

REPORT

OF THE

REGISTER

OF THE

STATE LAND OFFICE,

NOVEMBER 6, 1861.

A. B. MILLER, Register.

DES MOINES:
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1861.

REPORT.

STATE LAND OFFICE, IOWA, }
DES MOINES, Nov. 16th, 1861. }

To his Excellency, Samuel J. Kirkwood, Governor of Iowa :

SIR: In making out a report of the transactions of this office since Nov. 7th, 1859 the same order will be observed that was adopted in previous reports :

- 1st—The Railroad Grant.
- 2d—The 500,000 Acre Grant.
- 3d—The 16th Section Grant.
- 4th—The University Grant.
- 5th—The Saline Grant.
- 6th—The Swamp Land Grant.
- 7th—The Des Moines River Land Grant.
- 8th—The Five Section Grant.
- 9th—Iowa City Lots.

1ST—THE RAILROAD LAND GRANT.

An Act of Congress, approved May 15th, A. D. 1856, entitled "A Bill making a grant of lands to the State of Iowa, in alternate Sections, to aid in the construction of certain Railroads in said State," reads as follows :

"A Bill making a grant of lands to the State of Iowa, in alternate Sections, to aid in the construction of certain Railroads in said State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be and is hereby granted to the State of Iowa, for the purpose of aiding in the construction of Railroads from Burlington, on the Mississippi river, to a point on the Missouri river, near the

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

shall be granted, subject to the approval of the President of the United States.

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

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof for the purpose aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

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

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads, under the direction of the Post Office Department, at such price as Congress may, by law, direct: *Provided*, That until such price is fixed by law, the Post-master General shall have the power to determine the same."

In order to accept the grant, and carry into execution the trust conferred upon the State of Iowa, by the foregoing Act of Congress, a special session of the Legislature, by proclamation of the Governor,

convened at Iowa City, on the second day of July, A. D. 1856, when the following act was passed :

RAIL ROAD GRANT.

AN ACT to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an Act of Congress entitled An Act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of Rail Roads in said State, approved May 15th, 1856.

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

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

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

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

Central Air Line Rail Road Company, a body corporate, created and existing under the laws of the State of Iowa.

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

SEC. 6. The lines and routes of the several roads above described shall be definitely fixed and located on or before the 1st day of April next, after the passage of this act, and maps or plats, showing such lines and routes, shall be filed in the office of the Governor of the State of Iowa, and also in the office of the Secretary of the State of Iowa. It shall be the duty of the Governor, after affixing his official signature, to file such map in the Department having the control of the public land in Washington; such location being considered final only so far as to fix the limit and boundary within which lands may be selected; and if it shall appear that the lands that have been donated by the act of Congress aforesaid, for the construction of the several lines above indicated, cannot be obtained by said companies within the limits and along any part of the line aforesaid, the Governor shall from time to time appoint agents to make such selections as may be authorized or granted by Congress for the lines aforesaid; but the compensation of such agents and the costs, expenses and charges attendant upon and occasioned by making such selections, shall be fixed, regulated, paid and borne by each of said Railroad Companies respectively, upon and for its own line.

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

rangements, tariff of prices, or otherwise, over the said branch to their Railroad.

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

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

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

SEC. 11. Any person, wishing to avail himself of the provisions of this act, shall, within three months of the passage thereof, file his application for that purpose with the Judge of the county where

such lands may be situate, and shall prove to the satisfaction of said Judge that his claim is valid, and that the same existed at the time said grant was made; and upon such proof being made, such Judge shall give to the applicant a certificate of the fact, and such certificate shall entitle the holder or his *bona fide* assignee to enter such land at the rate of two dollars and fifty cents per acre; *Provided*, that no person, claimant, or the assignee of a claim, shall be entitled to more than one hundred and sixty acres of land under this act; *And provided further*, That the person asserting a claim, whether as claimant or assignee, shall file his affidavit that he has not either directly or indirectly received the benefits of the provisions of this act. Before any rights shall be acquired under such certificate, a copy of the same, together with the evidence, shall be served on the Secretary of the company interested, and such company shall have the right to appeal from the decision of such Judge to the District Court, in the same manner as appeals are taken from the decisions of Justice of the Peace, at any time within ninety days after the service of such papers, and the same shall be tried as other appeal cases, and an appeal may be taken to the Supreme Court by either party, in the same manner as appeals in other cases.

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

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

SEC. 14. Said Railroad Companies, accepting the provisions of

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

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

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

Approved July 14th, 1856.

At the regular session of the Eighth General Assembly, it was found that the Iowa Central Air Line Railroad Company had failed to perform on their part the conditions and requirements of the foregoing Acts, the State therefore resumed the right to the lands granted to this Company in the following Act, approved March 17th, 1860:

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

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

These lands were then granted to the Cedar Rapids and Missouri River Railroad Company by an Act approved March 26th, 1860, with certain conditions therein named, as follows:

SECTION 1. *Be it enacted by the General Assembly of the State*

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

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

The grant therein named to said Cedar Rapids and Missouri River Rail Road Co., was accepted by them with the provisions embodied

in the Act making the grant, and the acceptance filed in the office of the Secretary of State, June 19th, 1860.

The following table will show the number of acres of these lands certified to the State at the present time, which were selected according to the provisions of the foregoing Acts, and which lie within the limits therein named:

BURLINGTON AND MISSOURI RIVER RAIL ROAD.

	6 mile limits.	15 mile limits.	Total.
C. Bluffs Land Dist.	71,675.40	115,662.04	187,297.44
Chariton " "	18,480.62	25,055.18	43,535.80

Aggregate Amount to B. & Mo. River R. R.,.....230,933.24

CEDAR RAPIDS AND MISSOURI RIVER RAIL ROAD.

