

SPECIAL DEPOSITS.

Funds deposited for the benefit of the McGregor and Sioux City Railroad Company, by virtue of Section 7, Chapter 58, Laws of the Twelfth General Assembly, by Theo. Hawley, agent for the occupants of the following lands:

DATE.	DESCRIPTION.				Amount
		Section.	Town.	Range.	
1870.	w hf of se qr.....	1 97	29	80	\$ 7.00
March 31	nw qr.....	1 97	29	160	14.00
	sw qr.....	1 97	29	160	14.00
	ne qr.....	1 97	29	160	14.00
	ne qr of nw qr, n hf of ne qr, and se qr of ne qr.....	15 98	30	160	14.00
	ne qr.....	31 96	29	160	14.00
	ne qr.....	13 95	30	160	14.00
	nw qr.....	13 95	30	160	14.00
	se qr.....	13 95	30	160	14.00
	sw qr.....	13 95	30	160	14.00
	ne qr.....	9 98	30	160	14.00
	nw qr.....	21 98	29	160	14.00
	Total.....				\$161.00
1879.	Sept. 30 By balance in treasury.....				\$161.00

Funds deposited for benefit of the Iowa Falls and Sioux City Railroad Company, by virtue of Section 5, Chapter 124, Laws of the Twelfth General Assembly, as follows:

DATE.	DESCRIPTION.	Amount.	Total.
1876.			
Dec. 18	B. B. Sutton, w hf of sw qr and se qr of sw qr, section 3, township 90, range 48.....	\$318.50	.....
1879.			
Sept. 30	By balance in treasury.....		\$318.50
	Total.....	\$318.50	\$318.50

Funds deposited for benefit of the Des Moines Valley Railroad Company, by virtue of Section 8, Chapter 22, Laws of the Eleventh General Assembly, as follows:

DATE.	DESCRIPTION.	Amount.	Total.
1877.			
March 13	Patrick Nolan, ne qr of sw qr of section 13, township 96, range 33.....	\$102.00	.....
	The sw qr of se qr, section 19, township 96, range 32, released by F. D. & D. M. R. R. Co.....		.....
Sept. 1	Allen B. Carter, e hf of sw qr, section 17, township 94, range 31.....	234.00	.....
Sept. 18			
Sept. 30	By balance in treasury.....		\$336.00
	Total.....	\$336.00	\$336.00

REPORT

OF THE

REGISTER

OF

STATE LAND OFFICE

TO THE

GOVERNOR OF IOWA,

OCTOBER 1, 1879.

J. K. POWERS, REGISTER.

DES MOINES:
F. M. MILLS, STATE PRINTER.
1879.

REPORT.

STATE LAND OFFICE,)
DES MOINES, IOWA, October 1, 1879. }

TO HIS EXCELLENCY, JOHN H. GEAR, *Governor of Iowa*:

SIR:—In compliance with the law of the State of Iowa, I have the honor to submit the following report of the transactions of this office for the two fiscal years ending with September 30, 1879, with such additional information as I am enabled to give, relative to matters connected with the land department of the State, that will be of public interest.

The last biennial report of this office gave a brief history of the land grants of this State, with the legislation—State and Congressional—and judicial decisions relating to same, which it will be unnecessary here to repeat, as there are a sufficient number of such reports for public use still on hand.

The following is the order in which the subjects of this report will be considered:

- 1st.—The School Lands.
- 2d.—The University and Saline Lands.
- 3d.—The Agricultural College Lands.
- 4th.—The Des Moines River Lands.
- 5th.—The Swamp Lands.
- 6th.—The Railroad Lands.
- 7th.—Miscellaneous.

1st.—THE SCHOOL LANDS.

The school lands of the State are of three classes, viz.: the 500,000 acre grant, the Sixteenth Section grant, and the Mortgage school lands.

The 500,000 acre grant was a grant by act of Congress of September 4, 1841, and the lands were granted for internal improvements; but

Congress, on the admission of the State into the Union, consented to a diversion of the same for the use of common schools. These lands were selected from the vacant government lands throughout the State, wherever the agents of the State could make the best selections. There were 35,473.64 acres selected in excess of the grant, making a total of 335,473.54 acres, of which there are still unpatented about 33,043.98 acres. By an arrangement made with the Interior Department, the State was permitted to retain this excess.

The Sixteenth Section grant was a grant by act of Congress of March 3, 1845; said act grants the sixteenth section in each Congressional township in the State, and lands in lieu where any portion of any such section has been disposed of. The amount of lands inuring to the State under this grant is about 1,013,614.21 acres, and the amount unpatented is about 213,665.35 acres.

The Mortgage school lands are lands bid off on behalf of the State on foreclosure of mortgages given to secure loans of school fund in the several counties. By act of the General Assembly of April 8, 1862, they were constituted a new class of school lands. The law (Sec. 1850 of the Code of Iowa) requires that they shall be sold in the same manner as other school lands, and that patents shall issue to the purchasers upon the proper certificates of payment. We have not been furnished with complete reports of these lands to which the State has acquired title, and therefore cannot give the quantity.

The school lands of the several classes are sold by the County Auditor of each county in which the same are situated. They may either sell for cash or for one-third cash, and the balance on a credit of not exceeding ten years, with interest at the rate of ten per cent per annum. When full payment has been made in accordance with law, for any tract or tracts of land purchased, the County Auditor will issue a certificate of final payment to the purchaser, his heir or assignee, as the case may be, which will entitle such party to a patent for said land upon presentation of same at the State Land Office. The law (Sec. 88 of the Code of Iowa) requires that such certificate shall set forth the appraised value of the land per acre, name of the person to whom sold, date of sale, price per acre, amount paid, name of person making final payment, and of person who is entitled to patent, and if thus entitled by assignment from the original purchaser shall set forth fully such assignment. Said law forbids the issue of patent if these facts are not set forth in the certificate. When school lands have been sold on a credit, and contract entered into with the pur-

chaser, as required by law, such contract should be treated as an *entirety*, and certificate of final payment should not issue for any part of the land embraced in the same until all are paid for in full, principal and interest.

The Seventeenth General Assembly passed the following act to vest title in the heirs, devisees or assignees of deceased patentees:

AN ACT to Vest Title in the Heirs, Devisees or Assignees of deceased Patentees, Additional to Code, Title XVI, "Of the Estates of Decedents."

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

SECTION 1. That where patents have been, or may be, issued in pursuance of any law of the State of Iowa, to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated therein shall inure to, and become vested in, the heirs, devisees or assignees of such deceased patentee, as if the patent had issued to the deceased person during life.

Approved, March 12, 1878.

The evidences of title to the following described tracts sold by John Tolman, School Fund Commissioner of Webster county, in the months of November and December, 1853, as part of the 500,000 acre grant, were surrendered to the State and the purchase-money refunded, with interest, as per act of the General Assembly of April 2, 1860, to-wit: the S. E. $\frac{1}{4}$ Sec. 7, Tp. 87, R. 26, purchased by Isaac Murphy, money refunded Oct. 29, 1878, amount, \$348.26; the N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, Sec. 25, Tp. 87, R. 27, purchased by John B. Skinner, money refunded July 7, 1879, amount, \$93.03.

The cases in the courts involving title to the 12,813.51 acres, situated in Webster and Hamilton counties, known as the "Des Moines River School Lands," have not been determined, as I am informed by the attorney who represents the interests of the State in said lands.

The following is a statement of the amount of the school lands of the several classes, in the different counties, that have been patented during the last biennial period:

500,000 ACRE GRANT.

	ACRES.		ACRES.
Adair	40.00	Delaware.....	80.00
Adams	140.00	Fayette.....	407.93
Allamakee	120.00	Harrison.....	520.00
Cedar	246.89	Jones.....	520.00
Clarke.....	200.00	Muscatine.....	98.90
Clayton.....	200.00	Union.....	40.00
Clinton.....	118.78	Wayne.....	40.00
Decatur.....	120.00		
Total.....			2,892.50

SIXTEENTH SECTION GRANT.

	ACRES.		ACRES.
Adair.....	760.00	Howard.....	1160.00
Adams.....	1180.00	Humboldt.....	320.00
Allamakee.....	40.00	Ida.....	1280.00
Audubon.....	1280.00	Jasper.....	120.00
Black Hawk.....	164.00	Johnson.....	1300.00
Boone.....	1660.00	Jones.....	210.00
Bremer.....	200.00	Keokuk.....	160.00
Buchanan.....	80.00	Kossuth.....	1040.00
Buena Vista.....	440.00	Lyon.....	275.48
Butler.....	400.00	Madison.....	320.00
Cerro Gordo.....	80.00	Marion.....	290.00
Cherokee.....	240.00	Marshall.....	400.00
Chickasaw.....	240.00	Mills.....	80.00
Clarke.....	280.00	Mitchell.....	160.00
Clay.....	800.00	Monona.....	400.00
Clinton.....	40.00	Montgomery.....	1520.00
Crawford.....	560.00	Page.....	360.00
Dallas.....	1280.00	Plymouth.....	560.00
Davis.....	80.00	Polk.....	200.00
Decatur.....	160.00	Pottawattamie.....	2840.00
Des Moines.....	160.00	Ringgold.....	200.00
Dubnque.....	160.00	Sac.....	1120.00
Emmet.....	160.00	Shelby.....	840.00
Fayette.....	1520.00	Sioux.....	40.00
Floyd.....	280.00	Story.....	680.00
Franklin.....	320.00	Tama.....	320.00
Fremont.....	480.00	Taylor.....	480.00
Greene.....	1320.00	Union.....	490.00
Grundy.....	1040.00	Wapello.....	80.00
Guthrie.....	1800.00	Warren.....	400.00
Hamilton.....	422.00	Washington.....	360.00
Hardin.....	1160.00	Woodbury.....	40.00
Harrison.....	200.00	Worth.....	680.00
		Wright.....	1120.00
Total.....			40,421.48

MORTGAGE SCHOOL LANDS.

COUNTIES.	ACRES.	LOT-N
Allamakee.....	80.00	....
Audubon.....	40.00	....
Clarke.....	160.00	....
Decatur.....	80.00	....
Fayette.....	20.00	4
Floyd.....	160.00	....
Howard.....	80.00	....
Pottawattamie.....	40.00	1
Ringgold.....	40.00	....
Scott.....	.....	pt. 3
Wapello.....	.....	2
Wayne.....	80.00	....
Total.....	780.00	

2D.—THE UNIVERSITY AND SALINE LANDS.

These lands are for the use and benefit of the State University at Iowa City, and are under the control of the Board of Regents of said University.

The University lands were granted by act of Congress of July 20, 1840. The quantity certified to the State under the grant is 45,928.84 acres, of which 3,426.86 acres are unpatented.

The use of the Saline lands was granted to the State by act of Congress of March 3, 1845, being the act which admitted the State into the Union, but the fee-simple title to them was given to the State by act of Congress of May 27, 1852, entitled, "An Act to relinquish to the State of Iowa the lands received for Salt springs therein." The quantity certified to the State as Saline lands is 46,202.53 acres, of which 4,527.75 acres are unpatented. The tract books of Saline and University lands, were this season very carefully compared with the records of patents issued, when it was ascertained that some conveyances of these lands made in early times had not been entered in same. This made a corresponding reduction in the figures representing the amounts unpatented.

Any one desirous of information in regard to these lands can obtain it by applying to J. N. Coldren, Treasurer of the State University, at Iowa City.

The following is a statement of the lands received under the two grants, that have been patented during the last biennial period:

UNIVERSITY LANDS.

	ACRES.		ACRES.
Decatur.....	560.00	Story.....	80.00
Hardin.....	40.00	Union.....	120.00
Jasper.....	149.63	Wapello.....	80.00
Lucas.....	318.28		
Total.....			1,847.91

SALINE LANDS.

	ACRES.		ACRES.
Lucas.....	200.00	Wayne.....	235.52
Total.....			435.52

3D.—THE AGRICULTURAL COLLEGE LANDS.

The Agricultural College lands were acquired by grant of Congress, private donations, and by purchase.

The following statement will give the number of acres received, and the number of acres patented by the State, of the several classes of these lands:

CLASS OF LAND.	No. of acres received.	No. of acres patented.
Grant of Congress July 2, 1862.....	204,309.30	30,762.00
Five section grant in Jasper county.....	3,200.00	3,200.00
Private donations.....	1,577.88	870.00
Purchased (located by J. C. Casey).....	15,023.18	1,600.00
Total.....	224,010.36	36,632.00

In addition to the *lands* donated, there were also donated two lots in Boonsboro, Boone county, and six lots and one block in New Philadelphia, Story county.

Of the lands patented as per the foregoing statement, the following were patented during the last biennial period:

Lands received under grant of July 2, 1862:

Dickinson county.....	160 acres.
Hamilton county.....	80 acres.
Ida county.....	480 acres.
Kossuth county.....	320 acres.
Winneshago county.....	160 acres.
Wright county.....	240 acres.
Total.....	1440 acres.

Lands acquired by purchase:

Buena Vista county.....	160 acres.
Cherokee county.....	640 acres.
Plymouth county.....	160 acres.
Total.....	960 acres.

Lands donated:

Boone county.....	20 acres
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I understand that the College lands have all been leased or sold; some of them, however, have reverted to the State, by reason of forfeiture of the lease. Parties desiring information in regard to them can obtain it by addressing the agent of the College, George W. Bassett, Fort Dodge, Iowa.

4TH.—THE DES MOINES RIVER LANDS.

The Supreme Court of the United States has decided in several cases, that by reason of the reservation of the odd sections in the five-mile limits of the Des Moines river, above the Raccoon Forks, by the Secretary of the Treasury in 1849, and again by the Secretary of the Interior in 1850, the railroad grant of May 15, 1856, did not attach to any of said lands; nor could they be entered, or claimed, under the pre-emption or homestead laws of the United States; and that this reservation continued and was in force until the passage by Congress of the joint resolution of March 2, 1861, by which the title of the United States in a part of said lands was relinquished to the State, and the act of July 12, 1862, extended the grant to the north line of the State.

A well written opinion by Judge Duffie, of the 14th Judicial District, which we herewith publish, presents a new state of facts in relation to some of these river lands which I believe the courts have not, heretofore, noticed. He holds that at the date of this reservation by the Secretary of the Treasury, a portion of these lands were included in an Indian reservation, and that the Indian title was not extinguished until 1853, and that, therefore, the reservation by the Secretary for Des Moines river purposes could not apply to any such lands.

The opinion now seems to prevail that this reservation of the Secretary did not apply to the Swamp and Overflowed lands within the five-mile limits of the Des Moines river, as the act of Congress of September 28, 1850, grants to the State, *without reserve*, all vacant lands that are swamp, or overflowed within the meaning of the act. This question, we understand, has not been before the courts.

There are a number of settlers that have claims on these lands under color of title from the general government; some, we learn, have received patents for the lands claimed, and all have more or less improvements on them. The courts of the United States have decided against these titles, and in some instances the claimants have been forcibly dispossessed. These settlers are entitled to relief from the general government, and it should be accorded to them. Efforts have been made to procure, by act of Congress, appropriations for their benefit, but, thus far, without success.

The following is a joint resolution passed by the 17th General Assembly:

JOINT RESOLUTION authorizing the Governor to accept and receive grants or appropriations from the United States for the purpose of indemnifying settlers on lands in Iowa.

Be it resolved by the General Assembly of the State of Iowa, That the governor of the State is hereby authorized and directed to accept any grant or appropriations which may be made by the United States for the purpose of indemnifying settlers on lands in this State under color of title from the United States or the State of Iowa, or under the pre-emption or homestead laws, titles have failed, and is authorized and directed to take such proceedings as may be necessary to recover, receive and hold the same, subject to the disposal of the next General Assembly.

Approved, March 25, 1878.

JUDGE DUFFIE'S DECISION.

THE DUBUQUE AND SIOUX CITY
RAILROAD COMPANY, AND THE
IOWA HOMESTEAD COMPANY,

vs.

THE DES MOINES VALLEY RAIL-
ROAD COMPANY.

In Humboldt District Court.

HUBBARD, CLARK & DEACON, *for plaintiffs.*

NOURSE, KAUFFMAN & Co., *for defendants.*

ED. R. DUFFIE, J.—This case involves the title to about ten thousand acres of land, and presents a new phase of the celebrated Des Moines River Land cases. In 1846 the Congress of the United States passed an act providing for the improvement of the Des Moines river below the Raccoon Fork, and making a grant of land to the State of Iowa for that purpose. The grant was of each alternate section of land for five miles in width on each side of said river. The defendant railroad company is now the owner of all the right and interest the State of Iowa acquired to the lands in controversy, under and by virtue of that grant, and by a joint resolution of Congress passed in March, 1861, and a subsequent act approved July 12, 1862. Upon the passage of the act making the grant in 1846, it became a question with the executive officers of the general government whether the grant extended along the river to the north boundary line of the State, or was limited to the lands south of the Raccoon Fork, taking such lands only as were found along that part of the river for the improvement of which the grant was made. Pending a decision of the question, the Secretary of the Treasury, who then had charge of the disposition of the public lands of the general government, issued an order under date of June 16, 1849, reserving from sale or other disposition the lands claimed by the State as passing to it under the grant for five miles on each side of the river along its whole extent in Iowa; and in April, 1850, after the creation of the Interior Department, the Secretary of that Department issued a like order. In 1856 Congress passed another act granting to the State of

Iowa certain lands to aid in the construction of four lines of railroad across the State, from east to west, and a proviso of this act reserved from the grant "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 purpose whatever, except so far as it may be necessary to locate the lines of said roads through the same." In 1859 the question of the extent of the grant to the State, by the act of 1846, was presented to the Supreme Court of the United States, in the case of *The Dubuque and Pacific Railroad Company v. Litchfield*, and it was decided that the grant was limited to the lands south of the Raccoon Fork, and that the State did not, under that act, acquire title to any lands north of the Fork. A large quantity of lands lying north of the Fork had, previous to this decision, been certified to the State by the Commissioner of the General Land Office, and disposed of by the State; and in March, 1861, Congress passed a joint resolution providing that "all the title which the United States still retains in the tracts of land along the Des Moines river and above 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 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa be, and the same is, hereby relinquished to the State, and on the 12th of July, 1862, Congress passed another act extending the grant of 1846, so as to include the alternate sections, designated by odd numbers, lying within five miles of the river between the Raccoon Fork and the north boundary line of the State. Thereupon a controversy arose between the railroad companies, claiming under the grant of 1856, and persons claiming title to the lands above the Raccoon Fork, as grantees of the State, the railroad companies insisting that as it had been judicially determined that the grant of 1846 did not extend above the Raccoon Fork, the lands claimed to have been within the grant were public lands in 1856, and passed under that act." This question reached the Supreme Court of the United States in the case of *Walcott v. Des Moines Company*, and it was held that while the grant of 1846 did not convey to the State any lands above the Raccoon Fork, yet as the Department officers, being doubtful of the extent of the grant, had reserved them from sale by an order properly made, that the lands had been "reserved by competent authority," and were therefore within the proviso of the act of 1856, and were not embraced in that act, and that the State and the railroad companies claiming through the State did not obtain title thereto. That not passing under the act of 1856, they were public lands in 1861 and 1862, and passed to the State under the joint resolution of 1861 and the act of 1862 extending the grant of 1846 above the Raccoon Fork.

The east fork of the Des Moines river flows into the main stream in township 91 north, and the lands in controversy in this suit are in township 91, ranges 28 and 30, lying north of the forks and west of the main stream. The plaintiffs claim that the lands in controversy were not reserved from sale under orders of the Department officers for two reasons: *First*. It is insisted that in 1846, the date of the passage of the act, and in 1849 and 1850, the dates

of the orders of the Secretaries of the Treasury and of the Interior, withdrawing from sale lands north of the Racoon Fork, which it was thought might be embraced in the grant, the east fork of the Des Moines river was supposed to be the main stream, and that the act of Congress and the orders of the Secretaries were made with regard to the lands along that branch, that the lands reserved under the order of the Secretary were the lands lying on the east fork and not the lands adjoining what was afterward found to be the main river, and that this being so, the reservation of lands provided for in the act of 1856 could not include lands on the main stream, but must, of necessity, apply to the lands which had been *in fact* reserved under the order of the Secretary.

The plaintiffs introduced a great deal of testimony to establish their proposition and produced maps of the State made by the Surveyor-General, and transmitted in his reports for the years 1849, '50, '51 and '52. It was also shown that of the lands certified to the State above the Racoon Fork as belonging to the grant, eleven thousand acres were on the east fork, and copies of maps and plats transmitted by the General Land Office to the local land offices in this State showing the lands supposed to belong to the grant, as being situated on the east branch, were also produced.

On the part of the defendant it is claimed that the reservation was of lands lying along the main stream, and in the frequent communications between the officers of the State and general government it is shown that the State claimed the grant to extend the whole length of the river, from its mouth to its source in the State of Minnesota. It is also shown that the east fork has its rise in a lake on the north boundary line of this State, while the main river extends for many miles into the State of Minnesota. That the source of these two branches was known to the officers of the general government is made clear from a communication from Mr. Cushing, the Attorney-General of the United States, communicated to the Commissioner of the General Land Office. And one of the main questions of difference between the State and Federal officers relating to the extent of the grant was that the State officials insisted that it included lands along the whole length of the river into the State of Minnesota, while the officers of the general government claimed that it must, at all events, be limited by the boundary line of the State and could not be so construed as to include lands situated within the territory of a sister State.

The question of title to these lands has been such a fruitful source of litigation, and the cause of so much trouble to settlers and others who have had any interest in them, that it is desirable, if possible, to avoid all questions which will have a tendency to further complicate their title, and as the second point urged by the plaintiffs is, in my opinion, decisive of the case, the question whether the reservation under the Secretary's order was of lands on the east branch or on the main stream will not be discussed.

The second proposition presented by the plaintiffs is that in 1846 the lands in question were a part of a reservation set apart for the use of the Sioux tribe of Indians, and that the Indian title to the same was not extinguished

until 1853, and that in 1849 and 1850, the dates of the orders reserving from sale lands along the river supposed to be included in the grant of 1846, these lands were a part of the said reservation, and could not have been affected by the order.

The evidence shows that in 1835 the general government set apart for the use of the Sioux Indians a large tract of territory in the northern part of the State, which embraces the lands in controversy in this suit.

The Indian title to this reservation, it is also shown, was not extinguished until 1853. In 1846, then, the lands in question were not public lands, and would not have passed to the State even if a true construction of the act made the grant extend to the north boundary line. It has been decided by the highest court in the land that "A tract of land lawfully appropriated for any purpose becomes thereafter severed from the mass of public lands, and that no subsequent *law or proclamation* will be construed to embrace it, or operate upon it, although no exception is made of it." And this doctrine, it is declared, "Applies with more force to Indian than to military reservations, inasmuch as the latter are the absolute property of the government, whilst in the former other rights are vested."

In the decided cases involving title to these so-called "River Lands," the title of those claiming under the grant of 1856 has been denied solely upon the ground that they had been reserved for appropriation under the Des Moines river grant, by orders properly made, first by the Secretary of the Treasury in 1849, and again by the Secretary of the Interior in 1850; and that being reserved lands, they came within the proviso of the act of 1856, and were not conveyed to the State by that grant. It is not denied that all odd numbered sections within the limits of the grant of 1856 passed to the State unless they had been previously disposed of, or had been reserved by competent authority.

The question then is, were the lands in question included in the lands reserved by the order of the Secretary?

As before observed, the lands reserved under that order were those lands lying north of the Racoon Fork, which would have passed to the State under the act of 1846 if a proper construction of that act meant that the State was to take lands along the whole length of the river in Iowa. As we have seen, the lands in question being a part of an Indian reservation when the grant was made, could not have been affected by the act. By no possible construction could they have come within its terms even though not excepted from it. But the act of 1846 excepted them in express terms, the language of the act being: "There is hereby granted to the Territory of Iowa, for the purpose of aiding said Territory in improving the navigation of the Des Moines river from its mouth to the Racoon Fork, * * * one equal moiety, in alternate sections, of the public lands remaining unsold, and not otherwise disposed of, encumbered or appropriated."

So, that Congress recognizing the right of the Indians to these lands, carefully guarded against their being claimed under the grant, by declaring that the public lands not otherwise disposed of, encumbered or appropriated, only

should be given for the purpose. The department officers, too, must have understood this, for as long ago as 1831, the Supreme Court of the United States held that "the Indians are acknowledged to have the unquestionable right to the lands they occupy until it shall be extinguished by a voluntary cession to the government." See, *The Cherokee Nation v. Georgia*, 1 Pet., 1. So, also, the case of *Wilcox v. Jackson*, reported in 13 Pet., 497, had been decided long prior to the grant, and it must have been known, not only to Congress, but to those charged with certification of the lands, that nothing passed under a grant of this nature except the land which the government had not encumbered, or appropriated for any other purpose. At the least, it will not be presumed that the officials of the government acted in ignorance of what the law relating to their duty was, and this being so, it follows that the order of the Secretary reserving the lands north of the Raccoon Fork must be construed to mean those lands only which would have passed to the State had the act of 1846 meant, and been construed to mean, that the grant extended above the Raccoon Fork. It has been held in one case by the Supreme Court that the joint resolution of 1861, and the act of 1862, had the effect to place the State in the same position in regard to those lands that it would have occupied had it been held in the Litchfield case that the grant was not limited to the Raccoon Fork, and there can be no doubt in the mind of any person that that resolution and act were meant and intended by Congress to give the State the lands that she claimed passed under the original grant, and nothing more. As the State could not claim title to the lands within this reservation, these confirmatory acts, as they may properly be called, should not be construed to give title.

