

REPORT  
OF THE  
Secretary of State  
TO THE  
GOVERNOR OF IOWA,  
OF THE  
Transactions of the Land Department,

July 1, 1899, to June 30, 1901.

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W. B. MARTIN, Secretary of State.

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## REPORT.

OFFICE OF SECRETARY OF STATE, }  
DES MOINES, IOWA. }

*To His Excellency, Leslie M. Shaw, Governor of Iowa:*

SIR—In accordance with the provisions of section 122 of the code of 1897, I have the honor to submit the following report of the transactions of the state land department during the biennial period ending June 30, 1901. I have also included in this report such further information, relative to land matters, as seemed to me to be of value and interest. In order to meet the constantly increasing demand for information relative to the various grants of land made to the state by the acts of congress, I have also incorporated in the report a synopsis of the acts of congress and also of the general assembly of Iowa relative to each grant. In the case of the railroad grants, I deemed it best to give in full all the acts of congress and of the general assembly of Iowa, relating thereto.

In addition to the regular work of issuing patents and certificates of conveyance, there is a large amount of labor in this department, such as answering correspondence, making copies of the field notes and plats of the government survey, making certified copies of records of conveyance, and exhibiting the records of the office for the inspection of interested parties, which it would be impracticable to report. This class of labor, however, has been constantly increasing during the past several years, owing to the growth in the population of the state and the consequent increase in the number of transfers of real estate, and will, undoubtedly, in the nature of things, continue indefinitely.

All patents issued by the state are delivered immediately to the grantees. There are no original patents on file in the land department at this time, except a few hundred Des Moines river patents, which will be delivered to the present owners of the land upon the surrender of the original receipts or certificates of purchase. All conveyances of lands made by the state are of record in the office, and certified copies of the same are furnished for a reasonable fee.

In the report of the transactions of the state land department for the biennial period, ending June 30, 1899, Hon. G. L. Dobson, then secretary of state, recommended that the photolithographic plats of all the congressional townships in the state, which had been furnished the office by the commissioner of the general land office, be mounted with cloth and properly arranged in volumes of convenient size for the use of the office, so there would be less necessity for handling the original plats of the government survey, which had become much worn from age and constant use. As no



action has been taken so far in regard to this matter, I herewith renew the said recommendation, and also make the further suggestion that a large number of the volumes containing the field-notes of survey and records of conveyance should be rebound, as the covers are badly worn from age and use and the records they inclose will soon be in bad condition unless prompt measures are taken to preserve them.

During the biennial period a few patents and certificates for swamp and railroad lands were received from the general government. The state has also received from the government swamp land cash indemnity to the amount of \$32,388.38 during the period, which was in turn paid over to the counties entitled thereto by the treasurer of state. The commissioner of the general land office forwarded to the state land department, under date of June 5, 1900, a supplemental plat, showing the lottings in sections 31, 33, and 35 in township 97 north, of range 42 west, made necessary by the right of way of the Chicago, Milwaukee & St. Paul railroad. The commissioner also forwarded, under date of April 6, 1901, duplicates of the plats and field-notes of survey in townships 96 and 97 north, of range 35 west, executed by M. P. McCoy, examiner of surveys, under instructions dated May 16, 1900.

The following table gives the quantity of lands the state has received under the several congressional grants:

DESCRIPTION.	Acres
Sixteenth section grant .....	1,014,331.05
Five hundred thousand acre grant .....	535,473.54
University grant .....	45,928.84
Saline land grant .....	46,202.53
Agricultural college grant .....	204,309.30
Five section grant (in Jasper county) .....	3,200.00
Des Moines river improvement and Des Moines Valley railroad .....	1,106,296.90
Railroad grants .....	4,300,175.00
Swamp lands (in place) .....	868,615.78
Swamp indemnity in cash awarded .....	465,947.60
Swamp indemnity in land awarded .....	321,845.23
Total quantity received .....	8,912,325.77

The following statement gives the transactions of the land department during the biennial period, relative to conveyances by the state of the several classes of lands:

LANDS PATENTED.	Acres
Sixteenth section grant .....	7,676.30
Five hundred thousand acre grant .....	400.00
Mortgage school lands .....	246.66
University grant .....	80.00
Saline grant .....	4,649.75
Agricultural college grant .....	1,093.18
Cusey purchase .....	120.00
College mortgage lands .....	938.56
Swamp lands (in place) .....	102,277.68
Swamp indemnity lands .....	117,482.13
Railroad lands .....	
Total quantity patented .....	

The following statement gives the number of acres of land belonging to the several grants still subject to patent:

LANDS UNPATENTED.	Acres
Sixteenth section grant .....	17,338.605
Five hundred thousand acre grant .....	10,029.39
University grant .....	653.31
Saline grant .....	1,815.68
Agricultural college grant .....	2,336.02
Swamp and railroad grants (cannot be estimated) .....	
Total quantity unpatented .....	32,173.005

The following statement gives the quantity of unsold school and university lands at the close of the biennial period:

LANDS UNSOLD.	Acres
Sixteenth section grant .....	1,080.00
Five hundred thousand acre grant .....	160.00
University grant .....	653.31
Saline grant .....	1,570.09
University lands (donated and by foreclosure) .....	640.00
Total quantity unsold .....	4,103.40

#### FEES.

The fees received by this department during the two years ending June 30, 1901, for certified copies of records, amounted to \$345.20, which sum was paid into the state treasury as required by law.

Respectfully submitted,

W. B. MARTIN,  
Secretary of State.



## THE SCHOOL LANDS.

The school lands of the state of Iowa consist of the sixteenth section in every congressional township, or lands in lieu thereof; the lands acquired by the state under the act of congress, approved September 4, 1841, known as the "500,000 acre Grant;" and the lands called the "mortgage school lands," the latter being lands the state has acquired under foreclosures of mortgages given to secure loans of the school fund in the several counties. The proceeds of the sales of lands acquired under the sixteenth section and 500,000 acre grants, together with 5 per cent on the sales of the public lands within the state, granted by act of congress, and the proceeds of the sales of intestate estates which escheat to the state, constitute the permanent school fund of the state of Iowa, the interest of which is used for the support of the common schools.

### SIXTEENTH SECTION GRANT.

The sixteenth section in every congressional township in the state, or other land in lieu thereof, where the said section had been otherwise disposed of was granted to the state by the act of congress approved March 3, 1845. The state came into possession of these lands upon her admission into the Union, December 28, 1846.

The first general assembly, by the act approved February 25, 1847, provided for the sale of the sixteenth section lands and placed them under the control of the school-fund commissioners of the several counties in connection with the township trustees. The office of school-fund commissioner was abolished by an act of the seventh general assembly, approved March 23, 1858, and these lands were then placed under the control of the county judge, in connection with the township trustees. The eighth general assembly, by the act approved April 3, 1860, gave the control and management of these lands to the boards of supervisors of the respective counties and the township trustees, to be sold by the clerk of the district court. The office of county auditor was created by the act of the twelfth general assembly, approved April 7, 1868, and that officer was authorized to perform all the duties in respect to the school lands then performed by the clerk of the district court. No changes of any importance have been made since this act relative to the control and sale of the school lands.

About 1,014,331.05 acres of land were acquired by the state under the sixteenth section grant, of which there are still unpatented about 17,338,605 acres.

### FIVE HUNDRED THOUSAND ACRE GRANT.

Congress, by an act approved September 4, 1841, granted each new state that should be admitted into the Union, upon such admission, so much lands for internal improvements, as would make 500,000 acres, including such quantity as had been granted to such state before its admission while under territorial government; the land to be selected and located as the legislature of

such state should direct. The state of Iowa was admitted into the Union with a proviso in her constitution diverting these lands from the purposes of internal improvements to the support of the common schools. Congress, by the act of admission, approved December 28, 1846, consented to the diversion, and, by a subsequent act, approved March 2, 1849, expressly gave consent to such diversion.

The first general assembly, by the act approved February 25, 1847, attempted to provide for the selection of these lands, but, the act proving insufficient, the second general assembly passed an act, approved January 15, 1849, supplemental to the act of February 25, 1847. This act appointed commissioners to select the remainder of these lands, under instructions of the commissioner of the general land office. This act also provided that the lands approved to the state under this grant should be sold by the school fund commissioners under the supervision of the superintendent of public instruction. The act approved January 25, 1855, withdrew the lands from the supervision of the superintendent of public instruction, and authorized the school-fund commissioners to offer and sell them. The act of March 23, 1858, abolished the office of school-fund commissioner, and empowered the county judge, in connection with the township trustees, to control and sell the sixteenth section lands, but made no mention of the 500,000 acre lands. This was remedied by the next general assembly by the act approved April 3, 1860, which gave control of both the sixteenth section and the 500,000 acre grant lands to the boards of supervisors, and provided for the sale of the same by the clerk of the district court. The act of April 7, 1868, noted under head of the sixteenth section grant, also applied to the 500,000 acre lands. Sections 2840 to 2843 of the code of Iowa of 1897, now govern the sale and control of the school lands.

There were selected, all told, 535,473.54 acres under the grant, or 35,473.54 acres in excess of the amount specified in the grant. The state was finally permitted to retain this excess by allowing the general government to retain, with the consent of the state and the Des Moines Valley Railroad Company (the beneficiary of the Des Moines river grant), an equal quantity of the Des Moines river indemnity lands due the state, under the act of congress approved July 12, 1862, the state paying the said railroad company for the said lands \$1.25 per acre.

The 35,473.54 acres in excess of the grant included the 12,813.51 acres of land lying in Hamilton and Webster counties known as the "Des Moines river school lands." The selections of lands in the said counties were approved by the commissioner of the general land office February 20, 1851. Afterwards, when the government authorities decided that the Des Moines river grant extended above the Racoon fork, these lands were set apart and approved to the state under the said grant December 30, 1853. Previous to this action, however, the state, through the school fund commissioner of Webster county, had disposed of over 3,000 acres of these lands.

The action of the secretary of the interior in approving the lands as a part of the Des Moines river grant was disapproved by a subsequent secretary of the interior under date of February 28, 1865, and on May 28, 1866, the lands were affirmed by the said secretary as inuring to the state under the original approval as a part of the 500,000 acre grant dated February 20, 1851. Since that time the said lands have been treated as a part of the said grant.



Governor Lowe, acting in accordance with the approval of the lands under the Des Moines river grant bearing date of December 30, 1853, deeded the 12,813.51 acres to the Des Moines Navigation & Railroad Company. For the relief of the purchasers of these lands from the school fund commissioner of Webster county the eighth general assembly passed an act approved April 2, 1860, providing that upon application therefor, and the proper showing, any purchaser of said lands should be entitled to draw from the treasury the amount of money paid, principal and interest, on the contract for the purchase of the lands of said school fund commissioner, with interest at the rate of 10 per cent. per annum from the time it was paid. Practically all of the claims against the state on account of the sales of these lands have been paid.

The state through its proper officers tried to obtain possession of these lands after the reapproval of May 28, 1866, but the Des Moines Navigation & Railroad Company refused to yield possession to the state. Since then the title of the Des Moines Navigation & Railroad Company to the said lands under the deed issued by Governor Lowe, May 3, 1858, has been sustained by the courts.

Of the 535,473.54 acres of land acquired by the state under the 500,000 acre grant, there were still unpatented at the close of the biennial period ending June 30, 1901, 10,029.39 acres.

#### THE MORTGAGE SCHOOL LANDS.

The mortgage school lands are lands acquired by the state under the foreclosure of mortgages given to secure loans of the school fund in the several counties of the state. They were constituted a new class of school lands by an act of the ninth general assembly, approved April 8, 1862, and were to be disposed of in the same manner as other school lands. It is impossible to give an estimate of the quantity of lands obtained by the state under the foreclosure of mortgages, as the state land office has never been furnished with complete reports of the lands so acquired.

#### SIXTEENTH SECTION GRANT.

TABLE No. 1.