	6 mile limits.	15 mile limits.	Total.
Dubuque Land Dist.	1,809.74 A.	3,998.57 A.	5,808.31
Ft. Dodge " "	576.00	59,072.60	59,648.60
Ft. Desmoines L. " "	12,824.01	22,887.74	35,711.75
Sioux City Land " "	132,911.18	137,641.84	270,553.02
C. Bluffs " "	100,588.07	193,377.59	293,965.66

Amount to C. R. & Mo. River R. R.,.....665,687.34

DUBUQUE AND PACIFIC RAIL ROAD.

	6 mile limit.	15 mile limit.	Total.
Dubuque Land Dist.	2,361.08 A.	5,901.49 A.	8,262.57
Ft. Dodge " "	103,341.61	210,722.48	314,064.09
Sioux City " "	344,225.20	480,929.21	825,154.41

Amount to D. & P. R. R.,.....1,147,481.07

MISSISSIPPI AND MISSOURI RAIL ROAD.

	6 mile limit.	15 mile limit.	Total.
C. Bluffs Land Dist.	141,265.07 A.	211,366.08 A.	352,631.15
Chariton " "	80.00	80.00
Ft. Des Moines L. " "	17,627.16	17,162.39	34,789.55

Amount to M. & M. R. R.,.....387,400.70

RECAPITULATION.

For B. & Mo. River R. R.,.....	230,933.24
" C. R. & Mo. River R. R.,.....	665,687.34
" D. & P. R. R.,.....	1,147,481.07
" M. & M. R. R.,.....	387,400.70

Grand Total,.....2,431,502.35

500,000 ACRE GRANT.

This grant was originally intended to contain only 500,000 acres, but by some oversight the Department there was 522,660.03 acres certified to the State under it. His Excellency, Gov. Lowe, being apprized of this fact, with characteristic energy caused an examination to be made to ascertain the number of acres yet remaining unsold in the State and from the return lists learned that there were 13,918.25 acres yet undisposed of. This amount was immediately released to the General Government leaving the grant now consisting of 508,741.78 acres, the General Government taking the amount of 8,741.78 acres out of the five per cent. fund at \$1.25 per acre.

The laws both Federal and State regulating this grant previous to the first Monday in January, 1861, having been embodied in former reports, it will not be necessary to allude to them here. The Eighth General Assembly by an Act to take effect at that time relieved the County Judge of the charge of these lands who had previously had the care of them, and placed them under the control of the Board of Supervisors and Township Trustees.

Whenever the Board of Supervisors shall deem it best to offer for sale the sixteenth section, or lands selected in lieu thereof, or any portion of the same, or any part of the 500,000 acre grant, it shall be the duty of the Clerk of the District Court to give at least forty days notice by written or printed notices posted in five public places in the county, two of which shall be in the township in which the land to be sold is situated; and shall also publish a notice of said sale for four weeks preceding the same, in a newspaper, should one be published in the county; if there is none published in said county, then in some newspaper authorized by the Board of Supervisors; and shall describe the land to be sold, and state the time and

place of sale; then at such time and place, or at such other time and place as the sale may be adjourned to, he shall offer to the highest bidder, subject to the provisions of this act.

If any person shall pay the whole amount of the purchase money at the time of the purchase, the Clerk of the District Court shall forthwith issue a certificate of purchase, setting forth that fact, which shall be transmitted to the State Land Office, and entitle the purchaser to a patent which shall be issued by the Governor.

It is hereby made the duty of the township trustees in each township, to see that no waste be committed upon any school lands lying in their township, and in case any such waste be attempted, it shall be their duty to apply by petition to the District Court, or to any judge thereof, for an injunction to stay waste, and the same, if granted, shall be without bond, and shall stand for trial first in order upon the court docket; the same shall be tried in a summary way, and upon such trial the said township trustees shall be competent witnesses.

The number of acres of these lands patented by the State and the number of patents issued will be seen by reference to Table No. 1, on page 18 of this report.

16TH SECTION GRANT.

This grant like the preceding one has been placed under the care of the Board of Supervisors and Township Trustees for protection, appraisalment, and sale as they may deem for the best interest of the School Fund.

Certificates of the Clerk of the Board of Supervisors, under signature and seal are required setting forth that full and final payment has been made by the party purchasing before a patent can issue upon any tract included in this grant.

In Table No. 1, page 18 of this report under the proper head will be found the number of acres of this grant conveyed by the State and the number of patents issued.

4TH—THE UNIVESITY LANDS.

According to a legislative act approved March 12th, A. D. 1858, the State University is constituted a corporation, and under that name possesses all the common law corporate powers. The public buildings at Iowa City, together with the ten acres of land on which

the same are situated, are granted to the "State University of Iowa, to be used and appropriated only to University purposes, and to revert to the State whenever the same shall cease to be used for such purposes." The two townships of land granted by act of Congress of July 20th, 1840, "for the support of a University, and all the proceeds and investments derived from the same are hereby donated to the said State University." An act of the Legislature of this State, provides that the sale of these lands shall take place under the notice, and according to the terms which the Board of Trustees at a regular meeting, or at one called for that purpose, shall prescribe. A certificate from the Secretary of said Board that full payment has been made, entitles the person making final payment to a patent for the land described in the certificate, The following are the Counties in which these lands lie, and the number of acres in each:

Apppanoose County.....	640.00
Boone County,.....	2,613.48
Davis County,.....	1,297.36
Dallas County,.....	572.07
Decatur County,.....	2,560.00
Hardin County,.....	10,325.62
Iowa County,.....	646.65
Jasper County,.....	4,611.35
Jefferson County,.....	1,280.00
Lucas County,.....	4,545.44
Polk County,.....	8,412.19
Scott County,.....	645.16
Story County,.....	5,221.40
Union County,.....	638.20
Wapello County,.....	1,920.00
Total,.....	45,928.92
Add for fractional sections taken as full sections,..	29.02
	<hr/> 45,957.94

There is yet due from the General Government 122.06 acres of land to complete this grant.

In table number 1, under the proper head, will be found the number of acres of this grant conveyed by the State and the number of patents issued.

5TH—THE SALINE LANDS.