But upon a fair and plain principle of law the case would be plain, as no act of Congress will be construed to embrace these lands while they are a part of a reservation, so no order, or proclamation of an executive officer of the government relating to public lands, will be construed as treating them as public lands, or as making any disposition of them whatsoever inconsistent with the purpose for which they have been set apart and designated by the law and treaty-making power of the government, and it would be a grossly inconsistent purpose to devote and set apart Indian lands to purposes of internal improvement, at a time when it could not be known that the Indian title would ever be extinguished.

It is argued upon the part of the defendants, with much earnestness and force, that the order withdrawing and reserving the lands for five miles on each side of the river was a continuing order; that many of the lands were unsurveyed at the time, and that the order meant that they were to be reserved and withdrawn as they were surveyed, so that the effect of the order would be to reserve these lands as soon as the Indian title was extinguished and the lands surveyed. It is further insisted that it makes no difference whether the order of reservation was legal or illegal, if it had the effect to reserve the lands. This is undoubtedly true. The order withdrawing any of the lands north of the Raccoon Fork was illegal, inasmuch as it was decided that these lands did not belong to the grant, and yet it was held that this ille-

gal order had the effect to reserve the lands so that they came within the proviso of the railroad grant. But, it seems to me, the question in this case is not whether the order of reservation was legal or illegal, but whether it can be construed to embrace or in anywise affect the lands within this Indian reservation, and to determine this we have to look not only at the order, but should consider the whole case and all its surroundings. The case is this: A grant of land was made to the State of Iowa, it embraced each alternate section of public lands for five miles in width on each side of the Des Moines River, "not otherwise disposed of, encumbered, or appropriated." A difference of opinion existed as to whether the State was entitled to lands along the whole course of the river, or from its mouth to the Raccoon Fork only. The State claimed such lands as would come within the grant along the whole course of the river; others resisted this claim. Pending a settlement of this question, and in the belief that Congress might settle it by further legislation, the Secretary reserved all the lands claimed by the State as belonging to the grant. No one has ever argued that the State claimed lands which had previous to the passage of the act been appropriated or encumbered by Congress, and no one can question that the setting apart of lands for the use of the Indians was both an appropriation of the land and an encumbrance upon it.

As before stated the Indians have an unquestionable right to the lands they occupy until it shall be extinguished by a voluntary cession to the government. The Secretary could not reserve lands to which the government had no title. Even if he had attempted it, his power was limited to the lands which belonged to the government, which were *public* lands, and if the order purported or was intended to cover other lands, it was void as to the lands over which he had no control, and he could not validate it by directing that it should take effect at some future and unknown day.

But the true and plain construction of these orders, as it seems to me, is, that they embrace the *public unappropriated, unencumbered* lands which the State claimed, and no others. The Secretary says in effect: "The State of Iowa claims all the lands which the grant of 1846 will cover, provided the grant is construed to extend to the north boundary line of the State and is not limited to the Raccoon Fork, and until this question is settled all the lands to which claim is made will be reserved from sale." As before shown, the grant, if it had been construed to extend to the north boundary line of the State, would not have taken these lands, and it follows necessarily that the order of reservation did not include them. Believing this to be the true construction of the order, I am compelled to hold that in 1856, the date of the passage of the railroad grant, the lands in question were public lands, passed under that grant, and that the plaintiffs have a good title thereto, while there is no evidence before the court that the lands are occupied by actual settlers claiming title through plaintiffs. Such is, I understand, the fact, and I prefer that some other court shall declare their title imperfect, if such is really the case.

A decree will be entered for plaintiffs as prayed in their petition.

JUDGMENT ACCORDINGLY.

DES MOINES VALLEY RAILROAD.

A list of lands approved to the State of Iowa by the Secretary of the Interior under act of Congress of July 12, 1862 (the act extending the Des Moines river grant from the Raccoon Forks to the northern boundary of the State), withheld from conveyance by the State on account of conflicts. All other tracts that have been approved and certified to the State under said act of Congress have either been conveyed to the Des Moines Valley Railroad Company, or to occupying claimants or their assignees under the laws of the State.

PARTS OF SECTION.	Sec.	Town	Range.	Acres	In what county situated.	CONFLICTS.
ne of ne.....	39332			40.00	Pocahontas	Swamp selection.....
se of se.....	319933			40.00	Emmet	Swamp selection.....
ne of nw.....	177923			40.00	Polk	Prior disp. under D. R. gr't
sw of sw.....	77824			43.01	Polk	Prior disposition by U. S.
lot 1, left bank river.....	177824			47	Polk	Prior disp. under D. R. gr't
n hf of se.....	37825			80.00	Polk	Prior disp. under D. R. gr't
sw of nw.....	357925			40.00	Polk	Prior disp. under D. R. gr't
lot 6.....	38025			53.90	Polk	Prior disp. under D. R. gr't
lot 3.....	118025			.04	Polk	Prior disp. under D. R. gr't
se of se.....	358025			40.00	Polk	Prior disp. under D. R. gr't
nw of se, ne of sw.....	98125			80.00	Polk	Prior disp. under D. R. gr't
lots 5, 6, 7, e hf of ne, nw of nw, e hf of se, nw of se.....	158226			363.49	Boone	Prior disp. under D. R. gr't
ne of ne, nw of ne of se, w hf of se, sw of w hf of ne, se of nw, nw of ne, ne of nw, s hf of nw, se of n hf of sw.....	178226			480.00	Boone	Prior disp. under D. R. gr't
lots 3, 4, 5, 6, e hf of ne, w hf of nw, nw of sw.....	198226			120.00	Boone	Prior disp. under D. R. gr't
lot 1.....	298928			39.60	Webster	Prior disp. under D. R. gr't
nw qr.....	58928			144.78	Webster	Prior disp. under D. R. gr't
se qr.....	78928			160.00	Webster	Pre-empted by J. Lanahan
sw tr qr.....	79228			155.43	Humboldt	A. McLechlin's homestead.
w hf of sw, se of sw, se qr.....	158627			280.00	Webster	Prior disp. under D. R. gr't
nw qr.....	79129			46.83	Humboldt	Swamp selection.....
w hf of ne, w hf of se, nw of se.....	219229			160.00	Humboldt	Swamp selection.....
sw of nw.....	279229			40.00	Humboldt	Swamp selection.....
s hf of nw, nw of nw.....	319330			40.79	Humboldt	Swamp selection.....
nw of nw.....	19934			144.78	Emmet	Swamp selection.....
nw of nw.....	39934			64.30	Emmet	Swamp sele'n and claimed by A. K. Ridley.
nw qr.....	119934			160.00	Emmet	Swamp sele'n and claimed by settlers.
se qr.....	139934			160.00	Emmet	Claimed by Joseph Clark, a settler.
s hf of ne, se qr, s hf of sw.....	159934			320.00	Emmet	Part selected as swamp, and all claim'd by settlers
ne of nw.....	239934			40.00	Emmet	Claimed by S. Clark, a settler, and swamp sele'n.

DES MOINES VALLEY RAILROAD—CONTINUED.

PARTS OF SECTION.	Sec.	Town	Range	Acres	In what county situated.	CONFLICTS.
lots 4, 5.....	159833			101.80	Emmet	Swamp selection.....
lot 2.....	359833			39.58	Emmet	Swamp selection.....
sw of se.....	199430			40.00	Kossuth	Swamp selection.....
ne of se.....	279430			40.00	Kossuth	Swamp selection.....
nw of ne, se of nw.....	79431			80.00	Palo Alto	Swamp selection.....
ne of ne.....	99431			40.00	Palo Alto	Claimed by J. M. Stockdale under swamp grant.....
sw of se.....	99431			40.00	Palo Alto	Claimed by D. W. Spaulding under swamp grant.....
ne of sw.....	119431			40.00	Palo Alto	Swamp selection.....
ne of ne.....	159431			40.00	Palo Alto	Swamp selection.....
e hf of sw.....	179431			80.00	Palo Alto	Swamp selection.....
sw of nw.....	199431			37.76	Palo Alto	Claimed by Waldo Taylor under swamp grant.....
e hf of se.....	39531			80.00	Palo Alto	Swamp selection.....
ne of ne.....	79531			40.00	Palo Alto	Swamp selection.....
se of sw.....	99531			40.00	Palo Alto	Swamp selection.....
n hf of nw, s hf of se.....	159531			160.00	Palo Alto	Swamp selection.....
n hf of nw.....	239531			80.00	Palo Alto	Swamp selection.....
s hf of se, sw of sw.....	159432			120.00	Palo Alto	Swamp selection.....
nw of ne, nw of sw.....	199432			40.00	Palo Alto	Swamp selection.....
ne of nw.....	239432			40.00	Palo Alto	Swamp selection.....
sw of se, se of sw.....	259432			80.00	Palo Alto	Swamp selection.....
n hf of nw.....	359432			80.00	Palo Alto	Swamp selection.....
ne of sw.....	39532			40.00	Palo Alto	Swamp selection.....
nw of se.....	39532			40.00	Palo Alto	Swamp selection.....
ne of ne.....	59532			50.48	Palo Alto	Claimed by W. H. Shea under swamp grant.....
nw of nw.....	59532			50.32	Palo Alto	Swamp selection.....
ne of ne.....	99532			40.00	Palo Alto	Swamp selection.....
sw of sw.....	119532			40.00	Palo Alto	Swamp selection.....
nw of nw.....	139532			40.00	Palo Alto	Swamp selection.....
se of sw.....	299632			40.00	Palo Alto	Swamp selection.....
nw of sw.....	339632			40.00	Palo Alto	Swamp selection.....
ne of nw.....	219732			40.00	Palo Alto	Swamp selection.....
ne of nw.....	39433			31.02	Palo Alto	Claimed by J. W. Pierce under swamp grant.....
sw of se.....	179633			40.00	Palo Alto	Swamp selection.....
sw of nw.....	339633			40.00	Palo Alto	Swamp selection.....
sw of sw.....	339633			40.00	Palo Alto	Swamp selection.....
nw of sw.....	339633			40.00	Palo Alto	Swamp selection.....
w hf of se.....	79431			80.00	Palo Alto	Swamp selection.....
se of se, nw of se.....	199431			80.00	Palo Alto	Claimed by W. Taylor under swamp grant.....
sw of ne.....	319431			40.00	Palo Alto	Swamp selection.....
se of ne, nw of se.....	39432			80.00	Palo Alto	Swamp selection.....
se of ne, ne of nw.....	199432			80.00	Palo Alto	Swamp selection.....
nw of se.....	239432			40.00	Palo Alto	Swamp selection.....
se of nw.....	359432			40.00	Palo Alto	Claimed by A. Kirkland under swamp grant.....
nw of sw.....	39532			40.00	Palo Alto	Swamp selection.....
n hf of sw.....	59532			80.00	Palo Alto	Swamp selection.....
w hf of ne, sw of nw, ne of sw.....	119532			160.00	Palo Alto	Swamp selection.....
e hf of nw, e hf of sw.....	139532			160.00	Palo Alto	Swamp selection.....
sw of nw.....	339532			40.00	Palo Alto	Claimed by T. W. Harrison under swamp grant.....
sw of nw, ne of sw.....	39632			80.00	Palo Alto	Swamp selection.....

DES MOINES VALLEY RAILROAD—CONTINUED.

PARTS OF SECTION.	SEC. TOWNSHIP RANGE	ACRES	In what county situated.	CONFLICTS.
lot 5	59632	4040	Palo Alto	Claimed by A. Lawrence, under swamp grant.
e hf of ne	199632	80.00	Palo Alto	Swamp selection
ne of ne	299632	40.00	Palo Alto	Swamp selection
w hf of se	319632	80.00	Palo Alto	Swamp selection
ne of nw, sw of nw	339632	80.00	Palo Alto	Swamp selection
nw of se	79732	40.00	Palo Alto	Swamp selection
ne of sw	319732	40.00	Palo Alto	Swamp selection
sw of se, se of sw	339732	80.00	Palo Alto	Swamp selection
e hf of se	19433	80.00	Palo Alto	Swamp selection
se of ne	59533	40.00	Palo Alto	Swamp selection
e hf of nw	99533	80.00	Palo Alto	Swamp selection
sw of nw	59633	40.00	Palo Alto	Claimed by John Schroeder, under swamp grant.
sw of sw	79633	33.80	Palo Alto	Swamp selection
sw of sw	199633	36.79	Palo Alto	Swamp selection
sw of sw	219633	40.00	Palo Alto	Swamp selection
e hf of ne	319633	80.00	Palo Alto	Swamp selection
se of ne	19733	40.00	Palo Alto	Swamp selection
se of ne, s hf of se	79733	120.00	Palo Alto	Swamp selection
ne of se, se of sw	119733	80.00	Palo Alto	Swamp selection
ne of se	299733	40.00	Palo Alto	Swamp selection
ne of sw	79431	40.00	Palo Alto	Swamp selection
se of ne	99231	40.00	Pocahontas	Swamp selection
n hf of nw	219331	80.00	Pocahontas	Swamp selection
nw of sw, se of sw	159331	80.00	Pocahontas	Swamp selection
nw of ne	219331	40.00	Pocahontas	Swamp selection
nw of ne, se of ne	319331	80.00	Pocahontas	Swamp selection
sw of ne, nw of sw	339331	80.00	Pocahontas	Swamp selection
n hf of ne, n hf of nw sw of ne, ne of se, sw of sw	59231	184.30	Pocahontas	Swamp selection
sw of sw	99231	120.00	Pocahontas	Swamp selection
sw of ne, ne of sw	159331	40.00	Pocahontas	Swamp selection
lot 1.	239331	80.00	Pocahontas	Swamp selection
se of nw, se of nw se of sw	99331	120.00	Pocahontas	Swamp selection
nw of ne	19332	57.52	Pocahontas	Swamp selection
w hf ne, nw qr, se of se nw of nw	39332	388.84	Pocahontas	Swamp selection
nw of nw	119332	40.00	Pocahontas	Swamp selection
nw of nw	159231	40.00	Pocahontas	Swamp selection
ne of ne	199228	40.00	Humboldt	Swamp selection
nw of ne	19230	49.04	Humboldt	Swamp selection
nw of ne	59230	46.72	Humboldt	Swamp selection
nw of nw	119230	40.00	Humboldt	Swamp selection
w hf of sw	119230	80.00	Humboldt	Swamp selection
ne of se	99330	40.00	Humboldt	Swamp selection
ne of se	259330	40.00	Humboldt	Swamp selection
se of ne, ne of sw	359330	80.00	Humboldt	Swamp selection
se of ne	39330	40.00	Humboldt	Swamp selection
nw of sw	159330	40.00	Humboldt	Swamp selection
se of nw	199330	40.00	Humboldt	Swamp selection
sw of se, se of sw	219330	80.00	Humboldt	Swamp selection
nw of sw	259330	40.00	Humboldt	Swamp selection
se of sw	279330	40.00	Humboldt	Swamp selection
ne of nw	339330	40.00	Humboldt	Swamp selection
ne of ne, sw of se, se of nw	359330	120.00	Humboldt	Swamp selection
Total		10,635.47		

During the last biennial period patents were issued under the law of the State, to occupying claimants, for lands certified to the State under act of Congress of July 12, 1862, said claimants having paid into the State Treasury, for the benefit of the Des Moines Valley Railroad Company, the price of the lands, at \$2.50 per acre, with interest, as follows:

To E. B. Soper, the e hf of sw and nw of sw, Sec. 3, Tp. 99, R. 34.

To Allen B. Carter, the e hf of sw, Sec. 17, Tp. 94, R. 31.

5TH—THE SWAMP AND OVERFLOWED LANDS.

The Supreme Court of the United States, at the October term, 1878, rendered a decision in the case of *The American Emigrant Company v. Adams County*, which is herewith given in full. We are informed, unofficially, that the American Emigrant Company applied for a rehearing in this case, and that the application was granted. This decision (if it is law) may have the effect to unsettle, to some extent, titles in the swamp and overflowed lands of the State.

It is held by the court, in this decision, that the swamp and overflowed lands granted to the State by act of Congress of September 28, 1850, cannot be diverted from the purposes of the grant, but that the proceeds of the sales of such lands must be applied in accordance with the requirements of said act, namely: for the construction of the necessary levees and drains to reclaim said lands. A feature of this decision, somewhat peculiar, is that while it holds to be illegal and void the act of the Legislature of March 22, 1858 (which authorizes the counties to use the swamp lands for the erection of buildings for educational purposes, and for building highways, bridges, railroads, etc.), as well as the contract made under said act between Adams county and the American Emigrant Company, yet it is held that *bona fide* purchasers of such lands from the said company should be protected.

This office still has possession of special swamp land indemnity certificates (or scrip), heretofore reported, authorizing the location of lands in lieu of swamp lands located with land warrants or scrip in the following counties, to-wit:

Greene county	10,558.22 acres.
Chickasaw county	109.19 acres.
Marion county	120.00 acres.

There are, however, no public lands in the State of Iowa upon which to locate these certificates.

We understand that a bill has been introduced in Congress which provides that these special swamp indemnity certificates may be located on any of the vacant public lands outside of the State of Iowa, otherwise the government to pay the indemnity in cash; but Congress has taken no action on said bill.

Number of acres patented to the State as swamp.....	875,643.58
Number of acres patented to the State as indemnity for swamp lands located with warrants or scrip.....	324,234.18
Number of acres of swamp lands upon which indemnity in cash has been allowed.....	373,968.74
Total.....	1,573,876.50

A few tracts have been erroneously patented to the State as swamp, which would slightly lessen the quantity as given in the above statement.

The following is a list of the Swamp and Overflowed Lands patented by the United States to the State of Iowa, and by the State patented to the several counties in which the same are situated since the publication of the last biennial report of this office, amounting, in the aggregate, to 5,793.86 acres.

CLAY COUNTY.

PARTS OF SECTION.	Township Range			Acres
	Sec.	Town	R	
se of sw.....	194	36	.....	194.36
n hf of sw, w hf of se.....	794	36	.....	794.36
sw of sw, sw of se.....	1394	36	.....	1394.36
n hf of se.....	2194	36	.....	2194.36
ne of nw.....	2394	36	.....	2394.36
w hf of nw.....	2794	36	.....	2794.36
sw of ne, w hf of nw.....	3194	36	.....	3194.36
se of ne.....	596	36	.....	588.89
se of ne.....	796	36	.....	796.36
s hf of ne, n hf of sw.....	3196	36	.....	237.34
sw of nw.....	197	36	.....	197.36
sw of nw.....	1597	36	.....	1597.36
s hf of sw.....	1797	36	.....	1797.36
se of nw.....	1997	36	.....	1997.36
nw of ne, se of nw.....	2197	36	.....	2197.36
se of se.....	2797	36	.....	2797.36
sw of ne, sw of nw.....	3397	36	.....	3397.36
w hf of nw.....	3597	36	.....	480.00
nw of sw.....	1994	37	.....	38.25
w hf of nw, se of nw.....	795	37	.....	1595.37
sw of nw.....	1595	37	.....	1595.37
n hf of se, se of se.....	1795	37	.....	1795.37
e hf of sw, se of nw.....	2395	37	.....	2395.37
n hf of nw.....	2595	37	.....	592.05
sw of nw.....	2397	37	.....	2397.37
nw of nw.....	2597	37	.....	80.00
se of sw, sw of se.....	394	38	.....	394.38
nw of sw, sw of se.....	1194	38	.....	1194.38
s hf of ne, nw of nw, n hf of sw, n hf of se, sw of se.....	1594	38	.....	1594.38
sw of sw.....	2194	38	.....	635.46
nw of nw, sw of sw, se of se.....	195	38	.....	195.38
n hf of ne, se of ne, ne of nw.....	595	38	.....	595.38
e hf of ne, sw of ne, w hf of nw, ne of sw.....	1195	38	.....	1195.38
e hf of ne, se of se.....	1395	38	.....	1395.38
e hf of ne, nw of ne.....	1995	38	.....	1995.38
nw of sw.....	2395	38	.....	2395.38
s hf of sw, se of se.....	2595	38	.....	2595.38
nw of ne.....	2995	38	.....	2995.38
se of se.....	3395	38	.....	1,026.73
sw of sw.....	797	38	797.38
sw of sw.....	1997	38	80.60
Total.....	3,759.32

PALO ALTO COUNTY.

s hf of se.....	1094	31	80.00
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BOONE COUNTY.

PARTS OF SECTION.	Sec.			Acres
	4	8	26	
ne of sw	4 <td>84 <td>26</td> <td>40.00</td> </td>	84 <td>26</td> <td>40.00</td>	26	40.00
sw of nw, nw of sw	3 <td>5 <td>8</td> <td>80.00</td> </td>	5 <td>8</td> <td>80.00</td>	8	80.00
Total				120.00

WEBSTER COUNTY.

n hf of se	3	86	29	80.00
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MONTGOMERY COUNTY.

e hf of se	9	71	36	
e hf of se	21	71	36	
w hf of nw, ne of nw	23	71	36	
ne of se	27	71	36	320.00
sw of se	21	72	36	40.00
e hf of nw, e hf of sw	9	71	37	
w hf of ne, ne of nw	29	71	37	
w hf of ne, ne of sw	33	71	37	400.00
nw of ne	7	71	38	297.89
ne of sw, w hf of sw	17	72	38	
sw of ne, e hf of sw	29	72	38	
nw of ne	31	72	38	280.00
sw fr qr of sw	13	73	38	
sw of ne, w hf of se	31	73	38	76.65
s hf of nw	1	71	39	
e hf of ne	17	71	39	
sw of se	19	71	39	280.00
ne of nw	11	72	39	
nw of se	33	72	39	
Total	27	72	39	120.00
				1,754.54

SUPPLEMENTAL DECISION.

Since the publication of this report, the case of the *American Emigrant Company v. Adams County*, in the Supreme Court of the United States, has been reconsidered by the court, and they reverse the opinion published herein, holding in substance as follows:

Though the grant made by Congress by the act of September 28, 1850, of the swamp and overflowed lands to the States in which they lie, is expressed to be for the exclusive purpose of enabling said States with the proceeds thereof to reclaim the lands by means of levies and drains, it is questionable whether the security for the due application of such proceeds does not rest upon the good faith of the State alone, and whether the State may not exercise its discretion in this behalf without being liable to be called to account, and without affecting the title to the lands; at all events, it seems that Congress alone has the power to enforce the conditions of the grant (by revocation or otherwise) in a clear case of violation of the trust; and since, by the act, the proceeds of the lands are to be applied to the designated purpose only "as far as necessary," the State has, at least, a large discretion as to the "necessity" of employing the proceeds of the lands to the reclamation thereof.

A grant by a State of its swamp and overflowed lands to the several counties in which they are situated, to be disposed of for general county purposes, subject to the conditions of the act of Congress (September 28, 1850), is valid, and a disposition of such lands made by a county by contract in pursuance of the State grant, cannot be retracted or rescinded by the county on the ground of its being a violation of the act of Congress.

years, another third in five years, and the whole in eight years. It was also declared that the company took the lands subject to the provisions of the act of Congress of September 28, 1850, and expressly released the State of Iowa and the county from all liability in reclaiming said lands, or in the draining

DECISION OF THE SUPREME COURT OF THE UNITED STATES.

THE AMERICAN EMIGRANT COMPANY, APPELLANT, }

vs. }

THE COUNTY OF ADAMS. }

*Appeal from the Circuit Court of the United States for the District of Iowa.**J. A. Harvey and N. M. Hubbard, for appellant.**F. M. Davis and R. P. Lowe, for appellees.*

BRADLEY, J.—This arises from a bill in equity originally filed by Adams County against the appellant, in the District Court of Adams county, Iowa, and afterward transferred to the Circuit Court of the United States. The object of the bill was to rescind a certain contract between the county of Adams and the American Emigrant Company, made in September, 1862, whereby the county agreed to convey to the company its swamp lands, and its claim against the government for indemnity on account of swamp lands belonging to it and which have been sold by the public land officers; also, to rescind a deed executed on behalf of the county in pursuance of the said contract; and to recover back the moneys and proceeds which the defendant had realized from the property and the said claim. The case is of the same general character as that of *The American Emigrant Company v. The County of Wright*, decided at the last term of this court, and not yet reported.

The act of Congress and the laws of the State of Iowa which bear upon the case, and the character of the general operations of the defendant, are fully set forth in the opinion in that case and need not be repeated here. Suffice it to say that on the 30th day of September, 1862, a written contract, similar to the contract in that case, for the sale of the swamp lands of Adams county, and of all the fund and claim of the county on the general government therefor, was signed by the chairman and clerk of the Board of Supervisors of said county, and by the American Emigrant Company by its agent, F. C. D. McKay, and was recorded among the proceedings of the Board. By this contract the company agreed to take the lands and fund and claim, and to make for the county any public work or improvements therefor which the Board of Supervisors might request, and which were authorized by law, to the amount of \$2,000, at any time after October 1, 1863; or to pay the Board, if they preferred to do the work themselves, the sum of \$2,000 in money by the first of January, 1865. It was further agreed that the lands should not be taxed as long as the county held the legal title; and the company agreed to settle all the lands fit for settlement with white settlers and purchasers by selling farms of the usual size, one-third in three years, another third in five years, and the whole in eight years. It was also declared that the company took the lands subject to the provisions of the act of Congress of September 28, 1850, and expressly released the State of Iowa and the county from all liability in reclaiming said lands, or in the draining

thereof; and that any contract existing between the county and any person in relation to said lands or funds was to be respected and fulfilled by the company.