Showing for the biennial period ending June 30, 1901:

1. Total number of acres in each county.
2. Total number of acres patented.
3. Number of acres patented during the last two years.
4. Number of acres remaining unpatented.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres patented during the last two years.	Number of acres remaining unpatented.
Adair.....	10,240.00	10,240.00	.....	.....
Adams.....	7,680.00	7,680.00	.....	.....
Allamakee.....	11,520.00	11,278.00	592.90	242.00
Appanoose.....	10,240.00	9,920.00	.....	320.00

TABLE No. 1—CONTINUED.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres patented during the last two years.	Number of acres remaining unpatented.
Audubon.....	7,680.00	7,650.00	.....	30.00
Benton.....	12,800.00	12,647.50	40.00	152.50
Black Hawk.....	10,240.00	10,001.80	.....	238.20
Boone.....	10,240.00	10,190.00	.....	50.00
Bremer.....	7,680.00	7,660.00	.....	20.00
Buchanan.....	10,240.00	10,200.00	.....	40.00
Buena Vista.....	10,240.00	10,240.00	.....	.....
Butler.....	10,240.00	10,000.00	20.00	240.00
Calhoun.....	10,240.00	10,200.00	40.00	40.00
Carroll.....	10,240.00	10,240.00	.....	.....
Cass.....	10,240.00	10,080.00	.....	160.00
Cedar.....	10,240.00	10,040.00	.....	200.00
Cerro Gordo.....	10,240.00	10,240.00	40.00	.....
Cherokee.....	7,680.00	7,500.00	480.00	.....
Chickasaw.....	7,680.00	7,500.00	.....	120.00
Clarke.....	7,680.00	7,600.00	.....	80.00
Clay.....	10,240.00	10,240.00	.....	.....
Clayton.....	13,715.08	13,275.16	.....	439.92
Clinton.....	13,016.77	12,365.57	66.69	651.20
Crawford.....	12,800.00	12,780.00	.....	20.00
Dallas.....	10,240.00	10,115.00	.....	125.00
Davis.....	10,240.00	10,120.00	40.00	120.00
Decatur.....	10,240.00	9,880.00	160.00	360.00
Delaware.....	10,240.00	10,240.00	.....	.....
Des Moines.....	7,302.81	5,981.63	.....	1,411.18
Dickinson.....	7,680.00	7,040.00	80.00	640.00
Dubuque.....	11,364.00	11,284.00	.....	80.00
Emmet.....	7,680.00	7,668.00	958.00	12.00
Fayette.....	12,800.00	12,780.00	.....	20.00
Floyd.....	7,680.00	7,520.00	.....	160.00
Franklin.....	10,240.00	10,080.00	.....	160.00
Fremont.....	10,080.00	9,398.48	.....	681.52
Greene.....	10,240.00	10,240.00	.....	.....
Grundy.....	8,960.00	8,700.00	.....	260.00
Guthrie.....	10,240.00	10,000.00	.....	240.00
Hamilton.....	10,240.00	10,160.00	.....	80.00
Hancock.....	10,240.00	10,160.00	.....	80.00
Hardin.....	10,240.00	10,160.00	40.00	80.00
Harrison.....	12,234.17	11,491.90	.....	742.27
Henry.....	7,680.00	7,300.00	.....	320.00
Howard.....	10,240.00	9,960.68	.....	279.32
Humboldt.....	7,680.00	7,520.00	.....	160.00
Ida.....	7,680.00	7,680.00	.....	.....
Iowa.....	10,240.00	9,960.00	.....	280.00
Jackson.....	11,143.22	10,945.97	.....	197.25
Jasper.....	12,800.00	12,800.00	.....	.....
Jefferson.....	7,680.00	7,680.00	.....	.....
Johnson.....	10,880.00	10,820.00	.....	60.00
Jones.....	10,240.00	9,600.00	.....	580.00
Keokuk.....	10,240.00	10,000.00	80.00	240.00
Kossuth.....	17,920.00	17,436.935	800.00	483.065
Lee.....	9,904.45	9,804.45	.....	100.00
Linn.....	12,800.00	12,653.67	.....	146.33
Louisa.....	7,438.35	7,378.35	.....	60.00
Lucas.....	7,680.00	7,680.00	.....	.....
Lyon.....	11,520.00	11,137.21	1,361.04	382.79
Madison.....	10,240.00	10,240.00	.....	.....
Mahaska.....	10,240.00	10,160.00	80.00	80.00
Marion.....	10,240.00	9,800.00	40.00	440.00
Marshall.....	10,240.00	10,200.00	.....	40.00
Mills.....	8,000.00	7,720.00	.....	280.00
Mitchell.....	10,240.00	9,560.00	.....	680.00
Monona.....	13,228.74	12,868.74	.....	360.00
Monroe.....	7,680.00	7,640.00	.....	40.00
Montgomery.....	7,680.00	7,680.00	.....	.....
Muscatine.....	7,936.83	7,541.83	.....	395.00
O'Brien.....	10,240.00	10,200.00	.....	40.00
Osceola.....	7,680.00	7,440.00	400.00	240.00
Page.....	10,240.00	10,060.00	.....	180.00
Palo Alto.....	10,240.00	10,240.00	160.00	.....
Plymouth.....	15,322.65	15,322.65	381.00	.....



TABLE No. 1—CONTINUED.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres patented during the last two years.	Number of acres remaining unpatented.
Pocahontas .....	10,240.00	10,240.00	80.00	.....
Polk .....	10,240.00	10,050.00	.....	190.00
Pottawattamie .....	17,658.46	17,518.46	.....	140.00
Poweshiek .....	10,240.00	9,800.00	.....	440.00
Ringgold .....	10,240.00	10,230.00	.....	10.00
Sac .....	10,240.00	10,240.00	.....	.....
Scott .....	8,632.67	8,532.67	.....	100.00
Shelby .....	10,240.00	10,240.00	.....	.....
Sioux .....	14,116.07	14,115.34	240.00	.73
Story .....	10,240.00	10,200.00	.....	40.00
Tama .....	12,800.00	12,600.00	.....	200.00
Taylor .....	10,240.00	10,230.00	.....	10.00
Union .....	7,680.00	7,680.00	.....	.....
Van Buren .....	9,146.78	9,146.78	.....	.....
Wapello .....	7,680.00	7,480.00	.....	200.00
Warren .....	10,240.00	10,160.00	.....	80.00
Washington .....	10,240.00	10,100.00	.....	140.00
Wayne .....	10,240.00	9,750.00	.....	490.00
Webster .....	12,800.00	12,640.00	160.00	160.00
Winnebago .....	7,680.00	7,520.00	400.00	160.00
Winneshiek .....	12,800.00	12,760.00	.....	40.00
Woodbury .....	15,680.00	15,285.00	420.00	395.00
Worth .....	7,680.00	7,636.67	196.67	43.33
Wright .....	10,240.00	10,040.00	320.00	200.00
Total .....	1,014,331.05	996,992.445	7,676.30	17,338.605

## SIXTEENTH SECTION GRANT.

TABLE No. 2.

*Giving a description of the sixteenth section school lands patented during the biennial period ending June 30, 1901, with names of patentees and counties in which the land is situated.*

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.
ALLAMAKEE COUNTY.					
lots 3 and 4 and w ½ of sw ¼ .....	16	99	3	151.58	J. T. Bulman, J. W. Hartley
lots 1, 2, 5 and 6 .....	16	99	3	161.32	R. P. Loftus.
w ½ of ne ¼, ne ¼ of nw ¼, sw ¼ of nw ¼ .....	16	100	4	160.00	May and Steele.
se ¼ of nw ¼, nw ¼ of sw ¼ .....	16	100	4	80.00	James T. Bulman.
nw ¼ of se ¼ .....	16	100	4	40.00	Mrs. Mary A. Gorden.
Total .....				592.90	
BENTON COUNTY.					
sw ¼ of ne ¼ .....	16	85	9	40.00	George Riggle.
BUTLER COUNTY.					
w ½ of nw ¼ of nw ¼ .....	16	91	17	20.00	Jeremiah S. Margretz.
CALHOUN COUNTY.					
se ¼ of nw ¼ .....	16	86	31	40.00	William Stubbee.
CERRO GORDO COUNTY.					
ne ¼ of ne ¼ .....	16	96	21	40.00	Elon A. Tuttle.
CHEROKEE COUNTY.					
w ½ of nw ¼ .....	16	93	39	80.00	J. E. Negus.
se ¼ of sw ¼ .....	16	93	39	40.00	Herman W. Braasch.
se ¼ of ne ¼ .....	16	90	41	40.00	A. R. Hubbard.
e ½ .....	16	91	42	320.00	Thomas Woodall.
Total .....				480.00	

TABLE No. 2—CONTINUED.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.
CLAYTON COUNTY.					
Fractional lots 8 and 9 on right bank and 24-100 of an acre on left bank of Turkey river .....	16	92	4	66.69	Edmond O. Connell.
DAVIS COUNTY.					
se ¼ of se ¼ .....	16	67	14	40.00	G. D. Brunk.
DECATUR COUNTY.					
s ½ of ne ¼ .....	16	69	26	80.00	J. W. Young.
n ½ of ne ¼ .....	16	69	26	80.00	John Henderson.
Total .....				160.00	
DICKINSON COUNTY.					
e ½ of ne ¼ .....	16	98	36	80.00	T. L. Hemphill.
EMMET COUNTY.					
ne ¼ .....	16	98	31	160.00	E. S. Ellsworth and L. E. Jones.
nw ¼ and sw ¼ ne ¼ (except 2 acres) ...	16	99	31	478.00	E. S. Ellsworth and L. E. Jones.
nw ¼ .....	16	98	32	160.00	T. W. Doughty.
se ¼ .....	16	98	34	160.00	E. S. Ellsworth and L. E. Jones.
Total .....				958.00	
HARDIN COUNTY.					
nw ¼ of se ¼ .....	16	88	19	40.00	Robert L. Parker.
KEOKUK COUNTY.					
n ½ of sw ¼ .....	16	75	11	80.00	John Blaise.
KOSSUTH COUNTY.					
ne ¼ .....	16	100	29	160.00	Archibald Hutchison.
nw ¼ .....	16	100	29	160.00	C. C. Chubb.
ne ¼ (except 5 acres) .....	16	99	30	160.00	E. S. Ellsworth and L. E. Jones.
w ½ of se ¼ .....	16	100	30	80.00	Harry and Thomas F. Ingham.
ne ¼ .....	16	100	30	160.00	Harry and Thomas F. Ingham.
se ¼ of se ¼ .....	16	100	30	40.00	Theodore Anderson.
ne ¼ of se ¼ .....	16	100	30	40.00	Gust Holmquist.
Total .....				800.00	
LYON COUNTY.					
se ¼ .....	16	98	44	160.00	Joachim Fiihr.
e ½ of se ¼ .....	16	99	44	80.00	Martin C. Freerks.
ne ¼, se ¼ .....	16	99	47	320.00	Jacob Kramer.
sw ¼ .....	16	100	47	160.00	William and R. Hogan.
se ¼ of se ¼ .....	16	98	48	39.00	John L. Syverud.
s 10 acres of se ¼ of ne ¼ ¼, ne ¼ of se ¼, sw ¼ of ne ¼ .....	16	98	48	84.84	John L. Syverud.
Lot 4 .....	16	98	48	38.10	C. B. Kennedy.
ne ¼ .....	16	100	48	160.00	Robert Penman.
sw ¼ .....	16	100	48	159.10	Ralph H. Farnham.
se ¼ .....	16	100	48	160.00	C. T. Swanson.
Total .....				1,361.04	
MAHASKA COUNTY.					
ne ¼ of sw ¼, nw ¼ of se ¼ .....	16	77	17	80.00	Samuel Westlake.
MARION COUNTY.					
Lot 4 .....	16	76	21	40.00	Aaron Marshall.
OSCEOLA COUNTY.					
w ½ of sw ¼ .....	16	98	40	80.00	The heirs of Hans Greve.
e ½ .....	16	99	39	320.00	A. C. Winterfield and C. H. Royce.
Total .....				400.00	



TABLE No. 2.—CONTINUED.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.
<b>PALO ALTO COUNTY.</b>					
ne ¼.....	16	97	33	160.00	Lott Laughlin.
<b>PLYMOUTH COUNTY.</b>					
e ½ of nw ¼.....	16	90	44	80.00	Sarah G. Richardson.
w ¼ of nw ¼.....	16	90	44	80.00	Albert H. Richardson.
ne ¼.....	16	91	47	160.00	Julius L. Klatt.
Part of n ½ of nw ¼.....	16	93	48	61.00	Duncan Ross.
Total.....				381.00	
<b>POCAHONTAS COUNTY.</b>					
w ½ of sw ¼.....	16	90	31	80.00	Jacob F. Hoefing.
<b>SIOUX COUNTY.</b>					
se ¼, e ½ of sw ¼.....	16	94	43	240.00	Joseph Budde.
<b>WEBSTER COUNTY.</b>					
e ½ of se ¼.....	16	90	29	80.00	August Scheidemann.
n ½ of se ¼.....	16	90	30	80.00	James Hood.
Total.....				160.00	
<b>WINNEBAGO COUNTY.</b>					
n ½ of ne ¼.....	16	99	24	80.00	John Dull.
w ½ of sw ¼.....	16	99	26	80.00	Lars N. Thoe.
e ½ of sw ¼.....	16	99	26	80.00	Lars N. Thoe.
n ½ of ne ¼.....	16	99	26	80.00	Edward Jordal.
w ½ of nw ¼.....	16	99	26	80.00	B. H. Jordal.
Total.....				400.00	
<b>WOODBURY COUNTY.</b>					
nw ¼ of se ¼.....	16	86	43	40.00	Russell Martin.
sw ¼ of ne ¼.....	16	86	43	40.00	Russell Martin.
sw ¼ of nw ¼, s ½ of nw ¼ of nw ¼.....	16	87	43	60.00	F. M. Cooney.
w ½ of nw ¼.....	16	86	43	80.00	Alice Horton.
e ½ of nw ¼.....	16	86	43	80.00	J. G. Foster.
<b>WOODBURY COUNTY.</b>					
ne ¼ of sw ¼.....	16	86	43	40.00	Jacob Turman.
w ½ of ne ¼.....	16	86	44	80.00	John Parkhill, Sr.
Total.....				420.00	
<b>WORTH COUNTY.</b>					
ne ¼ of ne ¼.....	16	99	19	36.67	Cobem N. Golberg.
e ½ of se ¼.....	16	99	19	80.00	R. L. Robertson.
sw ¼ of sw ¼.....	16	99	21	40.00	Amos Levorson.
nw ¼ of nw ¼.....	16	98	22	40.00	O. O. Wold.
Total.....				196.67	
<b>WRIGHT COUNTY.</b>					
se ¼.....	16	92	25	160.00	Peter Sabus.
e ½ of ne ¼.....	16	93	25	80.00	Peter Bakker.
s ½ of nw ¼.....	16	93	25	80.00	Wm. R. Siemens.
Total.....				320.00	
Grand total.....				7,676.30	

## FIVE HUNDRED THOUSAND ACRE GRANT.

TABLE No. 3.

