for said lands to said Dubuque, Bellevue and Mississippi Railway Company.

Sec. 3. The Dubuque, Bellevue and Mississippi Railway Company is hereby required to signify its acceptance of the terms and conditions of this act, by a written instrument, signed by the President of said company, and filed with the Governor, within thirty days after the passage of this act; and said company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff, for the transportation of freight and passengers, as may from time to time be enacted by the General Assembly of the State of Iowa. If the said Dubuque, Bellevue and Mississippi Railway Company shall fail or refuse to accept this grant, upon the conditions herein imposed, and in the time and manner herein prescribed, the Census Board of this State is hereby required by proper writing with the seal of the State affixed thereto, to confer the same upon such party or company as shall, in their judgment, be competent to carry into effect, in good faith, the enterprise hereinbefore provided for, which shall accept the grant, by a proper written instrument, duly executed and attested, and shall file the same in the office of the Secretary of this State, subject to all the limitations and provisions of this Act, and the same shall be applicable to such grantee, subject to all the terms and conditions of this Act, as fully as if named originally herein.

Sec. 4. This Act being deemed of immediate importance, shall take effect from and after its publication in the *Daily State Register* and *Iowa Evening Statesman*, newspapers published in Des Moines.

Approved April 7, 1870.

#### CHAPTER 168.

##### ACTS OF THE FOURTEENTH GENERAL ASSEMBLY.

AN ACT in relation to Land Grant Lands and to provide for a record title thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in cases where lands have been granted to the State of Iowa by act of Congress, and certified lists of the lands inuring under the grant have been made

to the State by the Commissioner of the General Land Office, as required by act of Congress, and such lands have been granted by act of the General Assembly to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the Register of the State Land Office is hereby authorized to prepare, on the application of grantee, a list or lists of lands situated in each county inuring to such grantee, from the lists certified by the Commissioner of the General Land Office, as aforesaid, which shall be signed by the Governor of this State, and attested by the Secretary of State, with the State seal, and then be certified to by the Register to be true and correct copies of the lists made to this State and deliver them to such grantee who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and when so recorded shall vest in such grantee the right of the State to the lands therein described, under the grant of Congress by which the lands were certified to the State, so far as the certified lists made by the Commissioner aforesaid conferred title to the State.

*Provided,* That when the Register includes lands in the list which were not intended to be included in the grant, or the grantee shall not in equity be entitled to the lands or any part thereof, then no title shall pass by said list, and the same as to those lands shall be null and void. Nor shall any title pass to lands which have been selected, set apart or claimed by the State, or any individual under the swamp land or any other grant of Congress, which may be certified or adjudged to the State under such other grant, nor to lands held or claimed under any homestead or pre-emption settlement or other entry or purchase, neither shall the right of the State to control the lands according to the terms of the grants, at any future time be affected by anything done under this act.

*Provided further,* That in preparing the list or lists of lands under this act, it shall be the duty of the Register of the State Land Office to exclude all lands selected by the State or any county under the swamp land grant, and also excluding all lands claimed under the homestead or pre-emption laws of the United States, or which have been sold or disposed of, and the entry or pre-emption cancelled.

Sec. 2. 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 *Leader*, newspapers, published in Des Moines, Iowa.

Approved April 22, 1872.

#### SECTION 93, CHAPTER 5, TITLE 11 OF THE CODE OF 1873.

Sec. 93. In cases where lands have been granted to the State of Iowa by act of Congress, and certified lists of lands ensuing under the grant have been made to the State by the commissioner of the general land office as required by act of Congress, and such lands have been granted by act of the General Assembly to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the Register of the State Land Office is hereby authorized to prepare, on the application of the grantee, a list or lists of lands situated in each county ensuing to such grantee, from the lists certified by the commissioner of the general land office, as aforesaid, which shall be signed by the Governor of this State and attested by the Secretary of State with the State seal, and then be certified to by the Register to be true and correct copies of the lists made to this State, and deliver them to such grantee, who is hereby authorized to have them recorded in the proper county; and when so recorded, they shall be notice to all persons the same as deeds now are, and shall vest in such grantee the right of the State to the lands therein described, under the grant of Congress by which the lands were certified to the State, so far as the certified lists made by the Commissioner aforesaid conferred title to the State.

*Provided*, That when the Register includes lands in the list which were not intended to be included in the grant or the grantee shall not in equity be entitled to the lands or any part thereof, then no title shall pass by said list, and the same as to those lands shall be null and void. Nor shall any title pass to lands which have been selected, set apart, or claimed by the State, or any individual under the swamp land or any other grant of Congress, which may be certified or adjudged to the State under such other grant, nor to lands held or claimed under any homestead or pre-emption settlement or other entry or purchase, neither shall the right of the State to control the lands, according to the terms of the grants, at any future time be affected by anything done under this section.

*Provided, further*, that in preparing the list or lists of lands under this section, the Register of the State Land Office shall exclude all lands selected by the State or any county under the swamp land grant, and also exclude all lands claimed under the homestead or pre-emption laws of the United States, and which have been sold or disposed of and the entry or pre-emption cancelled.

#### CHAPTER 34.

##### ACTS OF THE FIFTEENTH GENERAL ASSEMBLY.

AN ACT authorizing and directing the Governor to certify to the Sioux City and St. Paul Railroad Company, certain lands named therein.

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

SECTION 1. That the Governor of the State of Iowa be and is hereby authorized and directed to certify to the Sioux City and St. Paul Railroad Company any and all lands which are now held by the State of Iowa in trust for the benefit of said Railroad Company in accordance with the provisions of section 2, chapter 144 of the laws of the Eleventh General Assembly.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. 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 State Journal*, newspapers published at Des Moines, Iowa.

Approved March 13, 1874.

#### CHAPTER 36.

##### ACTS OF THE SIXTEENTH GENERAL ASSEMBLY.

AN ACT relating to the Lands heretofore granted to the McGregor and Missouri River Railroad Company, Resuming said Lands and Regranting the same upon new conditions to said Company, and Providing for Forfeiture thereof, and in case of such forfeiture, for the disposition to be made of said Lands.

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

SECTION 1. That whereas, the McGregor and Sioux City Railway Company now known as the McGregor and Missouri River Railway Company, has failed to comply with the conditions and provisions of the acts 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, now, therefore, all lands or rights to lands saving and excepting all those tracts and parcels lying within twenty miles on either side of the located or constructed line of the Sioux City and St. Paul Railroad Company, and within what is known as the "overlapping (overlapping) limits," heretofore granted or intended to be granted to the McGregor and Sioux City Railway Company, be and the same are hereby absolutely and entirely resumed by the State of Iowa.

SEC. 2. That all of said lands and rights to lands, be and are hereby granted to and conferred upon the McGregor and Missouri River Railway Company, upon the following express terms and conditions, viz: That the McGregor and Missouri River Railroad Company, then called the McGregor and Sioux City Railway Company, shall build and construct their railroad from Algona in Kosuth county, to Emmetsburg in Palo Alto county, and locate and establish their depot upon the depot grounds of said company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish their depot upon section 7, in township 96, range 35, on or before the first day of January, A. D. 1877, and that the said McGregor and Missouri River Railway Company shall build and construct their railroad thence on the most direct and practicable route to the point of connection, in O'Brien county, within half mile of Sheldon, with the Sioux City and St. Paul railroad on or before the first day of December, A. D. 1877.

*Provided*, That federal legislation be had in 1876, by which the McGregor and Missouri River Railway Company is permitted to make its Junction with the Sioux City and St. Paul Railroad west or southwest of Primgarth, outside of O'Brien county, then, in that event, said McGregor and Missouri River Railroad shall be constructed from Spencer to Primgarth, and thence to such point of intersection with the Sioux City and St. Paul railroad as the McGregor and Missouri River Railroad Company may designate. And if federal legislation is had after 1876, then said McGregor and Missouri River Railway Company may intersect the Sioux City and St. Paul Railroad at such point as the McGregor and Missouri River Railroad Company may determine. And, *provided further*, said Railroad Company or any other railroad company, accepting the provisions of this act, 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, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and the filing by any railroad company of the bond hereinafter provided, shall be taken and accepted as an acceptance by the Company so filing, of the above proviso and each part thereof.

SEC. 3. When the said railroad shall be built and constructed to Spencer, in Clay county, then and thereupon the Governor of the State shall patent and transfer to the said McGregor and Missouri River Railway Company, all the lands conveyed or appertaining to said grant lying east of said point and co-terminous with the completed portion of said railroad, and when said railroad shall have been built and constructed to the point of connection in O'Brien county with the Sioux City and St. Paul Railroad, then and thereupon the Governor of the State shall patent and transfer to said McGregor and Missouri River Railway Company, all the remaining lands belonging to or embraced in said grant, appertaining to this line of railroad.

*Provided*, That before any such patents shall issue, the said McGregor and Missouri River Railway Company, shall file with the Secretary of State a good and sufficient bond approved by the Governor, in the sum of fifty thousand dollars, liquidated damages, within sixty days after the passage of this act, conditional upon the faithful performance of the provisions of this act, for the completion of said road to the point of connection in O'Brien county, with the Sioux City and St. Paul Railroad Company, within the time specified in section two of this act.

*Provided further*, That if said McGregor and Missouri River Railway Company shall fail to build and construct their railroad within the time specified in this act, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act shall revert to the State of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act, by reason of railroad already constructed.

SEC. 4. The said railroad shall be built upon and subject to all the terms and conditions named in the act of 1868 above cited, save in such respects as said terms and conditions are changed or amended by this act.

Sec. 5. Should the McGregor and Missouri River Railway Company fail to build and construct their railroad to Spencer, in Clay county, on or before the first of January, A. D. 1877, or fail to file the bonds required by this act within the time prescribed, then all lands belonging and appertaining to said grant undiposed of at the date of the passage of this act, shall revert to the State of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act by reason of railroad already constructed, and any other railroad company first filing with the Auditor of State, a good and sufficient bond in the sum of fifty thousand dollars, to be approved by the Governor, and executive council as provided in section three for a faithful performance of the provisions of this act, may be by advice of the Governor and consent of the executive council substituted to all the rights and subject to all the provisions of this act, to the same extent as if the lands were conferred upon said company and named by law; and said company shall have the same time as is provided by section two of this act for the building of the road. Said grant shall then inure to the benefit of the Iowa, Dakota and Black Hills Railroad Company, who shall have the right to file its bonds and accept said grant for thirty days thereafter, subject to the limitations and restrictions hereinbefore or hereinafter provided.