This grant was made by Act of Congress, approved March 3d, 1845, with this condition: "That the General Assembly shall never lease or sell the same at any one time for a longer period than ten years without the consent of Congress." An Act of Congress approved May 27th, 1852, entitled "An Act to relinquish to the State of Iowa the lands reserved for salt springs therein," grants "in fee simple to the State, to be disposed of, and the proceeds to be applied as the Legislature of the State shall direct, the twelve salt springs and six sections contiguous thereto." There was thus placed under the exclusive control of the Legislature of the State 46,101.53 acres belonging to this grant.

"An Act to dispose of the Saline lands of the State," approved January 23d, A. D., 1853, provides that these lands shall be sold by the same officers, and under the same regulations that govern the sales of the School lands of the State.

An Act of the General Assembly approved July 14th, A. D., 1856, provides "that all moneys arising from the sale of the Saline lands of the State, shall be appropriated to the construction of the State Insane Asylum." This Act was repealed by the General Assembly in an Act approved March 23d, A. D., 1858, and these lands are now left in charge of the officers having control of the School lands, as provided in the act cited as approved January 23d, A. D., 1853.

The Eighth General Assembly made the following provision by an Act approved April 2d, 1860:

Be it enacted by the General Assembly of the State of Iowa, That the Saline lands and funds are hereby appropriated to the State University to become a part of the permanent fund of said institution; Provided, That the Board of Trustees of said University be and they are hereby authorized to expend out of the proceeds of said lands a sum not exceeding five thousand dollars in completing and furnishing for use the building erected for a "boarding hall," under the provisions of Chapter 41, of the acts of the Seventh General Assembly; and a further sum not exceeding five thousand dollars in repairing and refitting the main building of said University, and in the purchase of the necessary apparatus for instruction in said institution.

That it is hereby made the duty of any officer who may now or

hereafter have charge of any funds heretofore or hereafter arising from the sale of the Saline Lands to pay the same over from time to time without delay, to the Treasurer of said University, who shall invest the same in the manner prescribed for the investment of the University Fund.

TABLE No. 1.

The following table shows the number of patents issued and the number of these lands conveyed:

500,000 ACRE GRANT.		16th SECTIONS.			UNIVERSITY LANDS.			SALINE LANDS.		
FROM	DATE TO	NO. OF PATENTS	NO. OF ACRES	NO. OF PATENTS	NO. OF ACRES	NO. OF PATENTS	NO. OF ACRES	NO. OF PATENTS	NO. OF ACRES	NO. OF ACRES
May 14th, 1855,	May 14th, 1855,	1,434	137,646 44	1,748	121,922 70	18	1,535 16	49	5,620 48	
Nov. 14th, 1856,	Nov. 14th, 1856,	678	61,050 57	550	50,044 64	49	3,093 38	45	5,061 34	
Dec. 1st, 1857,	Dec. 1st, 1857,	444	53,976 80	424	36,462 20	14	1,021 36	27	2,504 48	
Jan. 1st, 1858,	Jan. 1st, 1859,	234	26,628 59	316	26,526 47	4	400 00	7	824 69	
Nov. 1st, 1859,	Nov. 7th, 1859,	144	14,846 28	191	19,164 35	4	360 00	15	986 38	
Nov. 7th, 1859,	Nov. 6th, 1861,	274	29,609 27	413	35,528 70	9	727 42	13	1,280 00	
Total,.....	3,208	323,757 95	3,642	289,650 06	98	7,137 32	156	16,277 37	

6TH—THE SWAMP LANDS.

The grant of these lands to the State was made by Congress in an act approved September 28th, A. D. 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim the Swamp lands within their limits" and provides "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 these Swamp and overflowed lands rendered unfit for cultivation which shall remain unsold at the passage of this act, shall be and the same are hereby granted to said State." The act of Congress approved March 2d, 1855, provides that upon due proof by the authorized agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp or overflowed lands within the true intent and meaning of said act, the purchase money shall be paid over to the said State or States, and that when any of the said lands have been entered by Land Warrants or Scrip, the said State or States shall be authorized to locate a quantity of like amount upon any of the public lands subject to entry at \$1.25 per acre, and patents shall issue therefor upon the terms and conditions enumerated in the act aforesaid.

An Act of Congress approved March 2d, A. D. 1857, reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selection of swamp and overflowed lands granted to the several States by the act of Congress approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," and the act of the second of March, eighteen hundred and forty-nine, entitled "An act to aid the State of Louisiana in draining the swamp lands therein," heretofore made and reported to the Commissioner of the General Land Office, so far as the same shall remain vacant and unappropriated, and not interfered with by an actual settlement under any existing law of the United States, be and the same are hereby confirmed, and shall be approved and patented to the said several States, in conformity with the provisions of the act aforesaid, as soon as may be practicable after the passage of this law: *Provided, however,* That nothing in this act contained shall interfere with the provisions of the act of Congress entitled

"An act for the relief of purchasers and locators of swamp and overflowed lands, approved March the second, eighteen hundred and fifty-five, which shall be and is hereby continued in force, and extended to all entries and locations of lands claimed as swamp lands made since its passage.

Chapter 12 of the Acts of the Fourth General Assembly of this State makes the following provision: "That all the swamp and overflowed lands granted to the State of Iowa by the act of Congress entitled an act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits, approved September 28th, 1850, be and the same are hereby granted to the counties respectively in which the same may lie or be situated," and at the last session of the General Assembly, the following was enacted:

"That the Governor is hereby authorized to appoint an agent to proceed to Washington to effect an adjustment and settlement for the different counties in the State, of their swamp land business, and also one or more to have the swamp and overflowed lands selected in the new and unorganized counties of the State.

That when the General Government shall issue the scrip, and refund the money to the State, contemplated by the act of Congress of 2d March, 1855, and patent to the State the lands accruing by virtue of the act of Congress of 28th September, 1850, the Governor, Register of State Land Office, and the agent of the county, if any, shall constitute a board to ascertain what amount of said land, money and scrip is due the different counties in the State, and when so ascertained the same shall be subject to the order of the County Judges, or other proper authorities in the county."