Showing for the biennial period, ending June 30, 1901:

1. Total number of acres, and the counties having the selections.
2. Total number of acres patented to June 30, 1901.
3. Number of acres patented during the last two years.
4. Number of acres remaining unpatented.

COUNTIES.	Total number of acres in each county.	Number of acres patented to June 30, 1901.	Number of acres patented during the last two years.	Number of acres remaining unpatented June 30, 1901.
Adair.....	2,391.89	2,391.89		
Adams.....	1,920.00	1,895.00		25.00
Allamakee.....	70,219.53	69,281.49	40.00	938.04
Appanoose.....	2,400.00	2,320.00		80.00
Benton.....	11,791.80	11,392.10		399.70
Black Hawk.....	8,382.84	8,302.84		80.00
Boone.....	1,052.12	1,052.12		
Bremer.....	19,159.84	18,759.84		400.00
Buchanan.....	2,485.44	2,445.44		40.00
Butler.....	478.51	478.51		
Cedar.....	6,812.44	6,812.44		
Chickasaw.....	3,279.26	2,999.26	40.00	280.00
Clarke.....	16,009.00	15,729.00		280.00
Clayton.....	22,764.40	21,183.16		1,581.24
Clinton.....	21,135.35	20,993.59	40.00	141.76
Dallas.....	13,699.16	13,014.92		684.24
Davis.....	934.95	934.95		
Decatur.....	40,400.56	39,296.05	200.00	1,104.51
Delaware.....	11,417.19	11,417.19		
Dubuque.....	16,114.77	15,854.77		260.00
Fayette.....	30,260.21	30,020.21		240.00
Floyd.....	3,481.68	3,401.68		80.00
Hamilton.....	10,314.40	10,314.40		
Hardin.....	1,360.00	1,360.00		
Harrison.....	7,524.86	7,524.86		
Iowa.....	23,976.07	23,848.70		127.37
Jackson.....	807.50	807.50		
Jasper.....	1,674.94	1,674.94		
Jones.....	29,955.50	29,955.50		
Keokuk.....	670.64	670.64		
Linn.....	11,016.07	10,884.47		131.60
Louisa.....	640.00	640.00		
Lucas.....	640.00	640.00		
Madison.....	9,386.02	9,186.02		200.00
Mahaska.....	9,227.75	9,227.75		
Marion.....	1,414.61	1,414.61		
Marshall.....	6,155.86	6,155.86		
Monroe.....	986.57	986.57		
Muscatine.....	357.33	357.33		
Polk.....	2,425.62	2,425.62		
Poweshiek.....	12,715.24	11,988.24		727.00
Ringgold.....	607.20	602.97		4.23
Shelby.....	56.81	56.81		
Story.....	3,796.74	3,716.74		80.00
Tama.....	11,650.44	10,830.44		820.00
Union.....	10,738.07	10,318.07	40.00	420.00
Wapello.....	7,002.42	6,962.42		40.00
Warren.....	5,643.97	5,643.97		
Wayne.....	15,606.91	15,456.91	40.00	149.93
Webster.....	18,024.06	17,721.79		302.27
Winneshiek.....	24,447.00	24,094.50		352.50
Total.....	535,473.54	525,444.15	400.00	10,029.39



## FIVE HUNDRED THOUSAND ACRE GRANT.

TABLE No. 4.

Giving a description of the 500,000 acre school lands patented during the biennial period ending June 30, 1901, with names of patentees and counties in which the lands are situated.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.
ALLAMAKEE COUNTY.					
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	35	97	4	40.00	Wm. S. Hart.
CHICKASAW COUNTY.					
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	5	94	14	40.00	Chester Stevenson.
CLINTON COUNTY.					
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	30	82	4E	40.00	Harlow E. Vickery.
DECATUR COUNTY.					
se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	8	70	26	40.00	W. A. Ramsey.
se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	8	70	26	40.00	John C. Goin.
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	1	70	27	40.00	J. W. Hendrickson.
e $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	15	70	27	80.00	F. A. Greenland.
Total .....				200.00	
UNION COUNTY.					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	30	73	28	40.00	William Groesbeck.
WAYNE COUNTY.					
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	9	67	23	40.00	Harvey B. Duncan.
Total acres patented .....				400.00	

## MORTGAGE SCHOOL LANDS.

TABLE No. 5.

Giving the mortgage school lands patented during the biennial period ending June 30, 1901, giving the counties and names of patentees.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.
ALLAMAKEE COUNTY.					
undivided $\frac{1}{2}$ of nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	4	98	3	26.66	John Broderick.
DECATUR COUNTY.					
sw $\frac{1}{4}$ of se $\frac{1}{4}$ , s $\frac{1}{2}$ of nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	14	68	26	60.00	J. P. Martin.
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	6	68	26	80.00	Isaac C. Norman.
nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	21	70	26	40.00	Francis V. Funk.
Total .....				180.00	
WAYNE COUNTY.					
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	6	67	23	40.00	James Crews.
Total acres patented .....				246.66	

## UNSOLD SCHOOL LANDS.

TABLE No. 6.

Giving by particular description the unsold school lands at the close of the biennial period ending June 30, 1901, as reported by the county auditors, and omitting the names of counties having no unsold school lands.

COUNTIES.	PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	GRANT.
Allamakee	sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	6	96	40	40.00	500,000 acre.
Allamakee	se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	6	96	40	40.00	500,000 acre.
Allamakee	nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	6	96	40	40.00	500,000 acre.
Allamakee	ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	6	96	40	40.00	500,000 acre.
Total .....					160.00	
Dickinson	all of .....	16	99	37	640.00	Sixteenth section.
Fremont	w $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	15	70	43	80.00	Sixteenth section.
Hancock	e $\frac{1}{2}$ of se $\frac{1}{4}$ .....	15	97	24	80.00	Sixteenth section.
Monona	se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	16	85	46	40.00	Sixteenth section.
Monona	sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	16	85	46	40.00	Sixteenth section.
Monona	se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	16	85	46	40.00	Sixteenth section.
Monona	sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	16	85	46	40.00	Sixteenth section.
Monona	se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	16	85	43	40.00	Sixteenth section.
Monona	se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	16	85	46	40.00	Sixteenth section.
Total .....					240.00	
Tama	n $\frac{1}{2}$ of sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	16	85	13	20.00	Sixteenth section.
Tama	s $\frac{1}{2}$ of nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	16	85	13	20.00	Sixteenth section.
Total .....					40.00	
Aggregate No. acres unsold .....					1,240.00	

## TOWN LOTS.

TABLE No. 7.

The following lots, taken under foreclosure of mortgages prior to January 1, 1874, for the use of the school fund, were reported as unsold at the close of the biennial period ending June 30, 1901.

COUNTY.	NUMBER OF LOT.	No. of block.	TOWN.
Allamakee	5, 6, 7, 8 .....	10	Capoli.
Allamakee	6 .....	7	Capoli.
Allamakee	3 .....	27	Capoli.
Allamakee	3 .....	22	Capoli.
Allamakee	3 .....	23	Capoli.
Allamakee	3 .....	26	Capoli.
Allamakee	3, 13 .....	37	Capoli.
Allamakee	Undivided $\frac{1}{2}$ of lot 1 .....	36	Capoli.
Allamakee	6 .....	37	Capoli.
Allamakee	7 .....	28	Capoli.
Allamakee	4, 10 .....	31	Capoli.
Allamakee	5, 13 .....	39	Capoli.
Allamakee	3, 13 .....	40	Capoli.
Allamakee	3 .....	41	Capoli.
Allamakee	3 .....	42	Capoli.
Allamakee	3 .....	43	Capoli.
Allamakee	3 .....	44	Capoli.
Allamakee	116, 118, 119, 120, 121 .....		Johnsonsport.
Allamakee	Undivided $\frac{1}{2}$ 30, 32, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62 .....		Johnsonsport.



## THE UNIVERSITY LANDS.

The university lands consist of lands acquired by the state under the two grants known as the university grant and the Saline land grant; also lands obtained by donation and by the foreclosure of mortgages given to secure loans of the university funds.

### UNIVERSITY GRANT.

The act of congress, approved July 20, 1840, authorized the secretary of the treasury to set apart and reserve, within the territory of Iowa, a quantity of lands not to exceed two entire townships for the support of a university when the territory should become a state. The act of congress approved March 3, 1845, again granted these lands to the state of Iowa to be appropriated for such university in such manner as the legislature of the state might prescribe, and fixed the quantity at 72 sections of land. Under the grant 70 sections of land, consisting of 45,928.64 acres, were certified to the state. All but 653.31 acres of this has been patented.

These lands were, by law, first placed under the control and management of the board of trustees of the state university, and later, under the control of the board of regents, when the said board was created by law. The law also provides that the proceeds arising from the sale of the said lands shall be exclusively appropriated to the benefit of the state university. For the several acts of the general assembly on this subject see chapter 125, acts first general assembly; chapter 84, revision of 1860; chapter 126, acts ninth general assembly; chapters 59 and 78, acts tenth general assembly; chapter 87, acts thirteenth general assembly; chapter 2, title XII, of the code of 1873, and chapter 3, title XIII, of the code of 1897.

### THE SALINE LAND GRANT.

By an act approved March 3, 1845, congress granted to the state of Iowa, under certain restrictions, the use of the salt springs therein, not to exceed twelve in number, with six sections of land contiguous to each. By an act, approved May 27, 1852, congress granted these salt springs and lands to the state in fee simple, to be disposed of as the legislature should direct. These lands, embracing seventy-two sections, amounting in the aggregate to 46,202.53 acres, were certified to the state December 19, 1856.

The act of the first general assembly, approved February 24, 1847, authorized the governor to appoint an agent to select the salt springs and the six sections of land contiguous thereto.

The legislature, by an act approved February 5, 1851, provided that these lands should be sold and the proceeds were to constitute a fund for the founding and supporting of a lunatic asylum. There appears to have been no sales made under this act. Several additional acts were passed by succeeding legis-

latures, providing for the sale and disposition of the saline lands, but it appears that no sales were made under any of these acts. The eighth general assembly passed an act, approved April 2, 1860, appropriating the Saline lands and funds to the state university of Iowa. The tenth general assembly passed an act approved March 25, 1864, authorizing the trustees of the state university to sell the saline lands, and placing the proceeds from the sales thereof under the control of the said trustees.

The thirteenth general assembly passed an act approved April 11, 1870, placing the saline lands under the control of the board of regents of the state university, and since then they have been under the control of that board.

All but 1,815.68 acres of the saline lands have been patented by the state.

### UNIVERSITY MORTGAGE LANDS.

These are the lands acquired by the foreclosure of mortgages given to secure loans of the university fund. The university now possesses 120 acres which were acquired by the foreclosure of mortgages.

### DONATED LANDS.

The donated lands are such as have either been donated direct to the university, or those which have been purchased with funds which were donated to the university. The university now owns 520 acres which were secured in this way.

During the biennial period the following tracts of University land was patented by the state.

PARTS OF SECTION.	Sec.				NAME OF PATENTEE.
	Sec.	Town.	Range.	Acres.	
APPAHOOSE COUNTY.					
s $\frac{1}{2}$ of ne $\frac{1}{4}$	20	70	16	80.00	George Drake.

The following tables show the several classes of lands belonging to the State University, and the quantities, which the records show are unpatented and unsold:

### UNIVERSITY LAND GRANT.

TABLE No. 8.

Showing for the biennial period ending June 30, 1901.

1. Total number of acres approved to the state.
2. Total number of acres patented.
3. Number of acres remaining unpatented.
4. Number of acres remaining unsold.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres remaining unpatented.	Number of acres remaining unsold.
Appaohose	640.00	640.00		
Boone	2,613.48	2,613.48		
Dallas	572.07	572.07		
Davis	1,297.36	1,297.36	80.00	80.00



TABLE No. 8—CONTINUED.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres remaining unpatented.	Number of acres remaining unsold.
Decatur.....	2,560.00	2,560.00	.....	.....
Hardin.....	10,325.54	10,145.54	180.00	180.00
Iowa.....	6,056.65	6,056.65	40.97	40.97
Lasper.....	4,611.35	4,611.35	.....	.....
Jefferson.....	1,280.00	1,280.00	.....	.....
Lucas.....	4,545.44	4,273.10	272.34	272.34
Polk.....	5,194.19	5,194.19	.....	.....
Scott.....	645.16	645.16	.....	.....
Story.....	5,221.40	5,221.40	.....	.....
Union.....	638.30	638.30	.....	.....
Wapello.....	1,920.00	1,920.00	80.00	80.00
Warren.....	3,218.00	3,148.00	80.00	80.00
Total.....	45,928.84	45,275.53	653.31	653.31

## SALINE LAND GRANT.

TABLE No. 9.

Showing for the biennial period ending June 30, 1901.

1. Total number of acres in the grant.
2. Total number of acres patented.
3. Number of acres remaining unpatented.
4. Number of acres remaining unsold.

COUNTIES.	Total number of acres in each county.	Total number of acres patented.	Number of acres remaining unpatented.	Number of acres remaining unsold.
Appanoose.....	13,660.28	11,744.60	1,135.68	1,050.00
Davis.....	6,600.00	6,600.00	40.00	40.00
Decatur.....	2,500.00	2,400.00	100.00	100.00
Lucas.....	25,701.40	25,471.40	330.00	100.00
Monroe.....	1,120.00	1,120.00	.....	.....
Van Buren.....	640.00	640.00	.....	.....
Wayne.....	2,490.79	2,330.79	160.00	100.00
Total.....	46,202.53	44,306.85	1,815.68	1,570.00

## UNSOLD UNIVERSITY LANDS.

The following descriptive lists of the unsold State University lands at the close of the biennial period ending June 30, 1901, was kindly furnished by Lovell Swisher, of Iowa City, treasurer of the State University, who has charge of the sale of these lands, under direction of the Board of Regents of said institution:

## UNIVERSITY LAND GRANT—UNSOLD.

TABLE No. 10.