Sec. 6. Nothing contained in this act shall be so construed as to effect or change the rights of the McGregor and Missouri River Railroad Company, or of the Sioux City and St. Paul Railroad Company, as now existing in relation to lands where their rights conflict, or overlap, nor shall this act in any manner affect either company in any pending litigation, and if the McGregor and Missouri River Railroad Company shall obtain right or title to any lands heretofore patented to the State for the benefit of the Sioux City and St. Paul Railroad Company, over which the last named company has constructed its road, then the McGregor and Missouri River Railroad Company shall for the consideration of one dollar convey and release the Sioux City and St. Paul Railroad Company a right-of-way over said lands on its present line, fifty feet in width on each side in ordinary cases, and in cases where cuts occur, such additional width as may be necessary for protection against drifting snow not exceeding one hundred and fifty feet in width on each side of said center line of track, and if any of said lands in dispute as to title shall be finally adjudged to the Sioux City and St. Paul Railroad Company, and be owned by it when the McGregor and Missouri River Railroad Company construct(s) its road or particularly designates its precise route or tract to a junction with said Sioux City road, then the last named company shall for the consideration of one dollar convey to the McGregor and Missouri River Railroad Company, a like right of way as above for its road. It is further made an express condition of this grant that should the McGregor and Missouri River Railway Company be finally adjudged to be the owner of section thirteen (13), town (ship) ninety-nine (99), range forty-two (42) which has been heretofore patented to the State, for the use of the Sioux City and St. Paul Railroad Company, it being the section of land on which Sibley is located, in Osceola county, on which large expenditures and expensive improvements have been made by the Sioux City and St. Paul Railroad Company, it shall be the duty of the McGregor and Missouri River Railway Company to permit the Sioux City and St. Paul Railroad Company to purchase said section at the price of two dollars and fifty cents per acre, and upon the tender of the purchase money therefor, the last named company shall be entitled to receive said land by a conveyance of all the title received by said McGregor and Missouri River Railway Company of the United States or from the State of Iowa, and the Sioux City and St. Paul Railroad Company shall thereupon confirm said plat of Sibley and complete the title of Osceola county to the ground given for the court house, and also confirm the title to all donations of lots heretofore made for school houses and church lots and fulfill and confirm all contracts made with individuals for the sale of lots in Sibley, and it is further provided that in case the McGregor and Missouri River Railway Company shall be constructed to a connection with the Sioux City and St. Paul Railroad Company at Sheldon, then the last named

company in consideration of the foregoing beneficial privileges, shall donate right-of-way and suitable depot grounds in the village of Sheldon to said McGregor and Missouri River Railway Company.

Sec. 7. The acceptance of the provisions of this act shall be deemed a release by the company accepting the same of all claims to unpatented land, 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; and upon the making of final proof of 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 a patent for such land to the persons entitled thereto.

Sec. 8. This act being deemed of immediate importance, it shall be in force from and after its publication in the *Iowa State Leader and State Register*, daily papers published in Des Moines, Iowa.

Approved March 15, 1876.

#### CHAPTER 21.

##### ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY.

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 12, 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 Ten (10) of the Code.

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

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 and 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.: 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 Kosciusko county, to Emmetsburg, in Palo Alto county and locate and establish its depot upon the grounds selected by the McGregor and 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 ninety-six (96), range 26, 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 and 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.

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 interests 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 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 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 & 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 & St. Paul Railway Company.

Sec. 5. Should the said Chicago, Milwaukee & 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.

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 and 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 assigns, 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.

Sec. 7. In case the Chicago, Milwaukee and 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 and St. Paul Railway Company. In which case the acceptance provided for in section 3 of this act, must be filed with the bond aforesaid.

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 afore said, to the satisfaction of the Registrar 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, chapter 58, laws of the Twelfth General Assembly; and said lands so patented are hereby expressly reserved for the operation of this act, and the title of said patents, 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 accepted 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 grantees 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 section 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.

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.

#### CHAPTER 30.

##### ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY.

AN ACT to provide for the Giving of the Bond mentioned in an act entitled, An Act in relation to the Lands Granted to the State of Iowa, by an 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, Title ten of the Code.

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

SECTION 1. That for the purposes of carrying out the provisions of section three of said act, approved February 27, 1878, that the governor is hereby authorized to accept and approve of a bond signed by sureties who may reside out of the State of Iowa, if in the opinion of the governor said sureties are of unquestioned responsibility, anything contained in chapter eleven (11) of the Code to the contract notwithstanding.

Approved March 12, 1878.

#### CHAPTER 167.

##### ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY.

AN ACT to repeal section 93 of the Code of 1873, and to enact a substitute therefor.

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

SECTION 1. Section 93 of the Code of Iowa is hereby repealed and amended so as to read as follows:

"SEC. 93. In cases where lands have been granted to the State of Iowa by act of Congress, and certified lists of lands inuring under the grant have been made to the State by the Commissioner of the General Land-office, as required by act of Congress, and such lands have been granted, by act of the General Assembly, to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the Registrar of the State Land-office is hereby authorized to prepare, on the application of the grantee, a list or lists of lands situated in each county inuring to such grantee, from the lists certified by the Commissioner of the General Land-office, as aforesaid, which shall be signed by the Governor of the State, and attested by the Secretary of State, with the State seal, and then be certified to by the Registrar to be true and correct copies of the lists made to this State, and deliver them to such grantee, who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and shall be evidence of title in such grantee or his or its assigns, to the lands therein described, under the grant of Congress by which the lands were certified to the State, so far as the certified lists made by the commissioner aforesaid conferred title to the State; but where lands embraced in such lists are not of the character embraced by such acts of Congress or the acts, of the General Assembly of the State, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and of no force or effect whatever: *Provided*, that no lands now in suit shall be included in such lists until said suits are determined and such lands adjudged to be the property of the company: *Provided further*, that the Register shall not include, in any of the lists so certified to the State which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swamp land grant, or any homestead or pre-emption settlement. Nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified."

Approved March 26, 1880.

#### CHAPTER 186.

##### ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY.

AN ACT to require railroad companies holding lands by grant to place evidence of their title to such lands on record.

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

SECTION 1. That each and every railroad company which owns or claims to own lands in the State of Iowa granted by the government of the United State or the State of Iowa, to aid it in the construction of its railroad, where it has not already done so, shall place on file and cause the same to be recorded within three months after the taking effect of this act, in each county wherein the land(s) so granted are situated, evidence of its title or claim of title, whether the same shall consist of patents from the United States or certificates from the Secretary of the Interior or Governor of the State of Iowa, or the proper land office of the United States or State of Iowa. Where no patent was issued, reference shall be made in said certificate to the act or acts of Congress, and the acts of the legislature of the State of Iowa granting such lands, giving the date of said acts, and date of their approval under which claim of title is made: *Provided*, that where the certificate of the Secretary of the Interior, or the patents, as the case may be, contain lands situated in more than one county, that the Registrar of the State Land-office shall, upon the application of any railroad company or grantee, prepare and furnish to be recorded, as aforesaid, a list of all the lands situated in any one county, so granted, patented, or certified. And when so recorded, said records, or a duly authenticated copy thereof, may be introduced in any court as evidence, as provided in section 3702 of the Code.

SEC. 2. Such evidence of title shall be filed with the recorder of deeds of the county in which the lands are situated, and it shall be the duty of the recorder to record the same and shall place an abstract thereof upon the index of deeds, so as to show the evidence of title, and the evidence thereof shall be constructive notice to all persons, as provided in other cases of entries upon said index, and the recorder shall receive same fees as for recording other instruments.

Approved March 27, 1880.

#### CHAPTER 107.

##### ACTS OF THE NINETEENTH GENERAL ASSEMBLY.

AN ACT to Resume all the Lands and Rights conferred upon the Sioux City and St. Paul Railroad Company by or under an Act of Congress approved May 12, A. D. 1864, to Lands not heretofore earned by said Company.

WHEREAS, By an Act of Congress, approved May 12, A. D. 1864, 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," certain lands were granted to the State of Iowa for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of Minnesota, at such point as the said State might select, between the Big Sioux and the west fork of the Des Moines River, which grant was made to, and accepted by, the State of Iowa upon the conditions, restrictions and qualifications therein named; and

WHEREAS, By an act of the General Assembly of the State of Iowa, approved April 2, A. D. 1864, so much of the lands, interests, rights, powers, and privileges as were or might be conferred in pursuance of said acts of Congress, to aid in the construction of the aforesaid road, were disposed of, granted, and conferred upon the Sioux City & St. Paul Railroad Company; and

WHEREAS, Said act of Congress further provides that if the road accepting said grant is not completed within ten years from its acceptance thereof, the lands thereby granted and not patented should revert to the State of Iowa for the purpose of securing the completion of said road; and,

WHEREAS, Said Sioux City & St. Paul Company duly accepted said grant on the 29th day September, A. D. 1866, but has failed to complete or cause to be completed any road on the line adopted therefor, from Sioux City to LeMars, in said State of Iowa, or any road in lieu thereof;

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

SECTION 1. That all lands, and all rights to lands, granted or intended to be granted to the Sioux City & St. Paul Railroad Company by said acts of Congress, and of the General Assembly of the State of Iowa, which have not been earned by said railroad company by a compliance with the conditions of said grant, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are absolutely vested in said State as if the same had never been granted to said railroad company.

SEC. 2. 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 Sioux City Journal, newspapers published in the State of Iowa.

Approved March 14, 1882.

#### CHAPTER 123.

##### ACTS OF THE NINETEENTH GENERAL ASSEMBLY.

AN ACT to Repeal Chapter 153 of the Laws of the Ninth General Assembly, and to Amend Section 1 of Chapter 167 of the Laws of the Eighteenth General Assembly (in Relation to Lands held under Land Grants).

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

SECTION 1. That chapter 153 of the laws of the Ninth General Assembly be and the same is hereby repealed.



SEC. 2. That section 1 of chapter 167 of the laws of the Eighteenth General Assembly be and the same is hereby amended: First, by striking the words "the grantee" from the 11th line thereof, and inserting in lieu of the words so stricken out the following, "Such person or company or on the application of a party claiming title to any land through such person or company." Second, by striking the word "grantee" from the 12th and 17th lines thereof, and inserting in lieu of the word so stricken out the word "applicant."

Approved March 17, 1882.

#### CHAPTER 69.

##### ACTS OF THE TWENTIETH GENERAL ASSEMBLY.

AN ACT authorizing the appointment of an agent to select certain lands along the line of the railroad constructed from McGregor to Sheldon, and providing for the payment of the fees for such selection.