A law of the Eighth General Assembly, approved April 2d, 1860, provides for the protection of these lands against trespass or waste, giving the County Judge authority to proceed against persons so trespassing, and at the Extra Session, convened May 15th, 1861, the following provision was made, and approved May 28th, That the Swamp Lands in the several Counties in the State be and the same are hereby placed under the control of the Boards of Supervisors of said counties respectively.

The acts of all Boards of Supervisors in any county of this State in relation to Swamp Lands heretofore done and performed, are hereby legalized and ratified.

Such is briefly the legislation relative to this important grant. It

is impossible to present in this report the total number of acres of land selected as swamp or overflowed lands, in the State, for the reason that many of the counties have transmitted their lists of selections directly to the Surveyor General. The law required them to be forwarded to the Secretary of State, and after the establishment of this office, by implication if not directly, it required that the said lists should be forwarded to the State Land Office. Many counties have forwarded the lists here, and the selections so transmitted have been recorded in order to facilitate the discharge of the duties of this office as contemplated by the Act of the General Assembly approved January 27th, 1858.

The following table will present the number of acres of these lands *selected* as far as reported to this office; the number of acres certified as enuring to the State; the number of acres certified as having been located with military bounty land warrants prior to selection; the number of acres certified as having been entered with *cash* prior to selection; the number of acres Patented to the State by the General Government and conveyed to the counties; the number of acres on which indemnity proof has been made and forwarded to the General Land Office.

In accordance with the provisions of the Acts herein cited and the compliance of the State therewith, in furnishing the required proof the General Government has authorized the selection of 18,143,62 acres from any unsold or unincumbered lands belonging to the United States, in lieu of lands belonging to this grant sold by the General Government, and I would respectfully recommend the appointment of an agent for the State as contemplated by the Act of Congress approved March, A. D. 1855, to select these lands and make the proper returns as required by the Commissioner of the General Land Office.

COUNTIES.	Number of Acres selected.	No. of Acres certified as enuring to State.	No. of Acres certified as having been entered by Land Warrants prior to selection.	No. of Acres certifi'd as having been entered with cash prior to selection.	No. of Acres patented to the State, and by the State to the counties.	No. of Acres on which indemnity proof has been made.	Cash Entry.	Wt. Location
Adair	8,720 00	480 00	1,760 00	4,634 83	360 00			
Adams		3,680 41	80 00	937 78	3,680 51			
Alamakee	25,740 00	13,449 34	6,723 11	4,917 24				
Appanoose		9,259 55	3,903 08	2,397 06	1,358 30	1,994 43	3,951 58	
Audubon	10,394 74	2,056 92			2,056 92			
Benton	16,029 66	239 10	1,670 04	2,478 80	239 10			
Black Hawk		1,659 05	2,200 34	2,744 65	1,539 05			
Boone		11,212 63	1,116 08	2,578 47	18,166 69	3,796 14	1,435 18	
Bremer		11,132 72	2,968 03	6,523 58	11,087 72			
Buchanan		560 00	960 00	1,182 22	560 00			
Butler	14,393 29	1,316 07	5,808 49	6,782 14	1,276 07			
BUENA VISTA	62,681 72							
CALHOUN	46,849 48	200 00						
CARROLL	16,800 00							
Cass	25,546 06	1,687 08			1,607 78			
Cedar		598 50	920 00	137 88	518 50	5,871 52	7,055 92	
CERRO GORDO	74,664 55	160 00						
CHEROKEE	26,359 59	1,616 56						
Chickasaw	44,280 00	718 80	19,916 16	26,144 25				
CLARK	2,030 62							
CLAY	67,787 36	17,430 38						
Clayton		1,910 29	195 33	299 26	1,827 29			
Clinton		8,231 39	560 00	219 34	7,655 23	139 00	600 00	
Crawford	8,640 00							

COUNTIES.	Number of acres selected.	No. of acres certified as enuring to the State.	No. of acres certifi'd as having been entered by Land Warrants prior to selection.	No. of Acres certifi'd as having been entered with cash prior to selection.	No. of Acres patent'd to the State and by the State to the counties.	Number of Acres on which indemnity proof has been made.	Cash Entry.	Wt. location
Dallas		5,285 98	200 00	1,200 00	5,405 98	920 00	120 00	
Davis	11,776 13							
Decatur		8,484 73	2,879 30	4,505 72	9 151 73			
Delaware	19,720 00	199 33	2,246 86	4,921 00	119 33			
Des Moines		12,130 44	2,920 00	561 35		561 18	2,960 00	
DICKINSON	50,064 08							
Dubuque		31 70	2,795 98	300 17	31 70			
EMMETT	97,507 62							
Fayette		95 20	4,652 18	5,210 18	95 20			
Floyd	10,199 71	40 00	4,791 43	5,252 76				
Franklin	22,489 94							
*Fremont	24,920 00	86,849 59			86,503 14			
Guthrie	11,760 00	400 00	4,594 37	3,160 40	360 00			
GRUNDY	4,920 00							
Greene								
†Hamilton		8,432 20	7,636 89	3,695 17				
Hancock		240 00						
HARDIN	12,979 24							
Harrison	126,407 93	120,134 71			117,812 03	2,186 89	440 00	
Henry			1,316 56	725 68		725 68	1,240 18	
Howard	22,796 68	6,545 16	8,457 51	4,534 21				

*Only a small portion of the SELECTION in Fremont has been reported to this office.

†Hamilton and a portion of Humboldt county are reported in the SELECTION of Webster county.