PARTS OF SECTION.	Sec.	Town	Range	Acres.	IN WHAT COUNTY SITUATED.
ne ¼ of nw ¼.....	31	70	15	40.00	Davis.
nw ¼ of sw ¼.....	8	62	15	40.00	Davis.
se ¼ of nw ¼.....	10	10	19	40.00	Hardin.
ne ¼ of ne ¼.....	88	19	40.00	Hardin.	
e ¼ of se ¼ of ne ¼.....	88	19	20.00	Hardin.	
se ¼ of ne ¼.....	88	19	40.00	Hardin.	
ne ¼ of sw ¼.....	88	19	40.00	Hardin.	
ne ¼ of ne ¼.....	21	23	47.98	Lucas.	
nw ¼ of ne ¼.....	21	23	48.12	Lucas.	
nw ¼ of nw ¼.....	21	23	48.19	Lucas.	
sw ¼ of nw ¼.....	21	23	40.00	Lucas.	
sw ¼ of nw ¼.....	81	21	40.00	Iowa.	
ne ¼ of ne ¼.....	77	24	40.00	Warren.	
se ¼ of se ¼.....	28	77	24	40.00	Warren.
Total.....				653.31	

## SALINE LAND GRANT—UNSOLD.

TABLE No. 11.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
ne ¼ of ne ¼.....	21	70	16	40.00	Appanoose.
sw ¼ of se ¼.....	21	70	16	40.00	Appanoose.
ne ¼ of ne ¼.....	10	70	16	40.00	Appanoose.
nw ¼ of ne ¼.....	10	70	16	40.00	Appanoose.
sw ¼ of ne ¼.....	10	70	16	40.00	Appanoose.
se ¼ of ne ¼.....	10	70	16	40.00	Appanoose.
sw ¼ of nw ¼.....	10	70	16	40.00	Appanoose.
se ¼ of nw ¼.....	10	70	16	40.00	Appanoose.
ne ¼ of sw ¼.....	9	70	16	40.00	Appanoose.
sw ¼ of se ¼.....	9	70	16	40.00	Appanoose.
ne ¼ of se ¼.....	9	70	16	40.00	Appanoose.
nw ¼ of se ¼.....	1	69	17	40.00	Appanoose.
sw ¼ of ne ¼.....	1	69	17	40.00	Appanoose.
nw ¼ of se ¼.....	1	69	17	40.00	Appanoose.
ne ¼ of ne ¼.....	22	70	17	40.00	Appanoose.
se ¼ of se ¼.....	20	70	17	40.00	Appanoose.
nw ¼ of nw ¼.....	13	70	16	40.00	Appanoose.
nw ¼ of sw ¼.....	13	70	16	40.00	Appanoose.
sw ¼ of sw ¼.....	13	70	16	40.00	Appanoose.
sw ¼ of sw ¼.....	13	70	16	40.00	Appanoose.
sw ¼ of ne ¼.....	23	70	16	40.00	Appanoose.
se ¼ of ne ¼.....	23	70	16	40.00	Appanoose.
ne ¼ of ne ¼.....	25	70	17	45.69	Appanoose.
ne ¼ of se ¼.....	1	70	12	40.00	Davis.
sw ¼ of se ¼.....	28	69	24	40.00	Decatur.
nw ¼ of se ¼.....	28	69	24	40.00	Decatur.
sw ¼ of se ¼.....	33	69	24	40.00	Decatur.
se ¼ of sw ¼.....	9	72	21	40.00	Lucas.
se ¼ of sw ¼.....	9	72	21	40.00	Lucas.
nw ¼ of sw ¼.....	29	71	21	40.00	Wayne.
se ¼ of ne ¼.....	7	60	23	40.00	Wayne.
sw ¼ of ne ¼.....	7	60	23	40.00	Wayne.
sw ¼ of ne ¼.....	7	60	23	40.00	Wayne.
ne ¼ of sw ¼.....	7	60	23	40.00	Wayne.
Total.....				1,570.00	



## LANDS DONATED TO STATE UNIVERSITY—UNSOLD

TABLE No. 12.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	23	86	32	40.00	Calhoun.
se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	14	84	38	40.00	Crawford
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	22	86	14	40.00	Tama.
e $\frac{1}{2}$ of nw $\frac{1}{4}$ .....	25	100	25	80.00	Winnebago.
s $\frac{1}{2}$ of.....	30	95	35	320.00	Clay.
Total.....				520.00	

## LANDS ACQUIRED BY FORECLOSURE—UNSOLD.

TABLE No. 13.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	34	79	7	40.00	Johnson.
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	34	79	7	40.00	Johnson.
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	31	79	16	40.00	Poweshiek.
Total.....				120.00	

## RECAPITULATION OF UNSOLD UNIVERSITY LANDS,

	Acres.
University grant.....	653.31
Saline grant.....	1,570.09
Donated lands.....	520.00
By foreclosure.....	120.00
Aggregate unsold.....	2,863.40

## AGRICULTURAL COLLEGE LANDS.

The agricultural college lands were acquired by two congressional grants, by purchase, donation, and the foreclosure of mortgages given to secure loans of the college fund.

## FIVE SECTION GRANT.

Congress, by the act approved March 3, 1845, granted to the state of Iowa five sections of lands in Jasper county to aid in the erection of public buildings. The seventh general assembly, by the act approved March 22, 1858, provided for the establishment of an agricultural college and model farm, to be under the management of a board of trustees, and in section II thereof, appropriated the proceeds of the five section grant (provided congress should consent to the diversion), together with all lands which congress might thereafter grant to the state for the purpose contemplated by said act, for the benefit of the said college. On the 23d of March, 1858, the same general assembly passed a joint resolution asking the consent of congress to such diversion of the five section grant. In compliance with this request congress passed an act, approved July 11, 1862, authorizing the legislature of Iowa to make such disposition of the five section grant lands as the said legislature deemed for the best interests of the state. By these acts the five sections of land in Jasper county were fully appropriated for the benefit of the agricultural college, and were disposed of by the board of trustees of the said institution.

## AGRICULTURAL COLLEGE GRANT.

By the act, approved July 2, 1862, congress granted to each state a quantity of land equal to 30,000 acres for each senator and representative in congress to which the states were respectively entitled, for the purpose of establishing a college for the benefit of agricultural and mechanic arts. Under this grant Iowa was entitled to 240,000 acres of land. The ninth general assembly of Iowa, assembled in extra session, passed an act, approved September 11, 1862, accepting the grant and providing for the appointment of an agent to select and locate the said lands, such selections to be approved by the board of trustees of the agricultural college. The total amount of 240,000 acres of land was selected and approved to the state under this grant, but as 35,691.66 acres were double minimum railroad lands, being within the railroad limits, and were therefore accounted to the state at double their quantity, the actual quantity of land approved under the grant was only 204,309.30 acres.

These lands have been by the laws of the state placed under the control of the board of trustees of the agricultural college, authority also being given the said board to lease or sell the lands. The proceeds derived from the sale



or lease of the lands constitute a perpetual fund, the interest of which alone can be used for the support of the college. All but 2,336.02 acres of the lands acquired under this grant have been patented by the state.

#### THE "CUSEY PURCHASE" LANDS.

The lands purchased for the agricultural college come under the head of lands known as the Cusey purchase lands. These lands were located by John C. Cusey, agent for the agricultural college, with agricultural college scrip of other states, purchased with funds which had accumulated by reason of the interest paid in upon the leases of the lands acquired under the congressional grant. The lands were located by Mr. Cusey in his own name, and the United States patented the said lands direct to him. He, in turn, deeded the lands to the state of Iowa for the use of the agricultural college. All of the Cusey purchase lands, consisting of 15,013.18 acres, have been patented by the state.

#### DONATED LANDS.

The donated lands consist of lands which have been given direct to the state for the use of the agricultural college, or lands purchased with funds which have been donated to the said institution. There have been 1,578.88 acres of land so donated, of which 907 acres have been patented and the remainder constitutes a part of the grounds now occupied by the agricultural college. In addition to the above there have been donated two lots in Boonesboro, Boone county, and six lots and one block in new Philadelphia, Story county. Of these one lot in Boonesboro has been patented.

#### MORTGAGE LANDS.

These are lands acquired by foreclosure of mortgages given to secure loans of the college fund. One hundred and sixty acres of land have been acquired by the foreclosure of mortgages, and 120 acres of this amount have been patented by the state.

#### AGRICULTURAL COLLEGE GRANT.

TABLE No. 14.

Showing for the biennial period ended June 30, 1901.

1. Total number of acres in the grant.
2. Number of acres patented during the last two years.
3. Total number acres patented.
4. Number of acres remaining unpatented.

COUNTIES.	Total number acres in each county.	Total number of acres patented to June 30, 1901.	Number of acres patented during the last two years.	Number of acres remaining unpatented.
Buena Vista.....	5,837.58	5,837.58	.....	.....
Calhoun.....	3,068.86	3,068.86	160.00	.....
Cherokee.....	2,249.62	2,249.62	.....	.....
Clay.....	8,719.42	8,719.42	480.00	.....
Dickinson.....	5,159.67	5,159.67	160.00	.....

TABLE No. 14—CONTINUED.

COUNTIES.	Total number acres in each county.	Total number of acres patented to June 30, 1901.	Number of acres patented during the last two years.	Number of acres remaining unpatented.
Emmet.....	16,648.00	16,328.99	435.91	320.00
Greene.....	4,178.65	4,178.65	160.00	.....
Hamilton.....	2,481.50	2,481.50	.....	.....
Humboldt.....	2,063.13	2,847.11	80.00	216.02
Ida.....	8,328.87	8,208.87	.....	120.00
Kossuth.....	84,198.29	83,678.29	2,218.32	520.00
Lyon.....	1,120.00	680.00	.....	440.00
O'Brien.....	1,600.00	1,600.00	.....	.....
Palo Alto.....	27,718.14	27,078.14	160.00	640.00
Plymouth.....	3,842.60	3,842.60	160.00	.....
Pocahontas.....	3,549.04	3,549.04	160.00	.....
Sac.....	640.00	640.00	.....	.....
Sioux.....	1,280.00	1,280.00	.....	.....
Webster.....	3,249.72	3,249.72	160.00	.....
Winnebago.....	2,429.75	2,429.75	80.00	.....
Woodbury.....	10,103.46	10,023.46	235.52	80.00
Worth.....	196.56	196.56	.....	.....
Wright.....	4,645.45	4,645.45	.....	.....
Total.....	204,309.30	201,973.28	4,649.75	2,336.02

#### COLLEGE LANDS—CUSEY PURCHASE.

TABLE No. 15.

The following statement shows:

1. Total quantity in purchase, naming the counties in which the selections were made.
2. Total number of acres patented.
3. Number of acres patented during last two years.

COUNTIES.	Total number of acres located in each county.	Total number of acres patented	Number of acres patented during the last two years.
Buena Vista.....	2,880.00	2,880.00	320.00
Cherokee.....	2,400.00	2,400.00	.....
Dickinson.....	1,760.00	1,760.00	.....
Lyon.....	7,200.00	7,200.00	320.00
Plymouth.....	320.00	320.00	.....
Sioux.....	453.18	453.18	453.18
Total.....	15,013.18	15,013.18	1,093.18



## DONATION FUND LANDS.

TABLE No. 16.

Giving a list of the lands donated to the state of Iowa for the benefit of the Iowa Agricultural College and Farm.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	GRANTOR.
<b>BOONE COUNTY.</b>					
w ½ of nw ¼	11	84	25	20.00	R. K. Weston.
sw ¼ of se ¼	9	84	26	40.00	Shallum Thomas.
n ½ of nw ¼ of se ¼	36	84	25	20.00	Peter McNeerney.
e ½ of sw ¼	13	84	20	80.00	Harvey Lowellen.
se ¼ of ne ¼	8	82	25	40.00	Richard A. Ballinger.
w ½ of ne ¼	35	84	28	80.00	John A. McFarland.
<b>STORY COUNTY.</b>					
e ½ of w fr. ½	4	83	24	120.00	Lewis Badger.
w ½ of sw ¼	5	83	24	80.00	Henry McCarthy.
se ¼	4	83	24	160.00	Henry McCarthy.
w ½ of ne ¼	4	83	24	49.88	Samuel Lather.
e ½ of sw ¼ and nw fr. ¼	3	83	20		
e fr. ½ of ne ¼	4	83	24	228.04	Absalom Cooper.
nw ¼ of nw ¼	25	83	24	40.00	Shadrack Worrell.
se ¼ of sw ¼ (except 10 acres) and 10 acres	10	83	24	40.00	W. J. Graham.
in sw ¼ of ne ¼	14	83	24	20.00	S. M. Cory.
s ½ of se ¼ of nw ¼	14	83	24	20.00	James Briley.
In nw ¼ of se ¼ (timber reserved by grantor)	2	83	24	1.00	Samuel Hiestand.
n ½ of se ¼ of se ¼	2	83	24	80.00	Jacob Erb.
e ½ of ne ¼	9	83	23	40.00	A. Beedle.
se ¼ of nw ¼	17	83	24	10.00	James A. Worrell.
On n end of w ½ of se ¼	30	84	24	20.00	Frederick Eckham.
n ½ of ne ¼ of ne ¼	19	84	24	20.00	Henry Cameron.
n ½ of ne ¼ of ne ¼	30	84	24	20.00	James Cassteel.
nw ¼ of ne ¼	28	84	24	40.00	Thomas F. Jones.
n ½ of sw ¼	4	83	24	10.00	Thomps F. Jones.
Also off of s and of w ½ of nw fr. ¼	10	83	24	10.00	Mary C. Kintzley.
ne ¼ of se ¼ of sw ¼	11	83	24	20.00	Ira H. Reese.
e ½ of sw ¼ of nw ¼	19	84	24	20.00	John Zenor.
Off of s end of sw ¼ of nw fr. ¼	10	83	24	80.00	Morgan Kettner.
e ½ of se ¼	34	83	24	15.00	Ira E. Hopkins.
Off n end of w ½ of se ¼					
<b>STORY.</b>					
nw ¼ of ne ¼	15	83	24	40.00	Cyrus Simmons.
off e side of se ¼ of ne ¼	31	83	23	25.00	Adam Grove.
off e side of se ¼ of se ¼	31	84	24	10.00	A. Kintzley.
off n end of ne ¼	18	83	24	40.00	Calvary Ross.
In se ¼ of ne ¼	10	83	24	10.00	G. W. Kethum.
Total				1,578.88	

In addition to the above there have been donated to the agricultural college, as before stated, two lots in Boonsboro, Boone county, and six lots and one block in New Philadelphia, Story county, Iowa.