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

SECTION 1. That the Governor of the State of Iowa is hereby authorized to appoint an agent to make a formal and proper selection, at the local government land office in Des Moines, of the lands heretofore not patented, and along the line of the railroad constructed from McGregor to Sheldon, and within the limits specified in the grant made to aid in the construction of said road, which are claimed by occupants under section 5 of chapter 21 of the acts of the Seventeenth General Assembly, and who have filed proof of their acts of the Seventeenth General Assembly. That should the selection of any tracts in the land department of the State. That should the selection of any tract or tracts of such lands be prevented by reason of some interfering claim or right, then such selection to be made as early as practicable after the interference is removed.

SEC. 2. That there be and is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of fifty dollars, or so much thereof as may be necessary to pay the fees required by the land department of the general government for such selection. The amount found to be necessary shall be audited and paid upon the order of the governor.

SEC. 3. This act to be in force from and after its publication in the Daily Iowa State Register and Daily Iowa Capital, newspapers published in Des Moines, Iowa.

Approved March 27, 1884.

#### CHAPTER 71.

##### ACTS OF THE TWENTIETH GENERAL ASSEMBLY.

AN ACT to relinquish and re-convey to the United States all lands and rights to lands 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 13th, A. D. 1864, which have not been earned pursuant to the provisions of said act.

WHEREAS, By an act of Congress, approved May 12th, A. D. 1864, 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," certain lands were granted to the State of Iowa for the purpose of aiding in the construction of a railroad to the State of Iowa to the south line of Minnesota, at such point from Sioux City in said State, to the south line of Minnesota, at such point as the State might select, between the Big Sioux and the west fork of the Des Moines river, which grant was made to and accepted by the State of Iowa, and upon the conditions, restrictions, and qualifications therein named; and

WHEREAS, By acts of the General Assembly of the State of Iowa, powers, April 3d, A. D. 1866, and April 29th, A. D. 1866, the lands, rights, powers, duties and trusts conferred upon the State of Iowa by said act of Congress, were duly accepted on the part of the State of Iowa; and

WHEREAS, By an act of the General Assembly of the State of Iowa, approved April 3d, A. D. 1866, so much of the lands, interests, rights, powers and privileges as were or might be conferred in pursuance of said act of Congress to aid in the construction of the aforesaid road, were disposed of, granted and conferred upon the Sioux City & St. Paul railroad company; and

WHEREAS, Said railroad company duly accepted said grant, but failed to complete said railroad as required by the terms and conditions of said grant; and

WHEREAS, By an act of the General Assembly of the State of Iowa, approved March 16th, A. D. 1882, all lands and all rights to lands granted or intended to be granted to the Sioux City & St. Paul railroad company by said acts of Congress and of the General Assembly of the State of Iowa, which had not been earned by said railroad company by a compliance with the conditions of said grant, were absolutely and entirely resumed by the State of Iowa, and vested in said state as absolutely as though the same had never been granted to said railroad company; and

WHEREAS, It is desirable that all lands and rights to lands resumed by the State of Iowa, as aforesaid, should be conveyed to and vested in the United States, to the end that such lands shall be made subject to the use of actual settlers, as provided by the acts of Congress relating thereto; now, therefore,

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

SECTION 1. That all lands and all rights to lands resumed and intended to be resumed by chapter one hundred and seven (107), of the acts of the Nineteenth General Assembly of the State of Iowa are hereby relinquished and conveyed to the United States.

SEC. 2. The Governor of the State of Iowa is hereby authorized and directed to certify to the Secretary of the Interior all lands which have heretofore been patented to the state to aid in the construction of said railroad, and which have not been patented by the state to the Sioux City and St. Paul railroad company; and the list of land so certified by the governor shall be presumed to be the lands relinquished and conveyed by section one of this act; provided that nothing in this section contained shall be construed to apply to lands situated in the counties of Dickinson and O'Brien.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Sioux City Journal, a newspaper published at Sioux City, Iowa.

Approved March 27, 1884.

##### SECTION 82, CHAPTER 2, TITLE II OF THE CODE OF 1897.

SEC. 82. In cases where lands have been granted to the state of Iowa by act of congress, and certified lists of lands inuring under the grant have been made to the state by the commissioner of the general land office, as required by act of congress, and such lands have been granted by act of the general assembly, to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the secretary of state is hereby authorized to prepare, on the application of such person or company, or on the application of a party claiming title to any land through such person or company, a list or lists of lands situated in each county inuring to such applicant, from the lists certified by the commissioner of the general land office, as aforesaid, which shall be signed by the governor of the state, and attested by the secretary of state, with the state seal, and then be certified to by the secretary to be true and correct copies of the lists made to this state, and deliver them to such applicant, who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and shall be evidence of title in such grantee, or his or its assigns, to the lands therein described, under the grant

of congress by which the lands were certified to the state so far as the certified lists made by the commissioner aforesaid conferred title to the state; but where lands embraced in such lists are not of the character embraced by such acts of congress or the acts of the general assembly of the state, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be void; but lands in litigation shall not be included in such lists until the actions are determined and such lands adjudged to be the property of the company; nor shall the secretary include, in any of the lists so certified to the state, lands which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swamp-land grant, or any homestead or pre-emption settlement; nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified.

DES MOINES VALLEY RAILROAD, FORMERLY  
KEOKUK, FORT DES MOINES & MIN-  
NESOTA RAILROAD

CHAPTER 29.

ACTS OF THE SEVENTH GENERAL ASSEMBLY.

AN ACT disposing of the Grant of Land made by an Act of Congress granting land to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the lands granted to the then Territory of Iowa, by an Act of Congress, approved August eighth, eighteen hundred and forty-six, entitled an Act granting lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory, and all lands and compensation which may be given in extension or in lieu of any portion thereof by the General Government, and also all stone, timber and other material turned over to the State by the Des Moines Navigation and Railroad Company in settlement with the State of Iowa, he and the same are hereby disposed of and granted to the Keokuk, Ft. Des Moines and Minnesota Railroad Company, a body corporate created and existing under the laws of the State of Iowa, to aid in the construction of a railroad from the city of Keokuk, at the mouth of the Des Moines River, up and along the valley of said river by way of the city of Des Moines, to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peters river, excepting all the land belonging to said grant heretofore sold by the State of Iowa, or which may hereafter be conveyed to the Des Moines Navigation and Railroad Company by virtue of a settlement now pending between the State and said Company; and also so much of the said timber, stone and other material as may be used in the completion of the locks and dams at Croton, Plymouth, Bentonsport and Keosauqua; this grant to become operative as soon as Congress shall assent to or permit a diversion, or the title thereto shall become vested in the State so as to be subject to grant.

SEC. 2. That the Keokuk, Ft. Des Moines and Minnesota Railroad Company shall pay all liabilities against said Des Moines River Improvement, and against the State of Iowa, growing out of said improvement, whether by contracts between the State and other parties, or between the Des Moines Navigation and Railroad Company and other parties, or between any parties whatever which have been assumed by the State in consequence of the proposed settlement with the Des Moines Navigation and Railroad Company, as contained in the joint resolution passed at the present session of the General Assembly; and said Company shall also complete the locks and dams at Croton, Plymouth, Bentonsport, and Keosauqua, and fifty thousand acres of the lands which may hereafter be certified by the General Government to the State of Iowa, shall be set apart by the Register of the State Land Office, which said lands shall be held for the purpose of securing the payment of said liabilities and the completion of said lock(s) and dams, and that whenever said Company shall pay thirty thousand dollars of said liabilities properly audited and allowed by the Register of the State Land Office, or shall do thirty thousand dollars worth of

work on said locks and dams, to be certified and allowed by an engineer to be appointed by the Governor to superintend said works, that then the Register of the State Land Office shall issue to said Company a certificate for ten thousand acres of said lands so set apart, for every thirty thousand dollars so paid or expended until said liabilities are paid and said locks and dams are completed, and if any of said fifty thousand acres of land shall remain after the payment of said liabilities and the completion of said locks and dams, it shall be certified to said Railroad Company in the same manner provided in this act; *Provided*, That if the proceeds of said fifty thousand acres of land shall at any time be found insufficient to discharge existing contracts for constructing or repairing the works at Keosauqua, Bentonsport, Plymouth, and Croton, and in all respects preserve the State harmless on account of any liabilities now existing against the State, or that have been assumed by the proposed settlement with the Des Moines Navigation and Railroad Company, or arising in any manner from the past improvement of the Des Moines River, or the payment of the officers or agents employed in and about said improvement, then the said Keokuk, Fort Des Moines and Minnesota Railroad company shall be liable to pay the State the amount of said deficiency.

Sec. 3. Whenever the President and Chief Engineer of said Railroad Company shall certify under oath to the Register of the State Land Office that twenty miles of said railroad in a continuous line from the town of Bentonsport, up the valley of the Des Moines River, have been completed and the cars running thereon, the Register shall issue to said Company a certificate for one hundred and twenty sections of land, to be taken as nearly as practicable in a body from the remaining lands nearest to the completed part of said railroad, and the Governor shall, upon the presentation of said certificate issue to said Company a patent for said lands, and so from time to time as twenty miles are completed until three-fourths of said lands are exhausted; *Provided*, That the lands hereby granted and so certified to said Company shall be exclusively applied in extending the construction of said Railroad in a continuous line above Bentonsport, and shall be applied to no other purpose whatever; and provided also, that one-fourth in quantity of said land shall be applied by said Company in the construction of said road above the city of Des Moines; the said one-fourth to be certified in manner as herein provided from the completion of each twenty miles from the city of Des Moines up the valley of the Des Moines river.

Sec. 4. The grant aforesaid is made to said Company upon the express condition that in case such Railroad Company shall fail to have completed and equipped seventy-five miles of road up the valley of the Des Moines River, from the town of Bentonsport, within three years from the first day of December next, thirty-three miles in addition in each year thereafter, for five years, and the remainder of the whole line in three years thereafter, or on the first day of December, eighteen hundred and sixty-eight, then in that case it shall be competent for the State of Iowa to reserve all rights to the lands hereby granted, then remaining uncertified to said Company so failing to have the length of road completed in manner as aforesaid.

Sec. 5. That this grant is subject to all the provisions of an act of the General Assembly of the State of Iowa, approved July fourteenth, eighteen hundred and fifty-six, entitled an act to accept the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled an act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of railroads in said State, approved May 15, 1856, so far as the same are applicable and not inconsistent with the foregoing provisions of this act.