Subsequently a deed was executed in pursuance of this contract by the Supervisors of the county bearing date the 7th of September, 1863, and purporting for the consideration of \$2,000 to convey to certain trustees in trust for the American Emigrant Company certain lands particularly described, stated to amount in the aggregate to 3,680.50 acres, although the several parcels foot up only 2,235 acres, and the parties concede that after certain reservations mentioned in the contract, the actual quantity conveyed by the deed was only a trifle over 2,000 acres.

The deed contained an agreement on the part of the county that the lands within the county which might at any time be duly selected as swamp or overflowed lands, and all such lands as might not be included in the conveyance, if any, should be conveyed on request, and that any proceeds of the claim on the United States, if any should be received, should, on like request, be assigned and transferred to said Emigrant Company, its trustees or assigns; and that any lands that should be located under or by any scrip, which might be obtained on said claim, should also be conveyed, on request, to said company, its trustees or assigns.

The following facts appear to be conceded, or clearly proven:

First. That the defendant (The American Emigrant Company) has never performed any of the stipulations of the contract as to settling the lands, or draining or improving them, except so far as to sell a portion thereof (about 1,500 acres), upon some of which the purchasers have made improvements; and has never paid to the said county any consideration therefor, except the said sum of \$2,000 mentioned in the contract (which was paid in June, 1865), and certain expenses incurred on behalf of sixteen different counties with whom the company had like contracts (of which Adams county was one), the one-sixteenth part of which, as stated by the defendant, amounts to \$4,562; and a further sum of \$1,200 paid to one Grinnell as agent of Page, Adams and Montgomery counties, altogether, at most, on behalf of Adams county, about \$5,000. It is contended by the county that one-sixteenth of the expenses referred to was much greater than its just portion.

Secondly. It appears that the said company has received under the contract, from the United States, in cash, the sum of \$6,075.11, over \$4,000 of which were received before the payment of the said sum of \$2,000 to the county; and that it received by the deed referred to, title to over 2,000 acres of land, of which it has sold 1,500 acres at an average price of more than \$2.50 per acre, and that, since the making of the contract, patents have already been issued to the county for 2,043 acres, to which the defendant is entitled if the contract is carried out; and that there is still an unadjusted claim for 3,090 acres more.

The defendant has already received, then, under the contract, at least \$10,000 in cash, and will still have at its disposal over 5,000 acres of land, worth at least, according to the evidence, from \$12,000 to \$15,000.

This certainly shows that the contract was a very advantageous one for the defendant, and a correspondingly unfortunate one for the county. Nevertheless, if it was procured without fraud, or the taking of any unconscionable advantage; and if the transaction was valid in law, the county must stand to the bargain, however great may be the loss. The circuit court decreed the contract and deed to be void, and ordered a restitution of all money and securities received by either party by virtue thereof, saving the rights of *bona fide* purchasers, and referred the matter to a master to take the necessary account. This decree having been appealed from, the question for us to decide is whether it is or is not sustained by the pleadings and proofs in the cause.

The grounds laid by the bill of complaint for avoiding the contract are, in substance, as follows:

First. That the sale of the county's swamp lands was made at a much less price than the law allowed them to be sold for; that by an act of the Legislature of Iowa, then in force, regulating the disposal of such lands, it was made unlawful to sell the same at a less price than one dollar and a quarter per acre, whereas, by the said contract nearly eight thousand acres were sold for two thousand dollars. *Secondly.* That the sale of the county's claim against the United States for indemnity was void, as being contrary to law. *Thirdly.* That the contract and deed were procured by false and fraudulent representations, both as to the quantity of lands comprised therein and as to the validity and condition of the claim against the United States for indemnity, it being represented that the county was entitled to only about 2,000 acres of land, and that the claim for indemnity had been rejected and was of no value; that these representations were made by agents of the defendant who well knew the falsity thereof, to the officers and agents of the county who were entirely ignorant in the premises, and liable to be easily imposed upon. *Fourthly.* That false representations were made as to the object of buying the lands, namely: that the defendants desired them for immediate settlement and improvement, whereas it has never made any effort to drain or cultivate them, and never had any intention of doing so. *Fifthly.* That the delivery of the deed was procured by fraud, the same having been executed as an escrow and left with the clerk of the Board of Supervisors to be delivered only upon the execution and delivery of a mortgage upon all the lands to secure a compliance with the terms of the contract, whereas, by a fraudulent combination with said clerk, the defendant procured the delivery and recording of said deed without giving any such mortgage. The bill also set up insufficient consideration for said lands and the indemnity claim and failure of consideration; that the defendant had failed to drain or improve the lands; and to release the county from its obligation in that behalf; and that it had refused to pay a certain claim for over \$2,000 against said county for services of an agent, in consequence of which the county has been prosecuted, and obliged to pay \$2,700 for judgment and costs. It was also charged that the defendant has made use of fraudulent misrepresentations and bribery to procure a vote of the people of the county in favor of the sale (which was required by the laws of the State). The bill further stated that on dis-

covery of the frauds thus charged, the Board of Supervisors passed a resolution repudiating and rescinding the contract; and concluding by praying that the contract be declared void, and for an account.

The answer specifically denies the charges of the bill, and claims in substance that the contract was fairly entered into, and that the complainant had failed to perform its part thereof, and had prevented the defendant from performing its part, so far as it remained unfulfilled. The answer not being sworn to, except by an agent of the defendant, of course is not evidence. A great deal of evidence was produced, showing the proceedings had in the General Land Office and in the State in relation to the claim and location of the swamp lands; and in relation to the claim for indemnity against the government; the services of agents; the negotiations between the parties respecting the contract in question; the representations that were made; the proceeds and value of the lands, and the disposition thereof. And although it is evident to us, from all the evidence taken together, that the agents of the defendant were well informed in regard to the rights of the county, and that the supervisors of the county were quite ignorant thereof, and liable to be easily imposed upon, and although it is very clear that the latter believed that the lands to which the county was entitled were only about 2,000 acres, and that the claim for indemnity against the government was of no value; yet it would be difficult to say that it is clearly proved that the agents of the defendant made any such direct misrepresentations of the facts, known to them to be false, as to bring the case within the category of a contract procured by false and fraudulent representations. We should very much hesitate to sustain the decree of the circuit court on this ground.

The case in this respect, as to the character of the proofs, is very far short of the case of *The American Emigrant Company v. The County of Wright*. But there is one aspect of the case which, we think, is deserving of more serious consideration than has heretofore been given to it; and that is the general character of the transaction in question, viewed in connection with the act of Congress by which the swamp and overflowed lands were granted to the State. This act was passed September 28, 1850 (9 Stat., 519), and is entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits." By the first section it was enacted, "That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be and are hereby granted to said State." The fourth section declared, that the provisions of the act should be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp or overflowed lands might be situated. These lands, therefore, were granted to the several States in which they lie for a purpose expressed on the face of the act; and that purpose was to "enable the State to construct the necessary levees and drains to reclaim them." But this general expression of the purpose for which the grant was made would not have been sufficient to prevent the States from disposing of

the lands and the proceeds thereof in any manner they should see fit. Therefore, more effectually to secure the object of the grant, Congress, in the second section of the act, after prescribing the method in which the lands should be so designated and patented to the State, concluded with the following proviso: "Provided, however, that the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid." Here, then, is an express trust imposed upon the State to apply the proceeds of the lands to the particular purpose for which they were granted. It is unnecessary to inquire minutely into the reasons and motives of this legislative grant. Manifestly, it had an important public object; to the State it was an object of paramount interest, in enabling it to drain the stagnant marshes within its bounds, and thereby render all its territory habitable and a source of wealth and prosperity; but it was also an object of great moment to the United States to have this great public improvement accomplished, inasmuch as thereby the residue of the public domain would be rendered more healthy, habitable and valuable. But whatever the motives were which led to the grant, it was impressed with the trust referred to, and that trust was sacredly binding upon the State—to be carried out in the exercise of its own wise discretion, it is true; but still to be carried out, in some form, and not to be abandoned or repudiated.

The legislature of Iowa, by an act passed in January, 1853, saw fit to delegate this trust to the several counties in which the lands were situated. It granted them to the said counties respectively, subject to the conditions of the act of Congress and such laws as the legislature might thereafter pass. It created a drainage commissioner's office, and county surveyors to lay out drains. After draining, the lands were to be appraised and sold at auction to the highest bidder in small tracts, and it provided for reclamation of the lands in detail. Other acts were subsequently passed in pursuance and furtherance of this general scheme.

To this arrangement there does not seem to be any valid objection. It involved no breach of the trust imposed by Congress. It was a fair and lawful effort to fulfill it. The counties are subordinate political departments of the State Government, created to facilitate in separate localities the accomplishment of a portion of those objects for which the State government is instituted. In granting to these public agencies the lands within their several jurisdictions, impressed with the same trusts as had been imposed by Congress, and reserving a control over their proceedings, the legislature adopted, perhaps, the most convenient and practicable mode of carrying out the intention of Congress. But in 1858 an entirely new system of disposing of the swamp lands was inaugurated in the State of Iowa. An act was passed by the legislature on the 22d of March, in that year, which declared (by section one), that it should be competent and lawful for the counties owning swamp and overflowed lands to devote the same, or the proceeds thereof, either in whole or in part, to the erection of public buildings for the purpose of education, the building of bridges, roads, and highways, or for building

institutions of learning, or for making railroads through the county or counties to which such lands belonged; and (by section two), it was enacted, that the proper officers of any county might contract with any person or company for the transfer and conveyance of said swamp or overflowed lands, or the proceeds thereof, or otherwise appropriate the same to such person or company, or to their use, for the purpose of aiding or carrying out any of the objects mentioned in the first section. It was further provided that before any such contract should take effect, the proposition should be submitted to a vote of the people of the county for their approval or rejection. There was a proviso in the third section that no such sale should be valid unless the person or company purchasing should take the lands sold subject to all the provisions of the act of Congress (before referred to) and should expressly release the State of Iowa and the county from all liability for reclaiming said lands. The contract in dispute was made under this law, and the question arises whether the law did not introduce a scheme subversive of the trust imposed upon the State by the act of Congress.

The evident effect of the law was to devote the lands and the proceeds thereof to purposes widely different from those which the original grant was intended to secure. It gave them up to the counties to defray the county expenses. It threw them open to the cupidity of speculators and land monopolists. It threw off, or endeavored to throw off, all public responsibility in relation to the trust. The purchasers were to *release* the State and the county from all liability for reclaiming the lands, that is, to release them from their responsibility as trustees of these lands, and this absurd form was adopted in the contracts and conveyances that were made. How could the purchasers release the State and county from an obligation imposed by an act of Congress? It is probable, however, that the legislature meant that the purchaser should *indemnify* the State and county from their liability. But how does that better the matter? Can the public authorities of Iowa throw off their trusteeship in this easy manner, by taking the indemnity of private parties against the consequences of their breach of trust?

The State or county could, most certainly, sell the lands to purchasers "out and out," freed from any lien or trust in relation to the improvements which they were intended to secure. But the State or county would hold the proceeds of such sales as a fund devoted to the purposes of the grant, although the purchasers would not be bound to look to the application of the purchase-money. The public authorities might even waste or misapply the fund without any legal remedy to prevent it.

But that does not prevent the stamp of illegality from being impressed upon a deliberate scheme of spoliation of the trust fund, conceived in the form of law, and carried out with an entire disregard of public obligation. The scheme in question not only disposes of the lands, but professedly diverts the proceeds from their legitimate objects, stipulating, only, for a release or indemnity from the liability incurred. The form of words thrown into the proviso of the third section of the law, that the purchaser of the lands "shall take the same subject to all the provisions of the act of Con-

gress of September 28, 1850," does not remove the difficulty. In the first place, this clause is evidently inserted merely for appearance sake; and, secondly, it only confirms the conclusion that the intent of the law was to relieve the State and county of every obligation and duty, and to throw them, *pro forma* on to the purchaser of the land. We cannot avoid the conclusion that the whole scheme of disposing of the swamp lands, created by the law in question, was subversive of the trust, repugnant to the express stipulations and requirements of the act of Congress, and was calculated to facilitate and encourage a wasteful and corrupt disposition of the lands.

Bona fide purchasers of lands, either from the county directly, or from its assignees, should undoubtedly be protected as provided in the decree appealed from. As before stated, they cannot be held bound to look to the application of the purchase-money. They take their titles from persons who seem to be invested with full and legal title by grant from the county, or patent from the State, or the United States, and are not chargeable with notice of any breach of trust. But the American Emigrant Company, which contracted with the county to carry out the unauthorized scheme referred to and to apply the proceeds of the contract to objects entirely foreign to those prescribed by the act of Congress, can claim no such privilege. By the contract itself, it contributes to the unlawful design, and acts in direct confederacy with the county officers to establish it. Our conclusion is, that the contract was contrary to the policy of the act of Congress, unauthorized and void.

The decree of the Circuit Court is

AFFIRMED.

SWAMP LAND CASH INDEMNITY.

The 17th General Assembly, by the following act, disposed of the funds in the State Treasury retained as a percentage on the swamp land cash indemnity which the State has at various times received from the general government for the benefit of the several counties.

CHAPTER 134.

AN ACT to authorize the Treasurer of State to pay to the several counties the amount of the swamp land indemnity fund that has been withheld by him and his predecessors in office under the provisions of section 12, chapter 160, of the acts of the Ninth General Assembly.

WHEREAS, The Treasurer of State has, by authority granted in section 12, chapter 160 of the acts of the Ninth General Assembly, retained from time to time, out of [the] swamp land cash indemnity fund belonging to the several counties of the State, and passing through his office, a percentage of said fund to reimburse the State for supposed expenses incurred in securing the payment of said cash indemnity from the United States; and

WHEREAS, The money thus retained now lies idle in the treasury for want of lawful authority to use the same; therefore,

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

SECTION 1. That the Treasurer of State shall pay to the treasurer of each county the amount of the swamp land indemnity fund that has been retained by him or his predecessors in office under the provision of section 12, chapter 160 of the acts of the Ninth General Assembly, and take a receipt therefor of said county treasurer in triplicate, one of which he shall retain in his office and file one with the Auditor of State, and one with the auditor of the county receiving the money.

SEC. 2. Upon the receipt from the Treasurer of State of the receipt of the county treasurer, the auditor of the county shall notify the Board of Supervisors at their first meeting thereafter of the amount so paid, and they shall make such disposition of the money thus received as shall be just and equitable and for the best interest of the county.

SEC. 3. Hereafter, on the receipt of any money from the United States in payment of cash indemnity for swamp lands, the Treasurer of State shall pay to the county entitled thereto the full amount received by him for such county in accordance with the provisions of chapter 160 of the acts of the Ninth General Assembly, and shall not retain any part thereof to reimburse the State.

SEC. 4. This act shall take effect from and after its publication according to law.

Approved March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

6TH.—THE RAILROAD LANDS.

Herewith are published lists of lands conveyed to the State by the United States as Railroad lands, and of those conveyed by the State to the railroad companies during the last biennial period, with decisions of the Secretary of the Interior affecting the rights of railroad companies, and such other matters as are thought to be of interest. (*For Des Moines Valley Railroad*, refer to "Des Moines River Lands".)

Section 93 of the Code of Iowa requires this office, in making lists of lands for certification to railroad companies, to 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 canceled." Large quantities of such lands have been certified to the State under the Railroad grant by the Department of the Interior, and the railroad companies have applied to the State for certificates of same.

There should be some legislative authority given for certifying these lands to the railroad companies entitled to them, where there is sufficient evidence to show, beyond question, that these conflicting claims have no validity.

BURLINGTON AND MISSOURI RIVER RAILROAD.

The following is a list of lands certified by the State of Iowa on May 14, 1879, to the Burlington and Missouri River Railroad Company under section 93 of the Code of Iowa, said company having made a formal application for such certification. These lands were approved and certified to the State by the Department of the Interior under act of Congress of May 15, 1856, to aid in the construction of the Burlington and Missouri River Railroad.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
nw of nw.....	29	72	1	40.00	Des Moines.....
sw of ne, n hf of sw.....	31	72	1	120.00	
lots 5 and 6.....	1	70	2	24.93	
w hf of ne.....	11	70	2	80.00	
Total.....				264.93	
se of sw.....	31	70	5	40.00	Henry.....
w hf of se.....	19	74	6	80.00	Washington.....
sw of sw.....	7	74	8	27.35	
Total.....				107.95	
sw of nw.....	33	71	8	40.00	Jefferson.....
sw of nw.....	35	71	8	40.00	
lots 3 and 4.....	13	73	8	78.95	
sw of ne, ne of nw.....	35	71	9	80.00	
Total.....				238.95	
nw of ne, ne of nw.....	3	74	13	102.91	Keokuk.....
sw of se.....	13	74	13	40.00	
nw of nw.....	25	74	13	40.00	
se of se.....	31	75	13	40.00	
Total.....				222.91	
se of se.....	7	69	12	40.00	Davis.....
sw of se.....	11	69	12	40.00	
ne of nw.....	13	69	12	40.00	
ne of nw, nw of se.....	31	70	12	80.00	
se of sw.....	7	70	13	40.00	
sw of ne.....	17	70	13	40.00	
e hf of ne, sw of ne.....	21	70	13	120.00	
n hf of sw, n hf of se.....	21	70	13	160.00	
n hf of sw.....	13	70	14	80.00	
se of ne, sw of sw.....	15	70	14	80.00	
e hf of se.....	15	70	14	80.00	
s hf of nw, s hf of sw.....	21	70	14	160.00	
ne of sw, se qr.....	21	70	14	200.00	
nw of se, ne of sw.....	7	70	15	80.00	
se of ne, w hf of ne.....	9	70	15	120.00	
nw of sw, n hf of se.....	9	70	15	120.00	
Total.....				1,480.00	

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
ne of ne.....	1	73	12	37.38	Wapello.....
nw of nw.....	5	71	15	53.78	
ne of se.....	15	71	15	40.00	
sw of sw.....	25	71	15	40.00	
se of ne.....	33	71	15	40.00	
se of ne.....	19	72	15	40.00	
Total.....				251.16	
nw of sw.....	7	75	14	42.35	Mahaska.....
s hf of se.....	15	75	14	80.00	
sw of se.....	35	75	14	40.00	
Total.....				162.35	
nw of sw.....	1	70	16	40.00	Appanoose.....
nw of se.....	5	70	16	40.00	
s hf of sw.....	9	70	16	80.00	
sw of nw, nw of sw.....	15	70	16	80.00	
s hf of sw, se of se.....	15	70	16	120.00	
nw of sw.....	19	70	16	44.40	
n hf of sw, n hf of se.....	23	70	16	160.00	
se of nw, s hf of se.....	7	70	17	120.00	
se of ne.....	15	70	17	40.00	
ne of se.....	19	70	17	40.00	
sw of nw, sw of se.....	29	70	17	80.00	
ne of se.....	31	70	17	40.00	
se of nw.....	7	70	18	40.00	
nw of se.....	9	70	18	40.00	
se of se.....	11	70	18	40.00	
nw of sw.....	13	70	18	40.00	
se of se.....	17	70	18	40.00	
ne of ne.....	23	70	18	40.00	
sw of ne.....	7	70	19	40.00	
ne of ne, w hf of ne.....	11	70	19	120.00	
ne of sw.....	11	70	19	40.00	
se of nw, nw of se.....	19	70	19	80.00	
se of nw, e hf of sw.....	27	70	19	120.00	
Total.....				1,524.40	
nw of ne, se of nw.....	7	71	16	80.00	Monroe.....
ne of sw, sw of sw.....	7	71	16	79.94	
n hf of se.....	7	71	16	80.00	
nw of nw.....	13	71	16	40.00	
se of ne, ne of nw.....	15	71	16	80.00	
se of sw.....	15	71	16	40.00	
ne of nw.....	15	71	16	40.00	
n hf of ne, sw of sw.....	29	71	16	120.00	
ne of sw.....	31	71	16	40.00	
sw of nw, nw of sw.....	33	71	16	80.00	
e hf of sw, s hf of se.....	33	71	16	160.00	
sw of se.....	35	71	16	40.00	
ne of ne, se of nw.....	13	72	16	80.00	
nw of sw.....	15	72	16	40.00	
ne of ne.....	21	72	16	40.00	
sw of ne.....	23	72	16	40.00	
ne of se.....	31	72	16	40.00	