## MORTGAGE LANDS.

TABLE No. 17.

Giving a description of lands obtained by foreclosure of Endowment Fund Loans.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	COUNTY.
8½ of se ¼	22	60	31	80	Ringgold.
se ¼ of sw ¼	22	60	31	40	Ringgold.
sw ¼ of sw ¼	13	79	24	40	Polk.
Total				160	

## COLLEGE GROUNDS.

TABLE No. 18.

Giving a description of lands donated to the Agricultural College and now occupied as the College farm in Story county.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.
e ½ of w ½	4	N	W	
w ½ of sw ¼	4	83	24	129.96
se ¼	4	83	24	160
w ½ of ne ¼	4	83	24	49.88
e ½ of sw ¼ and nw fractional ¼	4	83	24	228.04
e fr. ½ of ne ¼	4	83	24	
commencing at nw corner of e ½ of nw fractional ¼ of section 4, township 83, range 24, and thence w 4.96 chains, thence s 20.10 chains, thence e 4.96 chains and thence n to place of beginning				10
w ½ of se ¼	33	84	24	80
se ¼ of sw ¼ (except w ½ of w ½ same)	33	84	24	80
ne ¼ of sw ¼ (except w ½ of sw ¼ same)	33	84	24	35
n ½ of ne ¼ of nw ¼ of sw ¼	33	84	24	5
e ½ of nw ¼	33	84	24	40
sw ¼ of nw ¼ (except w ½ of sw ¼ of same)	33	84	24	35
also a small tract of 5 or 6 acres south of railroad in sw ¼ (description unknown)				5
Total				887.88

## AGRICULTURAL COLLEGE GRANT—LANDS PATENTED.

TABLE No. 19.

Giving a description of the Agricultural College Grant lands patented during the biennial period ending June 30, 1901, with name of patentee and date of patent.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.	DATE OF PATENT.
<b>CALHOUN COUNTY.</b>						
ne ¼	8	89	31	160.00	James Braginton	Oct. 13, 1900
<b>CLAY COUNTY.</b>						
ne ¼	34	94	36	160.00	A. E. Myers	June 1, 1901
sw ¼	1	95	36	160.00	S. Francis Davenport	Dec. 29, 1899
sw ¼	3	96	36	160.00	James Elder	May 15, 1900
Total				480.00		
<b>DICKINSON COUNTY.</b>						
sw ¼	17	98	36	160.00	David Gish	Dec. 18, 1900
<b>ENMET COUNTY.</b>						
w ½	26	99	33	320.00	Archie Pierce	Aug. 14, 1900
ne ¼	8	100	34	115.91	S. Jennie Lyons	March 20, 1901
Total				435.91		
<b>GREENE COUNTY.</b>						
ne ¼	24	85	31	160.00	J. F. Gallup	Nov. 22, 1899
<b>HUMBOLDT COUNTY.</b>						
n ½ of sw ¼	15	93	27	80.00	Dietrick Marty	Oct. 13, 1900
<b>KOSSUTH COUNTY.</b>						
ne ¼	26	95	27	160.00	Archibald N. Mitchell	Feb. 18, 1901
sw ¼	36	95	27	160.00	Charles T. Simpson	Dec. 6, 1899
w fr. ½ of sw ¼	30	95	27	83.43	William H. Godfrey	Aug. 14, 1900
e ½ of sw ¼	30	95	27	80.00	William H. Godfrey	June 11, 1900



TABLE No. 19—CONTINUED.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF GRANTEE.	Date of Patent.
<b>KOSSUTH COUNTY—CON.</b>						
sw $\frac{1}{4}$ .....	31	95	27	166.81	Olliver C. McIntosh.....	May 15, 1900
w $\frac{1}{2}$ of se $\frac{1}{4}$ .....	23	95	27	80.00	Fred Reibsmann.....	Jan. 14, 1901
se $\frac{1}{4}$ .....	25	95	27	160.00	Jacob Harig.....	June 11, 1900
nw $\frac{1}{4}$ .....	35	95	28	160.00	B. F. Ross.....	May 15, 1900
se $\frac{1}{4}$ .....	34	95	28	160.00	Daniel J. Davidson.....	Nov. 15, 1899
nw $\frac{1}{4}$ .....	34	95	28	160.00	James E. Cain.....	Dec. 29, 1899
nw $\frac{1}{4}$ .....	14	98	29	160.00	John Wingerl.....	Dec. 18, 1900
w $\frac{1}{2}$ of se $\frac{1}{4}$ .....	64	98	30	80.00	Henry Bell.....	Oct. 13, 1900
w $\frac{1}{2}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	1	98	30	128.05	Michael Bonstetter.....	Oct. 13, 1900
sw $\frac{1}{4}$ .....	1	98	30	160.00	Michael Luick.....	Dec. 13, 1900
se $\frac{1}{4}$ .....	2	98	30	160.00	John Swanson.....	June 12, 1901
					George C. Frisby.....	June 26, 1901
Total.....				2,218.32		
<b>PALO ALTO COUNTY.</b>						
ne $\frac{1}{4}$ .....	30	96	33	160.00	Thomas and Charles Mc-Donagh.....	Feb. 18, 1901
<b>PLYMOUTH COUNTY.</b>						
sw $\frac{1}{4}$ .....	22	90	46	160.00	Malvina E. Kremer.....	Feb. 9, 1901
<b>POCAHONTAS COUNTY.</b>						
nw $\frac{1}{4}$ .....	32	90	31	160.00	Michael O'Boyle.....	Feb. 9, 1901
<b>WEBSTER COUNTY.</b>						
se $\frac{1}{4}$ .....	30	89	30	160.00	John W. Hagans.....	Feb. 2, 1900
<b>WINNEBAGO COUNTY.</b>						
s $\frac{1}{2}$ of nw $\frac{1}{4}$ .....	28	99	23	80.00	N. E. Charlson.....	March 13, 1900
<b>WOODBURY COUNTY.</b>						
w $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	6	86	44	75.52	Peter Burkhart.....	Dec. 18, 1900
n $\frac{1}{4}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	36	87	45	120.00	R. C. Rice.....	Nov. 5, 1900
nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	36	87	45	40.00	W. A. Smith.....	Jan. 14, 1901
Total.....				235.52		
Total for biennial period.....				4,649.75		

## AGRICULTURAL COLLEGE LANDS—CUSEY PURCHASE.

TABLE No. 20.

Giving a description of the Cusey purchase lands patented during the biennial period ending June 30, 1901, with name of patentee and date of patent.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.	Date of patent.
<b>BURNA VISTA COUNTY.</b>						
s $\frac{1}{4}$ .....	26	93	36	320.00	Samuel Parker and F. G. Tinknell.....	March 13, 1900
<b>LYON COUNTY.</b>						
e $\frac{1}{2}$ .....	32	100	48	320.00	Fred Frisbee.....	Aug. 14, 1900
<b>SIoux COUNTY.</b>						
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$ , lots 1, 2, 3 and 4.....	7	97	48	264.02	Ruby L. Keep.....	Sept. 1, 1900.
Lots 1 and 2.....	17	97	48	93.39	Ruby L. Keep.....	Sept. 1, 1900.
Lots 1, 2 and 3.....	18	97	48	95.77	Ruby L. Keep.....	Sept. 1, 1900.
Total.....				453.18		
Total for biennial period.....				1,093.18		

## MORTGAGE LANDS.

TABLE No. 21

Giving a description of the lands obtained by foreclosure of endowment fund loans and patented during the biennial period ending June 30, 1901, with name of patentee and date of patent.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	NAME OF PATENTEE.	Date of patent.
<b>RINGGOLD COUNTY.</b>						
s $\frac{1}{2}$ of se $\frac{1}{4}$ .....	22	69	31	80.00	J. H. Hooker.....	July 29, 1900
se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....				40.00	J. H. Hooker.....	July 29, 1900
Total.....				120.00		

## AGRICULTURAL COLLEGE LANDS—UNPATENTED.

TABLE No. 22.

Giving herewith a descriptive list of the Agricultural College lands remaining unpated at the close of the biennial period ending June 30, 1901, with the lease number and the counties in which the lands are situated.

Number of lease.	PARTS OF SECTION.	Section.	Town.	Range.	Acres.	COUNTY.
61	se $\frac{1}{4}$ .....	4	93	27	160.00	Humboldt.
1,452	se $\frac{1}{4}$ .....	1	98	27	160.00	Kossuth.
1,663	sw $\frac{1}{4}$ .....	1	96	31	160.00	Palo Alto.
1,709	sw $\frac{1}{4}$ .....	26	98	28	160.00	Kossuth.
1,744	sw $\frac{1}{4}$ .....	22	96	31	160.00	Palo Alto.
1,812	nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	4	93	27	56.12	Humboldt.
1,842	e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	0	86	44	80.00	Woodbury.
1,945	se $\frac{1}{4}$ .....	1	98	30	160.00	Kossuth.
2,005	se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	22	66	31	40.00	Kossuth.
2,010	ne $\frac{1}{4}$ .....	32	100	34	160.00	Emmet.
2,028	ne $\frac{1}{4}$ .....	32	100	34	160.00	Emmet.
2,029	se $\frac{1}{4}$ .....	36	99	45	80.00	Lyon.
2,056	se $\frac{1}{4}$ .....	21	99	48	40.00	Lyon.
2,070	e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	21	99	48	80.00	Lyon.
2,071	ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	28	99	48	160.00	Lyon.
2,096	nw $\frac{1}{4}$ of se $\frac{1}{4}$ , and s $\frac{1}{2}$ of se $\frac{1}{4}$ .....	4	86	41	120.00	Ida.
2,097	se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	30	97	28	149.67	Kossuth.
Total.....					2,336.02	
*Unleased—nw $\frac{1}{4}$ .....						

\*In conflict with swamp title.

The northwest fractional  $\frac{1}{4}$  of section 30, township 97 north, of range 28 west, containing 149.67 acres, was selected for the state of Iowa by the duly authorized agent of the state, in pursuance of the act of Congress, approved July 2, 1862, entitled: "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture," etc., the said tract being subject to be selected for said purpose and found free from conflict. The selection was approved by the secretary of the interior, December 13, 1864.



On November 6, 1865, the United States patented said tract to the state of Iowa, under the swamp land indemnity act of March 2, 1855, and the state did, on the 22d day of November, 1865, patent the same to Mahaska county, in pursuance of the said act of March 2, 1855.

### SWAMP LAND GRANT.

Congress, by the act approved September 28, 1850, granted to the state of Arkansas and other states all the Swamp and Overflowed lands within their limits, made unfit thereby for cultivation, which remained unsold at that date, and provided that the secretary of the interior should make accurate lists and plats of such lands, transmit the same to the governors of the respective states, and upon the request of the said governors issue patents therefor; the patent to vest in the states the fee simple title to said lands subject to the disposal of the legislatures of said states. This act further provided that the lands and proceeds thereof were to be applied to the purpose of reclaiming the said lands by means of levees and drains. The act also defined the said lands to be all legal subdivisions of the public lands the greater part of which were wet and unfit for cultivation.

The department of the interior decided originally that this act was not a present grant, and did not apply to the land until it was selected and reported to the proper officer for approval, and that the title thereto did not vest in the state until the patent was issued. This was the construction of the act held by the secretary of the interior up to December 23, 1851, when he reversed his decision and held that the act of September 28, 1850, was a grant *in presenti*. This was undoubtedly the correct construction. The act, being a grant *in presenti*, conveyed to the state at the time of its passage all lands coming within the description of the grant.