Sec. 6. This act to take effect and be in force immediately after the publication thereof in the Iowa Weekly Citizen and Iowa State Journal, newspapers published at Des Moines, Iowa.

Approved March 22, 1858.

## CHAPTER 16.

## ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT in relation to the Des Moines River Improvement, and abolishing the Office of Commissioner thereof.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That the fifty thousand acres of land to be set apart by the Register of the State Land Office, under the second section of an Act of the General Assembly, approved March 22, 1858, entitled, "An Act disposing of the grant of land made by and Act of Congress granting land to the Territory of Iowa to aid in the improvement of the Navigation of the Des Moines River," shall be taken from the lands next above those transferred by the State to the Des Moines Navigation and Railroad Company by the terms of settlement with that Company, authorized by Joint Resolution of the General Assembly, approved March 22, 1858.

Sec. 2. That the uncompleted dams to be built by the said second section of the Act above referred to, shall be completed as follows: that is to say, the dam at Keosauqua shall be completed in one year after the lands granted to said Railroad Company by said Act shall have been certified by the General Government to the State of Iowa, or otherwise become the property of said Company, and the dam at Plymouth, and the other works within two years after the lands shall have been certified as aforesaid.

Sec. 3. That the office of Commissioner of the Des Moines River Improvement be, and the same is hereby abolished.

Sec. 4. That Geo. Q. Wright, of Van Buren county, Edward Johnson, of Lee county, and Christian W. Slais, of Jefferson county, be and they are hereby appointed a Board of Commissioners for the purpose of ascertaining all the liabilities, whether in suit or otherwise, against said Des Moines River Improvement, and against the State of Iowa, growing out of said Improvement, and which are to be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company, as provided by the said second section of the act of the 22d of March, 1858, above referred to.

Sec. 5. Said Commissioners, or a majority of them, shall meet at the city of Keosauqua, in the county of Van Buren, within six months after the passage of this Act, or as soon thereafter as practicable; and shall organize the Board by taking an oath that they will well and truly discharge the duties imposed upon them by this Act.

Sec. 6. After having organized, said Commissioners shall give public notice of the time and place of their meeting, and the objects of the commission, by a general notice to all persons claiming to be entitled to be paid by the provisions of the said section of the said Act of March 22d, 1858, that unless they present their claims within six months after the time fixed in said notice for the meeting of the Board, they will not thereafter be received or acted upon, but forever barred; which notice shall be published for at least four weeks in some newspaper published at the County Seat of Van Buren County, and a newspaper published in the city of Keokuk.

Sec. 7. After said notice shall have been given, said Commissioners, or a majority of them, shall meet at the time and place appointed by said notice, and proceed to hear testimony and decide upon the validity of all claims presented which are legal and equitable, and the amount thereof, which decision shall be final and conclusive and may adjourn from time to time during and after the said six months from the time of their meeting, until they shall have decided upon all the claims presented within said six months; an at any time during said six months, when said Board shall not be in session, claims may be filed with the Clerk of the District Court of the county in which the Board sits, and it shall be the duty of said Clerk to present said claims so filed to the said Commissioners at their first meeting thereafter. Said Commissioners shall have power to administer oaths, and to compel

the attendance of witness and the production of papers, and the Sheriff of the county in which the Board sits shall serve and execute the necessary processes when required by said Commissioners, and all claims not presented within the said six months shall be forever barred.

Sec. 8. When any of the claims aforesaid shall have been decided, the Commissioners shall report the same to the Register of the State Land Office, who shall audit said claims and none others, in accordance with the second section of the said act of the 22d of March, 1858, and it shall be the duty of the Keokuk, Ft. Des Moines and Minnesota Railroad Company, to pay said liabilities so audited, one-half within one year, and one-half within two years after the aforesaid lands shall have been certified to the State of Iowa, or otherwise become the property of said Company, with ten per cent interest thereon from the time said claims were audited.

Sec. 9. For every three thousand dollars worth of work done on the locks and dams, and for every three thousand dollars of said audited liabilities paid by the said Keokuk, Fort Des Moines and Minnesota Railroad Company, in accordance with the second section of said act of March 22, 1858, the Register of the State Land Office shall certify to said Company 1,000 acres from said 50,000 acres of land.

Sec. 10. In case said Keokuk, Fort Des Moines and Minnesota Railroad Company shall not complete said dams or pay said audited liabilities as hereinbefore provided, then the said Commissioners shall proceed to complete said dams and pay said liabilities by the sale or mortgage of so much of said fifty thousand acres of land as may be necessary for that purpose, provided that said Commissioners may give said railroad company further time for the completion of said dams, if in their opinion the said company shall have proceeded in the construction thereof in good faith, and that said further time is necessary.

Sec. 11. Said Commissioners shall, as soon after the organization of the Board as may be expedient, proceed to sell all the interest of the State in all such locks and dams belonging to the Des Moines River Improvement and the land appertaining, and the water power thereto belonging, as shall have been completed by the State or by the said railroad company; and shall also sell the dams and water power at Keosauqua and Plymouth in the same manner, when said dams shall have been completed, and shall make conveyances in the name of the State without warranty to the purchasers of the interest so sold, containing covenants on the part of said purchasers that they and their heirs and assigns shall and will forever keep said dams and locks in good repair, and that they will at all reasonable times pass boats through said locks, and charge only such tolls as may be agreed upon between said Commissioners and the purchasers, not exceeding the maximum rates prescribed in the contract by the State with the Des Moines Navigation and Railroad Company, which conveyances shall also be executed by the purchasers as parties of the second part thereto, and said sale shall be made upon such terms as will secure the State against all liability upon any leases or contracts for water power heretofore executed between the officers of the Improvement and individuals, and the proceeds of said sales shall be applied, first, to the payment of the expenses of said sales, second, to the payment of said Commissioners, third, to the payment of damages for any lands condemned, and fourthly, any balance that may remain shall be paid on the audited claims herein provided for.

Sec. 12. Said Commissioners shall receive five dollars per day for the time actually employed in said commission.

Provided, that the aggregate per diem of each of said Commissioners shall not exceed three hundred dollars; which, if not paid by the proceeds of the sales aforesaid, shall be paid by the said Keokuk, Fort Des Moines and Minnesota Railroad Company as one of the audited claims hereinbefore provided for.

Sec. 13. That all the stone, timber and other materials belonging to said Des Moines Improvement, and not necessary to be used in the construction of the

locks and dams provided for in the second section of the said act of the 22d of March, 1858, are hereby relinquished and transferred to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

Sec. 14. In case of the death, resignation or refusal to act, of any of said Commissioners, it shall be the duty of the Governor to fill such vacancy by appointment.

Sec. 15. Said Commissioners shall have power to procure for the State at any one of said points where dams are or may hereafter be erected, the land upon which any part of any lock or dam, or abutment, is or may be erected, and also a sufficient quantity of land at and adjacent to said dams, not exceeding two acres in extent on each side of the river, to make the water power created by said dam available and of value to the State, by condemning said land in the same manner as is or may be provided by law for condemning land for right of way for railroads; and any damages which may be awarded to the owners of such lands, shall be paid out of the proceeds of the sale of the dam and water power for the benefit of which said land is condemned; the possession of said lands not to be taken after the condemnation until the damages are paid.

Sec. 16. This act to be in force from and after its publication in the Iowa State Register and the Keosauqua Republican.

Approved March 3d, 1860.

#### CHAPTER 35.

#### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT making provision for the payment of the salary of the Commissioner of the Des Moines River Improvement, and requiring the Keokuk, Fort Des Moines and Minnesota Railroad Company to pay the amount of said salary into the State Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated out of the State Treasury, the sum of fourteen hundred and sixty dollars, to pay the salary of William C. Drake, commissioner of the Des Moines River Improvement, from the first day of January, 1859 up to the time said office was abolished, and the Auditor of State is hereby directed to draw a warrant on the Treasurer in favor of said Drake for said sum.

Sec. 2. The Keokuk, Fort Des Moines & Minnesota Railroad Company, are hereby required to pay into the State Treasury of this State, the amount of money appropriated by the first section of this act, to pay the salary of said Commissioner, with ten per cent interest thereon from the time this act takes effect, within one year after the lands granted to said Railroad Company by an act entitled "an act disposing of the grant of land made by act of Congress granting land to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River," approved, March 22d, 1858, shall have been certified to the State of Iowa, or otherwise become the property of said Company.

Sec. 3. In case said Railroad Company fail to pay said sum of money into the State Treasury, as provided in section two of this act, then the Commissioners appointed by an act entitled "an act in relation to the Des Moines River Improvement, and abolishing the office of Commissioner thereof," approved March 3, 1860, shall proceed by the sale or mortgage of lands, as provided for in section ten of said act last named, to raise said sum and pay the same into the State Treasury.

Sec. 4. This act to take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal, anything in section twenty-one of the Code to the contrary notwithstanding.

Approved March 24, 1860.

## CHAPTER 103.

## ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT relative to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall not be lawful for the Keokuk, Fort Des Moines and Minnesota Railroad Company to make any deed of trust or mortgage on their Railroad and franchises from the city of Keokuk to the city of Des Moines, other than the existing mortgage executed by the said Company to Luther C. Clark and Samuel R. Curtis, dated February 16, 1857, except with the consent in writing first had and obtained, of a majority in interest of the holders of the bonds secured by the said existing mortgage, such consent to be acknowledged and recorded in the same manner as the said mortgage is now recorded. And it shall not be lawful for said Company to issue their bonds under the aforesaid existing mortgage at any greater rate than fifteen thousand dollars per mile, and in respect to that portion of their Railroad lying between the town of Eddyville and the city of Des Moines, it shall not be lawful for said Company, except with the consent in writing of a majority of bondholders in the manner aforesaid, to issue their Bonds under said existing mortgage, except as the track of their Railroad shall have been prepared, and the rails laid thereon and affixed thereto, so that cars can run thereon, and then only at the aforesaid rate of \$15,000 per mile, and the trustees under said mortgage shall certify such Bonds only as may be issued as herein provided. But nothing herein contained shall be construed to prevent said company from making and issuing such an amount of construction Bonds as they may deem necessary to provide for the construction and equipment of the said Railroad, or to secure the same by pledge of the bonds issued under and secured by the aforesaid existing mortgage.