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec. Town Range	Acres	IN WHAT COUNTY SITUATED.
ne of ne	35 72 16	40.00	Monroe
nw of ne	29 73 16	40.00	"
sw of sw	31 73 16	37.48	"
sw of sw	3 71 17	40.00	"
se of nw, sw of sw	5 71 17	80.00	"
e hf of sw	5 71 17	80.00	"
nw of nw, nw of sw	7 71 17	71.37	"
e hf of ne	15 71 17	80.00	"
se of se	15 71 17	40.00	"
nw of ne, ne of sw	2 71 17	80.00	"
sw of ne, nw of	25 71 17	200.00	"
ne of se	25 71 17	40.00	"
sw of se	29 72 17	40.00	"
nw of se	17 73 17	40.00	"
se of ne, nw of ne	3 71 18	94.28	"
e hf of nw, nw of sw	5 71 18	132.33	"
w hf of nw, n hf of sw	7 71 18	168.49	"
sw of sw, se of se	11 71 18	80.00	"
nw of ne, se of nw	15 71 18	80.00	"
sw of se	15 71 18	40.00	"
se of sw, se of se	23 71 18	80.00	"
nw of ne	25 71 18	40.00	"
ne of ne, n hf of nw	29 71 18	240.00	"
e hf of se	29 71 18	80.00	"
sw of sw	3 72 18	40.00	"
se of ne, w hf of ne	5 72 18	129.43	"
w hf of sw, se of se	5 72 18	120.00	"
nw of ne	19 72 18	40.00	"
se of nw	25 72 18	40.00	"
nw of ne	31 72 18	40.00	"
s hf of nw, ne of sw	9 73 18	120.00	"
sw of ne	21 73 18	40.00	"
sw of sw	25 73 18	40.00	"
sw of ne	29 73 18	40.00	"
nw of ne, e hf of nw	31 73 18	120.00	"
nw of nw	31 73 18	37.73	"
sw of ne, nw of nw	5 71 19	91.24	"
sw of ne, nw of nw	7 71 19	78.62	"
nw of se	7 71 19	40.00	"
sw of sw	9 71 19	40.00	"
nw of ne, sw of sw	11 71 19	80.00	"
ne of se	13 71 19	40.00	"
ne of nw, w hf of nw	15 71 19	120.00	"
ne of sw	15 71 19	40.00	"
se of nw, sw of sw	17 71 19	80.00	"
se of nw	25 71 19	40.00	"
se of se	1 72 19	40.00	"
n hf of ne, w hf of nw	3 72 19	185.72	"
e hf sw, ne of se	5 72 19	120.00	"
se of nw	11 72 19	40.00	"
sw of ne, sw of sw	15 72 19	200.00	"
s hf of se	21 72 19	80.00	"
nw of sw	23 72 19	40.00	"
ne of ne, nw of sw	9 73 19	80.00	"
sw of sw	21 73 19	40.00	"
e hf ne	25 73 19	80.00	"
nw of nw	27 73 19	40.00	"
nw of ne, s hf of se	29 73 19	120.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec. Town Range	Acres	IN WHAT COUNTY SITUATED.
sw of sw, e hf of sw	31 73 19	114.12	Monroe
e hf of se	33 73 19	80.00	"
sw of ne, e hf of nw	35 73 19	120.00	"
nw of nw, sw of sw	35 73 19	80.00	"
Total		5,980.75	
ne of ne, se of sw	33 74 18	80.00	Marion
se of se	21 74 19	40.00	"
nw of ne	27 74 19	40.00	"
se of se	19 74 20	40.00	"
nw of se	29 74 20	40.00	"
se of nw	35 74 21	40.00	"
Total		280.00	
se of nw	7 69 20	40.00	Wayne
se of ne, se of sw	1 70 20	80.00	"
w hf of se	1 70 20	80.00	"
n hf of nw	5 70 20	71.21	"
ne of ne	9 70 20	40.00	"
nw of ne	21 70 20	40.00	"
ne of ne	25 70 20	40.00	"
nw of se	31 70 20	40.00	"
se of nw	33 70 20	40.00	"
sw of sw	35 70 20	40.00	"
nw of nw	1 69 21	41.98	"
ne of ne	5 69 21	40.77	"
nw of nw	7 69 21	42.55	"
ne of se	11 69 21	40.00	"
se of nw, nw of nw	11 69 21	80.00	"
sw of sw	13 69 21	40.00	"
nw of nw	1 70 21	35.47	"
sw of ne	5 70 21	40.00	"
se of se	25 70 21	40.00	"
sw of se	35 70 21	40.00	"
s hf of sw	1 70 22	80.00	"
sw of nw	2 70 22	40.00	"
se of sw	25 70 22	40.00	"
e hf of sw	33 70 22	80.00	"
sw of se	3 69 23	40.00	"
se of sw	13 70 23	40.00	"
se of sw	33 70 23	40.00	"
Total		1,311.98	
se of se	1 71 20	40.00	Lucas
nw of ne, ne of nw	3 71 20	104.30	"
w hf of nw, w hf of sw	31 71 20	137.76	"
nw of se	33 71 20	40.00	"
sw of ne	35 71 20	40.00	"
se of se	1 72 20	40.00	"
w hf of ne	3 72 20	88.22	"
nw of ne, nw of sw	7 72 20	191.67	"
nw of se	7 72 20	40.00	"
sw of se	11 72 20	40.00	"
sw of sw	19 72 20	38.00	"
s hf of ne, ne of se	21 72 20	120.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	TOWN			ACRES	IN WHAT COUNTY SITUATED.
	Sec.	Range	Range		
ne of sw	23	72	20	40.00	Lucas
n hf of sw	35	72	20	80.00	"
nw of sw	3	73	20	40.00	"
s hf of sw	9	73	20	80.00	"
sw of se	11	73	20	40.00	"
nw of sw, ne of se	15	73	20	80.00	"
sw of nw	17	73	20	40.00	"
nw of sw, se of se	21	73	20	80.00	"
nw of nw	23	73	20	40.00	"
sw of sw	29	73	20	40.00	"
sw of ne, n hf of sw	35	73	20	120.00	"
se of ne	7	71	21	40.00	"
se of se	21	71	21	40.00	"
sw of nw	23	71	21	40.00	"
nw of ne, se of sw	1	72	21	93.93	"
sw of se	11	73	21	40.00	"
w hf of nw, n hf of sw	17	73	21	160.00	"
ne of nw, nw of sw	15	73	21	80.00	"
nw of ne, ne of nw	19	73	21	80.00	"
sw of nw, nw of sw	19	73	21	79.15	"
n hf of nw, se of se	25	73	21	120.00	"
sw of se	29	73	21	40.00	"
sw of nw	33	73	21	40.00	"
ne of nw	31	71	22	40.00	"
nw of ne	3	72	22	55.50	"
nw of ne	11	72	22	40.00	"
s hf of ne, s hf of nw	19	72	22	160.66	"
se of se	21	72	22	40.00	"
s hf of ne, se of sw	29	72	22	120.00	"
w hf of se, ne of se	29	72	22	120.00	"
w hf of nw, w hf of sw	33	72	22	160.00	"
se of sw, sw of se	1	73	22	80.00	"
se of sw	5	73	22	40.00	"
se of ne, se of nw	7	73	22	80.00	"
s hf of se	7	73	22	80.00	"
ne of nw, sw of nw	9	73	22	80.00	"
sw of sw	9	73	22	40.00	"
ne of sw, w hf of se	13	73	22	120.00	"
se of sw, se of se	17	73	22	80.00	"
e hf of se	19	73	22	80.00	"
nw of nw, nw of sw	21	73	22	80.00	"
sw of nw, nw of sw	23	73	22	80.00	"
n hf of se	23	73	22	80.00	"
se of nw	23	73	22	80.00	"
s hf of ne	23	73	22	40.00	"
ne of nw	29	73	22	80.00	"
se of ne, nw of sw	1	71	23	51.68	"
nw of sw	3	71	23	80.00	"
se of sw	7	71	23	39.23	"
se of sw	31	71	23	40.00	"
ne of se, s hf of se	5	72	23	120.00	"
w hf of nw	7	72	23	80.57	"
se of nw	13	72	23	40.00	"
sw of ne	15	72	23	40.00	"
ne of ne	19	72	23	40.00	"
sw of nw	23	72	23	40.00	"
s hf of ne, sw of se	25	72	23	120.00	"
sw of nw	31	72	23	38.36	"
ne of sw	35	72	23	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	TOWN			ACRES	IN WHAT COUNTY SITUATED.
	Sec.	Range	Range		
ne of ne, n hf of nw	1	73	23	133.35	Lucas
sw of nw, sw of sw	1	73	23	80.00	"
sw of ne, sw of sw	5	73	23	80.00	"
sw of ne, w hf of nw	7	73	23	114.65	"
se of nw	7	73	23	40.00	"
w hf of sw, se of sw	9	73	23	120.00	"
sw of ne	11	73	23	40.00	"
se of ne	13	73	23	40.00	"
nw of nw	15	73	23	40.00	"
se of ne, w hf of ne	17	73	23	120.00	"
ne of nw, se of sw	17	73	23	80.00	"
w hf of se, ne of se	17	73	23	120.00	"
s hf of ne, nw of se	19	73	23	120.00	"
ne of nw	21	73	23	40.00	"
nw qr, nw of se	27	73	23	200.00	"
nw of nw, ne of se	29	73	23	80.00	"
ne of ne	31	73	23	40.00	"
Total				6,487.13	
n hf of ne	1	74	22	85.96	Warren
se of se	17	74	22	40.00	"
nw of ne, nw qr	19	74	22	193.80	"
w hf of sw	31	74	22	72.00	"
ne of se	33	75	22	40.00	"
nw of se	35	75	22	40.00	"
se of nw	11	74	23	40.00	"
ne of nw	17	74	23	40.00	"
w hf of nw	19	74	23	40.00	"
ne of nw	21	74	23	80.00	"
se of sw	25	74	23	40.00	"
se of sw	29	74	23	40.00	"
w hf of sw	31	74	23	72.69	"
se of nw, w hf of nw	7	74	24	108.80	"
w hf of sw	7	74	24	69.00	"
se of nw, sw of se	17	74	24	80.00	"
se of nw, e hf of sw	19	74	24	120.00	"
ne qr	23	74	24	160.00	"
ne of se	27	74	24	40.00	"
ne of ne	29	74	24	40.00	"
nw of ne	31	74	24	40.00	"
se of ne	33	74	24	40.00	"
sw of ne, nw of nw	35	74	24	80.00	"
s hf of nw	35	74	24	80.00	"
sw of se	5	74	25	40.00	"
sw of sw, ne of se	7	74	25	77.40	"
se of nw	9	74	25	40.00	"
sw of se	13	74	25	40.00	"
sw of sw	17	74	25	40.00	"
ne of ne	19	74	25	40.00	"
ne of ne	21	74	25	40.00	"
nw of se	23	74	25	40.00	"
nw of sw	25	74	25	40.00	"
sw of ne	29	74	25	40.00	"
sw of ne	31	74	25	40.00	"
sw of nw, sw of sw	33	74	25	80.00	"
se of se	33	74	25	40.00	"
w hf of sw	35	74	25	80.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
se of sw, sw of se.....	35	75	25	80.00	Warren.....
Total.....				2,433.65	
s hf of ne.....	5	70	24	80.00	Decatur.....
ne qr.....	23	70	24	160.00	"
sw of ne, se of nw.....	13	70	25	80.00	"
w hf of ne, nw of se.....	19	70	25	120.00	"
e hf of ne.....	23	70	25	80.00	"
ne of sw.....	25	70	25	40.00	"
nw of nw.....	27	70	25	40.00	"
sw of sw.....	29	70	25	40.00	"
nw of ne, s hf of ne.....	31	70	26	120.00	"
sw of ne, nw of nw.....	1	70	26	84.40	"
se of nw.....	3	70	26	40.00	"
n hf of sw, ne of se.....	11	70	26	120.00	"
ne of nw, sw of nw.....	23	70	26	80.00	"
ne of ne, w hf of ne.....	27	70	26	120.00	"
ne of ne, n hf of nw.....	5	69	27	116.39	"
ne of sw.....	5	69	27	40.00	"
ne of ne.....	5	70	27	37.08	"
sw of se.....	7	70	27	40.00	"
w hf of nw, w hf of sw.....	19	70	27	192.64	"
s hf of sw.....	21	70	27	80.00	"
sw qr.....	23	70	27	160.00	"
sw of nw.....	25	70	27	40.00	"
Total.....				1,910.51	
ne of ne, w hf of ne.....	3	71	24	123.43	Clarke.....
nw qr.....	3	71	24	168.93	"
e hf of nw.....	7	71	24	80.00	"
nw of se.....	11	71	24	40.00	"
sw of nw.....	17	71	24	40.00	"
ne of ne.....	19	71	24	40.00	"
se of se, w hf of ne.....	1	72	24	121.85	"
ne of nw.....	1	72	24	41.91	"
se of se, w hf of se.....	3	72	24	120.00	"
sw of ne, n hf of ne.....	5	72	24	122.57	"
e hf of nw.....	5	72	24	81.09	"
se of ne.....	7	72	24	40.00	"
nw of ne, ne of nw.....	25	72	24	80.00	"
sw of sw.....	25	72	24	40.00	"
ne of sw, ne of se.....	27	72	24	80.00	"
nw of sw.....	33	72	24	40.00	"
ne of nw.....	35	72	24	40.00	"
ne of nw, ne of se.....	3	73	24	79.18	"
ne of nw.....	5	73	24	38.61	"
sw of se.....	11	73	24	40.00	"
ne of se.....	13	73	24	40.00	"
se of ne.....	19	73	24	40.00	"
se of ne, nw of sw.....	23	73	24	80.00	"
nw of ne.....	25	73	24	40.00	"
ne of sw.....	27	73	24	40.00	"
nw of se.....	9	71	25	40.00	"
s hf of sw, ne of se.....	15	71	25	120.00	"
se of ne, sw of se.....	21	71	25	80.00	"
nw of sw.....	7	72	25	39.65	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
nw of se, s hf of se.....	35	72	25	120.00	Clarke.....
nw of ne, e hf of nw.....	1	73	25	120.38	"
sw of ne.....	5	73	25	40.00	"
sw of nw.....	11	73	25	40.00	"
ne of ne.....	15	73	25	40.00	"
ne of ne.....	17	73	25	40.00	"
e hf of ne, ne of sw.....	21	73	25	120.00	"
ne of nw, w hf of nw.....	25	73	25	120.00	"
nw of sw.....	11	71	26	40.00	"
nw of ne.....	23	71	26	40.00	"
sw of nw.....	27	71	26	40.00	"
se of nw, nw of sw.....	33	71	26	80.00	"
ne of nw.....	5	72	26	40.66	"
ne of se, w hf of se.....	9	72	26	120.00	"
ne of ne, nw of nw.....	1	73	26	92.28	"
nw of ne, s hf of se.....	3	73	26	128.62	"
ne of nw.....	5	73	26	40.00	"
ne of nw.....	9	73	26	40.00	"
se of se.....	11	73	26	40.00	"
sw of nw.....	17	73	26	80.00	"
ne of ne, sw of ne.....	17	73	26	40.00	"
nw of sw.....	17	73	26	40.00	"
ne of nw, se of sw.....	21	73	26	80.00	"
sw of se.....	21	73	26	40.00	"
se of ne.....	23	73	26	40.00	"
sw of ne, sw of se.....	29	73	26	80.00	"
n hf of nw.....	31	73	26	48.22	"
w hf of ne, nw of se.....	33	73	26	120.00	"
ne of nw.....	35	73	26	40.00	"
nw of nw.....	1	71	27	38.70	"
s hf ne.....	15	71	27	80.00	"
nw of ne, se of nw.....	23	71	27	80.00	"
w hf of sw.....	23	71	27	80.00	"
sw of se.....	25	71	27	40.00	"
ne of ne, n hf of nw.....	1	72	27	123.26	"
n hf of nw.....	3	72	27	80.74	"
s hf of sw.....	19	72	27	88.25	"
nw of ne, nw of nw.....	23	72	27	80.00	"
sw of nw.....	25	72	27	40.00	"
sw of nw, w hf of sw.....	31	72	27	147.56	"
nw of se.....	35	72	27	40.00	"
n hf of nw.....	5	73	27	72.37	"
se of nw.....	9	73	27	40.00	"
se of nw, ne of sw.....	11	73	27	80.00	"
sw of se.....	15	73	27	40.00	"
sw of sw.....	19	73	27	50.41	"
sw of ne.....	21	73	27	40.00	"
ne qr.....	25	73	27	160.00	"
Total.....				5,288.67	
ne of se.....	1	74	26	40.00	Madison.....
ne of sw.....	3	74	26	40.00	"
se of se.....	7	74	26	40.00	"
ne of nw.....	11	74	26	40.00	"
nw of ne.....	13	74	26	40.00	"
s hf of nw.....	23	74	26	80.00	"
ne of ne, se of se.....	25	74	26	80.00	"
ne of ne.....	27	74	26	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
ne of ne	29	74	26	40.00	Madison
sw of ne	31	75	26	40.00	"
ne of ne	33	75	26	40.00	"
se of ne, se of sw	7	74	27	80.00	"
n hf of se	9	74	27	80.00	"
sw of ne, w hf of sw	19	74	27	133.32	"
sw of se	21	74	27	40.00	"
sw of se	23	74	27	40.00	"
n hf of se	27	74	27	40.00	"
s hf of se	31	74	27	80.00	"
se of ne	33	74	27	40.00	"
nw qr	35	74	27	160.00	"
sw of ne	5	74	28	40.00	"
ne of se	11	74	28	40.00	"
se of nw	21	74	28	40.00	"
ne of ne, sw of nw	25	74	28	80.00	"
n hf of se	25	74	28	80.00	"
nw of se	27	74	28	40.00	"
sw of ne	29	74	28	40.00	"
ne of nw, w hf of sw	31	74	28	108.42	"
n hf of se	33	74	28	80.00	"
se of ne, s hf of sw	35	74	28	120.00	"
e hf of sw	31	75	28	80.00	"
se of nw	5	74	29	40.00	"
nw qr	17	74	29	160.00	"
se of ne	29	74	29	40.00	"
s hf of nw, w hf of sw	31	74	29	153.05	"
w hf of ne, se of nw	35	74	29	120.00	"
sw of sw	27	75	29	40.00	"
nw of se	29	75	29	40.00	"
se of ne, ne of se	31	75	29	80.00	"
Total				2,634.79	
nw of sw	1	70	28	40.00	Ringgold
n hf of ne, nw of nw	3	70	28	104.32	"
sw of sw	3	70	28	40.00	"
ne of ne	5	70	28	31.49	"
nw of nw	7	70	28	38.43	"
sw of sw, e hf of sw	9	70	28	120.00	"
e hf of sw	11	70	28	80.00	"
e hf of ne, w hf of nw	15	70	28	160.00	"
sw of sw, sw of se	15	70	28	80.00	"
e hf of se	15	70	28	80.00	"
n hf of nw, ne of sw	21	70	28	120.00	"
nw of nw	23	70	28	40.00	"
n hf of nw, se of nw	25	70	28	120.00	"
nw of nw	31	70	28	33.68	"
se of se	3	69	29	40.00	"
nw of ne	15	70	29	40.00	"
nw of se	23	70	29	40.00	"
w hf of sw, ne of se	31	70	29	119.19	"
se qr, s hf of sw	33	70	29	240.00	"
se qr	9	70	30	160.00	"
sw of ne, ne of nw	11	70	30	160.00	"
ne of ne	17	70	30	80.00	"
ne of nw	25	70	30	40.00	"
	35	70	30	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
ne of sw	7	70	31	40.00	Ringgold
w hf of nw, se of nw	19	70	31	109.74	"
se of sw	23	70	31	40.00	"
nw of ne	31	70	31	40.00	"
Total				2,276.85	
s hf of ne, n hf of se	7	71	29	160.00	Union
w hf of se	15	71	29	80.00	"
sw qr	19	71	29	156.35	"
w hf of sw	23	71	29	80.00	"
ne of sw	29	71	29	40.00	"
nw of ne, sw of sw	33	71	29	80.00	"
se of se	33	71	29	40.00	"
sw of ne, e hf of nw	1	72	29	120.41	"
nw of se	1	72	29	40.00	"
n hf of nw	3	72	29	73.92	"
n hf of ne, ne of nw	5	72	29	103.51	"
ne of sw	5	72	29	40.00	"
se of nw	9	72	29	40.00	"
sw of ne, nw of se	11	72	29	80.00	"
nw of nw	23	72	29	40.00	"
nw of nw, sw of sw	25	72	29	80.00	"
se of nw	27	72	29	40.00	"
ne of nw	35	72	29	40.00	"
w hf of nw, se of sw	1	73	29	117.46	"
ne of ne	3	73	29	36.79	"
ne of sw	5	73	29	40.00	"
w hf of nw	7	73	29	69.56	"
w hf of sw	9	73	29	80.00	"
ne of se	17	73	29	40.00	"
se of se	19	73	29	40.00	"
nw of nw, ne of sw	21	73	29	80.00	"
se of nw	29	73	29	40.00	"
sw of sw, se of se	31	73	29	80.00	"
sw of nw, w hf of sw	31	73	29	115.26	"
w hf of sw, ne of se	33	73	29	120.00	"
sw of nw	35	73	29	40.00	"
nw of ne, n hf of nw	3	71	29	119.04	"
sw of nw, se of sw	3	71	29	80.00	"
ne of se	3	71	29	40.00	"
se of se	9	71	29	40.00	"
w hf of nw	11	71	29	80.00	"
se of ne, ne of se	13	71	29	80.00	"
ne of sw, s hf of se	17	71	29	120.00	"
ne of nw	23	71	29	40.00	"
se of sw	27	71	29	40.00	"
n hf of ne, ne of nw	31	71	29	120.00	"
sw of nw	33	71	29	40.00	"
n hf of nw, se of nw	35	71	29	120.00	"
s hf of ne, w hf of nw	1	72	29	157.42	"
w hf of sw, e hf of se	1	72	29	160.00	"
nw of se	5	72	29	40.00	"
nw of nw	11	72	29	40.00	"
ne of sw, se of se	13	72	29	80.00	"
nw of nw	25	72	29	40.00	"
sw of se	29	72	29	40.00	"
ne of nw, w hf of se	33	72	29	120.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of ne, nw of se.....	35	72	29	80.00	Union.....
ne of se, sw of se.....	1	73	29	80.00	".....
ne qr, w hf of nw.....	7	73	29	235.15	".....
n hf of sw, n hf of se.....	7	73	29	157.69	".....
se of se.....	7	73	29	40.00	".....
ne of ne.....	9	73	29	40.00	".....
nw of se.....	23	73	29	40.00	".....
e hf of ne.....	25	73	29	80.00	".....
sw of ne.....	31	73	29	40.00	".....
sw of ne.....	13	71	30	40.00	".....
se of se.....	15	71	30	40.00	".....
e hf of ne, nw of se.....	19	71	30	120.00	".....
ne of ne, w hf of ne.....	25	71	30	120.00	".....
sw qr.....	29	71	30	160.00	".....
ne of se.....	1	72	30	40.00	".....
n hf of ne, n hf of nw.....	3	72	30	132.98	".....
sw of nw.....	3	72	30	40.00	".....
w hf of nw.....	15	72	30	80.00	".....
se qr.....	21	72	30	160.00	".....
ne of ne, w hf of ne.....	31	72	30	120.00	".....
nw of ne, w hf of sw.....	7	73	30	130.69	".....
se of sw.....	7	73	30	40.00	".....
ne of sw.....	9	73	30	40.00	".....
ne of se.....	15	73	30	40.00	".....
se of ne, sw qr.....	21	73	30	200.00	".....
ne of sw, nw of se.....	25	73	30	80.00	".....
sw of sw.....	27	73	30	40.00	".....
ne of ne.....	29	73	30	40.00	".....
nw of se.....	3	71	31	40.00	".....
se of ne.....	5	71	31	40.00	".....
sw of se.....	7	71	31	40.00	".....
nw of nw, se of nw.....	11	71	31	80.00	".....
nw of ne.....	15	71	31	40.00	".....
nw of sw, se of sw.....	23	71	31	80.00	".....
ne of se.....	23	71	31	40.00	".....
ne of sw.....	31	71	31	40.00	".....
nw of ne.....	35	71	31	40.00	".....
n hf of sw.....	1	72	31	80.00	".....
n hf of ne, sw of ne.....	3	72	31	110.84	".....
w hf of se.....	5	72	31	80.00	".....
sw of nw.....	15	72	31	40.00	".....
se of ne.....	17	72	31	40.00	".....
se of ne, ne of nw.....	21	72	31	80.00	".....
ne of nw.....	27	72	31	40.00	".....
nw of nw.....	29	72	31	40.00	".....
sw of nw.....	31	72	31	34.79	".....
se of nw.....	33	72	31	40.00	".....
ne of ne, nw of nw.....	5	73	31	71.06	".....
nw of se.....	17	73	31	40.00	".....
nw of ne.....	21	73	31	40.00	".....
nw of nw.....	25	73	31	40.00	".....
se of nw, sw of se.....	33	73	31	80.00	".....
Total.....				7,582.92	
ne of nw, sw of nw.....	3	74	30	78.46	Adair.....
se of se.....	3	74	30	40.00	".....
nw of nw.....	5	74	30	37.59	".....

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
w hf of nw, nw of sw.....	7	74	30	136.66	Adair.....
n hf of se.....	7	74	30	80.00	".....
w hf of sw.....	19	74	30	92.21	".....
se of sw.....	23	74	30	40.00	".....
sw of ne.....	27	74	30	40.00	".....
sw of se.....	29	74	30	40.00	".....
w hf of sw, ne of se.....	31	74	30	132.67	".....
ne of sw, sw of sw.....	27	75	30	80.00	".....
nw of se.....	27	75	30	40.00	".....
ne of nw.....	1	74	31	36.30	".....
s hf of se.....	13	74	31	80.00	".....
ne of ne.....	25	74	31	40.00	".....
ne of sw.....	33	74	31	40.00	".....
s hf of se.....	33	75	31	80.00	".....
nw of sw.....	1	74	32	40.00	".....
n hf of ne.....	3	74	32	70.88	".....
nw of nw.....	35	75	32	40.00	".....
n hf of nw, n hf of ne.....	1	74	33	136.80	".....
ne of ne, sw of ne.....	3	74	33	75.34	".....
nw of ne.....	5	74	33	35.90	".....
ne of se.....	11	74	33	40.00	".....
ne of sw.....	23	74	33	40.00	".....
nw of se, se of se.....	25	74	33	80.00	".....
nw of se.....	35	75	33	40.00	".....
Total.....				1,712.81	
se of se.....	7	70	32	40.00	Taylor.....
se of se.....	17	70	32	40.00	".....
se of se.....	27	70	32	40.00	".....
nw of se.....	33	70	32	40.00	".....
n hf of nw, sw of nw.....	1	69	33	112.88	".....
sw qr.....	1	69	33	160.00	".....
ne of ne.....	3	69	33	36.08	".....
ne of sw, s hf sw.....	1	70	33	120.00	".....
nw of se.....	9	70	33	40.00	".....
ne of sw.....	15	70	33	40.00	".....
e hf of se.....	21	70	33	80.00	".....
nw of ne.....	33	70	33	40.00	".....
n hf of ne, sw of ne.....	1	69	34	109.55	".....
ne of sw.....	1	69	34	40.00	".....
w hf of sw, se of se.....	3	69	34	120.00	".....
e hf of sec, nw of nw.....	5	69	34	359.99	".....
n hf of sw, se of sw.....	5	69	34	120.00	".....
e hf of ne, w hf of nw.....	7	69	34	165.26	".....
se qr.....	7	69	34	160.00	".....
nw of nw, s hf of nw.....	9	69	34	120.00	".....
sw qr, n hf of se.....	9	69	34	240.00	".....
nw of nw, s hf of nw.....	11	69	34	120.00	".....
se of se.....	11	69	34	40.00	".....
n hf of sec, n hf of se.....	13	69	34	400.00	".....
ne qr, e hf of nw.....	15	69	34	240.00	".....
n hf of sw, se of sw.....	17	69	34	120.00	".....
nw qr, s hf of sw.....	19	69	34	254.00	".....
se qr.....	21	69	34	160.00	".....
sw of nw.....	25	69	34	40.00	".....
n hf of nw, sw of nw.....	29	69	34	120.00	".....
w hf of sw, se of sw.....	29	69	34	120.00	".....