In spite of this decision, however, the common system of selling and locating the public lands at the various government land offices in the state continued in full operation. Thousands of entries and locations of lands were made, which were afterwards selected and claimed as swamp lands. The government having parted with her right to said lands under the swamp land grant certainly had no right to dispose of them a second time. Something had to be done to put an end to this difficulty. Either the government had to withdraw all government lands in the state from sale until the swamp land selections were completed, and all entries made since September 28, 1850, be declared void, or some means be provided by congressional action for the relief of the purchasers and locators. The situation was finally clarified by the act of congress approved March 2, 1855. This act provided that the purchasers of the swamp lands from the government should have patents for the same, and that the state should receive the purchase money for such tracts of land entered with cash, and, for such lands as had been located with warrant or scrip, should be authorized to locate a like amount on any public lands subject to entry, at \$1.25 per acre, or less, and receive patents therefor. Congress passed an act, approved March 3, 1857, continuing the act of March 2, 1855, in force up to that date and confirming all selections of swamp and overflowed lands that had been made and



reported to the commissioner of the general land office, and also providing that they should be approved and patented to the state, except such tracts as had been disposed of for cash, warrant, or scrip.

By the act approved March 2, 1860, congress limited the time for selecting the swamp and overflowed lands to two years from the adjournment of the next legislature after said act, as to lands that had already been surveyed, and as to lands that had not been surveyed placed the time limit to within two years from the adjournment of the legislature after the secretary of the interior had notified the governor of the state that the surveys had been completed.

The following is a synopsis of the legislation of the state relative to the Swamp Land Grant:

The third general assembly passed an act, approved February 5, 1851, authorizing the commissioner of the state land office to take such steps as he should think necessary to secure the swamp and overflowed lands to the state; to sell the same, and, after defraying the expenses of selecting and reclaiming, to pay the balance into the state treasury. The act also authorized the governor to discharge the duties of the commissioner until such commissioner could be elected and qualified.

The fourth general assembly, by an act approved January 12, 1853, granted these lands to the several counties, and provided that the counties should carry out the provisions of the grant relative to the protection and reclamation of the swamp lands. The same general assembly passed an act, approved January 24, 1853, providing that the selecting agent should report to the secretary of state and that the secretary of state should forward the said report to the surveyor general.

The fifth general assembly passed an act, approved January 25, 1855, authorizing the governor to draw from the United States the swamp indemnity money, and also to take such steps as he thought best to secure the swamp lands to the state. Another act passed by the same general assembly and approved the same day, provided that the swamp lands in the unorganized counties should not be disposed of until title was perfected in the state; when the title was perfected it would then be transferred to such counties provided they refund to the state the expenses of selecting such lands. The act also authorized organized counties to apply the proceeds of irreclaimable lands to the erection of public buildings, that the drainage commissioner in such cases should pay over the proceeds to the county treasurer, and that the swamp lands should not be sold for less than \$1.25 per acre.

Another act approved the 25th of January, 1855, provided for preventing waste or trespass on swamp lands.

The act approved July 15, 1856, provided that swamp land funds should be paid into the county treasury, and were to be paid out only on the order of the county judge and swamp land commissioner. The act also provided for the loaning of the swamp land fund.

The sixth general assembly passed an act, approved January 24, 1857, repealing all laws granting pre-emption rights on swamp lands.

By an act, approved January 27, 1858, the general assembly authorized the governor to appoint an agent to go to Washington for the purpose of effecting a settlement of the swamp land matters with the United States, also

to appoint two more agents to complete selections in unorganized counties. The act further provided for the expenses and for refunding the same to the state with interest.

The same general assembly passed another act, approved March 22, 1858, authorizing the counties to use the proceeds of the swamp lands for the erection of buildings for educational purposes, and building roads, bridges, and railroads, after the question had been voted on by the people; also providing that the lands might be sold for the purposes mentioned, the purchaser taking them on the conditions of the grant of September 28, 1850, and releasing the state and county from all liability.

Another act, passed by the same general assembly and approved the same day, extended the time for proving up and perfecting pre-emptions to persons who had valid claims on September 5, 1857.

The act approved April 2, 1860, amended the act approved January 25, 1855, relating to trespass and waste on the swamp lands of the state.

The eighth general assembly, assembled in extra session, also passed an act, approved May 28, 1861, giving control of the swamp lands in the several counties of the state to the board of supervisors.

The act, approved 1862, amended the act approved March 22, 1858, by further giving the county authorities power to devote the proceeds of these lands to the permanent school fund.

The act of April 8, 1862, provided for the appointment of general agents by the governor to settle swamp land matters with the commissioner of the general land office, fixed their compensation and the method of paying same by the counties; provided for the reception and location of swamp land indemnity scrip; required the locating agent to report to state land office; provided for appointment of special county agents to settle with the commissioner of the general land office, and authorized them to receive the proceeds of such settlement for their respective counties, the costs and expenses to be paid by the counties; provided that the swamp land indemnity money when received should be paid into the state treasury and only paid out to the authorized agent of the county.

The tenth general assembly passed an act, approved March 22, 1864, which provided that the board of supervisors might have the swamp lands appraised, and that they might sell the same at public or private sale for not less than the appraisement.

The act, approved March 30, 1866, appointed Hon. Josiah A. Harvey a commissioner to adjust the swamp land matters with the general government, compensation to be \$2.00 per day and expenses.

The act of April 7, 1868, increased the compensation of Mr. Harvey to \$5.00 per day and expenses, and provided for the filling of the vacancy should the position from any cause become vacant. Mr. Harvey made two reports to the governor while acting as such commissioner, the last one under date of March 14, 1872. He resigned the office, and was succeeded by John Cleg-horn, who entered upon the discharge of the duties of the office, May 28, 1872, and held the same until it was abolished by the act approved March 18, 1874.

The seventeenth general assembly passed an act, approved March 25, 1878, authorizing the state treasurer to pay over the swamp land indemnity fund of each county to the county treasurer, and to take receipts therefor.



The act also authorized the board of supervisors to make such disposition of said money as should be just and for the best interests of the county.

The nineteenth general assembly passed an act, approved March 25, 1882, authorizing the boards of supervisors of the various counties to sell the indemnity swamp land to the highest bidder where the title to the same is vested in said counties.

The twenty-fourth general assembly passed an act amending the act of the nineteenth general assembly providing for the sale of the indemnity swamp lands at public sale.

The twenty-eighth general assembly passed an act, approved April 6, 1900, repealing the section IX of the acts of the ninth general assembly, chapter 160, and providing for the payment by the treasurer of state of swamp land indemnity money direct to the county authorities.

The act of congress, September 28, 1850, making the swamp land grant, required the secretary of the interior to make out lists and plats of the swamp and overflowed lands in the various states and transmit them to the respective governors thereof. The secretary of the interior never furnished such lists and plats for Iowa. He permitted the state through its agents to ascertain in the field which were the swamp and overflowed lands. The selections for Iowa were made by the said agents, who were appointed by the governor. They followed the forms and instructions provided by the secretary of the Interior, and forwarded the lists of selections to the said department. While some of the lists were awaiting the action of the department, the commissioner of the general land office, on June 23, 1860, changed the forms and instructions relative to the preparing and certification of the said lists. As a result of this order the selections of several of the counties of the state were rejected. The state contended that the lists were prepared and certified in good faith according to the forms and instructions of the department at the date they were filed, but the commissioner of the general land office insisted that the lists should be changed so as to conform with the requirements of his order of June 23, 1860, before the department would consider them again. This was a matter of contention between the state and government authorities for several years. Congress finally settled the matter by passing the act approved March 5, 1872, which provided that the commissioner of the general land office should receive and examine the selections of swamp lands in the said counties and allow or disallow said selections according to the acts of congress in relation thereto at the time such selections were made.

The agents appointed to make the selections of swamp and overflowed lands within the state selected many tracts of land which were within the limits of the railroad grants. These tracts of land were claimed by the railroad companies under their grants, and they succeeded in getting the commissioner of the general land office to certify most of the disputed tracts of land to the state for the aid of their respective roads. The commissioner acted in accordance with the decision of the secretary of the interior, given February 8, 1860. This decision required the commissioner to determine from the records and files of the general land office whether these lands passed to the state under the swamp land grant or not; in other words, if the original field notes of survey in the said land office showed the said tracts of land to be swampy, then they were to be certified as swamp lands, if not, then they were to be certified as railroad lands. The state protested

against this action, but to no effect. The state contended for many years that this was unfair, owing to the loose and careless way in which the said surveys were made in the western states. But in spite of all protests the commissioner of the general land office continued to certify tracts of land selected as swamp land to the state under the railroad grants. There have been over 500,000 acres of such land certified under these grants. The claims of the state as to the swampy character of a large amount of the above lands so certified has been established; but the department of the interior holds that, when it conveys lands by certificate under one grant, the title then has passed from under its jurisdiction, and it refuses to reconsider its action and convey under another grant.

#### PRESENT STATUS OF SWAMP LAND GRANT.

Since the date of the Swamp Land Grant, September 28, 1850, about 4,571,735 acres of swamp and overflowed lands have been selected in the state. The department of the interior has held that a large amount of this was not of the character defined and granted by the act of 1850. The state has acquired 868,615 acres of swamp land in place, and 321,845 acres of indemnity swamp land; and has received cash indemnity for about 465,000 acres. In other words the state has received in lands and cash only 1,655,460 acres out of the 4,571,735.94 acres selected.

The following statement, furnished by the commissioner of the general land office, shows the status of the swamp land grant accounted to the state of Iowa, by the general government:

1. Total quantity of swamp lands in place and swamp land cash and lands indemnity, in Iowa, selected, approved, and patented, from September 28, 1850 to June 30, 1901:

Selected.....	4,571,735.94 acres
Approved—lands in place.....	939,161.40 acres
Patented—lands in place.....	868,615.78 acres
Approved—cash indemnity.....	\$ 581,091.86
Approved—land indemnity.....	341,632.97 acres
Patented—indemnity lands.....	321,845.23 acres

2. Total quantity of swamp land selections rejected from July 1, 1899, to June 30, 1901, 82,360.00 acres.

3. Total quantity of swamp land selections remaining unadjusted on June 30, 1899:

Swamp lands in place claims.....	(not compiled)
Swamp lands indemnity claims.....	987,951.20 acres

The above data is extracted from the advance copy of the report for the fiscal year ending June 30, 1901, now in course of preparation by the commissioner of the general land office.

#### SWAMP LANDS PATENTED.

During the last biennial period, 938.56 acres of swamp lands in place have been patented to the state, all of which have been patented by the state to the counties entitled thereto. The following is a descriptive list of the lands so patented:



TABLE No. 23.

Giving a descriptive list of swamp lands patented during the biennial period ending June 30, 1901; also county in which located.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	In what county situated.
ne ¼ of nw ¼.....	17	97	35	40.00	Clay.
Lots 7, 8, 9 and 10.....	25	97	35	136.00	Clay.
Lot 8.....	30	97	35	14.22	Clay.
nw ¼ of nw ¼.....	31	93	2	40.00	Clayton.
Round Island In.....	23	81	6E	4.63	Clinton.
Round Island In.....	20	81	7E	50.45	Clinton.
Island In.....	29	81	7E	15.00	Clinton.
w ½ of ne ¼, nw ¼ of se ¼, ne ¼ of sw ¼.....	35	93	25	80.00	Humboldt.
nw ¼ of ne ¼, se ¼ of ne ¼.....	29	97	34	25.07	Palo Alto.
Lots 12 and 13.....	30	97	34	270.22	Palo Alto.
Lots 4, 7, 8, 9, 10, 11, 14, and 15.....	22	91	34	40.00	Pocahontas.
se ¼ of ne ¼.....	21	100	24	40.00	Winnemago.
sw ¼ of sw ¼.....	21	100	24	40.00	Winnemago.
Total.....				938.56	

The following special swamp land indemnity certificates (or scrip) are deposited in this office, which authorize the location of 12,727.22 acres as lands in lieu of swamp lands located with land warrants or scrip in the following counties, to-wit:

	ACRES.
Greene county (certificate No. 91).....	10,658.22
Guthrie county (certificate No. 94).....	1,840.00
Marion county (certificate No. 16).....	120.00
Chickasaw county (supplemental certificate No. 33).....	109.00

The several counties credited with these certificates are entitled to the indemnity, but the location of these certificates is confined to vacant lands within the state of Iowa subject to sale at \$1.25 per acre. As there are no lands in the state upon which these certificates can be located, congress should either allow the locations outside of the state of Iowa, or provide for payment of the indemnity due the state in cash.

## SWAMP LAND CASH INDEMNITY.

TABLE No. 24.

Giving the settlement of cash indemnity claims of the state of Iowa, during the period from July 1, 1899, to June 30, 1901. The tracts on which indemnity has been paid are situated in thirteen different counties as follows:

COUNTY.	DATE OF APPROVAL.	ACRES.	AMOUNT.
Bremer.....	Feb. 15, 1900.....	1,314.39	\$ 1,612.98
Bremer.....	April 24, 1900.....	2,046.70	2,558.37
Clinton.....	Dec. 26, 1899.....	9.99	12.48
Dallas.....	March 24, 1900.....	80.00	100.00
Delaware.....	March 24, 1900.....	3,531.30	4,311.67
Hamilton.....	April 23, 1900.....	3,997.90	4,997.37
Hardin.....	May 15, 1900.....	405.23	506.53
Howard.....	May 14, 1900.....	422.95	528.68
Humboldt.....	Dec. 20, 1900.....	40.00	50.00
Marshall.....	Dec. 26, 1899.....	40.00	50.00

TABLE No. 24—CONTINUED.

COUNTY.	DATE OF APPROVAL.	ACRES.	AMOUNT.
Muscataine.....	Oct. 5, 1900.....	491.35	574.15
Poweshiek.....	March 8, 1900.....	4,457.09	5,571.35
Wapello.....	May 14, 1900.....	695.37	869.20
Webster.....	May 22, 1901.....	961.51	1,202.88
Webster.....	June 6, 1901.....	6,630.91	8,240.27
Wright.....	June 15, 1901.....	734.11	930.23
Total.....		25,888.80	\$ 32,388.38

The following lists, furnished by the commissioner of the general land office, show the swamp lands, on which indemnity has been paid during the biennial period ending June 30, 1901.