SEC. 2. In case said existing mortgage or deed of trust shall be foreclosed, and a sale of said road be made by the trustees, or by order or decree of Court, under said Mortgage, the road, its appurtenances and franchises shall immediately thereby pass to the purchaser or purchasers, who shall be deemed the successors to said Keokuk, Fort Des Moines and Minnesota Railroad Company, and as such shall take, have, enjoy and exercise all the rights, powers, privileges and franchises that were possessed by said Keokuk, Fort Des Moines and Minnesota Railroad Company at the time of the execution of such mortgage or deed of trust, or at the time of sale aforesaid.

SEC. 3. This act shall take effect when accepted by the said Company, by a resolution to that effect of the Board of Directors, duly authenticated by the President and Secretary, under the corporate seal of said Company, and filed in the office of Secretary of State.

SEC. 4. This act to be in force from and after its publication in the Iowa Citizen and the Iowa State Journal, without expense to the State.

Approved February 10th, 1860.

## CHAPTER 91.

## ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT conferring certain powers on the Board of Commissioners appointed for the purpose of ascertaining the liabilities of the Des Moines River Improvement, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Commissioners appointed and provided for by an act entitled "An act in relation to the Des Moines River Improvement, and abolishing the

office of commissioner thereof," approved March 3d, 1860, shall have the power, and they are hereby authorized and directed to inquire into and examine the liabilities and obligations of all persons to said improvement, or the state on account of said improvement, arising from contracts made by any person or persons with the officers or agents of said improvement, and also all liabilities of any and all persons who may have heretofore acted as agents or officers of said improvement, and also all liabilities of any and all persons who may wrongfully withhold any money or property belonging to said improvement, or to the state on account of said improvement, or who may have wrongfully taken or trespassed on any of the property belonging to said improvement, or who may for any cause be liable in any sum to said improvement, or the state for or on account of said improvement.

SEC. 2. Said Board for that purpose may, upon their own motion, or on the petition of any other party, issue a citation or notice to any person believed to be indebted or liable in any sum to said improvement, or to the state on account of said improvement, requiring such person to appear before such commissioners at such time and place as they may, in such notice, designate, to answer to such claims, charges and liabilities as may be briefly set forth and specified in said notice. Such notice shall be served by the sheriff, as other notices, and his returns shall have the same force and validity as in other cases. Said commissioners, or any one of them, may issue subpoenas for witnesses, which shall, in like manner, be served by the sheriff.

SEC. 3. At the time fixed in such notice for the appearance of the person against whom the claim is made, and who may have had the notice required by the preceding section, the commissioners shall (unless, for good cause the hearing is continued), proceed to determine the liabilities of said party so cited to said improvement, or to the state on account of said improvement, and shall render judgment for any amount due from such party, together with all costs, including the mileage and per diem of the commissioners, which judgment said commissioners shall file in the office of the clerk of the district court of the county in which the Board sits, and when said judgment of said commissioners is so filed in said clerk's office, it shall be entered by the clerk in the proper records, and shall have all the force and effect of a judgment rendered in said court, and no appeal shall in any case be allowed from such judgment.

SEC. 4. Said commissioners shall have power to employ counsel to prosecute before said Board any and all the claims aforesaid against any or all persons indebted or liable to said improvement, or the state on account of said improvement, or the property connected therewith, and to that end said commissioners may arrange to pay such counsel such sums or proportion of any amount recovered as they deem right and just.

SEC. 5. The true intent and meaning of this act is to confer on said commissioners full powers judicial and otherwise, to enable them to fully carry out the objects and purposes of this act, and said commissioners may adopt such rules and regulations as they deem proper to aid them in carrying out the objects of this act.

SEC. 6. All moneys collected under the provisions of this act shall be applied as provided in section 11 of said act, approved March 3d, 1860, for the disposition of the proceeds of the sales of the dams, water power, etc., connected with said improvement.

SEC. 7. Said commissioners may, without the proceedings herein provided for, when practicable, proceed and settle with any party liable to said improvement, and make such provisions for the security and payment of any amounts found due, as they deem just and right.

SEC. 8. This act shall be in full force and take effect from and after its publication in the Iowa State Journal and Keosauqua Republican.

Approved April 3d, 1860.

## JOINT RESOLUTION OF CONGRESS, MARCH 2, 1861.

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled,* That all the title which the United States still retain in the tracts of land along the Des Moines river, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said state improperly by the Department of the Interior, as part of the grant by act of congress approved August eight, eighteen hundred and forty-six, and which is now held by bona fide purchasers under the state of Iowa, be, and the same is hereby relinquished to the state of Iowa.

Approved March 2, 1861.

## JOINT RESOLUTION NO. 19, NINTH GENERAL ASSEMBLY.

JOINT RESOLUTION In relation to the Des Moines River Grant.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure from the proper Department at Washington, an order to prevent the sale of any lands within the State of Iowa, heretofore held by the Department of the Interior to have been granted to the Territory of Iowa, by act of Congress of August 8, 1846, to aid in the improvement of the Des Moines River, until the action of Congress can be had in regard to quieting said grant; and to obtain from Congress the passage of an Act or Resolution granting or confirming to the State of Iowa, all of said river lands, to the north line of the State of Iowa, to be used by the State in paying the just claims assumed by the State against the Des Moines River Improvement, and in building a railroad along said river: *Provided,* That no such act shall, in any manner, apply to any lands heretofore granted to the State for Railroad purposes, or for any other purposes whatsoever.

*Resolved,* That the Secretary of State shall send copies of these resolutions to each of our Senators and Representatives in Congress.

Approved April 7th, 1862.

## ACT OF CONGRESS, JULY 12, 1862.

AN ACT confirming a Land Claim in the State of Iowa, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That the grant of lands to the then Territory of Iowa, for the Improvement of the Des Moines River, made by the act of August 8th, 1846, is hereby extended so as to include the alternate sections, (designated by odd numbers,) lying within five miles of said river, between the Raccoon Fork and the Northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 23d, 1858, And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2d, 1862, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof; *Provided,* That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to, and be held as a trust fund for the benefit of the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862.

## JOINT RESOLUTION NO. 2.

## NINTH GENERAL ASSEMBLY, EXTRA SESSION—ACCEPTING A LAND GRANT.

JOINT RESOLUTION accepting the grant of lands made to the State of Iowa by an Act of Congress, approved 13th (12th) July, 1862, entitled, "An Act confirming a land claim in the State of Iowa, and for other purposes."

*Resolved by the General Assembly of the State of Iowa,* That the grant of lands made by the Act of Congress approved July 13th, (12th) 1862, entitled, "An Act confirming a land claim in the State of Iowa, and for other purposes," be and the same is hereby accepted by the State of Iowa, on the terms and conditions in said Act contained.

Approved September 11th, 1862.

## CHAPTER 37.

## ACTS OF THE NINTH GENERAL ASSEMBLY—EXTRA SESSION.

AN ACT to provide for the selection of the lands granted to the State of Iowa by an Act of Congress approved July 13th, (12th) 1862, entitled "An Act confirming a land claim in the State of Iowa and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor of the State of Iowa be and is hereby authorized and required to appoint one or more Commissioners whose duty it shall be to do and perform whatever duty may be necessary to perfect the selection of the lands granted to this State by Act of Congress approved July 13th, (12) 1862.

SEC. 2. That said Commissioner or Commissioners shall, as soon as said lands are selected and set apart to the said State, report the same to the Governor and file complete abstracts in the office of the Register of the State Land Office.

SEC. 3. The said land when selected and reported to the Governor, as provided by this Act, shall be held by the State in trust for the purposes for which it was granted to the State; but the State shall in no wise dispose of said lands until authorized by future legislation.

SEC. 4. The Commissioners who shall be appointed by the Governor, under the provisions of this Act, shall receive the sum of three dollars per day in full compensation for the time actually employed by them in the performance of such duties as are imposed upon them by the provisions of this Act, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. This Act shall take effect and be in force from and after its publication according to law.

Approved September 11th, 1862.

## CHAPTER 108.

## ACTS OF TENTH GENERAL ASSEMBLY.

AN ACT supplemental to Chapter ninety-nine of the laws of the Seventh General Assembly, approved March 22, 1858, and relating to the Des Moines River Land Grant, and for the payment of certain audited claims and releasing to the United States certain occupied lands included in said grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the title and interest of the State of Iowa in and to any portions of the lands granted by the act of Congress, approved July 12th, 1862, situated north of township number ninety, north, which was entered upon by a head of a family as a homestead or as a pre-emption claim, and who had prior to the first day of January, 1863, filed in the proper land office a declaratory statement, and who actually occupied the said land with his family, as a homestead,

on the first day of December last, and has continued to hold and occupy the same, shall be relinquished to the United States upon the condition hereinafter mentioned. The said claimants shall, within ninety days of the taking effect of this act, make due proof before the Register of the Land Office at Fort Dodge, of such filing, entry, and continued occupation, and any person claiming an interest in the said lands, after giving all the contesting parties ten days' notice of the time and place, may appear before the Register within thirty days after the expiration of the said ninety days, and contest the validity of such claims, and the whole evidence having been reduced to writing and certified to by said Register of the Land Office at Fort Dodge, shall be deposited in said Land Office, and a complete list of such claims and the evidence relating thereto shall be filed in the office of the Governor at Des Moines, within one hundred and forty days from the date of the taking effect of this act. The Governor shall execute a release of such lands to the United States, when lists of same, duly certified by the Register of the Land Office at Fort Dodge, shall be furnished him, and he shall be satisfied from the evidence so filed with the Register that the said claims have been established in accordance with the provisions of this act.

*Provided*, That if any of the said claimants shall fail to perfect their claims upon any of the aforesaid lands in the manner required by the laws of the United States relating to pre-emptions and homesteads, then such unclaimed lands shall belong to the State of Iowa, and be held and disposed of as provided by the said act of Congress, approved July 12th, 1862, and

*Provided further*, That if any purchase money shall be paid by said claimants to the United States for such lands, the same shall inure to the benefit of the parties legally entitled thereto.

SEC. 2. No person or persons, company or corporation, claiming said lands, or any part thereof, shall be entitled to receive a certificate, or other conveyance of said granted lands, until such person or persons, company or corporation, shall execute and file in the office of the Register of the State Land Office a deed of release to the State of Iowa of the lands described in Section one of this act.

SEC. 3. Charles Pomeroy, of Boonesboro, and John R. Needham, of Oskaloosa, are hereby appointed commissioners to classify the lands granted to the State of Iowa by the act of Congress of July 12, 1862, and it shall be their duty.

*First*—To file an oath in the office of the Register in such form as shall be prescribed by that officer, to discharge fairly and impartially the duties imposed by this act.