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
w hf of sec, se qr	31	69	34	503.14	Taylor
w hf of ne, sw qr	1	70	34	241.06	"
w hf of se	1	70	34	80.00	"
n hf of sec, se qr	3	70	34	490.28	"
n hf of sec, sw qr	5	70	34	494.86	"
w hf of se, ne of se	5	70	34	120.00	"
ne qr, n hf of nw	7	70	34	244.16	"
e hf of se	7	70	34	80.00	"
n hf of sec	9	70	34	320.00	"
e hf of ne, nw of ne	11	70	34	120.00	"
w hf of sec	11	70	34	320.00	"
ne qr, s hf of nw	13	70	34	240.00	"
n hf of sw, sw of sw	13	70	34	120.00	"
nw of se	13	70	34	40.00	"
n hf of sec, n hf of sw	15	70	34	400.00	"
w hf of se	15	70	34	80.00	"
n hf of sec, e hf of se	17	70	34	400.00	"
w hf of nw, nw of sw	19	70	34	128.81	"
se of se	19	70	34	40.00	"
nw of nw	21	70	34	40.00	"
e hf of ne, sw of ne	23	70	34	120.00	"
sw of nw, w hf of sw	23	70	34	120.00	"
se of sw, e hf of se	23	70	34	120.00	"
s hf of ne, n hf of sw	25	70	34	160.00	"
nw of se	25	70	34	40.00	"
sw of se, e hf of se	29	70	34	120.00	"
ne of ne	35	70	34	40.00	"
e fr hf of sec	3	68	35	125.45	"
e fr hf of sec	5	68	35	127.12	"
se of ne, n hf of ne	7	68	35	120.00	"
nw of sw, ne of se	7	68	35	75.05	"
nw qr, e hf of sw	9	68	35	240.00	"
nw qr	11	68	35	160.00	"
e hf of se	1	69	35	80.00	"
w hf of ne, w hf of nw	3	69	35	151.19	"
nw of sw	3	69	35	40.00	"
all of	5	69	35	615.52	"
se of sw, se qr	7	69	35	200.00	"
ne of nw, sw of se	9	69	35	80.00	"
n hf of nw, se of nw	11	69	35	120.00	"
sw of sw, e hf of sw	11	69	35	120.00	"
n hf of sw	13	69	35	80.00	"
se of ne, sw of se	15	69	35	80.00	"
e hf of se	15	69	35	80.00	"
w hf of ne, sw of nw	17	69	35	120.00	"
n hf of sw, n hf of se	17	69	35	160.00	"
se of se	17	69	35	40.00	"
sw qr	21	69	35	160.00	"
s hf of ne, ne of ne	23	69	35	120.00	"
s hf of sw	23	69	35	80.00	"
se of ne, sw of nw	25	69	35	80.00	"
nw of sw, se of sw	25	69	35	80.00	"
e hf of se	25	69	35	80.00	"
se of ne, ne of sw	27	69	35	80.00	"
w hf of se	27	69	35	80.00	"
e hf of se	29	69	35	80.00	"
n hf of sw	33	69	35	80.00	"
nw of ne, nw of nw	35	69	35	80.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
se of se	35	69	35	40.00	Taylor
e hf of sec, e hf of sw	1	70	35	408.90	"
se of ne, w hf of nw	3	70	35	122.50	"
e hf of sw, se qr	3	70	35	240.00	"
ne qr, n hf of nw	5	70	35	246.46	"
nw of se	5	70	35	40.00	"
w hf of sw	7	70	35	69.78	"
sw of nw, s hf of sec	9	70	35	360.00	"
n hf of sec, sw qr	11	70	35	480.00	"
w hf of se, ne of se	11	70	35	120.00	"
s hf of ne, e hf of nw	13	70	35	160.00	"
sw of nw	13	70	35	40.00	"
n hf of sec, sw qr	15	70	35	480.00	"
w hf of se	15	70	35	80.00	"
ne qr, ne of nw	17	70	35	200.00	"
nw of nw, se of nw	19	70	35	75.59	"
nw qr, w hf of sw	21	70	35	240.00	"
se of sw, e hf of se	21	70	35	120.00	"
w hf of ne, e hf of nw	23	70	35	160.00	"
e hf of sw, w hf of se	23	70	35	160.00	"
se of se	23	70	35	40.00	"
nw of ne, w hf of sec	27	70	35	360.00	"
all of	33	70	35	640.00	"
Total				17757.63	
sw of ne	1	71	32	40.00	Adams
n hf of ne	3	71	32	69.60	"
nw of se	11	71	32	40.00	"
se qr	17	71	32	160.00	"
ne of nw	25	71	32	40.00	"
nw of nw	27	71	32	40.00	"
sw of nw, e hf of sw	33	71	32	120.00	"
n hf of nw, s hf of se	3	72	32	137.04	"
n hf of nw	5	72	32	59.29	"
se of sw	9	72	32	40.00	"
se of nw	15	72	32	40.00	"
sw of sw	31	72	32	45.57	"
w hf of nw, se of nw	33	72	32	120.00	"
w hf of nw	7	73	32	80.88	"
sw qr	13	73	32	160.00	"
sw of ne	13	71	33	40.00	"
ne of nw	29	71	33	40.00	"
s hf of ne, sw of sw	3	72	33	120.00	"
n hf of nw, sw of se	5	72	33	102.26	"
sw of sw	19	72	33	51.80	"
ne of nw, sw of nw	25	72	33	80.00	"
sw of se	25	72	33	40.00	"
se of se	27	72	33	40.00	"
n hf of ne	33	72	33	80.00	"
ne of se	35	72	33	40.00	"
e hf of sw, s hf of se	3	73	33	160.00	"
ne of nw	5	73	33	36.41	"
sw of ne	7	73	33	40.00	"
sw of sw	9	73	33	40.00	"
n hf of nw	19	73	33	85.40	"
w hf of nw	21	73	33	80.00	"
ne of sw	27	73	33	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
w hf of ne, e hf of sw	29	73	33	160.00	Adams
sw of nw	31	73	33	46.81	"
n hf of ne, ne of nw	1	71	34	115.38	"
se of nw, ne of sw	1	71	34	80.00	"
nw of ne, n hf of nw	3	71	34	106.84	"
sw of nw, n hf of sw	3	71	34	120.00	"
ne of ne, s hf of ne	5	71	34	115.18	"
w hf of nw, nw of sw	5	71	34	115.21	"
n hf of se	5	71	34	80.00	"
ne of nw, sw of se	11	71	34	80.00	"
w hf of nw	13	71	34	80.00	"
s hf of ne, nw of sw	17	71	34	120.00	"
sw of sw	19	71	34	45.46	"
w hf of nw, w hf of sw	23	71	34	160.00	"
se qr	23	71	34	160.00	"
s hf of ne, s hf of sec	25	71	34	400.00	"
e hf of sw, se qr	27	71	34	240.00	"
w hf of ne, nw qr	29	71	34	240.00	"
ne of sw, sw of se	29	71	34	80.00	"
e hf of sec, e hf of nw	31	71	34	400.00	"
sw of nw, sw qr	31	71	34	213.77	"
nw qr, s hf of sec	33	71	34	480.00	"
n hf of sec, n hf of sw	35	71	34	400.00	"
se of sw, se qr	35	71	34	200.00	"
n hf of nw, s hf of sw	1	72	34	141.86	"
w hf of sw	3	72	34	80.00	"
n hf of ne	5	72	34	66.04	"
e hf of nw	11	72	34	80.00	"
nw of sw, e hf of se	13	72	34	120.00	"
sw of sw	23	72	34	40.00	"
e hf of ne, sw of nw	25	72	34	120.00	"
nw of sw	25	72	34	40.00	"
sw qr	27	72	34	160.00	"
ne of nw, w hf of nw	31	72	34	136.00	"
nw of sw, e hf of se	31	72	34	125.80	"
all of	33	72	34	640.00	"
se qr	1	72	34	160.00	"
ne of ne	35	72	34	40.00	"
n hf of sec, sw qr	1	73	34	464.16	"
w hf of se, ne of se	1	73	34	120.00	"
n hf of sec, se qr	3	73	34	465.36	"
n hf of ne, n hf of nw	5	73	34	145.70	"
sw of nw, sw qr	5	73	34	200.00	"
ne qr, w hf of sec	7	73	34	488.58	"
n hf of se	7	73	34	80.00	"
n hf of nw	15	73	34	80.00	"
n hf of ne, ne of nw	17	73	34	120.00	"
s hf of nw, sw qr	17	73	34	240.00	"
sw of se, e hf of se	17	73	34	120.00	"
e hf of ne, w hf of nw	19	73	34	167.80	"
sw qr	19	73	34	168.94	"
w hf of nw	21	73	34	80.00	"
se of nw	23	73	34	40.00	"
ne of sw, s hf of sw	25	73	34	120.00	"
n hf of se	25	73	34	80.00	"
se of sw, se qr	27	73	34	200.00	"
sw of ne	29	73	34	40.00	"
n hf of sw	31	73	34	86.33	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
nw of ne, n hf of nw	33	73	34	120.00	Adams
ne of sw, sw of sw	33	73	34	80.00	"
w hf of se, se of se	33	72	34	120.00	"
s hf of ne	35	73	34	80.00	"
ne qr, n hf of nw	3	71	35	202.00	"
sw of nw, n hf of sw	3	71	35	120.00	"
n hf of se	3	71	35	80.00	"
ne qr, n hf of nw	5	71	35	201.80	"
sw of nw, w hf of sw	5	71	35	120.00	"
se of sw, w hf of se	5	71	35	120.00	"
ne of se	5	71	35	40.00	"
e hf of ne, sw of ne	7	71	35	120.00	"
e hf of nw, sw qr	7	71	35	227.95	"
se qr	7	71	35	160.00	"
n hf of ne, e hf of nw	9	71	35	160.00	"
sw of nw, ne of sw	9	71	35	80.00	"
ne qr, se of nw	13	71	35	200.00	"
w hf of nw, n hf of sw	13	71	35	160.00	"
n hf of se	13	71	35	80.00	"
se of ne, se of sw	15	71	35	80.00	"
se qr	15	71	35	160.00	"
nw qr	17	71	35	160.00	"
w hf of ne, e hf of nw	19	71	35	160.00	"
sw qr, w hf of se	19	71	35	222.01	"
se of ne, w hf of ne	21	71	35	120.00	"
s hf of sw, se qr	21	71	35	240.00	"
ne of ne, w hf of nw	23	71	35	120.00	"
se of nw, w hf of sw	23	71	35	120.00	"
w hf of nw, w hf of sw	25	71	35	160.00	"
ne of se	25	71	35	40.00	"
n hf of sec, sw qr	27	71	35	480.00	"
se of sw, se qr	29	71	35	200.00	"
e hf of ne, n hf of sw qr	33	71	35	160.00	"
sw of se	33	71	35	40.00	"
n hf of ne, nw qr	3	72	35	187.00	"
nw of sw, se of se	3	72	35	80.00	"
all of	5	72	35	588.36	"
e hf of ne, nw of ne	7	72	35	120.00	"
ne of nw, w hf of nw	7	72	35	92.50	"
w hf of sw, ne of se	7	72	35	92.70	"
e hf of ne, nw of ne	9	72	35	120.00	"
nw qr, w hf of sw	9	72	35	240.00	"
ne of nw	11	72	35	40.00	"
ne qr, e hf of nw	17	72	35	240.00	"
sw of nw, s hf of sec	17	72	35	360.00	"
e hf of sec, nw qr	19	72	35	452.20	"
w hf of sw, ne of sw	19	72	35	92.60	"
sw qr, n hf of se	27	72	35	240.00	"
s hf of sec	29	72	35	320.00	"
e hf of sec	31	72	35	320.00	"
ne of ne, w hf of ne	33	72	35	120.00	"
w hf of sec, w hf of se	33	72	35	400.00	"
e hf of ne, sw of ne	35	72	35	120.00	"
e hf of sw	35	72	35	80.00	"
all of	1	73	35	619.32	"
ne qr, nw of nw	3	73	35	179.42	"
se of nw	3	73	35	40.00	"
ne of ne, sw of sw	5	73	35	73.56	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
se of se.	5	73	35	40.56	Adams
all of.	7	73	35	567.00	"
e hf of sec, e hf of nw	11	73	35	400.00	"
sw of nw, s hf of sw	11	73	35	120.00	"
e hf of sec, n hf of nw	13	73	35	400.00	"
all of.	15	73	35	640.00	"
n hf of sec, n hf of sw	17	73	35	400.00	"
n hf of se, se of se.	17	73	35	120.00	"
all of.	19	73	35	579.60	"
all of.	21	73	35	640.00	"
w hf of sec, se qr.	23	73	35	480.00	"
w hf of nw, se of se.	25	73	35	120.00	"
all of.	27	73	35	640.00	"
all of.	29	73	35	640.00	"
all of.	31	73	35	582.00	"
w hf of nw, se of nw.	35	73	35	120.00	"
e hf of sw.	35	73	35	80.00	"
Total				28723.49	
all of.	11	74	34	640.00	Cass.
all of.	13	74	34	640.00	"
all of.	15	74	34	640.00	"
all of.	17	74	34	640.00	"
all of.	19	74	34	643.16	"
all of.	21	74	34	640.00	"
all of.	23	74	34	640.00	"
all of.	25	74	34	640.00	"
all of.	27	74	34	640.00	"
all of.	29	74	34	640.00	"
all of.	31	74	34	644.60	"
all of.	33	74	34	640.00	"
all of.	35	74	34	640.00	"
se qr.	23	74	35	160.00	"
all of.	25	74	35	640.00	"
ne qr, s hf of sec.	27	74	35	480.00	"
all of.	33	74	35	640.00	"
ne qr, w hf of nw	35	74	35	240.00	"
s hf of sec.	35	74	35	320.00	"
w hf of sec.	19	74	36	298.12	"
sw qr.	27	74	36	160.00	"
e hf of sec.	29	74	36	320.00	"
w hf of ne, w hf of sec.	31	74	36	379.44	"
w hf of se.	31	74	36	80.00	"
ne of nw.	33	74	36	40.00	"
s hf of sw.	9	74	37	80.00	"
sw qr.	13	74	37	160.00	"
ne of sw.	19	74	37	40.00	"
ne qr, s hf of sec.	25	74	37	480.00	"
all of.	27	74	37	640.00	"
n hf of sec, e hf of sw.	33	74	37	400.00	"
se qr.	33	74	37	160.00	"
Total				14045.32	
s hf of ne, se of nw.	11	68	36	120.00	Page
e hf of se.	11	68	36	80.00	"
se of ne.	1	69	36	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
nw qr, w hf of se.	1	70	36	243.74	Page
w hf of nw.	5	70	36	81.36	"
n hf of sec., se qr.	7	70	36	471.96	"
e hf of se.	11	70	36	80.00	"
e hf of sec.	13	70	36	320.00	"
nw of sw, nw of se.	17	70	36	80.00	"
all of.	19	70	36	620.64	"
e hf of ne.	23	70	36	80.00	"
w hf.	29	70	36	320.00	"
nw of se.	33	70	36	40.00	"
n hf of sw, sw of sw.	1	69	37	120.00	"
n hf of nw, sw of sw.	3	69	37	100.72	"
all of.	5	69	37	596.44	"
nw qr, n hf of sw.	7	69	37	236.72	"
se of sw.	7	69	37	40.00	"
e hf of sec., e hf of nw.	9	69	37	400.00	"
sw of nw.	9	69	37	40.00	"
w hf of sec.	11	69	37	320.00	"
n hf of se.	13	69	37	80.00	"
sw of ne, se of nw.	15	69	37	80.00	"
nw of nw.	15	69	37	40.00	"
sw qr.	17	69	37	160.00	"
nw of nw, sw qr.	19	69	37	204.73	"
n hf of se.	19	69	37	80.00	"
ne of ne, w hf of ne.	21	69	37	120.00	"
e hf of sec.	1	70	37	322.35	"
ne qr, n hf of sw.	3	70	37	239.63	"
nw of se.	3	70	37	40.00	"
e hf of ne, ne of nw.	5	70	37	122.07	"
sw of sw, e hf of sw.	5	70	37	120.00	"
ne of ne, s hf of ne.	7	70	37	120.00	"
n hf of se.	7	70	37	80.00	"
ne of ne, w hf of ne.	9	70	37	120.00	"
sw qr, e hf se.	9	70	37	240.00	"
w hf of sec.	13	70	37	320.00	"
ne qr, w hf of sec.	15	70	37	480.00	"
se qr.	17	70	37	160.00	"
e hf of sec., e hf of nw.	19	70	37	400.00	"
sw of nw, nw of sw.	19	70	37	73.39	"
e hf of sw.	19	70	37	80.00	"
e hf of sw, se qr.	21	70	37	240.00	"
e hf of sec.	23	70	37	320.00	"
all of.	25	70	37	640.00	"
n hf of sec.	27	70	37	320.00	"
se of ne, nw of ne.	29	70	37	80.00	"
nw qr, nw of sw.	29	70	37	200.00	"
s hf of sw, s hf of se.	29	70	37	160.00	"
ne qr, w hf of sec.	31	70	37	470.02	"
w hf of se, ne of se.	31	70	37	120.00	"
e hf of sec., ne of nw.	33	70	37	360.00	"
w hf of nw, w hf of sw.	33	70	37	160.00	"
ne of sw.	33	70	37	40.00	"
all of.	35	70	37	640.00	"
all of.	1	69	38	605.30	"
e hf of sec., e hf of sw.	3	69	38	386.75	"
all of.	5	69	38	612.06	"
n hf of sec.	7	69	38	318.60	"
n hf of nw, se of ne.	9	69	38	120.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of se, e hf of se.....	9	69	38	120.00	Page.....
nw qr, w hf of sw.....	11	69	38	240.00	".....
e hf of se.....	11	69	38	80.00	".....
all of sec.....	13	69	38	640.00	".....
w hf of ne, e hf of nw.....	15	69	38	160.00	".....
sw of nw.....	15	69	38	40.00	".....
all of.....	1	70	38	636.82	".....
sw of sw, s hf of se.....	3	70	38	120.00	".....
ne qr, n hf of nw.....	5	70	38	239.36	".....
se of nw, sw of sw.....	5	70	38	80.00	".....
e hf of sw.....	5	70	38	80.00	".....
n hf of sec, w hf of sw.....	7	70	38	380.60	".....
ne of sw, se qr.....	7	70	38	200.00	".....
se of ne, sw of nw.....	9	70	38	80.00	".....
n hf of sw, s hf of se qr.....	9	70	38	160.00	".....
e hf of ne, nw qr.....	11	70	38	240.00	".....
w hf of sw, ne of sw.....	11	70	38	120.00	".....
nw of se, e hf of se.....	11	70	38	120.00	".....
se of ne, w hf of sec.....	13	70	38	360.00	".....
n hf of sec, nw of sw.....	15	70	38	360.00	".....
e hf of sw, w hf of se.....	15	70	38	160.00	".....
all of.....	17	70	38	640.00	".....
all of.....	19	70	38	622.86	".....
n hf of sec, sw qr.....	21	70	38	480.00	".....
w hf of se, se of se.....	21	70	38	120.00	".....
ne qr, ne of nw.....	23	70	38	200.00	".....
s hf of nw, s hf of sec.....	23	70	38	400.00	".....
s hf of ne, nw of ne.....	25	70	38	120.00	".....
nw of nw, n hf of sw.....	25	70	38	120.00	".....
se of sw, se qr.....	25	70	38	200.00	".....
e hf of ne, ne of nw.....	27	70	38	120.00	".....
sw of nw, sw of sw.....	27	70	38	80.00	".....
e hf of se.....	27	70	38	80.00	".....
all of.....	29	70	38	640.00	".....
all of.....	31	70	38	625.38	".....
all of.....	33	70	38	640.00	".....
w hf of sec.....	35	70	38	320.00	".....
ne qr, s hf of sec.....	1	69	39	472.89	".....
se of ne.....	9	69	39	40.00	".....
all of.....	11	69	39	640.00	".....
nw of nw, w hf of se.....	1	70	39	118.50	".....
n hf of nw, sw of sw.....	3	70	39	117.28	".....
ne qr, n hf of nw.....	5	70	39	231.12	".....
se of nw, se of sw.....	5	70	39	80.00	".....
n hf of se.....	5	70	39	80.00	".....
ne of nw, w hf of nw.....	7	70	39	115.16	".....
w hf of sw, se of sw.....	7	70	39	115.64	".....
w hf of se, se of se.....	7	70	39	120.00	".....
s hf of ne, s hf of nw.....	9	70	39	160.00	".....
s hf of sec.....	9	70	39	320.00	".....
n hf of sw.....	13	70	39	80.00	".....
w hf of sec.....	15	70	39	320.00	".....
all of.....	17	70	39	640.00	".....
all of.....	19	70	39	629.68	".....
n hf of sec, n hf of sw.....	21	70	39	400.00	".....
sw of sw, se qr.....	21	70	39	200.00	".....
nw of ne, w hf of sec.....	23	70	39	360.00	".....
e hf of sec, e hf of sw.....	25	70	39	400.00	".....

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
ne qr, s hf of nw.....	27	70	39	240.00	Page.....
n hf of se.....	27	70	39	80.00	".....
e hf of ne, sw of ne.....	29	70	39	120.00	".....
ne of nw, w hf of nw.....	29	70	39	120.00	".....
w hf of sw, se qr.....	29	70	39	240.00	".....
w hf of sec, se qr.....	31	70	39	476.70	".....
e hf of ne, nw of ne.....	33	70	39	120.00	".....
Total.....				30968.47	
n hf of ne, sw of ne.....	3	71	36	103.48	Montgomery.....
se of nw, nw of se.....	3	71	36	80.00	".....
n hf of nw, ne of sw.....	5	71	36	105.49	".....
ne qr, w hf of sec.....	7	71	36	465.28	".....
w hf of se.....	7	71	36	80.00	".....
sw of ne.....	9	71	36	40.00	".....
nw of ne, ne of nw.....	11	71	36	80.00	".....
ne of se.....	11	71	36	40.00	".....
e hf of nw, nw of nw.....	13	71	36	120.00	".....
e hf of sw.....	13	71	36	80.00	".....
ne of nw, s hf of se.....	15	71	36	120.00	".....
nw of ne, ne of nw.....	17	71	36	80.00	".....
all of.....	19	71	36	623.96	".....
e hf of ne, se of nw.....	25	71	36	120.00	".....
nw of se.....	25	71	36	40.00	".....
w hf of sw.....	29	71	36	80.00	".....
ne qr, w hf of sec.....	31	71	36	463.20	".....
n hf of se.....	31	71	36	80.00	".....
se of ne, w hf of ne.....	35	71	36	120.00	".....
n hf of nw, se of nw.....	35	71	36	120.00	".....
sw qr, w hf of se.....	35	71	36	240.00	".....
all of.....	1	72	36	590.20	".....
n hf of ne, n hf of nw.....	3	72	36	112.32	".....
se of nw, sw of sw.....	3	72	36	80.00	".....
e hf of sw, w hf of se.....	3	72	36	160.00	".....
se of se.....	3	72	36	40.00	".....
sw of ne, n hf nw.....	5	72	36	98.36	".....
w hf of ne, w hf of se.....	7	72	36	160.00	".....
se of se.....	7	72	36	40.00	".....
se of ne, w hf of sec.....	11	72	36	360.00	".....
nw of se.....	11	72	36	40.00	".....
e hf of nw, s hf of sec.....	13	72	36	400.00	".....
se of sw, e hf of sec.....	15	72	36	360.00	".....
w hf of sw.....	19	72	36	74.25	".....
se of ne, e hf of se.....	21	72	36	120.00	".....
e hf of ne, sw of ne.....	23	72	36	120.00	".....
s hf of nw, n hf of sw.....	23	72	36	160.00	".....
se of sw, se qr.....	23	72	36	200.00	".....
n hf of sec, sw qr.....	25	72	36	480.00	".....
w hf of se.....	25	72	36	80.00	".....
e hf of ne, se of nw.....	27	72	36	120.00	".....
n hf of sw, sw of sw.....	27	72	36	120.00	".....
ne of se.....	33	72	36	40.00	".....
ne of ne, e hf of sw.....	35	72	36	120.00	".....
nw of se.....	35	72	36	40.00	".....
n hf of nw, w hf of sw.....	1	73	36	149.90	".....
e hf of se.....	1	73	36	80.00	".....
e hf of nw, s hf of sw.....	7	73	36	156.81	".....