TABLE No. 25.

Lists of lands on the basis of which swamp land cash indemnity has been paid to the state of Iowa, during the period from July 1, 1899, to June 30, 1901.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
BREMER COUNTY—APPROVED FEBRUARY 15, 1900.						
ne ¼ of ne ¼.....	5	91	11	41.58	\$ 1.25	\$ 51.97
sw ¼ of sw ¼.....	18	92	11	31.81	1.25	39.77
nw ¼ of se ¼.....	32	92	11	40.00	1.25	50.00
sw ¼ of ne ¼, se ¼ of nw ¼, se ¼ of sw ¼, w ½ of se ¼.....	9	91	12	200.00	1.25	250.00
nw ¼ of se ¼.....	28	91	12	80.00	1.25	100.00
sw ¼ of ne ¼, nw ¼ of se ¼.....	2	92	12	80.00	1.25	100.00
se ¼ of se ¼.....	11	92	12	40.00	1.25	50.00
ne ¼ of ne ¼, sw ¼ of se ¼.....	32	92	12	80.00	1.25	100.00
nw ¼ of nw ¼, sw ¼ of nw ¼.....	7	93	12	81.00	1.25	101.25
ne ¼ of se ¼.....	19	93	12	40.00	1.25	50.00
nw ¼ of ne ¼.....	18	93	12	40.00	1.25	50.00
se ¼ of ne ¼.....	19	93	12	40.00	1.25	50.00
se ¼ of sw ¼, sw ¼ of se ¼.....	20	92	12	80.00	1.25	100.00
se ¼ of ne ¼.....	28	93	12	40.00	1.25	50.00
nw ¼ of ne ¼, nw ¼ of se ¼.....	35	93	12	120.00	1.25	150.00
se ¼ of nw ¼.....	12	91	13	40.00	1.25	50.00
sw ¼ of nw ¼.....	35	92	13	40.00	1.25	50.00
sw ¼ of ne ¼.....	25	91	14	40.00	1.25	50.00
nw ¼ of se ¼.....	33	91	14	40.00	1.25	50.00
ne ¼ of se ¼.....	4	92	14	40.00	1.25	50.00
se ¼ of ne ¼.....	17	92	14	40.00	1.25	50.00
sw ¼ of se ¼.....	21	92	14	40.00	1.25	50.00
Total.....				1,314.39		\$ 1,642.98

BREMER CO., NO. 2—APPROVED APRIL 24, 1900.						
sw ¼ of ne ¼, nw ¼ of se ¼.....	15	91	11	80.00	1.25	100.00
ne ¼ of se ¼.....	22	91	11	40.00	1.25	50.00
e ¼ of ne ¼.....	2	92	11	95.16	1.25	118.95
sw ¼ of ne ¼.....	7	92	11	35.55	1.25	38.18
ne ¼ of se ¼.....	24	92	11	40.00	1.25	50.00
ne ¼ of se ¼.....	32	92	11	40.00	1.25	50.00
se ¼ of sw ¼.....	5	93	11	40.00	1.25	50.00
sw ¼ of nw ¼.....	10	93	11	40.00	1.25	50.00
nw ¼ of nw ¼, se ¼ of nw ¼.....	29	93	11	40.00	1.25	50.00
ne ¼ of nw ¼.....	32	93	11	40.00	1.25	50.00
nw ¼ of nw ¼.....	12	91	12	40.00	1.25	50.00
ne ¼ of nw ¼.....	15	91	12	40.00	1.25	50.00
ne ¼ of sw ¼.....	20	91	12	40.00	1.25	50.00
ne ¼ of ne ¼, se ¼ of sw ¼.....	23	91	12	80.00	1.25	100.00
ne ¼ of se ¼.....	30	91	12	40.00	1.25	50.00
ne ¼ of se ¼, se ¼ of se ¼.....	14	93	12	80.00	1.25	100.00



TABLE No. 25—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
BREMNER COUNTY—CONTINUED.						
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	27	N. W.	12	40.00	1.25	50.00
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	30	12	40.46	1.25	50.58	
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of nw $\frac{1}{4}$	32	12	120.00	1.25	150.00	
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	33	13	40.00	1.25	50.00	
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	2	12	40.00	1.25	50.00	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of sw $\frac{1}{4}$	13	13	80.00	1.25	100.00	
se $\frac{1}{4}$ of nw $\frac{1}{4}$	20	13	40.00	1.25	50.00	
nw $\frac{1}{4}$ of ne $\frac{1}{4}$	35	13	40.00	1.25	50.00	
n $\frac{1}{4}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of ne $\frac{1}{4}$	1	13	50.00	1.25	62.50	
w $\frac{1}{2}$ of	3	13	147.35	1.25	184.19	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	10	13	320.00	1.25	400.00	
se $\frac{1}{4}$ of sw $\frac{1}{4}$	15	13	40.00	1.25	50.00	
se $\frac{1}{4}$ of sw $\frac{1}{4}$	11	13	40.00	1.25	50.00	
se $\frac{1}{4}$ of se $\frac{1}{4}$	19	13	40.00	1.25	50.00	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	20	13	40.00	1.25	50.00	
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	31	13	40.00	1.25	50.00	
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	24	13	40.00	1.25	50.00	
Total				2,046.70		\$2,558.37
CLINTON COUNTY—APPROVED DECEMBER 26, 1899						
lot on island in Mississippi river in nw $\frac{1}{4}$	21	N. E.	7	1.19	\$ 1.25	\$ 1.48
lot on right bank of slough in sw $\frac{1}{4}$	9	83	7	8.80	1.25	11.00
Total				9.99		\$ 12.48
DALLAS COUNTY—APPROVED SEPTEMBER 24, 1900.						
nw $\frac{1}{4}$ of sw $\frac{1}{4}$	13	N. W.	27	40.00	1.25	\$ 50.00
se $\frac{1}{4}$ of ne $\frac{1}{4}$	35	27	40.00	1.25	50.00	
Total				80.00		\$ 100.00
DELAWARE COUNTY—APPROVED MARCH 21, 1900.						
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	15	87	40.00	1.25	\$ 50.00	
e $\frac{1}{2}$ of nw $\frac{1}{4}$	27	87	40.00	1.25	50.00	
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	27	87	40.00	1.25	50.00	
sw $\frac{1}{4}$ of se $\frac{1}{4}$	6	88	40.00	1.25	50.00	
w $\frac{1}{2}$ of ne $\frac{1}{4}$ , w $\frac{1}{2}$ of se $\frac{1}{4}$	7	88	40.00	1.25	50.00	
se $\frac{1}{4}$ of sw $\frac{1}{4}$	17	88	40.00	1.25	50.00	
se $\frac{1}{4}$ of se $\frac{1}{4}$	31	88	40.00	1.25	50.00	
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	38	88	40.00	1.25	50.00	
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	1	89	40.00	1.25	50.00	
w $\frac{1}{2}$ of sw $\frac{1}{4}$	6	89	80.12	1.25	100.15	
w $\frac{1}{2}$ of nw $\frac{1}{4}$	12	89	40.00	1.25	50.00	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	19	89	42.32	1.25	52.90	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$	17	87	82.65	1.25	103.32	
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$	38	88	80.00	1.25	100.00	
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	18	87	40.00	1.25	50.00	
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	18	87	31.94	1.00	31.94	
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	18	87	80.00	1.25	100.00	
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	21	87	40.00	\$ 1.00	\$ 40.00	
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$	27	87	120.00	1.25	150.00	
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of sw $\frac{1}{4}$	17	88	80.00	1.25	100.00	
w $\frac{1}{2}$ of sw $\frac{1}{4}$	18	88	70.54	1.25	88.20	
se $\frac{1}{4}$ of ne $\frac{1}{4}$	19	88	40.00	1.25	50.00	
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	20	88	40.00	1.25	50.00	
nw $\frac{1}{4}$ of ne $\frac{1}{4}$	30	88	40.00	1.25	50.00	
se $\frac{1}{4}$ of ne $\frac{1}{4}$	1	89	40.00	1.25	50.00	
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	12	89	40.00	1.25	50.00	
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	6	90	40.00	1.25	50.00	
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , w $\frac{1}{2}$ of sw $\frac{1}{4}$	11	90	120.00	1.25	150.00	
w $\frac{1}{2}$ of sw $\frac{1}{4}$	12	90	80.18	1.25	100.23	
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of se $\frac{1}{4}$	1	87	80.00	1.25	100.00	
se $\frac{1}{4}$ of se $\frac{1}{4}$	11	87	40.00	1.25	50.00	
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	20	87	40.00	1.25	50.00	
se $\frac{1}{4}$ of se $\frac{1}{4}$	29	87	40.00	1.25	50.00	
se $\frac{1}{4}$ of nw $\frac{1}{4}$	33	87	40.00	1.25	50.00	

TABLE No. 25—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
DELAWARE COUNTY—CONTINUED.						
e $\frac{1}{2}$ of ne $\frac{1}{4}$	4	N. W.	6	16.91	\$ 1.00	\$ 16.91
e $\frac{1}{2}$ of se $\frac{1}{4}$	11	88	6	80.00	1.25	100.00
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , n $\frac{1}{2}$ of se $\frac{1}{4}$	12	88	6	120.00	1.25	150.00
ne $\frac{1}{4}$ of se $\frac{1}{4}$	13	88	6	40.00	1.25	50.00
nw $\frac{1}{4}$ of se $\frac{1}{4}$	14	88	6	40.00	1.25	50.00
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	15	88	6	80.00	1.25	100.00
s $\frac{1}{2}$ of sw $\frac{1}{4}$	5	89	6	40.24	1.25	50.30
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	6	89	6	80.00	1.25	100.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	11	89	6	40.00	1.25	50.00
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of ne $\frac{1}{4}$	15	89	6	80.00	1.25	100.00
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	22	89	6	40.00	1.25	50.00
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	23	89	6	40.00	1.25	50.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$	24	89	6	80.00	1.25	100.00
ne $\frac{1}{4}$ of se $\frac{1}{4}$	33	89	6	40.00	1.25	50.00
se $\frac{1}{4}$ of se $\frac{1}{4}$	33	89	6	40.00	1.25	50.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$	1	90	6	124.06	1.25	155.07
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$	23	90	6	92.24	1.25	115.30
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	29	90	6	80.00	1.25	100.00
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	31	90	6	40.00	1.25	50.00
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	32	90	6	40.00	1.25	50.00
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	33	90	6	40.00	1.25	50.00
Total				3,531.30		\$ 4,311.67
HAMILTON COUNTY—APPROVED APRIL 23, 1900.						
n $\frac{1}{2}$ of ne $\frac{1}{4}$	2	87	25	84.68	1.25	105.85
se $\frac{1}{4}$ of sw $\frac{1}{4}$	3	87	25	40.00	1.25	50.00
w $\frac{1}{2}$ of ne $\frac{1}{4}$	5	87	25	84.88	1.31	111.195
n $\frac{1}{2}$ of sw $\frac{1}{4}$	9	87	25	80.00	1.26	100.80
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	5	88	25	40.00	1.26	50.40
se $\frac{1}{4}$ of sw $\frac{1}{4}$ , w $\frac{1}{2}$ of se $\frac{1}{4}$	15	88	25	120.00	1.26	151.20
se $\frac{1}{4}$ of sw $\frac{1}{4}$	23	88	25	40.00	1.26	50.40
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	24	88	25	40.00	1.26	50.40
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	35	88	25	40.00	1.26	50.40
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	2	89	25	40.00	1.26	50.40
s $\frac{1}{2}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	4	87	20	120.00	1.25	150.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , w $\frac{1}{2}$ of nw $\frac{1}{4}$	6	87	20	95.07	1.25	118.90
e $\frac{1}{2}$ of ne $\frac{1}{4}$	7	87	20	77.27	1.25	96.59
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	5	88	20	40.00	1.27	50.80
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$ , s $\frac{1}{2}$ of se $\frac{1}{4}$	5	88	20	100.00	1.25	125.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$	8	88	20	80.00	1.25	100.00
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , e $\frac{1}{2}$ of se $\frac{1}{4}$	9	88	20	120.00	1.25	150.00
s $\frac{1}{2}$ of sw $\frac{1}{4}$ , nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$	14	88	20	40.00	1.25	50.00
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$	15	88	20	80.00	1.25	100.00
s $\frac{1}{2}$ of sw $\frac{1}{4}$	17	88	20	80.00	1.26	100.80
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$	17	88	20	80.00	1.25	100.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	18	88	20	95.27	1.25	119.09
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	19	88	20	171.08	1.25	213.85
w $\frac{1}{2}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of se $\frac{1}{4}$	20	88	20	40.00	1.25	50.00
nw $\frac{1}{4}$ of ne $\frac{1}{4}$	21	88	20	320.00	1.25	400.00
w $\frac{1}{2}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of se $\frac{1}{4}$	23	88	20	120.00	1.25	150.00
w $\frac{1}{2}$ of sw $\frac{1}{4}$	27	88	20	80.00	1.25	100.00
w $\frac{1}{2}$ of sw $\frac{1}{4}$	32	88	20	40.00	1.25	50.00
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	5	89	20	40.00	1.25	50.00
n $\frac{1}{2}$ of sw $\frac{1}{4}$ , n $\frac{1}{2}$ of ne $\frac{1}{4}$	6	89	20	138.92	1.25	173.65
w $\frac{1}{2}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of sw $\frac{1}{4}$	11	89	20	120.00	1.25	150.00
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	15	89	20	40.00	1.25	50.00
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of sw $\frac{1}{4}$	17	89	20	40.00	1.25	50.00
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , sw $\frac{1}{4}$ of sw $\frac{1}{4}$	20	89	20	80.00	1.25	100.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	21	89	20	40.00	1.25	50.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	19	89	20	40.00	1.25	50.00
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	23	89	20	40.00	1.25	50.00
nw $\frac{1}{4}$ of sw $\frac{1}{4}$	25	89	20	40.00	1.25	50.00



TABLE No. 25—CONTINUED.