*Second*—After the filing of said official oath, and as soon as practicable after said lands are certified to the State of Iowa, to arrange said lands with reference to their value, in three separate classes or grades; the lands in each class to be as nearly as practically of equal value.

*Third*—To file in the office of the Register lists of the lands in each grade or class.

SEC. 4. As soon as said lists are filed in the office of the Register of the State Land Office, it shall be the duty of such Register to reserve and set apart of those lands lying in place upon the Des Moines River above township number ninety, seventy thousand acres, taking the same as nearly as practicable from the lands next north of said township.

*Provided*, That in the setting apart of said seventy thousand acres, ten sections of land upon which S. H. Taft has located a colony shall be excluded and the Governor is hereby authorized to convey said ten sections of land to S. H. Taft for not less than one dollar and twenty-five cents per acre, and the money received for the same shall be deposited in the State Treasury for the use of the Keokuk, Fort Des Moines and Minnesota Railroad Company, when they shall become entitled thereto under the provisions of this act, which land so reserved shall be held to secure the payment of the claims and discharge of existing liabilities against the Des Moines River Improvement in the manner hereinafter provided.

SEC. 5. The commissioners hereinbefore named, shall set apart from the indemnity lands, so called, fifty-eight thousand, eight hundred and thirty acres, one-third from each class or grade to be used, or so much thereof as may be necessary for that purpose by the State in adjusting the titles of its grantees to lands sold prior to June 9th, 1854, as contemplated by act of Congress approved July 12, 1862.

SEC. 6. After the lands as granted have been so classified and graded, and the reservations provided for in sections four and five of this Act, have been set apart by the Register, the Keokuk, Fort Des Moines and Minnesota Railroad Company, shall select two hundred and forty sections of those remaining, less the ten sections to be conveyed to S. H. Taft, as provided in Section four of this act, and shall file in the office of the Register a list showing the same, after which a number of sections of said lands equal in value to one-fourth of all the lands including the two hundred and forty sections to be selected by said company as herein provided, granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, except the reservation provided for in Section four and five of this Act, shall be selected by Charles Pomeroy, who shall cause a list of the same to be filed in the office of the Register of the State Land Office, all of said selections shall be made as nearly as practicable one-half in each case from the lands in place and one-half from the indemnity lands, so called, and in making all of said selections one-third shall be taken from each of the three grades in which such lands shall be classed.

SEC. 7. That upon the filing of certificate in the office of the Register of the State Land Office by the Keokuk, Fort Des Moines and Minnesota Railroad Company, verified by the oath of the President and Secretary thereof, showing that such Company has forty miles of its roadway from the town of Bentonsport up the valley of the Des Moines River, completed and in operation, it shall be the duty of the Register to certify to said company the two hundred and forty sections of land selected by said company as above provided, and upon the presentation of such certificate to the Governor, he shall, if satisfied that the above provision has been complied with issue to said company a patent therefor.

SEC. 8. That the lands selected by Charles Pomeroy as above provided for, shall be set apart by the Register of the State Land Office, to be applied in the construction of said Railroad from the city of Des Moines to Fort Dodge, and said lands so reserved shall be divided into four equal parcels, one of which shall be certified and patented to said company upon the completion of each fourth in distance of that portion of said road.

SEC. 9. Upon the payment or satisfaction by said Railroad Company of the claims against the Des Moines River Improvement, which have been duly allowed and certified by the commissioners and audited by the Register of the State Land Office, according to an act of the Eighth General Assembly, approved March, 3, 1860, entitled an act in relation to the Des Moines River Improvement and abolishing the office of Commissioners thereof, including the amount paid by the State in accordance with Chapter Forty-four of the Acts of the Ninth General Assembly by Brown and Alender, also the amount paid W. C. Drake in accordance with Chapter Fifty-three of the acts of the Eighth General Assembly, also to the Estate of E. Maxon, balance for services as Commissioner, one hundred and sixteen dollars and eighty cents, to Ed. Johnson balance for similar services, ninety-one dollars and fifty cents, to J. E. Jewett, balance for similar services, ninety dollars, to Semple and Kinley, counsel fees, twenty dollars; also all interest accruing on all or any of said claims as now fixed by law; together with the costs and expenses incurred in grading or classing the lands in said grant as required by the terms of this act. The Register shall certify to said company the lands set apart and reserved by Section four of this Act, and the Governor shall, if he is satisfied that the foregoing provisions have been complied with, and provided said Keokuk, Fort Des Moines and Minnesota Railroad Company shall have filed with the Secretary of State, a bond in the sum of one hundred thousand dollars, with sureties to be approved by the Governor, conditioned that said R. R. Company will pay all just and legal claims against the State of Iowa

on account of or growing out of the improvement of the Des Moines River, issue a patent therefor, except for so much as shall have been released to the United States in compliance with the provisions of this Act, and upon the payment or satisfaction of any portion of said claims by said company, it shall be entitled to a certificate and patent for a portion of said lands in the ratio of one thousand acres of land for every three thousand dollars of said claims so paid or satisfied.

SEC. 10. The bond provided for in section nine of this Act, shall not bind the Keokuk, Fort Des Moines and Minnesota Railroad Company to pay any claims except such as have grown out of contracts for the construction and completion of the works at Keosauqua, Plymouth and Croton, and which have been allowed by the Commissioners appointed under the act of March 3, 1860, or their successors, or which shall be allowed, not exceeding twenty thousand dollars, within sixty days from the taking effect of this Act. All claims not presented within the said sixty days shall be forever barred. Said Commissioners are authorized to hear and determine such claims as may be presented to them within the said sixty days, and to fix the time and place of their meeting, and to give thirty days notice thereof in the Keosauqua Republican and Keokuk Gate City, as provided in said Act of March 3, 1860.

*Provided*, That as to all claims not mentioned in this section, the bar imposed by the Act of March 3, 1860, is to continue in full force.

SEC. 11. All assignments of said claims, or of any part thereof, shall be filed in the office of the Register of the State Land Office on or before the first day of July next, and no assignment not thus filed shall entitle the holder thereof to any claim in the trust fund provided to pay such claims, and the Register or Company shall be justified in paying any funds applicable to the payment of said claims, to any person who appears by the papers on file with or in the claim to be entitled thereto.

SEC. 12. In case the said Company shall not have paid all the claims mentioned in the ninth section of this Act, as follows: At least one-half in amount thereof within one year from the time the certificate of such lands shall be delivered to the State, and the remaining part within one year thereafter, then the Register of the State Land Office shall cause said reserved lands to be appraised so that the prices of the three classes shall average three dollars per acre. He shall thereupon offer the same for sale at public auction, in such parcels as will bring the greatest price, after giving two months' notice of such sale in the "Iowa State Register," the "Keosauqua Republican," and the "Fort Dodge Republican." *Provided*, That in no case shall the lands be sold for less than the minimum price so fixed, unless hereafter directed by the General Assembly. At such sale the owners of any of the said claims may bid on such lands, and the Register shall receive their claims as aforesaid, receipted as money paid on such bids.

SEC. 13. The Register shall, from the moneys received from such sale, pay as follows: 1st—The expenses of such classification, appraisal, advertisement and sale. 2nd—Sums due the State for moneys advanced or due other parties, as mentioned in section nine of this Act. 3d—The claims unpaid and not used in the purchase of said lands. And in case there shall not be in his hands moneys sufficient to pay all of said claims, the payments thereon shall be pro rata. And after the application of all the moneys so received, the claimants may enter upon and select any of said lands not disposed of, to the amount of their said unpaid claims, at the minimum price fixed thereon; and the Governor shall in all cases of the above disposition of any of said lands, issue patents therefor. Should any of the said reserved lands remain undisposed of after the payment of such claims, they shall be treated as other lands subject to be certified to said Company.

SEC. 14. In case the said Railroad Company shall procure from all persons having valid claims against the Des Moines River Improvement, or the State, arising out of contracts for the completion of the locks and dams in said Improvement, or for leases, water-rents and other contracts from which future liabilities may arise by reason of said locks and dams not being completed, full releases from all such contracts, claims and demands and shall file the

same in the office of the Register aforesaid; then the said Company shall be released from any obligation to complete said locks and dams at Croton, Plymouth and Keosauqua, as provided by section two of said Act of March 22, 1858, and the said Company is hereby released from any obligation to complete and keep in repair the lock and dam at Bentonsport; and in case the said Company shall expend any sums of money upon any of said works, or in procuring said releases, then for every three thousand dollars so expended, the Register shall certify to said company one thousand acres of the lands above reserved not required to pay the claims of section nine of this act, and in the same ratio for any less sums so expended.

SEC. 15. Whenever it shall be made to appear to the satisfaction of the Governor and the Register of the State Land Office, that in accordance with any contract with the Keokuk, Fort Des Moines and Minnesota Railroad Company, and for a consideration paid by said Company, the completion of either of the locks and dams remaining uncompleted at Croton, Plymouth and Keosauqua, has been assumed by some proper party, and the State and said Company discharged from any further payments therefor, and that the State and said Company have been discharged from all liabilities arising out of any contracts for the completion of either of such locks and dams heretofore entered into or assumed by the State as trustee, or out of any and all contracts or leases of water-power heretofore executed or assumed by the State as such trustee, or otherwise, it shall be the duty of the Governor and Register of the State Land Office, first if so requested by such Company, to execute to such party as the Company shall designate, a conveyance in the name of the State of Iowa, without warranty, of all the interests of the said State in such lock and dam, and in the land appurtenant thereto, and the water-power thereto belonging, and in any material prepared for the construction of such lock and dam; and if any of such material shall have been improperly taken possession of by any person, the State or its grantee may replevin the same. That said conveyance shall contain a covenant on the part of the grantee, that said dam shall at all reasonable times be kept in condition to pass boats without unnecessary hindrance or delay, and that for boats passing through the locks of such dam, the toll charged shall not exceed the maximum rates prescribed by the contract by the State with the Des Moines Navigation and Railroad Company. Second, to certify, to said Keokuk, Fort Des Moines and Minnesota Railroad Company, or to such person as it may designate, for every three thousand dollars so paid, one thousand acres of land from the seventy thousand acres reserved by this Act, and in the same ratio for sums less than three thousand dollars.