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town Range	Acres	IN WHAT COUNTY SITUATED.
sw of sec.	7 73 36		40.00	Montgomery
s hf of nw, n hf of sw	9 73 36		160.00	"
sw of sw	9 73 36		40.00	"
ne qr, n hf of nw	11 73 36		240.00	"
e hf of sec.	13 73 36		320.00	"
se qr.	15 73 36		160.00	"
e hf of ne, w hf of nw	17 73 36		160.00	"
w hf of sw, sw of se	17 73 36		120.00	"
e hf of se	17 73 36		80.00	"
nw of nw, w hf of sw	19 73 36		112.16	"
se of sw, s hf of se	19 73 36		120.00	"
ne of se	19 73 36		40.00	"
w hf of sw	21 73 36		80.00	"
e hf of sec, nw of nw	23 73 36		360.00	"
all of	25 73 36		640.00	"
e hf of nw, nw of nw	27 73 36		120.00	"
e hf of sw	29 73 36		80.00	"
w hf of nw, w hf of sw	31 73 36		150.80	"
ne qr, ne of nw	35 73 36		200.00	"
se of ne	5 73 36		40.00	"
all of	7 73 37		617.48	"
all of	9 73 37		616.44	"
e hf of sec, n hf of nw	5 71 37		370.20	"
w hf of sw	5 71 37		80.00	"
w hf of ne, w hf of sec	7 71 37		379.10	"
e hf of sec, w hf of nw	9 71 37		400.00	"
w hf of sw	9 71 37		80.00	"
ne qr.	13 71 37		160.00	"
ne qr, s hf of sec.	17 71 37		480.00	"
ne qr, s hf of sec.	19 71 37		478.86	"
se of ne, se of nw	19 71 37		80.00	"
w hf of nw, sw qr.	29 71 37		240.00	"
all of	27 71 37		640.00	"
all of	31 71 37		628.68	"
e hf of ne, nw of se	33 71 37		120.00	"
e hf of sw	35 71 37		80.00	"
ne qr, sw of nw	1 72 37		170.15	"
ne of sw, n hf of se	1 72 37		120.00	"
n hf of sec	3 72 37		260.02	"
n hf of ne	5 72 37		49.94	"
sw of sw	11 72 37		40.00	"
se of sw, se qr.	13 72 37		200.00	"
w hf of sw	19 72 37		65.22	"
se qr.	23 72 37		160.00	"
all of	25 72 37		640.00	"
ne qr.	27 72 37		160.00	"
w hf of nw, w hf of sw	31 72 37		130.44	"
ne qr, nw of nw	33 72 37		200.00	"
e hf of se	35 72 37		80.00	"
all of	35 72 37		640.00	"
n hf of sec, nw of sw	1 73 37		337.12	"
w hf of ne, w hf of sec	3 73 37		378.88	"
ne of ne, w hf of ne	5 73 37		111.60	"
nw qr, se qr.	5 73 37		311.98	"
w hf of sw, e hf of se	7 73 37		146.54	"
w hf of sec	9 73 37		320.00	"
nw of nw, s hf of nw	11 73 37		120.00	"
sw qr.	11 73 37		160.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town Range	Acres	IN WHAT COUNTY SITUATED.
se of ne, se qr.	13 73 37		200.00	Montgomery
se of ne, w hf of ne	15 73 37		120.00	"
w hf of sec, se qr.	15 73 37		480.00	"
all of	17 73 37		640.00	"
all of	19 73 37		612.24	"
nw of ne, s hf of sw	21 73 37		120.00	"
w hf of nw	23 73 37		80.00	"
e hf of ne, nw of ne	25 73 37		120.00	"
ne of sw, s hf of sw	25 73 37		120.00	"
w hf of se, se of se	25 73 37		120.00	"
e hf of ne, w hf of nw	27 73 37		120.00	"
w hf of sw, se of sw	27 73 37		160.00	"
se qr.	27 73 37		160.00	"
ne of nw, ne of sw	29 73 37		80.00	"
w hf of se, ne of se	29 73 37		120.00	"
nw qr, w hf of sw	31 73 37		210.44	"
e hf of sec, sw of sw	33 73 37		360.00	"
nw qr, s hf of se	35 73 37		240.00	"
ne qr, s hf of nw	1 71 38		212.72	"
s hf of sec	1 71 38		320.00	"
all of	3 71 38		598.06	"
all of	9 71 38		640.00	"
ne qr, s hf of nw	11 71 38		240.00	"
s hf of sec	11 71 38		320.00	"
all of	13 71 38		640.00	"
all of	15 71 38		640.00	"
e hf of sec, e hf of nw	17 71 38		400.00	"
ne of se	19 71 38		40.00	"
ne qr, n hf of nw	21 71 38		240.00	"
s hf of sec	21 71 38		320.00	"
all of	23 71 38		640.00	"
all of	25 71 38		640.00	"
n hf of sec, sw qr.	27 71 38		480.00	"
e hf of ne, ne of nw	29 71 38		120.00	"
w hf of nw, w hf of sw	29 71 38		160.00	"
se of sw, sw of se	29 71 38		80.00	"
e hf of se	29 71 38		80.00	"
all of	33 71 38		640.00	"
e hf of sec	35 71 38		320.00	"
n hf of nw, s hf of se	1 72 38		131.33	"
sw of se	5 72 38		40.00	"
n hf of sec	11 72 38		320.00	"
sw of ne, ne of nw	15 72 38		80.00	"
e hf of se	21 72 38		80.00	"
s hf of sw	27 72 38		80.00	"
e hf of ne	33 72 38		80.00	"
se of ne, ne of nw	1 73 38		73.12	"
w hf of ne, w hf of sec	3 73 38		384.28	"
sw of se	5 73 38		40.00	"
n hf of ne, n hf of nw	5 73 38		139.78	"
w hf of sec, s hf of se	5 73 38		139.78	"
nw, s hf of se	7 73 38		377.86	"
ne of ne, se qr, ne of ne	9 73 38		240.00	"
sw of ne, se qr, ne of ne	13 73 38		240.00	"
nw qr, nw of sw	15 73 38		200.00	"
sw of se	17 73 38		40.00	"
ne of nw, w hf of nw	19 73 38		109.49	"
w hf of sw	19 73 38		69.69	"
e hf of nw, e hf of sw	21 73 38		160.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of sw, sw of se	21	73	38	80.00	Montgomery
w hf of ne, ne of se	23	73	38	120.00	"
ne qr, s hf of sec	25	73	38	480.00	"
nw qr	27	73	38	160.00	"
se qr	29	73	38	160.00	"
e hf of sec, nw qr	31	73	38	470.95	"
nw of sw, e hf of sw	31	73	38	116.18	"
n hf of sec, ne of sw	33	73	38	360.00	"
n hf of nw	35	73	38	80.00	"
w hf of sec	1	71	39	298.86	"
n hf of sec, sw qr	3	71	39	435.98	"
nw of nw	5	71	39	56.34	"
sw of ne, w hf of sec	7	71	39	355.40	"
w hf of se	7	71	39	80.00	"
all of	9	71	39	640.00	"
all of	11	71	39	640.00	"
ne of ne, w hf of ne	13	71	39	120.00	"
all of	15	71	39	640.00	"
se of se	17	71	39	40.00	"
w hf of ne, w hf of sec	19	71	39	398.88	"
all of	21	71	39	640.00	"
n hf of sec, sw qr	23	71	39	480.00	"
ne of se	23	71	39	40.00	"
ne of nw, s hf of nw	25	71	39	120.00	"
n hf of sec, sw qr	27	71	39	480.00	"
e hf of ne, nw of ne	29	71	39	120.00	"
nw of ne, nw of nw	31	71	39	80.28	"
nw of sw, ne of se	31	71	39	80.12	"
n hf of sec, sw qr	33	71	39	480.00	"
n hf of nw	35	71	39	80.00	"
n hf of ne, n hf of nw	1	72	39	111.94	"
se of se	1	72	39	40.00	"
all of	3	72	39	593.06	"
n hf of sec, n hf of sw	5	72	39	357.76	"
se of sw, se qr	5	72	39	200.00	"
sw of ne, w hf of sec	7	72	39	345.02	"
all of	9	72	39	640.00	"
w hf of sec, nw of se	11	72	39	360.00	"
e hf of se	11	72	39	80.00	"
s hf of sec	13	72	39	320.00	"
nw of nw, nw of sw	15	72	39	80.00	"
se qr	15	72	39	160.00	"
e hf of sec, e hf of sw	17	72	39	400.00	"
n hf of sec, se qr	19	72	39	472.25	"
e hf of ne, se qr	21	72	39	240.00	"
se of ne, nw of nw	23	72	39	80.00	"
se qr	23	72	39	160.00	"
e hf of sec	25	72	39	320.00	"
sw of se, e hf of se	27	72	39	120.00	"
sw of ne	29	72	39	40.00	"
ne qr, w hf of sec	31	72	39	459.24	"
ne of sw, s hf of se	33	72	39	120.00	"
n hf of sec, se qr	35	72	39	480.00	"
s hf of ne, s hf of nw	1	73	39	160.00	"
se qr	1	73	39	160.00	"
n hf of ne, n hf of nw	3	73	39	142.78	"
nw qr	5	73	39	151.21	"
se of ne	7	73	39	40.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
se of nw, se of sw	9	73	39	80.00	Montgomery
e hf of se	9	73	39	80.00	"
s hf of nw, sw qr	11	73	39	240.00	"
w hf of sw	15	73	39	80.00	"
sw of nw	17	73	39	40.00	"
ne qr, w hf of nw	19	73	39	231.17	"
s hf of sec	19	73	39	310.73	"
ne qr, s hf of sec	21	73	39	480.00	"
all of	23	73	39	640.00	"
n hf of sec, n hf of sw	25	73	39	400.00	"
sw of sw, se qr	25	73	39	200.00	"
all of	27	73	39	640.00	"
nw qr, w hf of se	29	73	39	240.00	"
se of se	29	73	39	40.00	"
all of	31	73	39	616.79	"
all of	33	73	39	640.00	"
all of	35	73	39	640.00	"
Total				56786.81	
sw qr	7	74	38	146.41	Pottawattamie
w hf of nw	9	74	38	80.00	"
w hf of se	11	74	38	80.00	"
sw of sw, ne of se	13	74	38	80.00	"
se of ne, w hf of ne	15	74	38	120.00	"
se of nw, e hf of se	15	74	38	120.00	"
w hf of se, se of se	15	74	38	120.00	"
e hf of sec	17	74	38	320.00	"
e hf of nw, e hf of se	19	74	38	160.00	"
sw qr	21	74	38	120.00	"
n hf of ne, nw of nw	23	74	38	160.00	"
s hf of nw, w hf of sw	23	74	38	120.00	"
se of sw, w hf of se	23	74	38	120.00	"
se of sw	25	74	38	40.00	"
ne qr, w hf of sec	27	74	38	480.00	"
w hf of se	27	74	38	80.00	"
w hf of ne, w hf of sec	29	74	38	400.00	"
nw of se	29	74	38	40.00	"
all of	31	74	38	610.92	"
ne qr, e hf of nw	33	74	38	240.00	"
sw of nw, s hf of sec	33	74	38	360.00	"
sw of sw, n hf of se	3	74	39	120.00	"
nw of se	5	74	39	40.00	"
all of	7	74	39	607.13	"
se of se	11	74	39	40.00	"
ne qr, w hf of sec	13	74	39	480.00	"
w hf of se	13	74	39	80.00	"
n hf of se	15	74	39	80.00	"
w hf of nw	19	74	39	67.44	"
e hf of ne, w hf of nw	25	74	39	160.00	"
s hf of sec	25	74	39	320.00	"
sw qr, w hf of se	31	74	39	225.92	"
se of se	31	74	39	40.00	"
e hf of sw, se qr	33	74	39	240.00	"
all of	35	74	39	640.00	"
s hf of sec	1	74	40	320.00	"
ne of se	3	74	40	40.00	"
w hf of sw	5	74	40	80.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
all of	7	74	40	600.48	Pottawattamie.....
se of sw	9	74	40	40.00	"
e hf of ne	11	74	40	80.00	"
e hf of ne	13	74	40	80.00	"
w hf of sw, ne of sw	17	74	40	120.00	"
se of nw, ne of sw	23	74	40	80.00	"
sw of ne, e hf of nw	29	74	40	120.00	"
s hf of sec	29	74	40	320.00	"
all of	13	74	41	640.00	"
nw qr, n hf of sw	15	74	41	240.00	"
nw of ne, nw qr	21	74	41	200.00	"
nw of se, se of se	21	74	41	80.00	"
se of sw	23	74	41	40.00	"
ne of nw	31	74	41	40.00	"
e hf of ne, ne of nw	33	74	41	120.00	"
sw of se	33	74	41	40.00	"
sw of ne, se of nw	35	74	41	80.00	"
e hf of sw	35	74	41	80.00	"
se of ne, ne of nw	25	74	42	80.00	"
se of ne, w hf of nw	33	74	42	120.00	"
ne of se	33	74	42	40.00	"
Total				10858.30	
all of	1	69	40	612.94	Fremont.....
n hf of sec, n hf of sw	3	69	40	369.26	"
se of sw, se qr	3	69	40	200.00	"
sw of ne	5	69	40	40.00	"
n hf of sec	11	69	40	320.00	"
w hf of ne, w hf of sec	1	70	40	400.94	"
all of	3	70	40	641.22	"
all of	5	70	40	640.58	"
e hf of ne, w hf of nw	7	70	40	167.65	"
s hf of sec	7	70	40	328.07	"
all of	9	70	40	640.00	"
nw of nw	11	70	40	40.00	"
se of ne, n hf of ne	13	70	40	120.00	"
se qr	13	70	40	160.00	"
all of	15	70	40	640.00	"
all of	17	70	40	640.00	"
all of	19	70	40	658.54	"
n hf of sec, n hf of sw	21	70	40	400.00	"
sw of sw, nw of se	21	70	40	80.00	"
e hf of se	21	70	40	80.00	"
w hf of sw, e hf of se	23	70	40	160.00	"
s hf of ne, ne of ne	25	70	40	120.00	"
se of nw, w hf of nw	25	70	40	120.00	"
s hf of sec	25	70	40	320.00	"
all of	31	70	40	660.96	"
all of	35	70	40	640.00	"
ne qr, nw of nw	1	69	41	178.29	"
s hf of sw, sw of se	3	69	41	120.00	"
se of nw, sw of sw	1	70	41	80.00	"
se of ne, n hf of ne	23	70	41	120.00	"
sw of ne, ne of se	25	70	41	80.00	"
e hf of nw	27	70	41	80.00	"
ne of se	35	70	41	40.00	"
nw qr	7	69	42	165.37	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
se of sw	1	70	42	40.00	Fremont.....
ne of se	5	70	42	40.00	"
w hf of sw, se of sw	31	70	42	121.89	"
n hf of sec, e hf of sw	1	69	43	381.28	"
se qr	1	69	43	160.00	"
w hf of ne, e hf of nw	3	69	43	145.42	"
n hf of ne, sw of ne	1	70	43	123.95	"
se of sw, w hf of se	1	70	43	120.00	"
ne of ne, sw of ne	11	70	43	80.00	"
se qr	11	70	43	160.00	"
w hf of se	13	70	43	80.00	"
se of ne, w hf of ne	23	70	43	120.00	"
se of nw, sw of sw	23	70	43	80.00	"
e hf of sw, se qr	23	70	43	240.00	"
sw qr	25	70	43	160.00	"
ne of ne	35	70	43	40.00	"
Total				12156.36	
all of	1	71	40	599.96	Mills.....
n hf of sec, sw qr	3	71	40	437.62	"
s hf of se	3	71	40	80.00	"
all of	5	71	40	595.28	"
e hf of ne, s hf of se	7	71	40	160.00	"
e hf of ne, s hf of sec	9	71	40	400.00	"
s hf of nw, sw qr	11	71	40	240.00	"
s hf of se	11	71	40	80.00	"
e hf of sec, e hf of nw	13	71	40	400.00	"
nw of nw	13	71	40	40.00	"
all of	15	71	40	640.00	"
ne qr, e hf of nw	19	71	40	240.00	"
s hf of sec	19	71	40	324.70	"
all of	21	71	40	640.00	"
all of	23	71	40	640.00	"
all of	25	71	40	640.00	"
all of	27	71	40	640.00	"
all of	29	71	40	640.00	"
n hf of ne	33	71	40	80.00	"
all of	35	71	40	640.00	"
n hf of sec, se qr	1	72	40	433.54	"
se of ne, n hf of ne	3	72	40	97.50	"
n hf of nw	3	72	40	57.52	"
s hf of ne	9	72	40	80.00	"
s hf of sw	11	72	40	80.00	"
e hf of ne	17	72	40	80.00	"
s hf of ne, se qr	25	72	40	240.00	"
n hf of ne, w hf of nw	31	72	40	160.01	"
se of ne, sw of sw	35	72	40	80.00	"
e hf of ne, sw of ne	3	73	40	115.58	"
ne of nw, ne of sw	3	73	40	75.76	"
e hf of se	3	73	40	80.00	"
n hf of sec, w hf of se	5	73	40	386.64	"
ne of se	5	73	40	40.00	"
e hf of sw, ne of se	7	73	40	120.00	"
e hf of ne, nw of se	11	73	40	120.00	"
ne of se	17	73	40	40.00	"
sw of sw, ne of se	23	73	40	80.00	"
ne qr, n hf of sw	25	73	40	240.00	"

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of sw, nw of se.....	25	73	40	80.00	Mills.....
e hf of se.....	25	73	40	80.00	".....
e hf of sw.....	27	73	40	80.00	".....
e hf of ne, e hf of se.....	35	73	40	160.00	".....
n hf of ne, w hf of sw.....	1	71	41	138.21	".....
n hf of se.....	1	71	41	80.00	".....
ne of ne.....	7	71	41	40.00	".....
sw of ne.....	11	71	41	40.00	".....
se qr.....	13	71	41	160.00	".....
sw of ne, sw of se.....	23	71	41	80.00	".....
e hf of sec, se of nw.....	1	73	41	358.45	".....
e hf of sw.....	1	73	41	80.00	".....
n hf of ne, e hf of nw.....	3	73	41	158.77	".....
se of se.....	5	73	41	40.00	".....
sw of nw, w hf of sw.....	7	73	41	103.86	".....
ne of se.....	9	73	41	40.00	".....
nw of nw, ne of sw.....	11	73	41	80.00	".....
e hf of se, sw of ne.....	11	73	41	120.00	".....
n hf of se.....	13	73	41	80.00	".....
sw of nw, se of se.....	17	73	41	80.00	".....
se of ne, sw of nw.....	21	73	41	80.00	".....
w hf of ne, se of nw.....	23	73	41	120.00	".....
w hf of se.....	27	73	41	80.00	".....
ne of se.....	29	73	41	40.00	".....
nw of nw.....	7	71	42	38.67	".....
ne of nw.....	23	71	42	40.00	".....
s hf of nw, ne of sw.....	3	72	42	120.00	".....
nw of se.....	3	72	42	40.00	".....
n hf of ne.....	5	72	42	62.56	".....
sw of nw.....	31	72	42	38.87	".....
ne of nw.....	1	73	42	34.34	".....
n hf of ne, sw of ne.....	5	73	42	112.22	".....
nw qr.....	3	73	42	152.22	".....
ne qr.....	7	73	42	160.00	".....
sw of ne, w hf of nw.....	9	73	42	120.00	".....
ne of ne, ne of se.....	13	73	42	80.00	".....
e hf of ne, nw of ne.....	17	73	42	120.00	".....
s hf of sw, se of se.....	17	73	42	120.00	".....
e hf of ne, e hf of se.....	19	73	42	160.00	".....
w hf of sw, se of sw.....	23	73	42	120.00	".....
w hf of se, se of se.....	23	73	42	120.00	".....
nw of ne.....	27	73	42	40.00	".....
n hf of sec, nw of sw.....	29	73	42	360.00	".....
se of ne.....	31	73	42	40.00	".....
w hf of ne, se of ne.....	33	73	42	120.00	".....
ne qr, w hf of sw.....	1	71	43	220.40	".....
e hf of se.....	1	71	43	80.00	".....
nw of ne, w hf of sw.....	11	71	43	120.00	".....
ne of sw.....	11	71	43	40.00	".....
ne of sw.....	23	71	43	40.00	".....
sw of ne, se of nw.....	27	71	43	80.00	".....
nw of se.....	27	71	43	40.00	".....
se of ne, e hf of se.....	35	71	43	120.00	".....
n hf of nw, se of nw.....	3	72	43	101.30	".....
w hf of sw, se of sw.....	3	72	43	120.00	".....
n hf of ne, se of ne.....	5	72	43	102.03	".....
sw of nw, sw qr.....	25	72	43	200.00	".....
sw of nw.....	11	73	43	40.00	".....

BURLINGTON AND MISSOURI RIVER RAILROAD—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of se.....	13	73	43	40.00	Mills.....
sw of sw.....	15	73	43	40.00	".....
ne qr.....	17	73	43	160.00	".....
nw of nw, ne of sw.....	21	73	43	80.00	".....
nw of se, e hf of se.....	21	73	43	120.00	".....
ne of se.....	23	73	43	40.00	".....
e hf of ne.....	25	73	43	80.00	".....
se of ne, ne of nw.....	29	73	43	80.00	".....
ne of sw.....	29	73	43	40.00	".....
s hf of ne, nw of nw.....	33	73	43	120.00	".....
sw of se.....	33	73	43	40.00	".....
lot No. 1.....	1	71	44	21.04	".....
n hf of ne, se of ne.....	13	73	44	120.00	".....
ne of se.....	13	73	44	40.00	".....
lots Nos. 2 and 3.....	23	73	44	64.50	".....
lot No. 1.....	27	73	44	12.60	".....
Total.....				17,764.15	.....
Aggregate.....				231,253.24	.....

CEDAR RAPIDS AND MISSOURI RIVER RAILROAD.

In making up the quantity of lands certified to the State for the Iowa Central Air Line (now Cedar Rapids and Missouri River) Railroad, under act of Congress of May 15, 1856, for publication in the last biennial report of this office, one list of lands in the five-mile limits of the Des Moines river containing 46,898.73 acres was overlooked. The exact quantity certified under said act is 782,896.53 acres. In this quantity is included 109,756.85 acres situated in the five-mile limits of the Des Moines river, which the Supreme Court of the United States holds was no part of the grant for railroad purposes.

DUBUQUE AND SIOUX CITY RAILROAD.

A List of Lands approved to the State of Iowa by the Secretary of the Interior, February 20, 1879, under Act of Congress of May 15, 1856, for the Dubuque and Sioux City Railroad—in Six-mile Limits, Des Moines District.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
lot 9	25	89	13	1.42	Black Hawk
lot 5	15	88	23	37.66	Hamilton
ne of nw	21	88	23	40.00	"
se of se	1	88	24	40.00	"
ne of ne	5	88	24	43.47	"
sw of nw	29	88	26	40.00	"
sw of sw	3	89	30	40.00	Webster
se of se, se of ne	5	89	30	80.00	"
ne of se	9	89	30	40.00	"
se of ne	19	89	30	40.00	"
nw of nw, ne of ne, sw of se	27	89	30	120.00	"
nw of nw, nw of ne	29	89	30	80.00	"
se of nw	31	89	30	40.00	"
ne qr, nw of nw	25	90	31	200.00	Pocahontas
sw of ne	7	90	34	40.00	"
Total				882.55	

The following described tracts, to-wit: the e hf of nw, Sec. 25, Tp. 90, R. 31, and the nw of sw, Sec. 21, Tp. 88, R. 5, containing 120 acres, situated within the six-miles limits of the Dubuque and Sioux City Railroad, and granted by the act of Congress of May 15, 1856, were found to be in the possession of actual settlers, whose entry or filing had been allowed *subsequent* to the time the right of the railroad to same is said to have attached. The railroad company having relinquished to the United States all right and claim to said tracts for the benefit of such settlers, the following described tracts were approved and certified to the State under act of Congress of June 22, 1874, in

lieu of same. Date of approval by Secretary of the Interior, February 20, 1879.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
e hf of nw	15	88	36	80.00	Sac
w hf of ne	4	90	17	40.00	Butler
Total				120.00	

Approved September 8, 1879, under act of Congress of May 15, 1856. Des Moines district six-mile limits.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
ne of se	35	89	30	40.00	Webster
w hf of se	21	90	30	80.00	"
Total				120.00	

The railroad company applied for certificates for these lands, but on account of existing valid objections they have not been certified.

IOWA FALLS AND SIOUX CITY RAILROAD.

A list of lands approved to the State of Iowa by the Secretary of the Interior, Nov. 12, 1875, under act of Congress of May 15, 1856, for the Iowa Falls & Sioux City Railroad Company, and patented to said company by the State, November 10, 1877.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw qr	3	91	40	160.00	Cherokee
e hf of sw qr	27	92	40	80.00	"
e fr hf	3	89	44	309.22	Woodbury
e hf of se	9	89	44	80.00	"
se of se	19	89	44	40.00	"
nw of nw, nw of sw	29	89	44	80.00	"
se of ne	31	89	44	40.00	"
s hf of nw	33	89	46	80.00	"
ne of ne	25	89	48	40.00	"
Total				909.22	

In the approved list, which embraced the foregoing lands, were also included the following described tracts, to-wit: se of sw, and w hf of sw, Sec. 3, Tp. 90, R. 48, but these were patented to Barnabas B. Sutton, an actual settler on same, by the State, on January 18, 1877.

DECISION OF SECRETARY DELANO.

The questions of general interest here decided are, that the Railroad Company acquired its rights to the vacant odd sections within the granted limits as soon as the road was *located on the ground* by the agent authorized by the company to make the location. That while the grant remained unsatisfied the Railroad Company's right to any such lands still subsisted, though they may not have been certified by the Department.

DEPARTMENT OF THE INTERIOR, }
GENERAL LAND OFFICE, }
WASHINGTON, D. C., June 20, 1873. }

REGISTER AND RECEIVER, SIOUX CITY, IOWA:

Gentlemen:—I transmit, herewith, a copy of the decision of the Secretary of the Interior, dated the 13th inst., affirming my decision of 18th June, 1872, in the case of *Peter Garvey and James B. Walker vs. The Iowa Falls and Sioux City Railroad Company*, involving title to the northeast quarter of section 33, township 90, range 47. In accordance with said decision the land will be certified to the State for the benefit of said road, and you will so advise the parties in interest.

Very respectfully,

WILLIS DRUMMOND, *Commissioner*

(COPY.)

DEPARTMENT OF THE INTERIOR, }
WASHINGTON, D. C., June 13, 1873. }

Sir:—I have examined the case of *Peter Garvey and James B. Walker vs. The Iowa Falls and Sioux City Railroad*, on appeal from your decision of the 18th of June, 1872.