COUNTIES.	No. of Acres selected.	No. of Acres certified as enuring to the State.	No. of Acres certified as having been entered by Land Warrants prior to selection.	No. of Acres certified as having been entered with Cash, prior to selection.	No. of Acres patented to the State, and by the State to the Counties.	No. of Acres on which indemnity proof has been made.	
						Cash Entry.	Wt. location
*Humboldt		5,306 72	760 00	273 48			
Iowa		3,801 67	440 00	1,514 77	2,446 23		
IDA		158 76					
Jackson		3,277 42	1,912 51	1,100 95	3,267 97		
Jasper		4,438 75	2,479 61	4,712 07	8,191 99	4,994 96	2,719 61
Jefferson		683 26		76 10			
Johnson		1,888 52	2,581 69	1,952 60	1,148 52		
Jones		1,495 93	4,513 16	4,292 67	742 25		
Keokuk		8,333 09	3,943 91	3,860 80	2,986 36		
KOSSUTH	86,769 07						
Lee		399 23					
Linn		1,073 66	1,504 47	1,120 99	1,073 66		
Louisa		20,925 08	10,857 02	7,079 92	20,267 23	8,726 47	12,430 81
Lucas	7,300 00	120 00	1,320 00	2,034 10	40 00		
Madison							
Mahaska		5,898 10	875 87	273 84	5,495 95	193 84	755 87
Marion		1,091 00	120 00	220 08	1,051 00		
Marshall		676 39	3,329 07	4,052 47	2,663 84	7,115 96	6,611 09
Mills		19,998 25			22,261 25		
MITCHELL	54,110 23			40 00			
Monona	104,576 24	46,940 50			40,210 58	7,227 06	10,061 68
Monroe	3,855 10	435 10	280 00	560 00	355 10		

*Hamilton and a portion of Humboldt county are reported in the SELECTION of Webster county.

COUNTIES.	No. of Acres selected.	No. of Acres certified as enuring to the State.	No. of Acres certifi'd as having been entered by Land Warrants prior to selection.	No. of Acres certifi'd as having been entered with Cash prior to selection.	No. of Acres patented to the State, and by the State to the Counties.	No. of Acres on which indemnity proof has been made.	
						Cash entry.	Wt. location
Montgomery	19,320 00	1,392 95			1,232 93		
Muscatine		3,144 47	1,174 98	307 20	2,980 67		
O'BRIEN	1,432 76	520 00					
Osceola							
Page	20,910 46	9,891 43			9,891 43		
PALO ALTO	6,682 22	11,248 03					
PLYMOUTH	18,851 06	2,220 22					
POCAHONTAS	75,140 77	6,679 19					
Polk		10,220 34	3,137 51	4,856 92	13,352 43	5,792 17	4,708 39
Pottawattamie	56,672 19	22,519 34			22,367 34		
POWESHEIK							
RINGGOLD	25,072 52						
Scott		2,462 35	120 00	3 23	2,444 13		
SIoux	10,380 34	5,064 43					
Shelby	17,070 69	2,610 35			2,530 35		
Story		3,845 97	1,537 78	1 296 61	7,517 48	1,016 61	1,456 61
SAC	33,752 14	3,801 55					
Tama		80 00	3,357 18	3,754 50	40 00		1,952 04
Taylor	12,940 00	1,934 08	1,039 96	3,262 86	1,794 08		
UNION	16,314 34						
Van Buren		360 00	280 00	160 00			
Wapello							
WARREN	29 674 33						
Washington		2,427 94	3,040 42	1,427 40	1,515 44	7,167 42	7,840 52

COUNTIES.	No. of Acres selected.	No. of Acres certified as having been entered to the State.	No. of Acres certified as having been entered by Land Warrants prior to selection.	No. of Acres, patented to the State and by cash, prior to selection.	No. of Acres, patented to the State and by cash, prior to selection.	No. of Acres on which indemnity proof has been made.	
						Cash Entry.	Wt. Location
Wayne	10,560 00	40 00	1,188 59	4,466 11	40 00		
* Webster	75,320 00	16,535 16	4,689 00	3,656 45			
Winnebago	10,266 00	720 00	4,500 87	5,675 59			
Woodbury	47,434 90	4,420 32	18,376 65		5,971 92		
WORTH	40,024 38	7,871 68					
Wright	35,485 00						
	17,862 92						
TOTAL	1,705,236 06	583,419 06	164,831 99	158,075 85	455,292 40	59,229 33	66,339 48

*This selection includes that of Hamilton and a portion of Humboldt counties.

NOTE.—The counties which transmitted their lists of selections directly to the Surveyor General, are printed in *italics*; those that forwarded to the Secretary of State, or to this office prior to January last, are printed in Roman letters; those that have forwarded to this office since January 1st, 1859, are printed in SMALL CAPITALS.

7TH—DES MOINES RIVER LANDS.

This grant was made while Iowa was yet a territory for the improvement of the navigation of the Des Moines River, by An Act of Congress approved August 8th, 1846. Iowa was admitted into the Union as a State on the 28th of December, 1846, and by a joint resolution, passed January 9th, 1847, accepted the grant for the purposes specified in said Act of Congress. By An Act creating the "Board of Public Works," and providing for the improvement of the Des Moines River, approved February 24th, 1847, the General Assembly placed the control of the work in a board composed of a President, Secretary and Treasurer, elected by the qualified electors of the State, and provided that "the improvements should consist of a system of slackwater navigation by means of dams and locks; commencing at the mouth of the slough on the Mississippi River, and progress regularly up said Des Moines River," and the Act provides further, that "as far as practicable the work shall be done by contract, to be paid for out of the proceeds arising from the sales of the lands, which were to be sold by the board under the regulations adopted for the sale of United States lands."

This Act was repealed by An Act approved February 5th, 1851, "to secure the more vigorous prosecution and early completion of the Des Moines River Improvement and amendatory to all other Acts now in force in relation thereto."

"This Act abolished the offices of the Board of Public Works, and created those of Commissioner and Register of the Des Moines River Improvement, the latter to perform all duties connected with the sale of lands." It provides that "all contracts shall be approved and signed by the Governor, Commissioner and Register to give them validity," and also that "if the Commissioner and Register can contract for the completion of the entire improvement below Keosauqua, with any company by pledging the entire net proceeds arising from the sale of the lands lying below the Raccoon Forks, and water rents and tolls below Keosauqua, they are authorized to do so."