SEC. 16. When said Railroad Company shall, in the manner prescribed in Section seven of this Act, establish the fact that it has completed and is operating twenty miles of its road, in addition to that for which it shall have received lands of this grant prescribed in this Act, *Provided*, The said Company shall have then satisfied all the claims mentioned in Sections nine and ten of this Act, to be evidenced by receipts filed in the office of said Register, or by the receipt of the State Treasurer, for moneys paid to such Treasurer in default of the proper claimants receiving the same, the said Company shall be entitled to a certificate and patent for one hundred and twenty sections of said lands, to be selected, as nearly as practicable one-half from the lands in place, and one-half from the indemnity lands, so called, and one-third from each of said grades or classes, until there shall remain of the lands within said grant, undisposed of, only the lands reserved by the preceding sections of this Act. *Provided*, That it is also made to appear to the satisfaction of the Governor and the Register of the State Land Office, that said road has been constructed over the most practicable route up the valley of the Muchakink Creek, and that a depot has been established on the line of said road at the point nearest the city of Okaloosa, and on the east side of said creek, or that the Mahaska County Railroad Company has consented to a different route and a different point for the location of said depot.

SEC. 17. When the Keokuk, Fort Des Moines and Minnesota Railroad Company shall in like manner have established the fact that it has completed



and is operating its road one-fourth of its distance between the city of Des Moines and Fort Dodge, it shall be entitled to a certificate and patent for one-fourth of the lands reserved by Section eight of this Act; and upon the completion of each additional one-fourth of said road between Des Moines and Fort Dodge, said Company shall be entitled to receive a certificate and patent for one-fourth of the lands so reserved: *Provided*, however, that the Railroad Company building westwardly from McGregor shall have the right of way for their road across the lands embraced in this Act, and the same is hereby granted to said Company. And, *Provided further*, That the State shall in no event whatever, be liable to said Keokuk, Fort Des Moines and Minnesota Railroad Company, or to any of its grantees, or any other persons to whom lands may be sold or patented under the provisions of this Act, for any failure of title to any of the lands so sold or patented.

SEC. 18. The time in which the first seventy-five miles of the Keokuk, Fort Des Moines and Minnesota Railroad from the town of Bentonsport up the valley of the Des Moines River, shall be completed, is hereby extended to the first day of May, 1865, after which the said Company is required to build and equip thirty-three miles of its road for each year for five years, and the remainder of the whole line within three years thereafter, or on the first day of May, 1874; and in case of a failure to so build and equip said road, the lands then remaining uncertified to said Company shall belong to the State, to be disposed of as provided by the act of Congress of July 12, 1862, and the laws of this State.

SEC. 19. The Commissioners hereinbefore named shall each receive as compensation for services rendered in the discharge of their duties imposed by this act the sum of three dollars per day for the number of days engaged therein, and their necessary expenses; and the bills therefor shall be audited by the Register of the State Land Office, and paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company. If either of said Commissioners shall neglect or refuse to discharge the duties imposed by this act, the Governor shall appoint some competent person to act in his place.

SEC. 20. The said Keokuk, Fort Des Moines and Minnesota Railroad Company shall assent to and accept the provisions of this act by a written instrument under the seal of said corporation, with the signature of the proper officers, before any lands shall be patented to them by the Governor, as provided by this act, which said acceptance shall be filed in the office of the Secretary of State, and be by the Secretary recorded in the book by him kept for the recording of articles of association. Said Company accepting the provisions of this act, shall at all times be subject to all the rules and regulations, and all the restrictions and conditions not inconsistent with this act, provided in an act passed March 3, 1860, an act passed March 22, 1858, and an act passed July 14, 1856, by the General Assembly of the State of Iowa.

SEC. 21. 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 Iowa Homestead, newspapers published in Des Moines.

Approved March 28, 1864.

## CHAPTER 22.

### ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

AN ACT supplemental to Chapter 108 of the Laws of the Tenth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all moneys received by the Register of the State Land Office, as provided by Section 13 of Chapter 108 of the Laws of the Tenth General Assembly, shall be paid over to the State Treasurer, who shall pay out the same as follows: 1st. The expenses of such classification, appraisement, advertise-

ment and sale. 2d. Sums due to the state for moneys advanced or due other parties as mentioned in section 9 of the act to which this act is supplemental. 3d. He shall pay the warrants provided for in section 2 of this act, *pro rata*, as such moneys shall be received.

SEC. 2. That there is hereby appropriated out of the money thus to be paid into the state treasury the sum of one hundred and seventy thousand dollars, or so much thereof as may be necessary for the payment of the claims of the following persons, or their assignees:

James J. Kinnersly, Jonas Houghton, Adam Hise, Wm. Baker, R. Jackson for heirs of A. Miller, Wm. Armstrong, Edwin Manning, John Parker, H. D. Stewart, Van Buren county, Meek & Bros., Joseph Benning, George Gray, D. Kennedy, S. Dwight Eaton, Peter Tobie, Thomas H. Harlan, Guy Wells, J. P. Gray, Robert P. Gray, Felix Deek, John Stafford, J. Benning, Administrator, Wm. McCowan, Isaac P. Gray, Gray and Co., Wells, Chester & Co., Green, Bragg & Co., E. T. Colton, Meek & Sons, O. H. P. Scott, H. K. Love & Co., and the auditor of State is hereby required to draw warrants therefor upon the written application of James J. Kinnersly and the other parties mentioned in this section or their assignees, which warrants shall be payable out of the moneys mentioned in section 1 of this act, and shall draw interest at the rate of seven per cent per annum, provided such warrant shall not be construed as rendering the State liable to pay the said warrants except out of the aforesaid fund.

SEC. 3. The written application for said warrants shall specify the amount of warrants that shall be issued in the name of each of said parties, or their assignees, the correctness of which shall be evidence by the certificate of the Register of the State Land Office.

SEC. 4. The warrants issued under the provisions of this Act shall be receivable in payment for lands sold under the provisions of the act to which this act is supplemental.

SEC. 5. The Des Moines Valley Railroad Company may at any time pay any of the warrants mentioned in this Act upon the like condition that they are authorized by the Act to which this is supplemental, to pay off the claims therein mentioned, and if the said company shall be undivided of the whereabouts of such warrants they may pay the funds for the redemption thereof into the State Treasury, from which time interest shall cease to accrue on such warrants: *Provided*, however, that no part of the lands mentioned in this act, or in any Act to which this is supplemental, shall be conveyed to said Railroad company until all of said warrants shall have been paid.

SEC. 6. When the funds for the redemption of said warrants shall be received by the State Treasurer, he shall give notice thereof in the manner now required to be given for the redemption of outstanding warrants.

SEC. 7. That after the lands mentioned in section 4 of the Act to which this Act is supplemental shall have been offered for sale, under the provisions of said Act, for the space of three months and remain unsold, it shall be competent for the Register of the State Land Office with the advice and approval of the Census Board, to sell such lands at a less price per acre, if by said Board deemed advisable, *provided* the said lands should not be sold at a price less than \$1.25 per acre, and *provided* said Register shall first give thirty day's notice by publication in the State Register and the Iowa North-West, of the time of said sale, at such reduced price.

SEC. 8. All persons who may at the date of the passage of this Act be in actual occupation and possession of any portion of said lands, shall have a prior right to purchase the same at \$2.50 per acre, not exceeding 160 acres to any one settler.

SEC. 9. This act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved March 12, 1866.

## CHAPTER 36.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT supplemental to Chapter 22 of the Laws of the Eleventh General Assembly, providing for the Settlement of Contracts and claims growing out of the Des Moines River Improvement.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated out of any moneys in the hands of the Treasurer of State arising from the sales of the lands mentioned in section four, chapter 105 of the laws of the Tenth General Assembly, the sum of twenty-six thousand three hundred and nineteen dollars and thirty cents, for the payment of the following claims, to-wit: Wells & Co., for repairs on the Croton dam, in the fall of 1861, the sum of fifteen hundred dollars; Gray & Co., for repairs upon said dam, in the years 1862 and 1863, the sum of two thousand dollars; Wells & Co., for repairs upon said dam, in the year 1866, the sum of twenty-eight hundred and sixteen dollars; Hogsett & Childster, for repairs on said dam in the year 1866, one hundred and seventy-four 25-100 dollars; and to Wells & Co., the further sum of eight thousand five hundred and nine dollars and seventy-five cents, in consideration and for the purpose of rebuilding said dam at Croton, and for the releases as hereinafter stipulated and to O. H. P. Scott for the cancellation and surrender of the original contract, of the State of Iowa, made through H. W. Sample, as President of the Board of Public Works, with John McCune and Charles F. McCune, dated 5th of March, 1849, for the construction of a lock and dam at Plymouth, together with all the supplemental contracts respecting said lock and dam, (which original and supplemental contracts are now held by said Scott as assignee), and also for the surrender of all rights to him (Scott) accruing as assignee of the contract of the State of Iowa, made to Jonas Houghton for the lease of water power for twelve run of stone at Plymouth, and for the releases hereinafter provided, and for the building of the dam at Plymouth, as hereinafter stipulated, the sum of eleven thousand dollars; and to the estate of E. Mayne the sum of one hundred and sixteen and 80-100 dollars; to Ed. Johnson (on the sum of ninety-one and 50-100 dollars; to J. E. Jewell (t), ninety dollars, and to Sample and Kenley twenty dollars, with interest from March 28, 1864, on each of the four last mentioned sums; the same having been allowed to said parties respectively by section 9, chapter 108, acts of the Tenth General Assembly, and the Auditor of State is hereby required to draw warrants therefor, upon the written application of the said parties or their assignees, which warrants shall be payable out of the moneys mentioned in section one, chapter 22, of the laws of the Eleventh General Assembly, and shall draw interest at the rate of seven per cent per annum.

SEC. 2. The warrants issued under the provisions of this act shall be receivable in payment for lands sold under the provisions of the various acts relating to the sale of lands mentioned in section one of this act.

SEC. 3. Before the said parties mentioned in section one of this act shall be entitled to receive any of the warrants hereinbefore provided for, they shall surrender to the State of Iowa, all leases held by them, of every kind and description, and shall release the State of Iowa and the Des Moines Valley Railroad Company from all present and future liabilities growing out of or incident to any of the matters, by lease or otherwise, pertaining to the Croton dam. And before said O. H. P. Scott shall be entitled to receive the warrants coming to him as hereinbefore provided, he shall surrender to the State of Iowa, and release the State of Iowa and the Des Moines Valley Railroad Company from all liability upon, the original contract of the State of Iowa, and all supplemental contracts for the building a lock and dam at Plymouth, and shall also surrender to the State of Iowa all rights arising thereunder, and release the State and the Des Moines Valley Railroad Company from all past, present and future liability upon or on account of the contract or lease of water-power originally made by the State to Jonas Houghton for twelve run of stone at

Plymouth, and from all liability present and future growing out of or connected with said dam and water-power at Plymouth, and shall also file in the Register's office satisfactory evidence of the assignments of the same to him, and shall complete the dam at Plymouth at his own cost and expense within five years from the passage of this act.