The facts are as follows: Peter Garvey applied at the local office, on the 23d of April, 1871, to enter as a homestead the east half of the northeast quarter of section 33, township 90, range 47, in the Sioux City District, Iowa. James B. Walker applied, at the same time, to make homestead entry of the west half of the same quarter section. These applications were finally rejected by the Commissioner as being in conflict with the rights of the railroad. The land is within the six-mile granted limits of the Dubuque and Sioux City Railroad, now represented by the Iowa Falls and Sioux City Company, under the act of May 15, 1856 (11 Stat., 9). The directors of the Dubuque and Sioux City Company, by resolution of May 26, 1856, authorized their chief engineer "to locate and definitely fix" the route of said road, and he did "locate and definitely fix" the route along the land in controversy on the 7th of July, 1856. After such location, and on the 15th of August, 1856, one Thomas J. Kincaid made pre-emption settlement on the land, and on the 18th of the same month filed his declaratory statement, and on the 13th of

October, 1856, made proof and payment for his claim. On the 22d of December, 1857, this entry was set aside and canceled by the Commissioner, on the ground of conflict with the right of the railroad, and the purchase-money refunded to Kincaid, who received it and has, since that date, set up no claim whatever to the land.

The railroad grant was estimated to embrace 1,226,613 acres, and that amount was certified to the State for its benefit, at different times and by different certificates, the last of which bears date April 7, 1863. This was supposed to be a satisfaction of the grant. The land in controversy was not certified to the State.

The certificates that were made included 77,534 acres of land along the Des Moines river, above the Raccoon Fork, which had been previously withdrawn for the Des Moines river grant, and which were then supposed to be applicable to the grant to the railroad. Of this amount, however, 56,396 acres were subsequently lost to the road by the decision of the Supreme Court in the case of *Walcott vs. Des Moines Company* (5 Wall., 681), wherein the court held that lands withdrawn for said Des Moines Company did not go to the railroad. This deficiency of 56,396 acres has not, up to this date, been satisfied. Other lands have been selected for it, but no action has been had upon the selections, and they do not include the lands in controversy. As selections can only be made for lands in place which have been lost to the road by reason of having been sold, or to which a pre-emption had attached prior to the definite location of the road, it becomes necessary to inquire in this case whether the land in controversy has been lost to the road by sale or the attachment of a pre-emption claim, before definite location, and upon this point I find from the evidence before me, and which has been submitted by both parties (and I can properly consider no other), that the line of the road was definitely located on the 7th day of July, 1856, and before any right of Kincaid attached. The record shows that the board of directors, by resolution adopted on the 26th of May, 1856, authorized their chief engineer to definitely locate the line of the road, and that he did locate it opposite the land in controversy, on the 7th of July, 1856.

There is no evidence to the contrary.

If it had been possible to have produced such evidence, it is highly probable that the very industrious and able counsel who have contested every inch of this case, against the railroad, would have furnished it. It is not necessary, in order to make a definite location, that a line shall be first surveyed and then submitted to a railroad company and adopted by it. The company may first delegate its authority to its agent to locate, and when he does locate and run the line, that line becomes the line of the road just as effectually as it would if first run and then adopted by the company.

In this case I find that the line was definitely located, and that the railroad thereby acquired a vested right in the land in controversy, before the settlement of Kincaid, and many years before the application of Garvey and Walker to enter the same as homesteads. I also find that said right is now subsisting and has never been legally satisfied. If the certifications which were

made to the State had all been legal and had been allowed to stand, the company, having received its full complement of land, without including this tract, would be estopped from asserting any claim to the same. But such certifications were not all legal. They included 56,396 acres, to which the company had no right, and the error was discovered several years before these appellants made their application.

The grant is still unadjusted. The company is now before me claiming this tract. It is within its granted limits. It belongs to the road and I award it to the State for its benefit.

I affirm your decision, and herewith return the papers transmitted with your letter of April 28, last.

Very respectfully,

C. DELANO, *Secretary.*

HON. WILLIS, DRUMMOND, *Commissioner of General Land Office.*

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

By act of the 17th General Assembly of the State of Iowa, the lands heretofore granted to the McGregor and Sioux City Railway Company (subsequently known as the McGregor and Missouri River Railway Company), were resumed and granted to the Chicago, Milwaukee and St. Paul Railway Company. The following is a copy of the act:

CHAPTER 21.

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 (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 & 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 Kosuth county, to Emmetsburg, in Palo Alto county, and locate and establish its depot upon the grounds selected by the McGregor & 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 (96), range 36, 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 & 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 interest 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 been built and constructed to the point of connection with the Sioux City & 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 and 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 and St. Paul Railway Company.

SEC. 5. Should the said Chicago, Milwaukee and 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 aforesaid, to the satisfaction of the Register 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, of chapter 58, laws of the Twelfth General Assembly; and said lands so patented are hereby expressly reserved from the operation of this act, and the title of said patentees, 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 excepted 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 Com-

pany, 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 grantee 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 selection 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.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

The following lands which were, on January 15, 1874, patented to the State of Iowa under act of Congress of May 12, 1864, were on December 9, 1878, patented by the State to the Chicago, Milwaukee and St. Paul Railway Company, as provided by chapter 21, acts of the Seventeenth General Assembly.

PARTS OF SECTIONS.	Town		Acres	IN WHAT COUNTY SITUATED.
	Sec.	Rnge.		
sw of sw	31	98 26	41.44	Winnebago
se qr	3	93 27	160.00	Humboldt
ne of sw, sw of sw	13	93 28	80.00	"
ne of sw	13	93 30	40.00	"
s hf of ne	23	93 29	80.00	"
nw qr, nw of ne	11	96 28	200.00	Kossuth
w fr hf	7	95 29	295.40	"
se of nw	15	96 29	40.00	"
nw of sw	31	97 29	33.12	"
se qr, n hf of sec	13	95 30	480.00	"
sw qr	17	95 30	160.00	"
nw qr, se qr	29	95 30	320.00	"
nw of nw, s hf of nw	35	95 30	120.00	"
nw of se	35	99 28	40.00	"
s hf of sw, n hf of se	13	98 30	160.00	"
ne of ne qr	9	92 31	40.00	Pocahontas
ne qr	15	92 31	160.00	"
nw of ne, n hf of nw qr	3	93 31	173.28	"
ne of ne	13	95 31	40.00	Palo Alto
sw of nw	3	94 33	40.00	"
sw of nw	35	97 33	45.00	"
w hf of nw, se of nw	31	94 31	113.05	"

The following described tracts, to-wit: the w fr hf of Sec. 7, Tp. 95, R. 29, and the n hf and se qr, Sec. 13, Tp. 95, R. 30, were inadvertently included in the said conveyance to said Chicago, Milwaukee and St. Paul Railway Company, the same having been patented by the State on April 27, 1870, to certain claimants under the homestead laws of the United States, or their grantees, under the provisions of section 7, chapter 58, acts of the Twelfth General Assembly. The said railway company has been requested to relinquish to the State all title, or color of title, to said tracts, which they received by reason of the same having been erroneously included in said patent, and we are informed by the Land Commissioner of said company that a relinquishment would issue soon in accordance with such request.

No lands have been patented to the State for building the road from McGregor, westward, since January 15, 1874. We learn that there are lists of lands selected for building said road, embracing about 113,000 acres now before the Department ready to be carried into patent, but there is nothing in this office that will give the description of the

lands in said lists. The McGregor and Missouri River Railway Company has had an injunction served upon the Governor to restrain him from conveying any of these lands to the Chicago, Milwaukee and St. Paul Railway Company.

A number of individuals have filed claims in this office to lands said to belong to the grant for building the road westward from McGregor, with a view to obtaining patents for same under section 8, of chapter 21, acts of Seventeenth General Assembly, but as none of the tracts so claimed have been conveyed to the State by the United States, patents cannot issue to the claimants.

The following is a list of such claimants with description of the land claimed by each:

PARTS OF SECTIONS.	Town		Acres	NAME OF CLAIMANT.
	Sec.	Rnge.		
sw fr qr	7	93 29	148.40	Caroline Wray
nw qr	13	93 30	160.00	Mrs. Mary E. Emmerson
se qr	13	93 30	160.00	Chas. G. Emmerson
ne qr	13	93 30	160.00	William Emmerson
sw qr	17	93 29	160.00	John Smylie
nw fr qr	7	93 29	148.40	W. J. McNelly
sw qr	19	93 27	160.89	Wm. Rommiens
ne qr	35	93 28	160.00	Wm. Edson
ne qr	7	93 29	160.00	David McNelly
ne qr	19	93 29	160.00	Christian A. Rossing
w hf of nw	29	93 29	80.00	Gulick H. Frydland
nw fr qr	19	93 29	152.04	John Johnson Shazer
n hf of se, s hf of ne qr	35	98 29	160.00	Samuel Sands
se qr	19	93 29	160.00	Ole H. Gullixson
s hf of nw fr, n hf of sw fr	19	98 29	148.60	Aravesta Hawkes
w hf of sw fr qr	31	99 37	163.20	D. C. Moore
nw qr	35	93 27	160.00	Mrs. Mary Stage
ne qr	15	93 32	160.00	Robert Anderson
se qr	15	93 32	160.00	Edward Anderson
sw qr	5	93 27	160.00	Lasley Barton
se qr	13	93 28	160.00	Darius A. Nash
ne qr	31	93 27	160.00	Patrick Meary
s hf of sw, nw of sw, sw of nw	11	93 27	160.00	Hiram L. Babbitt
ne qr	29	93 27	160.00	Reuel Whittier
e hf of se	25	93 28	80.00	John Murphy
ne qr	7	93 29	160.00	William McNally
nw qr	15	93 27	160.00	Ellis Martin
ne qr	27	98 29	160.00	H. S. Vaughn
sw qr	23	93 27	160.00	Hiram J. Babbitt
nw qr	27	93 27	160.00	Henry Pierce
sw qr	7	92 31	152.64	Harmon Seelye

Section 7, of Chapter 58, acts of the Twelfth General Assembly of the State of Iowa, approved March 31, 1868, provided that all lands embraced in the grant for building the road from McGregor, westward, which were entered prior to January 1, 1866, under the homestead laws of the United States, should be patented by the Governor

of the 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 from the passage of the act, the price of such lands as homesteads under the laws of the United States.

The following list gives the description of the lands patented under this act, with the name of party to whom the several tracts were patented. The patents were all issued April 27, 1870:

PARTS OF SECTIONS.	Sec. Town Range	ACRES	NAME OF PATENTEE.
*ne qr.....	13:95:30	160.00	Hannah Peggs.....
*nw qr.....	13:95:30	160.00	B. W. Williams.....
*se qr.....	13:95:30	160.00	Jonas P. Colby.....
sw qr.....	13:95:30	160.00	Henry Durant, Jr.....
ne qr.....	31:96:29	160.00	Asa C. Call.....
nw qr.....	21:98:29	160.00	L. K. Garfield.....
sw qr.....	15:97:28	160.00	Henry Chapin.....
ne qr.....	15:97:28	168.00	John Chapin.....
ne of nw, n hf of ne, se of ne.....	9:98:30	160.00	S. G. A. Read.....
ne qr.....	15:98:30	160.00	Heirs of Mary C. Finch.....
w hf of se.....	7:94:28	160.00	David A. Haggard.....
nw qr.....	1:97:29	80.00	Andrew D. Clark.....
sw qr.....	1:97:29	148.40	John C. Heckart.....
nw qr.....	1:97:29	160.00	James H. Warren.....
ne qr.....	1:97:29	149.20	John Jacobs.....
*sw qr.....	7:95:29	146.96	Francis Long.....
*nw qr.....	7:95:29	148.00	William J. Salsbury.....

The State has not received a conveyance from the United States for any of the lands described in this list, except for those tracts marked *thus*, *, being the three first and two last descriptions.

DECISION OF SECRETARY SCHURZ

Relative to the lands granted for building the road from McGregor westward.

DEPARTMENT OF THE INTERIOR, }
WASHINGTON, August 18, 1870. }

Sir:—I have examined the case of the *McGregor and Missouri River Railway Company vs. The Chicago, Milwaukee and St. Paul Railroad Company*, on appeal from your decision of 26th March, last, in favor of patenting to the State of Iowa for the benefit of the Chicago, Milwaukee and St. Paul Railroad Company, the lands granted for the use of the McGregor Western Railroad Company, by act of May 12, 1864 (Statutes 13, page 72), and rejecting the claim of the McGregor and Missouri River Railroad Company thereto.

The grant was for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from McGregor in a westerly direction to intersect the line of the Sioux City and St. Paul Railroad in O'Brien county, and embraced "every alternate section

of land designated by odd numbers for ten sections in width on each side of said roads," with a further grant of indemnity for such granted lands as might appear upon definite location of the road to have been sold, reserved or otherwise appropriated, or held under pre-emption or homestead rights.

This grant was accepted by the State by act of April 20, 1866. Previous to that date, the McGregor Western Railroad Company had completed forty miles of the road, from McGregor westward on a line of location filed in your office in August, 1864, and on the 13th of November, 1865, the Governor certified to the Secretary of the Interior the fact of such completion, giving dates of completion of each section of ten miles. Lists of selection of lands, to the extent of several thousand acres, were filed in the land offices at Des Moines and Fort Dodge, but the same were not certified by the district officers until 1869, when they were listed for the benefit of the McGregor and Missouri Railway Company, under the change of name from the McGregor and Sioux City Railway Company, upon which the State had conferred the grant by act of March 31, 1868, having first, by act of February 27, 1868, resumed the lands from the ownership of the McGregor Western Company. The McGregor and Missouri River Railway Company proceeded to build its road as far as Algona, a distance over 172 miles from McGregor, having relocated the western portion and fixed upon a point of connection with the Sioux City and St. Paul Railroad Company at Sheldon, about eighty-five miles west of Algona.

On the 5th of December, 1870, the Governor certified to the completion of the road, theretofore constructed from McGregor to Algona, stated in said certificate to be 182.02 miles—172.02 being probably intended. This was in lieu of imperfect certifications furnished in January and October previous. No further construction has been made by the McGregor company, but the State, having by act of February 27, 1878, resumed the grant to that company, and conferred it upon the Chicago, Milwaukee and St. Paul Railway Company, the last named grantee has completed the road to its junction at Sheldon, procured the Governor's certificate, dated November 13, 1878, and now demands the insertion of its name and title as the beneficiary in a patent to the State for the residue of lands inuring to the grant, a portion of which had been listed by selection at Sioux City, March 28, 1871, by the McGregor and Missouri River Railway Company, under the former certificate of the Governor. The lands lie partly in place, and partly in indemnity limits, mostly to the westward of Algona, and opposite the portion of road constructed by the Chicago, Milwaukee and St. Paul Company. The list covered by your decision is of lands in place within the granted limits.

The McGregor company objects to the conveyance of title for the benefit of the claimants, insisting that its right was perfect by the construction of the road to Algona; that it had procured the proper certificate and duly selected the lands, and that the resumption of the State, in 1878, and the grant to the opposing company could not operate to divest the former of its rights so perfected. You decide that this objection is valid unless the grant is specifically to be applied upon the co-terminous principle, and require the

lands taken for the construction of each section of the road to be found opposite to and co-terminous with such completed section. Upon review of the whole case, you find that such is the intent of the granting act, and you award the lands to the Chicago, Milwaukee and St. Paul Railway Company.

In this construction of the law I am unable to concur. The fourth section of the act of May 12, 1864, enacts that "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 such 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 provides for such further patenting of "additional sections" from time to time as each ten miles shall be completed. Your decision finds that these provisions are "without any limitation whatever as to the place where said sections are to be selected or situated, and without any limitation as to the class or character of the lands." But you refer to the first section which grants "every alternate section of land, designated by odd numbers, for ten sections in width on each side of said roads," and decide that this is not a grant upon a proposed or completed road; and that the right to land does not vest faster than the road is built, and then only to lands on each side of the road.

This can hardly be reconciled with the well settled doctrine that this language, which is the exact language of the granting clause of nearly every railroad grant, vests an estate *in present*, which acquires precision and attaches to particular lands immediately upon definite location of the road, and remains vested, whether a foot of road is constructed or not, until formally resumed by authority of law. The power to resume reserved to the Government necessarily imports that the title has passed out into the State upon the trust created; and the power expressly granted to the State to resume against the McGregor Western Company, as clearly denotes that the beneficial interest of that title was vested by the act in that particular company, liable to a recall by the State only in case of specific failure to perform the conditions of the act.

In *Railroad Land Company v. Courtwright*, 21 Wallace, 310, the Supreme Court held that the power to sell one hundred and twenty sections embraced within a continuous length of twenty miles of the road, did not confirm the right of sale to lands opposite to constructed road, but that they might be taken anywhere along the line within a continuous length of twenty miles.

You decide that the ruling in that case does not apply here because the language of the first section is essentially different. I do not perceive the distinction relied on.

The granting clause of the act of May 15, 1856, reads: "Every alternate section of land, designated by odd numbers, for six sections in width on each

side of each of said roads." The proviso enacts: "That the land to be so located shall in no case be further than fifteen miles from the line of said roads."

The act of May 12, 1864, granted "every alternate section of land designated by odd numbers for ten sections in width on each side of said roads." The proviso requires: "That the lands so selected shall in no case be located more than twenty miles from the lines of said roads." These terms of grant and limitation can hardly be distinguished as parallelisms, so nearly do they approach absolute identity. But aside from the decision in the Courtwright case, a reference to the acts restricting disposals of lands to co-terminous limits will show that completed road is not indicated by the use of the term "road" in a general sense, but that in all such cases qualifying terms are inserted to define and narrow the limitation specifically, thus:

"Opposite to, and co-terminous with, said completed section of road." Northern Pacific act, July 2, 1864; Grand Rapids and Indiana act, June 7, 1864.

"Opposite to, and within a limit of twenty miles of the line of said section or road thus completed, extending along the whole length of said completed section of ten miles of road, and no further." Minnesota roads, act of March 3, 1865.

"Said sections of road thus completed." Missouri Iron Mountain Road act of July 4, 1866.

"Co-terminous to said completed portion of said road." Oregon Military Roads, act of July 4 and 5, 1866.

"Co-terminous to said completed sections of ten miles." Minnesota grants of July, 1866.

"Co-terminous with said completed section." California, Kansas and Oregon, grants of July 13, 23 and 25, 1866.

Citations may be continued at length; but the above will be found to demonstrate the general rule of legislative intent, in naming these completed parts as "sections" or "portions of road," simply while using the unqualified term "road" to stand for the entire line upon which aid was to be conferred by the grants.

The Pacific Railroad acts of July 2, 1864, granting lands to the Burlington and Missouri River Railroad Company, provided that upon certificates of the completion of twenty consecutive miles of road "patents shall issue conveying the rights and titles to said company on each side of said road, as far as the same is completed, to the amount aforesaid, and such examination, report and conveyance by patents shall continue from time to time, in like manner, until said road shall have been completed."

The Supreme Court at the October term, 1874, in construing this act, held as follows:

"The grant was made to aid in the construction of the entire road and not merely a portion of it, though the company was not to receive patents for any land except as each twenty miles were completed. The provision allowing it to obtain a patent that was intended for its aid. It was not required

to take it; it was optional to apply for it then, or to wait until the completion of other sections, or of the entire road. The grant was of a quantity of land on each side of the road, the amount being designated at so many sections per mile, with a privilege to receive a patent for land opposite that portion constructed as often as each section of twenty miles was completed. If this privilege were not claimed the land could be selected along the whole line of the road without reference to any particular section."

This decision holds that the grantee is entitled to the benefit of all minor provisions obviously intended for it. The decision forbids the application of rules and restrictions not contained in the strict language of the act, and declares, as in the Courtwright case, that nothing can be imported into the statute as a condition subsequent not clearly expressed by the words of limitation contained therein. The patents heretofore issued upon this grant embracing upward of 137,000 acres, have not been confined to co-terminous limits; which fact goes to show, so far as indicated by action and practice, that neither the State nor the government officials have considered the act to require such limitation. Under these patents, assignments, transfers and sales have been made, and rights have accrued which it would be mischievous to disturb.

"This uniform action is as potential, and as conclusive of the soundness of the construction as if it had been declared by judicial decision. It cannot at this day be called in question." *U. S. vs. Burlington and Missouri River Railway Company*, last above cited.

Thus instructed by the language of similar grants and by the interpretations of the courts, it must be held that the act of May 12, 1864, makes no provision whatever for co-terminous limits; that it is restricted by quantity and lateral limits only, and that upon the proper certification by the Governor, patents for one hundred sections of land selected by direction of the Secretary of the Interior, should have been issued for each ten miles completed, if that quantity could be found within twenty miles of the line of the road. It is to be observed that this grant, instead of conferring the power of selection for indemnity upon the State, by her agent, as in other cases, makes it the duty of the Secretary of the Interior to cause the selection to be made, and confers the title to such selections upon the State in trust for the purposes of the grant. This was the law as respects the original grantee. It now remains to be seen whether or not the subsequent beneficiaries are in the same condition, and in a position to claim the issue of patents upon the same terms. When the grant was accepted by the State in 1866, the title by relation took effect in her, and through her in the McGregor Western Railroad Company, as of the date of the grant, and the precision given to it by the location of the road so far as it had become fixed, identified the lands in place and the indemnity lines, and made effective, for the issue of patents, the completion of the four sections of ten miles each, certified by the Governor in 1865, from McGregor to Calmar. Four hundred sections were then due. The selections, however, which it appears had been provided for by general circular, from your office, issued November 14, 1864, under act

of July, 1864, although in part made up in lists in 1865, were never certified by the district officers and forwarded to your office until 1869, when a portion of them were received, and in the meantime the State had, by an act of February 7, 1868, resumed the grant, and on March 31, 1868, conferred it upon the McGregor and Sioux City, afterward the McGregor and Missouri River Railway Company, as before recited. These acts of the State Legislature were authorized by Congress by the first proviso of the fourth section of the act of May 12, 1864, to-wit; 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 grants and so dispose of the same as to secure the completion of a road upon said line and upon such terms as the State shall determine."

These acts, when accepted by the companies, as shown by the record of the cases, completely extinguished the interest of the McGregor Western Company, and left the future execution of the trust to be governed by the State Act of March 31, 1868, and subsequent legislation, so far as the same might be found in harmony with the act of Congress.

Under that legislation which is not asserted to conflict with the Federal statute, the State has assumed to dispose of the grant, has secured and duly certified to the completion of the road to its junction with the connecting line, and is now entitled to patents in trust for her grantees. What their respective rights are under her laws, I do not think the Department is necessarily called upon to decide. Her own courts are open, and if the executive officers or Legislature of the State should fail to distribute the lands according to her laws, and any Federal question being involved in the execution of the trust, such question may be carried to the Supreme Court of the United States

I therefore direct that the lists be prepared for approval and patent to the State in trust for the use of the completed road from McGregor to its junction with the Sioux City and St. Paul Railroad Company, and of the company or companies constructing or completing the same according to the provisions of the granting act, leaving the distribution and apportionment of the patented lands to the proper authorities of the State, according to the respective interests of such companies under the State laws.

I return the papers submitted with your letter of July 17, 1869.

Very respectfully,

C. SCHURZ, *Secretary.*

To the Commissioner of the General Land office.

SIOUX CITY AND ST. PAUL RAILWAY.

In the last biennial report of this office, on page 105, it is stated that there were 23,206.44 acres in Dickinson county certified to the Sioux City and St. Paul Railway Company; this is a mistake. A patent had been made out for that amount of lands in said county, but in respect

for an injunction of the Circuit Court of Osceola county, it was withheld and canceled.

The following statement gives the number of acres patented by the United States to the State for the Sioux City and St. Paul Railway Company, under act of Congress of May 12, 1864, the number of acres certified by the State to said company, and the number of acres withheld from certification in the several counties in which such lands are situated.

COUNTIES.	Number of acres patented to the State by the United States.	Number of acres certified by the State to the R. Co.	Number of acres not certified to R. Co.
Dickinson	29,158.97	25,016.11	4,142.86
Osceola	117,882.59	117,882.59	
O'Brien	58,614.16	3,316.95	55,297.21
Sioux	92,232.01	92,192.01	40.00
Lyon	83,934.25	83,934.25	
Plymouth	11,860.08	80.00	11,780.08
Woodbury	14,197.25		14,197.25
Total	407,879.31	322,421.91	85,457.40

The quantity patented to the State as given in the foregoing statement is 30.90 acres less than the aggregate quantity as expressed in the government patents; however, our figures were obtained by a very careful footing of the quantities as given by the government plats.

The lands not certified, as per the foregoing statement, amounting to 85,457.40 acres, are withheld from certification to said railway company on account of the non-completion of the road as required by the act of Congress making the grant.

The following is a list of lands situated in Dickinson and Osceola counties, patented to the State by the United States under act of Congress of May 12, 1864, for the benefit of the Sioux City and St. Paul Railway Company, and certified to said company by the Governor on December 31, 1877, under act of the 15th General Assembly, approved March 13, 1874, after notice was received of the dismissal of the suit between said company and the McGregor and Missouri River Railway Company, in the Circuit Court of Osceola county. The list embraces all the lands certified to said railway company since the publication of the last biennial report of this office.