The Commissioner and Register were authorized and empowered to sell and dispose of all and any lands which have been or may be hereafter granted by Congress for the Des Moines River, in such a manner as they may deem most expedient for the early completion

and vigorous prosecution of said improvements, "by An Act of the General Assembly approved January 9th, 1853, and supplemental to all other Acts then in force in relation thereto.

Difficulties having arisen between the authorities of the State and the Des Moines Navigation and Railroad Company in regard to the improvement of the Des Moines River, and the contract made under the provisions of the Acts of the General Assembly, the following joint resolution was passed by the Legislature at its last session, and was approved by the Governor, March 22, 1858:

WHEREAS, The Des Moines Navigation and Railroad Company have heretofore claimed, and do now claim, to have entered into certain contracts with the State of Iowa, by its officers and agents, concerning the improvement of the Des Moines River in the State of Iowa, and whereas disagreements and misunderstandings have arisen and do now exist between the State of Iowa and said Company, and it being conceived to be to the interests of all parties concerned, to have said matters, and all matters and things between said Company and the State of Iowa, settled and adjusted: Now, therefore, be it

Resolved by the General Assembly of the State of Iowa, That for the purpose of such settlement, and for that purpose only, the following propositions are made by the State to said Company: That the said Company shall execute to the State of Iowa full releases and discharges of all contracts, agreements and claims with or against the State, including rights to water rents which may have heretofore, or do now exist, and all claims of all kinds against the State of Iowa and the lands connected with the Des Moines River Improvement, excepting such as are hereby, by the State secured to the said Company; and also surrender to said State the dredge-boat and its appurtenances, belonging to said improvement; and the State of Iowa shall, by its proper officer, certify and convey to the said Company, all lands granted by An Act of Congress, approved August 8th, 1846, to the then territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold or conveyed or agreed to be sold or conveyed by the State of Iowa, by its officers and agents, prior to the 23d day of December, 1853, under said grant, and said Company or its assignees shall have right to all of said lands as herein granted to them as fully as the State of Iowa could have

under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said Company, and the State to hold all the balance of said lands, and all rights, powers and privileges under and by virtue of said grant, entirely released from any claim by or through said Company; and it is understood that among the lands excepted and not granted by the State to said Company, are 25,487,87 acres lying immediately above Raccoon Forks, supposed to have been sold by the General Government, but claimed by the State of Iowa.

And it is further agreed that said Company release and convey to the State of Iowa or its representatives, all materials of every kind and description, prepared for or intended for the construction of Locks or Dams in said Improvement, wheresoever the same may be, and the State shall take the existing contracts, by no other liabilities of any name or nature except as herein provided, for constructing or repairing the works on said Improvement at Keosauqua, Bentonsport, Plymouth and Croton, and no other or different, with all liabilities and advantages arising upon said contracts, and per centage retained thereon, excepting that the Company shall pay all estimates for work done or material prepared up to this date, beyond the per centage retained from the contractors under their agreements; and the said Company shall be discharged from all liability for the claims of the officers of the State for services or salaries.

The said Company hereby agree to pay the State the sum of twenty thousand dollars, which sum shall be paid to the order of the Commissioner of the Des Moines River Improvement, (as fast as he may require the same, to liquidate existing liabilities against said Des Moines River Improvement,) on thirty days notice given to said Company at their office in the city of New York; and any bonds or certificates of indebtedness against said improvement not exceeding in amount the sum of eleven thousand dollars, which are now due and unpaid, are to be received in part payment of said sum of twenty thousand dollars. *Provided*, That no liabilities assumed by the State in this contract, shall be a charge against the State in her sovereign capacity, but all such liabilities, if any, shall be chargeable upon and payable out of the remaining lands belonging to the Des Moines River Grant; and *Provided*, also, that if Congress shall permit a diversion of the lands of said Des Moines

River Grant, or the title thereto shall become vested in the State, so as to become subject to grant, the said remaining lands, after the payment of all the liabilities, as aforesaid, against said Improvement, and the completion of such locks and dams on the Des Moines River as the Legislature shall direct, shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a Railroad up and along the valley of the Des Moines River, upon such terms and in such manner as the Legislature may provide, one-fourth of which said lands shall be applied by said Company to aid in the construction of said road above the city of Des Moines; and *Provided*, further, that if the said Des Moines Navigation and Railroad Company shall ratify and accept these propositions for a contract by filing a written acceptance thereof in the office of the Secretary of State within sixty days from the passage of this Joint Resolution, then this contract shall be in force and bind both of the parties thereto.

The Des Moines Navigation and Railroad Company accepted the proposition embodied in the Joint Resolution within the time specified, in the following manner:

OFFICE OF THE D. M. N. & R. R. CO., }
18 WILLIAM ST., NEW YORK, April 15th, 1858. }

At a meeting of the Board of Directors of the Des Moines Navigation & Railroad Company held at their office in the city of New York, on Thursday the 15th day of April, 1858, the following resolutions were adopted, to-wit:

Resolved, That the propositions and conditions of the above recited Joint Resolution be, and they are hereby ratified and accepted by the D. M. N. & R. R. Co., and that the President of the Company cause a certified copy of this Resolution, under the corporate seal, to be filed in the office of the Secretary of State of the State of Iowa.

Resolved, That the President be, and he is hereby authorized to execute, under the corporate seal of the Company, the necessary and proper releases and discharges, in conformity with the provisions and conditions of the said Joint Resolutions of the General Assembly of the State of Iowa, and to cause the same to be filed in the office of the Secretary of State of the State of Iowa.

The foregoing acceptance was duly signed and attested by the

corporate seal of said Company, and the settlement is thus perfected.