SEC. 4. Upon the execution of the releases provided for in section three of this act to the State of Iowa, and the Des Moines Valley Railroad Company, and upon filing satisfactory evidence of such releases in the Register's office of the State of Iowa, the Governor shall upon the written request of the said railroad company execute a conveyance, in the name of the State of Iowa, to said Wells and Company, without warranty, of the lock and dam at Croton, and of the lands appurtenant on either side of the river, and the water-power thereto belonging. And when said O. H. P. Scott shall surrender to the State of Iowa the original and supplemental contracts aforesaid for the construction of a lock and dam at Plymouth, and shall discharge the State and the Des Moines Valley Railroad Company from all liability rising thereunder, and when he shall discharge the State and said railroad company from all past and future liability upon the lease of water-power at Plymouth aforesaid, and from all past and future liability growing out of or connected with said lock, dam, water-power or leases, and shall file satisfactory evidence of such releases and discharge and surrender in the Register's office of said State, the Governor shall upon the certificate of the Register of the State Land Office of the completion of said dam, execute a conveyance, without warranty, in the name of the State of Iowa, to said O. H. P. Scott, of the lock and dam at Plymouth, and of the lands appurtenant on either side of the river, bought by the State of Iowa, for the use of mill-yards being about eight acres in all, with the exclusive right to the said Scott, to use the water-power created by the construction of such dam, and any other privileges connected therewith, and the State of Iowa is hereby released from all liability to keep said dam in repair.

SEC. 5. Whereas all liabilities, past, present and future, of every kind and description growing out of or connected with the water-leases or water-power and with building of the locks and dams at Keosauqua, Bentonport and Bonaparte, have heretofore been adjusted and settled, and the State of Iowa and the said railroad company have been released therefrom; now therefore, this act is intended to be, and is a full, complete and final settlement of all claims and liabilities, present and future, against the State of Iowa and said railroad company, growing out of or connected with the waterleases and the building of the locks and dams at Plymouth and Croton.

SEC. 6. 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 Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved March 18, 1868.

## CHAPTER 57.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT prescribing the terms and conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company, certain rights and privileges in respect to the resumption of lands heretofore granted to said Company.

WHEREAS, By act of Congress, approved August 8, 1846, there was granted to the then Territory of Iowa certain lands to aid in the Improvement of the Des Moines river, in said Territory which grant the State of Iowa by Joint resolution of the General Assembly, approved, January 9, 1847, accepted for the purpose therein specified; and

WHEREAS, The General Assembly of this State, by an act approved March 22, 1858, granted such portion of said lands as had not been previously disposed of, to the Keokuk, Port Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad from the city of Keokuk up and along the valley of the Des Moines river by the way of the city of Des Moines

to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peter's river, and providing that said grant should become operative when the consent of Congress to the diversion of said lands should be obtained, or the title thereto vested in the State; and also imposing upon said company, in case of its acceptance of said grant, certain conditions and restrictions, among which it was provided that said company would complete seventy-five miles of said road within three years, and thirty-three miles each year thereafter for five years, and the whole line on or before the first day of December, 1868, and,

WHEREAS, Such consent of Congress to the diversion was given by an act, approved July 12, 1862, and said company afterward accepted said grant, and,

WHEREAS, Said Keokuk, Fort Des Moines and Minnesota Railroad Company is now known as and called the Des Moines Valley Railroad Company; and,

WHEREAS, Said railroad (company) is in default in respect to the time of construction of said road, and, in the performance of other conditions of said grant, whereby the State has the right to resume the whole or part of said lands, therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That the reserved rights and interests of the State in respect to the resumption and disposal of said lands are hereby relinquished to and conferred upon said Des Moines Valley Railroad Company, in the manner and upon the performance of the conditions precedent by said company, as hereinafter set forth, and not otherwise, viz:

*First*—That it shall be the duty of the Register of the State Land Office as soon as practicable, and before the first day of July, 1868, to set apart and reserve from the remaining river lands within the grant, and lying in place next north of township number ninety, and upon which there are no settlers claiming homestead rights, and exclusive, also, of the ten sections set apart and sold to S. H. Taft, one hundred thousand acres of said lands, which shall be especially held to secure the payment of the claims described in sections 1 and 2 of chapter 22 of the laws of the Eleventh General Assembly of Iowa, and also of such claims as have been or may be allowed by the present General Assembly.

*Second*—That if the said Des Moines Valley Railroad Company shall fail to pay in full and discharge all the claims in the preceding paragraph mentioned, by or before the first day of July next, then it shall be the duty of the Register of the State Land Office, and he is hereby required to proceed immediately to sell at his office in Des Moines for cash, to the highest bidder, for not less than one dollar and fifty cents per acre, all the lands reserved by the preceding paragraph or so much thereof as shall produce the amount of money remaining due and unpaid on such claim, *Provided*, That he shall first advertise the sale of such lands for not less than sixty days, in four different newspapers published, one in Springdale, one in Fort Dodge, one in Des Moines, and one in Keokuk, Iowa; and *provided further*, That such lands shall be sold by him in quantities not less than forty acres nor more than one hundred and sixty acres each, and that the warrants issued by the State Auditor on account of the claims aforesaid shall be received as cash in payment of lands bought at such sale; and *provided further*, that said Company shall have the right to pay said claims at any time before such sale of the lands.

*Third*—That upon such sale and payment of the purchase money, the Register shall issue a certificate to the purchaser, showing the land purchased by him and the amount paid therefor; and upon the presentation thereof to the Governor he shall execute to the purchaser a deed in the name of the State of Iowa without warranty, conveying the lands so purchased, which deed shall be effectual to pass all the right and title thereto now held by the State, or which may hereafter be acquired by the State from the United States; and all moneys, the proceeds of the sales of lands as aforesaid, shall be by the Register paid into the State treasury for the use of the holders of the unpaid claims herein provided for, which shall be paid in the order specified in section 1 of chapter 22 of the laws of the Eleventh General Assembly, upon the production and surrender of the warrants therefor; and if there should be an

amount insufficient to pay the same in full, then the same shall be paid *pro rata*; and if there shall remain a balance after paying the same in full, such balance shall be paid over to said railroad company.

*Fourth*—That the Register of the State Land Office shall, as soon as practicable, and prior to the first day of July next, select from the lands embraced in the said act of Congress, approved July 12, 1862, excluding the lands reserved and described in the first paragraph hereof, one hundred thousand acres of said land of average value as near as practicable, and embracing the ten sections of said railroad now sold, shall be held and applied exclusively for the construction of said railroad above Des Moines as now provided by law, and shall be conveyed and patented to said railway company, or to such person or persons as they shall direct, only upon the completion of said railroad into the town of Fort Dodge, situated on the East side of the Des Moines river, within the year 1870, which said company agrees to do; and the evidence of such completion shall be the running of trains into said town within the time specified, and none of said lands shall be patented until such completion, and the proceeds of any portion thereof sold under provisions of existing law shall be at the same time paid over to said railroad company. The said railroad company terminus graded during the present and the ensuing calendar year.

*Fifth*. That as soon as satisfactory evidence shall be furnished to the Governor that all the claims herein provided for have been settled and paid, or fully discharged, whether by the sale of the land, or by payments made by said railroad company he shall execute and deliver to the Des Moines Valley Railroad Company, or to their assigns, a deed or deeds in the name of the State of Iowa, without warranty, for all the lands embraced in the said act of Congress, approved July 12, 1862, save and except the one hundred thousand Des Moines to Fort Dodge; and except also any lands embraced in said grant which may have been reserved by any act passed prior hereto by the State of Iowa for the protection or benefit of settlers or persons claiming homestead thereon; and the settlement made and approved June 20, 1866, by the Census Board of the State of Iowa with the Des Moines Valley Railroad Company, and the settlement with the United States therein referred to, are hereby ratified and confirmed.

SEC. 2. In case of non-compliance by said railroad company with the foregoing conditions by it to be performed, then without further legislation, this act shall have the force and effect of an act of resumption, and all rights granted to said company, and not at the time of such failure actually conveyed by the State to said company, shall be forfeited to and re-vested in the State of Iowa as full(y) as if the grant thereof had never been made by the State.

SEC. 3. This act shall be accepted by the said railroad company, and evidenced by the signature of the president and secretary of said company, with the corporate seal thereof, within thirty days from the approval of this act, but the non-acceptance by the said Des Moines Valley Railroad Company of this act shall not prevent all the foregoing provisions thereof from having the same operation and effect as if the same had been accepted by said company. The company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa.

SEC. 4. So much of section three of chapter one hundred and eight, of the laws of the Tenth General Assembly, and of other laws and provisions relating thereto, including section five of said chapter, as requires the lands hereinbefore and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 5. This act shall be in force and have effect from and after its publication in the *State Register* and *Evening Statesman*, papers published in Des Moines, Iowa.

Approved March 31, 1868.

## AN ACT OF CONGRESS CONFIRMING THE TITLE TO CERTAIN LANDS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That the title to the land certified to the State of Iowa by the commissioners of the general land office of the United States, under an act of Congress entitled "An act confirming a land claim in the State of Iowa, and for other purposes," approved July Twelve, Eighteen hundred and sixty-two, in accordance with the adjustment made by the authorized agent of the State of Iowa and the commissioner of the general land office, on the twenty-first day of May, anno Domini eighteen hundred and sixty-six, and approved by the Secretary of the Interior on the twenty-second day of May, Anno Domini, eighteen hundred and sixty-six, and which adjustment was ratified and confirmed by act of the General Assembly of the State of Iowa, approved March thirty-one, eighteen hundred and sixty-eight be and the same is hereby ratified and confirmed to the State of Iowa, and its grantees in accordance with said adjustment and said act of the General Assembly of the State of Iowa.

*Provided,* That nothing in this act shall be so construed as to effect adversely any existing legal rights or the rights of any party claiming title or the right to acquire title to any part of said lands under the provisions of the so-called homestead or pre-empted laws of the United States, claiming any part thereof as swamp lands.

Approved March 3, 1871.

## REPORT

OF THE

## SECRETARY OF STATE

RELATING TO

## CRIMINAL CONVICTIONS

For the biennial period ending September 30, 1908

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 W. C. HAYWARD, SECRETARY OF STATE
 

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 PRINTED BY ORDER OF THE  
 GENERAL ASSEMBLY
 

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