SIoux CITY AND ST. PAUL RAILWAY.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
sw of ne, s hf of nw	7	99	37	119.05	Dickinson
s hf of sec, ne of nw	7	99	37	358.59	"
n w of ne, s hf of ne	19	99	37	120.00	"
w hf of nw, se of nw	19	99	37	106.79	"
s hf of sec	19	99	37	305.73	"
lots 1, 2 and 3, ne of sw	7	100	37	206.53	"
w hf of sw, se qr	7	100	37	214.66	"
se of ne, n hf of ne	17	100	37	120.00	"
se of nw, n hf of nw	17	100	37	120.00	"
sw of sw, se qr	17	100	37	200.00	"
sw of ne, nw qr	19	100	37	182.11	"
e hf of sw, sw of se	19	100	37	120.00	"
ne of se	19	100	37	40.00	"
se of ne, w hf of ne	29	100	37	120.00	"
nw qr, s hf of sec	29	100	37	480.00	"
all of	31	100	37	630.28	"
all of	3	98	38	640.50	"
all of	5	98	38	641.56	"
ne of nw	7	98	38	40.00	"
all of	9	98	38	640.00	"
all of	11	98	38	640.00	"
all of	1	99	38	683.78	"
e hf of sec, w hf of nw	3	99	38	433.78	"
n hf of sw	3	99	38	80.00	"
se of ne, nw of ne	5	99	38	93.21	"
w hf of sec, se qr	5	99	38	506.36	"
all of	7	99	38	612.72	"
all of	9	99	38	640.00	"
ne qr, n hf of nw	11	99	38	240.00	"
sw qr, w hf of se, ne of se	11	99	38	280.00	"
ne qr, e hf of nw, sw of nw	13	99	38	280.00	"
s hf of sec	13	99	38	320.00	"
all of	15	99	38	640.00	"
all of	17	99	38	640.00	"
all of	19	99	38	622.26	"
n hf of sec, nw of sw	21	99	38	360.00	"
e hf of sw, se qr	21	99	38	240.00	"
n hf of sec, sw qr	23	99	38	480.00	"
n hf of se, se of se	23	99	38	120.00	"
all of	25	99	38	640.00	"
all of	27	99	38	640.00	"
se of ne, nw of ne	29	99	38	80.00	"
w hf of nw, w hf of sw	29	99	38	160.00	"
se qr	29	99	38	160.00	"
n hf of sec	31	99	38	312.04	"
n hf of sw, se qr	31	99	38	236.17	"
all of	33	99	38	640.00	"
n hf of sec, sw qr, sw of se	35	99	38	520.00	"
all of	7	100	38	496.52	"
all of	9	100	38	528.04	"
all of	11	100	38	534.24	"
all of	13	100	38	640.00	"
ne qr, e hf of nw	15	100	38	240.00	"
s hf of sec, sw of nw	15	100	38	360.00	"
all of	17	100	38	640.00	"
ne qr, s hf of sec	19	100	38	464.74	"
ne of nw, w hf of nw	19	100	38	101.58	"
all of	21	100	38	640.00	"

SIoux CITY AND ST. PAUL RAILWAY—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
e hf of sec, e hf of nw	23	99	38	400.00	Dickinson
sw of nw, n hf of sw	23	99	38	120.00	"
se of sw	23	99	38	40.00	"
e hf of ne, sw of ne	25	99	38	120.00	"
se of nw, w hf of nw	25	99	38	120.00	"
s hf of sec	25	99	38	320.00	"
e hf of sec, e hf of nw	27	99	38	400.00	"
sw of nw, e hf of sw	27	99	38	120.00	"
all of	29	99	38	578.75	"
all of	31	99	38	609.32	"
all of	33	100	38	236.80	"
n hf of sec, n hf of sw	35	100	38	400.00	"
sw of sw, se qr	35	100	38	200.00	"
Total				25,016.11	
all of	1	98	39	643.16	Osceola
all of	3	98	39	643.12	"
n hf of sec, se qr	5	98	39	482.66	"
all of	7	98	39	599.32	"
all of	9	98	39	640.00	"
all of	11	98	39	640.00	"
all of	13	98	39	640.00	"
all of	15	98	39	640.00	"
w hf of sec	19	98	39	280.68	"
e hf of sec	21	98	39	320.00	"
all of	23	98	39	640.00	"
all of	25	98	39	640.00	"
all of	27	98	39	640.00	"
all of	31	98	39	602.92	"
all of	33	98	39	640.00	"
all of	1	99	39	692.64	"
all of	3	99	39	689.52	"
all of	5	99	39	682.04	"
all of	7	99	39	596.76	"
all of	9	99	39	640.00	"
all of	11	99	39	640.00	"
all of	13	99	39	640.00	"
all of	15	99	39	640.00	"
all of	17	99	39	640.00	"
all of	19	99	39	594.00	"
all of	21	99	39	640.00	"
all of	23	99	39	640.00	"
all of	25	99	39	640.00	"
all of	27	99	39	640.00	"
all of	29	99	39	640.00	"
all of	31	99	39	595.72	"
all of	33	99	39	640.00	"
all of	35	99	39	640.00	"
s hf of sec	7	100	39	283.22	"
lots 2, 3, 4, 5, 6, and 7	9	100	39	180.60	"
e hf of se	9	100	39	80.00	"
s hf of sec	13	100	39	320.00	"
all of	15	100	39	640.00	"
all of	17	100	39	640.00	"
all of	19	100	39	585.28	"
all of	21	100	39	640.00	"
all of	23	100	39	640.00	"

SIoux CITY AND ST. PAUL RAILWAY—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
all of	25	100	39	640.00	Osceola
all of	27	100	39	640.00	"
all of	29	100	39	640.00	"
all of	31	100	39	505.37	"
all of	33	100	39	640.00	"
all of	35	100	39	640.00	"
all of	1	98	40	643.20	"
all of	3	98	40	641.98	"
all of	5	98	40	640.98	"
all of	7	98	40	601.82	"
all of	11	98	40	640.00	"
n hf of sec	13	98	40	320.00	"
all of	17	98	40	640.00	"
all of	19	98	40	613.60	"
all of	21	98	40	640.00	"
s hf of sec	23	98	40	320.00	"
all of	25	98	40	640.00	"
all of	27	98	40	640.00	"
all of	29	98	40	640.00	"
all of	31	98	40	625.28	"
all of	33	98	40	640.00	"
all of	35	98	40	640.00	"
all of	1	99	40	675.96	"
all of	3	99	40	667.14	"
all of	5	99	40	656.34	"
all of	7	99	40	608.20	"
all of	11	99	40	640.00	"
all of	13	99	40	640.00	"
all of	17	99	40	640.00	"
all of	19	99	40	601.36	"
all of	21	99	40	640.00	"
all of	27	99	40	640.00	"
all of	29	99	40	640.00	"
all of	31	99	40	595.52	"
all of	33	99	40	640.00	"
all of	7	100	40	387.39	"
all of	9	100	40	442.16	"
all of	11	100	40	479.72	"
all of	13	100	40	640.00	"
all of	15	100	40	640.00	"
all of	17	100	40	640.00	"
all of	19	100	40	606.72	"
all of	21	100	40	640.00	"
all of	23	100	40	640.00	"
all of	25	100	40	640.00	"
all of	27	100	40	640.00	"
se qr	28	100	40	160.00	"
all of	29	100	40	640.00	"
all of	31	100	40	615.20	"
all of	33	100	40	640.00	"
all of	35	100	40	640.00	"
all of	1	98	41	639.00	"
all of	3	98	41	646.84	"
all of	5	98	41	654.42	"
all of	7	98	41	612.42	"
all of	9	98	41	640.00	"
all of	11	98	41	640.00	"
all of	13	98	41	640.00	"

SIoux CITY AND ST. PAUL RAILWAY—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
all of.....	15	98	41	640.00	Osceola.....
all of.....	17	98	41	640.00	“.....
all of.....	19	98	41	612.00	“.....
all of.....	21	98	41	640.00	“.....
all of.....	23	98	41	640.00	“.....
all of.....	25	98	41	640.00	“.....
all of.....	27	98	41	640.00	“.....
all of.....	29	98	41	640.00	“.....
all of.....	31	98	41	635.26	“.....
all of.....	33	98	41	640.00	“.....
all of.....	35	98	41	640.00	“.....
all of.....	1	99	41	641.60	“.....
all of.....	3	99	41	633.28	“.....
all of.....	5	99	41	621.36	“.....
all of.....	7	99	41	611.76	“.....
all of.....	9	99	41	640.00	“.....
all of.....	11	99	41	640.00	“.....
all of.....	13	99	41	640.00	“.....
all of.....	15	99	41	640.00	“.....
all of.....	17	99	41	640.00	“.....
all of.....	19	99	41	619.20	“.....
all of.....	21	99	41	640.00	“.....
all of.....	23	99	41	640.00	“.....
all of.....	25	99	41	640.00	“.....
all of.....	27	99	41	640.00	“.....
all of.....	29	99	41	640.00	“.....
all of.....	31	99	41	628.68	“.....
all of.....	33	99	41	640.00	“.....
all of.....	35	99	41	640.00	“.....
all of.....	7	100	41	384.14	“.....
all of.....	9	100	41	407.60	“.....
all of.....	11	100	41	406.72	“.....
all of.....	13	100	41	640.00	“.....
all of.....	15	100	41	640.00	“.....
all of.....	17	100	41	640.00	“.....
all of.....	19	100	41	598.60	“.....
all of.....	21	100	41	640.00	“.....
all of.....	23	100	41	640.00	“.....
all of.....	25	100	41	640.00	“.....
all of.....	27	100	41	640.00	“.....
all of.....	29	100	41	640.00	“.....
all of.....	31	100	41	607.16	“.....
all of.....	33	100	41	640.00	“.....
all of.....	35	100	41	640.00	“.....
all of.....	1	98	42	662.18	“.....
all of.....	3	98	42	665.74	“.....
all of.....	5	98	42	669.72	“.....
e hf of ne, e hf of se.....	7	98	42	160.00	“.....
all of.....	9	98	42	640.00	“.....
all of.....	13	98	42	640.00	“.....
all of.....	17	98	42	640.00	“.....
e hf of ne, e hf of se.....	19	98	42	160.00	“.....
all of.....	21	98	42	640.00	“.....
all of.....	23	98	42	640.00	“.....
all of.....	25	98	42	640.00	“.....
e hf of sec.....	27	98	42	320.00	“.....
u hf of sec.....	29	98	42	320.00	“.....
e hf of ne, e hf of se.....	31	98	42	160.00	“.....

SIoux CITY AND ST. PAUL RAILWAY—CONTINUED.

PARTS OF SECTIONS.	Sec.	Town	Range	Acres	IN WHAT COUNTY SITUATED.
all of.....	33	98	42	640.00	Osceola.....
all of.....	35	98	42	640.00	“.....
all of.....	1	99	42	619.72	“.....
all of.....	3	99	42	628.48	“.....
all of.....	5	99	42	638.42	“.....
e hf of ne, e hf of se.....	7	99	42	160.00	“.....
all of.....	9	99	42	640.00	“.....
all of.....	11	99	42	640.00	“.....
all of.....	13	99	42	640.00	“.....
all of.....	15	99	42	640.00	“.....
all of.....	17	99	42	640.00	“.....
e hf of ne, e hf of se.....	19	99	42	160.00	“.....
all of.....	21	99	42	640.00	“.....
all of.....	23	99	42	640.00	“.....
all of.....	25	99	42	640.00	“.....
all of.....	27	99	42	640.00	“.....
all of.....	29	99	42	640.00	“.....
e hf of ne, e hf of se.....	31	99	42	160.00	“.....
all of.....	33	99	42	640.00	“.....
all of.....	35	99	42	640.00	“.....
e hf of e hf.....	7	100	42	102.26	“.....
all of.....	9	100	42	410.66	“.....
all of.....	11	100	42	409.78	“.....
all of.....	13	100	42	640.00	“.....
all of.....	15	100	42	640.00	“.....
all of.....	17	100	42	640.00	“.....
e hf of ne, e hf of se.....	19	100	42	160.00	“.....
all of.....	21	100	42	640.00	“.....
all of.....	23	100	42	640.00	“.....
all of.....	25	100	42	640.00	“.....
all of.....	27	100	42	640.00	“.....
all of.....	29	100	42	640.00	“.....
e hf of ne, e hf of se.....	31	100	42	160.00	“.....
all of.....	33	100	42	640.00	“.....
all of.....	35	100	42	640.00	“.....
Total.....				112,486.58	.....

7TH.—MISCELLANEOUS.

STATEMENT

Of the quantities of lands that have been conveyed to the State, by certificate, patent, etc., under the several Congressional grants.

Date of the grant.	GRANT.	Number of acres received by the State.
Sept. 4, 1841.	500,000 acre.....	535,473.54
March 3, 1845.	16th section.....	1,013,614.21
July 20, 1840.	University.....	45,928.84
May 27, 1852.	Saline.....	46,202.53
July 2, 1862.	Agricultural College.....	204,309.30
May 15, 1856.	Burlington & Missouri River Railroad.....	292,806.41
May 15, 1856.	Mississippi & Missouri (now Chicago, Rock Island and Pacific) Railroad.....	482,374.36
May 15, 1856.	Iowa Central Air Line (now Cedar Rapids & Missouri River) Railroad.....	782,896.53
May 15, 1856.	Dubuque & Sioux City, Iowa Falls & Sioux City, and Tete des Morts Branch Railroads.....	1,233,481.70
May 12, 1864.	McGregor & Sioux City, or McGregor and Missouri River Railroad.....	137,572.27
May 12, 1864.	Sioux City & St. Paul Railroad.....	407,910.21
Aug. 8, 1846.	Des Moines River grant.....	592,760.57
July 12, 1862.	Des Moines River grant.....	512,619.86
March 3, 1845.	5 section grant in Jasper county.....	3,200.00
Sept. 28, 1850.	Swamp land (in place).....	875,643.58
March 2, 1855.	Indemnity swamp land.....	324,234.18
March 2, 1855.	Swamp lands for which indemnity in cash has been allowed.....	373,998.74
	Total.....	7,865,026.83

There are 223,142.17 acres included in the foregoing statement as certified under the railroad grant of May 15, 1856, that are in the five-mile limits of the Des Moines river, and the certification under the Railroad grant was nullified by a decision of the Supreme Court of the United States. They belong to the Des Moines river grant, and are a part of the quantity received under said grant, as shown in said statement. They are as follows:

	ACRES.
Mississippi & Missouri (or C., R. I. & P.) R. R.....	35,681.49
Iowa Central Air Line (or C. R. & Mo. R.) R. R.....	109,756.85
Dubuque & Sioux City, Iowa Falls & Sioux City, etc., R. R.....	77,694.83

The following is a statement of the quantities of lands certified to certain railroad companies by the Department of the Interior under act of Congress of June 2, 1864, as shown by certified copies of original lists on file in this office, and which are in addition to those lands received by them under act of May 15, 1856, to-wit:

	ACRES.
Cedar Rapids & Missouri River Railroad Co.....	347,317.64
Chicago, Rock Island & Pacific Railroad Co.....	161,372.81
Burlington & Missouri River Railroad Co.....	97,026.57
Total.....	605,717.02

REAL ESTATE—MISCELLANEOUS.

A list of real estate acquired by the State of Iowa, on account of debts due the State; giving the description of the real estate so acquired, on what account taken, the portions patented and name of patentee. All of said real estate remaining undisposed of is under the control of the Executive Council.

TAKEN ON ACCOUNT OF LOANS OF SCHOOL FUND BY JAS. D. EADS, SUPERINTENDENT OF PUBLIC INSTRUCTION.

LOTS.	Block	CITY.	PATENTED BY STATE.	TO WHOM PATENTED.
5, 6, 7, 8, 13, 14, 15, 16.	6	Nassau add. to Keokuk.....		
1, 2.....	7	".....		
1, 2, 3, 4, 5, 6, 11, 12, 15, 16, 17, 18.....	8	".....		
1, 2, 3, 4, 9, 10, 12.....	9	".....		
5, 6, 7, 8, 15, 16.....	10	".....		
5, 6, 7, 8, 9, 10, 16, 17, 18	11	".....		
1, 2, 5, 6, 9, 10.....	12	".....		
1, 2, 3, 4, 5, 8, 9.....	13	".....		
5, 6.....	14	".....		
all of fractional.....	16	".....		
That part of block 18 lying w. of a n. and s. line running thro' the center of block 21, and produced thro' said block 18, containing 6½ acres more or less.....	18	".....		
w hf—contains 5 acs.	21	".....		
w hf—contains 5 acs.	22	".....		
w hf—contains 5 acs.	25	".....	all.....	Henry Banks.....
e hf—contains 5 acs.	27	".....		
sw qr—contains 2½ acres more or less	28	".....		

TAKEN ON ACCOUNT OF LOANS OF SCHOOL FUND BY JAS. D. EADS, SUPERINTENDENT OF PUBLIC INSTRUCTION—CONTINUED.

LOTS.	Block	CITY.	PATENTED BY STATE.	TO WHOM PATENTED.
7, 8, 9, 10, 11, 12.....	60	Partly in Mason's lower add. to Keokuk and partly in Reid's add to Keokuk.....		
7, 8, 9.....	58	Keokuk.....		
rear 70 ft. of 10, 11, 12	58	Keokuk.....	all.....	George S. Fuller..
1, 2, 5, 6, 7, 8, 9, 10, 11, 12	20	Keokuk.....		
7, 8.....	5	Scott's add. to Des Moines..		
all of.....	4	Scott's add. to Des Moines..	e 200 ft. of s hf.. w 50 ft. of e 300 of s hf..... e 96 ft. 8 hf inches of n hf, except s 50 ft. of same.. s hf except e 330 ft.	John M. Davis... Wesley Juvenal.. W. W. Moore..... Lycurgus E. Ayers
1.....	2	East Fort Des Moines in City of Des Moines	all.....	John A. Swanson.
2.....	2	East Fort Des Moines in City of Des Moines	n hf of s hf..... n hf, s hf of s hf.	Swan A. Swanson N. J. Landfars....

One-third of 35 acres, described as follows: Commencing at se corner of sw qr. of Sec. 1, Tp. 65, R. 5 west; thence west on south line of said quarter section to the southwest corner of said quarter section, thence north on the west line of said quarter section 11.42 chains to a stone, thence east parallel to the south line of said quarter section 30.50 chains to a post, thence south 10.92 chains to a post, thence east parallel to the south line of said quarter section 9.50 chains to a post, thence south 50 links to place of beginning, in Lee county, Iowa.

TAKEN ON ACCOUNT OF LOANS OF SCHOOL FUND BY JAS. D. EADS, SUPERINTENDENT OF PUBLIC INSTRUCTION—CONTINUED.

PARTS OF SECTION.	Sec.	Town	Range	Acres	PORTIONS PATENTED.	TO WHOM PATENTED.	IN WHAT COUNTY SITUATED
e hf.....	2	87	10	320.52	n hf of ne.....	Jas. & John Douglass	Buchanan
se qr.....	26	85	17	160.00	s hf of se, nw qr of se..... ne of se.....	Albert F. Hill..... Frederick Rusie.....	Marshall..
nw of nw, s hf of nw..	20	71	21	120.00			Lucas...
w hf of nw, w hf of ne, se of ne, ne of se.....	25	84	23	240.00			Story.....
n hf of sw..	26	80	24	80.00	all.....	J. L. Dorr.....	Polk.....
w hf of se..	31	71	25	80.00	nw of se.....	Charles Fell.....	Clarke...
sw qr.....	4	77	25	160.00	all.....	Redmond Maguire..	Warren...
w hf.....	7	77	25	348.18	n hf of nw..... s hf of nw.....	Redmond Maguire.. Edward Collins.....	Warren..
n hf of nw..	18	77	25	87.57	all.....	James Embree.....	Warren..
sw qr.....	15	77	25	160.00	all.....	N. M. Close.....	Warren..
w hf of ne..	30	77	25	80.00	all.....	George W. Jones....	Warren..
e hf of nw, nw of nw..	10	70	25	120.00	se of nw..... n hf of nw.....	George Marshall.... Louis Schuetz's Heirs	Decatur..
n hf of sw..	3	91	26	80.00			Wright..
ne fr qr....	3	70	24	138.13			Decatur..

DEDED BY SAMUEL E. RANKIN IN SETTLEMENT OF HIS INDEBTEDNESS TO THE AGRICULTURAL COLLEGE FUND.

PARTS OF SECTION.	Sec.	Town	Range	Acres	PORTIONS PATENTED.	TO WHOM PATENTED.	IN WHAT COUNTY SITUATED
nw qr.....	35	73	29	160.00	all.....	E. Mills.....	Union...
e hf of se..	28	88	22	80.00			Hardin..
sw qr.....	1	97	40	160.00			O'Brien..
w hf of sw..	11	74	6	80.00	all.....	J. W. Harper.....	Wash'ton.
w hf of nw..	14	74	6	80.00	Commencing 24 rods s of ne cor of nw of nw of sec 14, tp 74, r 6, thence n 24 rods, thence w 80 rods, thence s 80 rods to sw cor of nw of nw of said sec 14, thence n o rtheasterly to place of be- ginning.....	J. W. Harper.....	Wash'ton.
s 30 acres of nw of ne, and n 10 acres of sw of ne..	27	74	6	40.00	all.....	H. C. Russell.....	Wash'ton.
ne qr.....	21	100	48	160.00			Lyon....
se qr.....	30	100	48	160.00			Lyon....
all of.....	28	100	48	640.00			Lyon....
all of.....	29	100	48	640.00			Lyon....
s hf.....	20	79	23	320.00	e hf of se, nw of se.....	L. G. Coughlan.....	Polk.....

DEEDED TO STATE BY SAMUEL M. DYER, EX-COUNTY TREASURER OF POLK COUNTY, ON ACCOUNT OF HIS INDEBTEDNESS TO STATE REVENUE.

LOT.	Block	CITY.	PORTIONS PATENTED.	TO WHOM PATENTED.
5, 6.....		Griffith's add. to East Fort Des Moines, City of Des Moines.	West 60 feet..... That part between the east 50 feet and the west 60 feet supposed to be 40 feet wide.....	Arthur Nowlen.... William H. Shaw...

TAKEN AS THE PROPERTY OF R. G. ORWIG, UNDER JUDGMENTS OBTAINED AGAINST HIM IN THE DISTRICT COURT OF POLK COUNTY.

LOT.	Block	CITY.	PORTIONS PATENTED.	TO WHOM PATENTED.
33, and s hf of 32..		Mumma & Jacoby's add. to Des Moines, with paper mill, etc..	all.....	J. M. Forney and S. Mellinger.....
4.....	27	Campbell & McMullen's add. to original town of Ft. Des Moines	all.....	G. W. Savery...
w $\frac{1}{3}$ of 5, except 33 ft 5 in. off of north end.....	24	Original town of Ft. Des Moines.	all.....	Hawkeye Ins. Co. of Des Moines.....
Commencing at ne cor. of nw qr of Sec. 8, Tp. 78, R. 24; thence west 6.73 chains; thence south 10° 30 min.; east 11 chains; thence north 68°; east 4.80 chains; thence north 9.24 chains to place of beginning. Understood to be lot 1, of official plat of said section 8, 78, 24—5 6-10 acres...			all.....	Maria S. Orwig.

FEEES.

The fees received by this office for the biennial period commencing with October 1, 1877, and ending with September 30, 1879, amount, in the aggregate, to the sum of \$355.25.

These fees have been regularly paid into the State Treasury as required by section 3778 of the Code of Iowa, and receipts taken therefor, which are on file in this office.

CONTINGENT FUND.

The contingent fund reported in the last biennial report of this office as unexpended on October 1, 1877, was disbursed as follows by my predecessor:

Oct. 31, 1877.	To Phebe A. Secor	\$ 60.00
Oct. 31, 1877.	To Lillabelle Vinnege.....	60.00
Nov. 30, 1877.	To Lillabelle Vinnege.....	60.00
Nov. 30, 1877.	To Phebe A. Secor.....	60.00
Dec. 18, 1877.	To Laura Hill	34.00
Dec. 31, 1877.	To Phebe A. Secor	30.00
Dec. 31, 1877.	To Lillabelle Vinnege	60.00
Feb. 26, 1878.	To Fannie E. Secor	30.00
March 30, 1878.	To Phebe A. Secor.....	60.00
		\$454.00

Leaving a balance unexpended of \$198.75, which amount remains in the State Treasury.

There are about thirty volumes of the earlier patent records of this office that are gotten up in a very inferior and cheap style, and without any regard to uniformity. These records should all be copied into well bound books, of uniform size, suitably prepared for the purpose. Some of these volumes are in such a damaged condition that it is necessary to the perpetuity of the records that they be copied. This office should have authority from the General Assembly to copy these records as suggested, and there should be a suitable appropriation made to pay for it.

The plats of the various land grants, prepared in such superior style under the direction of my predecessor in office, should, in addition to their present usefulness, be made to serve as an index to the patents issued by the State, by noting on each tract on said plats the volume and page where the patent for such tract is recorded. Of course this will involve considerable extra labor, but it will require no effort to convince any one at all familiar with records of land titles that this is highly essential to the perfection of the records of this office. We think that, perhaps, this work might all be accomplished with a contingent fund of six hundred dollars per year for two years.

Respectfully submitted,

J. K. POWERS,

Register of State Land Office.

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REPORT

OF

WILLIAM L. ALEXANDER,

ADJUTANT GENERAL

AND

A. Q. M. G. OF THE STATE OF IOWA,

TO

HON. JOHN H. GEAR,

GOVERNOR OF IOWA.

OCTOBER 1st, 1879.

[PRINTED BY ORDER OF THE GENERAL ASSEMBLY.]

DES MOINES:
F. M. MILLS, STATE PRINTER.
1879.