The General Assembly passed the following conditional Act, which was approved March 22d, 1858:

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

SEC. 2. That the Keokuk, Ft. Des Moines and Minnesota Railroad Company, shall pay all liabilities against said Des Moines River Improvement, and against the State of Iowa, growing out of said improvement, whether by contracts between the State and other parties, or between the Des Moines Navigation and Railroad Company and other parties, or between any parties whatever which have been assumed by the State in consequence of the proposed settlement with the Des Moines Navigation and Railroad Company, as contained in the joint resolution passed at the pres-

ent session of the General Assembly; and said Company shall also complete the Locks and Dams at Croton, Plymouth, Bentonsport, and Keosauqua, and fifty thousand acres of the lands which may hereafter be certified by the General Government to the State of Iowa shall be set apart by the Register of the State Land Office, which said lands shall be held for the purpose of securing the payment of said liabilities and the completion of said Locks and Dams, and that whenever said Company shall pay thirty thousand dollars of said liabilities properly audited and allowed by the Register of the State Land Office, or shall do thirty thousand dollars' worth of work on said Locks and Dams, to be certified and allowed by an engineer to be appointed by the Governor to superintend said works, that then the Register of the State Land Office shall issue to said Company a certificate for ten thousand acres of said lands so set apart, for every thirty thousand dollars so paid or expended until said liabilities are paid, and said Locks and Dams are completed, and if any of said fifty thousand acres of land shall remain after the payment of said liabilities and the completion of said Locks and Dams, it shall be certified to said Railroad Company in the same manner provided in this Act; *Provided*, That if the proceeds of the said fifty thousand acres of land shall at any time be found insufficient to discharge existing contracts for constructing or repairing the works at Keosauqua, Bentonsport, Plymouth, and Croton, and in all respects preserve the State harmless on account of any liabilities now existing against the State, or that has been assumed by the proposed settlement with the Des Moines Navigation and Railroad Company, or arising in any manner from the past improvement of the Des Moines river, or the payment of the officers or agents employed in and about said improvement, then the said Keokuk, Ft. Des Moines and Minnesota Railroad Company shall be liable to pay the State the amount of such deficiency.

SEC. 3. Whenever the President and Chief Engineer of said Railroad Company shall certify under oath to the Register of the State Land Office that twenty miles of said Railroad in a continuous line from the town of Bentonsport up the valley of the Des Moines River have been completed and the cars running thereon, the Register shall issue to said Company a certificate for one hundred and twenty sections of land, to be taken as nearly as practicable in a body from the remaining lands nearest to the completed part of said Railroad, and the Governor shall upon presentation of

said certificate issue to said Company a patent for said lands, and so from time to time as twenty miles are completed until three-fourths of said lands are exhausted; *Provided*, That the lands hereby granted and so certified to said Company shall be exclusively applied in extending the construction of said Railroad in a continuous line above Bentonsport, and shall be applied to no other purpose whatever; and, provided, also, that one-fourth in quantity of said land shall be applied by said Company in the construction of said road above the city of Des Moines; the said one-fourth to be certified in manner as herein provided from the completion of each twenty miles from the city of Des Moines up the valley of the Des Moines River.

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

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

In an act approved January 29th, 1857, in relation to the Des Moines River Improvement, the following provision is made that "it shall be the duty of the Register of the Des Moines River Improvement as early as practicable to transfer and deliver to the Register of the State Land Office, any and all vouchers, plats, books and other things belonging to and connected with said Register's Office." This requirement has been fully complied with.

The General Assembly at their seventh regular session, made the following provision: "it is hereby made the duty of the Register of the State Land Office to issue patents to the purchasers of Des Moines River Improvement Lands purchased prior to the ninth day of June, A. D. 1854.

SEC. 2. It is made the duty of the Register to present said patents to the Governor, whose duty it shall be to sign them.

SEC. 3. The Register shall record each patent and endorse on the same a marginal certificate of the book and page in which the same is recorded.

SEC. 4. The Register shall deliver to each person entitled to a patent, the same, by said person paying the Register the sum of one dollar."

These patents are all issued, signed and recorded as required by the foregoing provision, and a part of them delivered. The remainder are ready for delivery upon presentation of the proper certificate.

Upon the 3rd day of May, 1858, under the foregoing provisions the State conveyed by the proper authorities to the Des Moines Navigation & R. R. Co., 256,661.38 acres of the lands belonging to this grant as certified by the General Government, in the following words:

"This Indenture, made the third day of May, one thousand eight hundred and fifty-eight, by and between the State of Iowa, party of the first part, and the Des Moines Navigation & Rail Road Company, parties of the second part, Witnesseth, that the party of the first part for and in consideration of one dollar, paid by the parties of the second part, and in pursuance of the contracts and agreements between the State of Iowa and the said Des Moines Navigation and Rail Road Company, for the improvement of the navigation of the Des Moines river in the State of Iowa, does hereby sell, grant, bargain and convey to the said Des Moines Navigation and Rail Road Company, the following referred to and described lands, to-wit: &c. To have and to hold the above described lands and each and every parcel thereof with all the rights, privileges, immunities and appurtenances of whatever nature thereunto belonging or appertaining, unto the said Des Moines Navigation and Rail Road Company, their successors and assignees, forever in fee simple.

In testimony whereof I, Ralph P. Lowe, Governor of the State of Iowa, have caused the Great Seal of the State of Iowa to be hereunto affixed.

Given under my hand at the city of Des Moines, the day and year first above written, and of the State of Iowa the 12th year.

By the Governor,

RALPH P. LOWE.

ELIJAH SELLS, Secretary of State.

This is to certify that the foregoing deed was received from the Governor, June 10th, 1858, and recorded in Des Moines River Records, Book A, Pages——, June 18th, 1858.

T. S. PARVIN, Register State Land Office.

By D. S. WARREN, Deputy.

There are fifteen of these deeds, each with the consideration of one dollar—and convey all the lands certified to the State by the General Government, not previously sold.

An Act of the Eighth General Assembly, approved March 3d, 1860, makes the following provisions:

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

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

SEC. 4. That Geo. G. Wright, of Van Buren County, Edward Johnston, of Lee County, and Christian W. Slagle, of Jefferson County, be, and they are hereby appointed a Board of Commissioners for the purpose of ascertaining all the liabilities whether in suit or otherwise, against said Des Moines River Improvement, and against the State of Iowa, growing out of said Improvement, and

which are to be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company, as provided by the said second section of the Act of the 22d of March, 1858, above referred to.

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

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

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

In accordance with the above provisions the Commissioners have approved and allowed the claims of different parties to the amount of \$66,358.86, which claims were filed in this office on the 22nd of June, 1861, but owing to the fact that the deeds of the 3rd of May, 1858, conveyed all the lands certified to the State remaining unsold at that time, this law has not been fully complied with.

8TH—FIVE SECTION GRANT.

By an act of Congress, entitled "An Act Supplemental to the Act for the admission of the States of Iowa and Florida into the Union," provides "that five entire sections of land to be selected and located under the direction of the Legislature, * * * are granted to the State, (Iowa) for the purpose of completing the pub-

lic buildings of the State, or for the erection of public buildings at the *seat of government*, as the Legislature may determine and direct."

To carry out the provisions of the above mentioned act of Congress, and to secure the grant therein made, the Legislature in an act approved February 27th, 1847, entitled "An Act to provide for the location of the Seat of Government of the State of Iowa, and for the selection of land granted by Congress to aid in erecting Public Buildings," designates three Commissioners to select the lands thus granted, and on the 4th of February, 1847, the Commissioner of the General Land Office approved the following selections of land lying in Jasper County:

Lots 5 and 8, and S W $\frac{1}{4}$ Sec. 3, T 78, N R 20 W	Containing 320 acres
Lots 5, 6, 7, and 8, and S E and S W $\frac{1}{4}$ Sec. 4, T 78, N R 20 W	Containing 640 "
Lots 5, 6, 7, and 8, and S E and S W $\frac{1}{4}$ Sec. 5, " " "	do 640 "
Sec. 8, " " "	do 640 "
Sec. 9, " " "	do 640 "
W $\frac{1}{2}$ Sec. 10, " " "	do 640 "
Total,	3,200 acres

A Joint Resolution passed the General Assembly and was approved March 23rd, 1858, asking Congress for a diversion of these lands for the benefit of the State Agricultural College and Model Farm—upon which no action has been taken and the lands still remain the property of the State to aid in the erection of Capitol buildings.

9TH—IOWA CITY LOTS.

The following is a portion of An Act approved March 30th, 1860:

SECTION 1. That all the records, books and papers, of whatever character, relating to the original title of lots in Iowa City, in Johnson County, and to sales thereof by the Territory of Iowa, and since then by the State, including the plat of said city, be and the same are hereby transferred from the offices of the Secretary and Treasurer of State, to the office of the Register of State Lands; and the same shall hereafter be kept in the office of said Register, and under his charge as other records in his office.

It is hereby made the duty of the Register of the State Land Office, to examine the said records, books and papers, and to complete in the "Tract Book" of sales of lots in said city, the abstract of present title of each lot, showing whether the same has been

finally sold or forfeited to the State; and to report to the General Assembly at the next session thereof, whether the title to said lots or to any property in said Iowa City, still remains in the State, and the facts relating to any property still unsold.

That as soon as practicable, the State Register shall make out, certify as correct, and transmit to the Recorder of Johnson County, an abstract from the said records, books and papers, showing to whom the original deed of each lot in Iowa City was issued, by the Territory or State, and the date of such deed; which abstract shall remain in the office of said Recorder.

All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and all acts authorizing the sale of lots in said Iowa City, by the State Treasurer, are hereby repealed.

In compliance with the provisions of the above act the Secretary and Treasurer of State kindly assisted in the transfer of these books and papers, and they are now among the records of this office.

The entries in the tract book have been completed and it shows the title to the following lots to remain in the State—a part of which were at one time contracted for, but the contracts are marked “forfeited” by the Treasurer of State, who by Statute had charge of this grant:

- Lot 5 in block 23.
- Lots 2, 3, and 4, in block 53.
- Lot 7 in block 55.
- Lot 2 in block 58.
- Lot 6 in block 96.
- Lot 8 in block 103.
- Out Lots 12 and 22.

On the 19th of November, 1860, an abstract from the records of the sales of these lots, properly made out and certified as correct, showing to whom the title passed from the State, was transmitted to the Recorder of Johnson County, and in due time the following acknowledgment of the receipt came to hand.

Hon. A. B. Miller, Register State Land Office:

DEAR SIR: Yours of 19th inst. covering Abstract of original purchasers of lots in Iowa City, came to hand this morning in good order.

Yours, truly,

J. C. SPERRY, Co. Recorder.

A duplicate copy of the above abstract is now on file in this office.

MISCELLANEOUS.

Section 22 of Chapter 161 of the “Acts of the Seventh General Assembly,” imposes the following duty: “All officers who are provided with a contingent fund or other fund herein, beyond their regular salary, shall keep a correct account of the expenditures from such funds and report the same to the General Assembly, or to such person or persons as the Governor may appoint to examine the accounts of said officers.”

On November 1st, 1859, the close of the fiscal year and the date of the last report, there was a balance of the Contingent Fund of this office, of..... \$125 63
An Act of the General Assembly, approved April 3d,

1860, appropriated for the use of the office..... \$2,000 00

Making in all..... \$2,125 63

From November 1st, 1859, to November 1st, 1861, the expenditures from this fund have been

To S. H. Lunt, regular clerk, 19 months..... \$1,108 40

“ Lewis Coulter, “ “ 4½ “ 275 00

“ J. A. Warner, for extra services,..... 115 00

Whole amount expended..... \$1,498 40

Leaving a balance to the credit of the office, of..... \$627 23

Receipts for the amounts drawn from this fund have been invariably taken and are recorded in a book kept for that purpose.

All of which is submitted for your examination.

I have the honor to remain,

With much respect, your ob't. serv't,
A. B. MILLER, Register.