PARTS OF SECTION.						PARTS OF SECTION.							
	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.		Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
HAMILTON COUNTY—CONTINUED.													
s $\frac{1}{2}$ of nw $\frac{1}{4}$ .....	49	89	26	80.00	\$ 1.25	\$ 100.00							
e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	34	89	26	80.00	1.25	100.00							
e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	34	89	26	80.00	1.25	100.00							
e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	36	89	26	80.00	1.25	100.00							
Total .....				3,967.99		\$4,969.76							
HARDIN COUNTY—APPROVED MAY 15, 1900.													
s $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	12	88	19	80.00	1.25	100.00							
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	24	88	19	40.00	1.25	50.00							
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	20	86	30	40.00	1.25	50.00							
n $\frac{1}{2}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	27	87	20	93.50	1.25	116.87							
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	27	88	20	91.73	1.25	114.66							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	15	88	20	40.00	1.25	50.00							
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	15	88	20	40.00	1.25	50.00							
Total .....				465.23		\$ 581.53							
HOWARD COUNTY—APPROVED MAY 14, 1900.													
se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	21	100	12	40.00	1.25	50.00							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	28	100	12	40.00	1.25	50.00							
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	3	98	13	80.00	1.25	100.00							
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	10	98	13	40.00	1.25	50.00							
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	13	98	13	80.00	1.25	100.00							
ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	24	98	13	40.00	1.25	50.00							
w $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	18	100	13	75.25	1.25	94.06							
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	11	100	14	27.70	1.25	34.62							
Total .....				422.95		\$ 528.68							
HUMBOLDT COUNTY—APPROVED DEC. 20, 1899.													
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	12	92	28	40.00	1.25	50.40							
MARSHALL COUNTY—APPROVED DEC. 26, 1899.													
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	23	85	17	40.00	1.25	50.00							
MUSCATINE COUNTY—APPROVED OCTOBER 5, 1900.													
lot not numbered .....	35	76	3	11.35	1.25	14.18							
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	12	77	3	40.00	1.25	50.00							
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	24	78	3	40.00	1.25	50.00							
w $\frac{1}{2}$ of nw $\frac{1}{4}$ .....	25	78	3	80.00	1.25	100.00							
nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	4	79	4	40.00	1.25	50.00							
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	10	77	4	160.00	1.00	160.00							
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	31	77	4	80.00	1.25	100.00							
e $\frac{1}{2}$ of se $\frac{1}{4}$ .....	30	77	4	40.00	1.25	50.00							
Total .....				491.35		\$ 574.18							
POWESHIEK COUNTY—APPROVED MARCH 8, 1900.													
n $\frac{1}{2}$ of se $\frac{1}{4}$ .....	1	78	13	80.00	1.25	100.00							
lot 10 .....	2	78	13	40.00	1.25	50.00							
lot 9 .....	3	78	13	40.00	1.25	50.00							
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	4	78	13	40.00	1.25	50.00							
lot 6 .....	5	78	13	40.00	1.25	50.00							
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	20	78	13	80.00	1.25	100.00							
se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	27	78	13	40.00	1.25	50.00							
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	28	78	13	40.00	1.25	50.00							
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	33	78	13	40.00	1.25	50.00							
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , w $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	34	78	13	120.00	1.15	150.00							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	15	79	13	40.00	1.25	50.00							
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	17	79	13	80.00	1.25	100.00							
e $\frac{1}{2}$ of se $\frac{1}{4}$ .....	18	79	13	80.00	1.25	100.00							
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	22	79	13	40.00	1.25	50.00							
n $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	23	79	13	80.00	1.25	100.00							
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	24	79	13	120.00	1.25	150.00							
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	31	79	13	45.99	1.25	57.45							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	17	79	13	80.00	1.25	100.00							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	13	80	13	40.00	1.25	50.00							
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	14	80	13	40.00	1.25	50.00							
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	15	80	13	40.00	1.25	50.00							
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	18	80	13	80.00	1.25	100.00							

TABLE No. 25—CONTINUED.

PARTS OF SECTION.						Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
POWESHIEK COUNTY—CONTINUED.											
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	22	N.	W.	120.00	\$ 1.25	\$ 150.00					
s $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	23	80	13	80.00	1.25	100.00					
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	3	81	13	40.00	1.25	50.00					
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	3	81	13	44.17	1.25	55.21					
se $\frac{1}{4}$ of nw $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	7	81	13	80.00	1.25	100.00					
s $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	9	81	13	80.00	1.25	100.00					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	10	81	13	40.00	1.25	50.00					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	30	78	14	40.00	1.25	50.00					
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	35	78	14	40.00	1.25	50.00					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	7	80	14	40.00	1.25	50.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	13	80	14	40.00	1.25	50.00					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	15	80	14	40.00	1.25	50.00					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	14	80	14	40.00	1.25	50.00					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	28	80	14	40.00	1.25	50.00					
s $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	1	81	14	39.52	1.25	49.40					
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	14	81	14	80.00	1.25	100.00					
ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	7	78	15	34.79	1.25	43.48					
ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	15	78	15	40.00	1.25	50.00					
se $\frac{1}{4}$ of nw $\frac{1}{4}$ , ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	19	78	15	80.00	1.25	100.00					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	30	78	15	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	4	80	15	40.00	1.25	50.00					
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	4	80	15	80.00	1.25	100.00					
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	25	80	15	40.00	1.25	50.00					
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	18	81	15	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	22	81	15	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , s $\frac{1}{2}$ of se $\frac{1}{4}$ .....	31	81	15	120.00	1.25	150.00					
lot 7 .....	3	78	16	47.00	1.25	58.75					
lots 7 and 11, e $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	4	78	16	160.00	1.25	200.00					
lots 3, 7 and 9 .....	3	78	16	143.26	1.25	179.07					
w $\frac{1}{2}$ of sw $\frac{1}{4}$ .....	7	78	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	8	78	16	80.00	1.25	100.00					
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	9	78	16	40.00	1.25	50.00					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	10	78	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	12	78	16	80.00	1.25	100.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	15	78	16	80.00	1.25	100.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	17	78	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	18	78	16	69.29	1.25	86.61					
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	20	78	16	80.00	1.25	100.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	27	78	16	120.00	1.25	150.00					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	27	78	16	120.00	1.25	150.00					
se $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$ , ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	28	78	16	120.00	1.25	150.00					
nw $\frac{1}{4}$ of se $\frac{1}{4}$ , ne $\frac{1}{4}$ of nw $\frac{1}{4}$ , sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	28	78	16	120.00	1.25	150.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	30	78	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	31	78	16	42.00	1.25	52.50					
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ , se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	31	78	16	40.00	1.25	50.00					
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	13	81	16	40.00	1.25	50.00					
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	14	81	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	20	81	16	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	20	81	16	80.00	1.25	100.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	28	81	16	40.00	1.25	50.00					
Total .....				4,457.09	1.25	\$5,571.35					
WAPPELO COUNTY—APPROVED MAY 14, 1950.											
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	4	72	12	80.00	1.25	100.00					
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	20	73	12	40.00	1.25	50.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	31	73	12	80.00	1.25	100.00					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$ .....	3	73	13	80.00	1.25	100.00					
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	3	73	13	68.94	1.25	86.17					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	5	73	13	34.08	1.25	42.60					
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	6	73	13	120.00	1.25	150.00					
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$ .....	13	73	13	120.00	1.25	150.00					
se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	20	73	13	40.00	1.25	50.00					
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	21	73	13	40.00	1.25	50.00					
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	21	73	13	40.00	1.25	50.00					
se $\frac{1}{4}$ of se $\frac{1}{4}$ .....	22	74	14	40.00	1.25	50.00					
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	2	73	14	32.35	1.25	40.43					
Total .....				695.37	1.25	\$ 869.20					



TABLE No. 25.—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
WEBSTER COUNTY—APPROVED MAY 22, 1901.						
e ½ of nw ¼	6	N. 27	W. 3	76.44	\$ 1.25	\$ 95.55
se ¼ of nw ¼	8	86	27	40.00	1.25	50.00
sw ¼ of nw ¼	28	86	27	40.00	1.25	50.00
sw ¼ of se ¼	30	86	27	76.74	1.25	95.93
sw ¼ of se ¼	32	86	27	40.00	1.25	50.00
ne ¼ of nw ¼	30	89	27	40.00	1.25	50.00
ne ¼ of se ¼	23	90	27	120.00	1.25	150.00
n ¼ of se ¼ and sw ¼ of sw ¼	24	28	28	80.00	1.25	100.00
e ½ of ne ¼	30	38	28	34.91	1.25	43.63
nw ¼ of sw ¼	39	38	28	40.00	1.25	50.00
se ¼ of se ¼	10	89	28	40.00	1.25	50.00
se ¼ of se ¼	10	90	28	40.00	1.25	50.40
nw ¼ of ne ¼	27	27	29	45.88	1.25	57.35
nw ¼ of sw ¼	27	27	29	40.00	1.25	50.00
sw ¼ of se ¼	14	28	29	40.00	1.25	50.00
ne ¼ of ne ¼	23	28	29	40.00	1.25	50.00
sw ¼ of nw ¼	6	88	30	87.54	1.25	109.42
Total				961.51		\$1,202.28

WEBSTER COUNTY—APPROVED JUNE 5, 1901.						
sw ¼ of nw ¼	8	86	27	40.00	1.25	50.00
ne ¼ of sw ¼	8	86	27	40.00	1.25	50.00
se ¼ of se ¼	12	86	27	40.00	1.25	50.00
sw ¼ of nw ¼	26	86	27	40.00	1.25	50.00
sw ¼ of se ¼	26	86	27	40.00	1.25	50.00
nw ¼ of ne ¼	30	86	27	40.00	1.25	50.00
sw ¼ of nw ¼	1	88	27	50.48	1.55	78.24
sw ¼ of nw ¼	2	88	27	40.00	1.25	50.00
se ¼ of sw ¼	2	88	27	40.00	2.25	90.00
w ½ of sw ¼	2	88	27	80.00	1.25	100.00
ne ¼ of se ¼	2	88	27	80.00	1.30	104.00
s ¼ of se ¼	2	88	27	80.00	1.30	104.00
e ½ of ne ¼	3	88	27	91.29	1.45	132.37
se ¼ of nw ¼	3	88	27	40.00	1.25	50.00
ne ¼ of sw ¼	3	88	27	40.00	1.25	50.00
s ¼ of se ¼	3	88	27	40.00	1.30	52.40
s ¼ of ne ¼	3	88	27	82.14	1.30	106.88
ne ¼ of nw ¼	3	88	27	80.00	1.25	100.00
n ¼ of nw ¼	4	88	27	53.14	1.25	66.42
n ¼ of ne ¼	10	88	27	80.00	1.25	100.00
n ¼ of ne ¼	10	88	27	80.00	1.25	100.00
sw ¼ of ne ¼	10	88	27	40.00	1.25	50.00
s ¼ of sw ¼	10	88	27	80.00	1.25	100.00
n ¼ of nw ¼	10	88	27	40.00	1.25	50.00
se ¼ of se ¼	10	88	27	40.00	1.25	50.00
nw ¼ of se ¼	10	88	27	40.00	1.25	50.00
nw ¼ of ne ¼	11	88	27	40.00	1.25	50.00
ne ¼ of ne ¼	18	88	27	40.00	1.25	50.00
sw ¼ of ne ¼	22	88	27	40.00	1.25	50.00
nw ¼ of se ¼	22	88	27	40.00	1.25	50.00
ne ¼ of ne ¼	26	88	27	40.00	1.25	50.00
sw ¼ of ne ¼	26	88	27	40.00	1.25	50.00
ne ¼ of se ¼	30	88	27	40.00	1.25	50.00
ne ¼ of ne ¼	30	88	27	40.00	1.25	50.00
se ¼ of se ¼	30	88	27	40.00	1.25	50.00
sw ¼ of sw ¼	1	89	27	40.00	1.25	50.00
sw ¼ of nw ¼	6	89	27	47.00	1.25	58.75
ne ¼ of ne ¼	11	89	27	40.00	1.25	50.00
sw ¼ of sw ¼	8	89	27	40.00	1.25	50.40
sw ¼ of ne ¼	10	89	27	40.00	1.25	50.40
ne ¼ of ne ¼	11	89	27	40.00	1.25	50.40
nw ¼ of se ¼	18	89	27	40.00	1.25	50.40
se ¼ of ne ¼	22	89	27	40.00	1.25	50.40
sw ¼ of ne ¼	22	89	27	40.00	1.25	50.40
sw ¼ of se ¼	22	89	27	40.00	1.25	50.40
sw ¼ of ne ¼	25	89	27	40.00	1.25	50.00
e ¼ of nw ¼	25	89	27	80.00	1.25	100.00
nw ¼ of nw ¼	30	89	27	45.05	1.25	56.31

TABLE No. 25.—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
WEBSTER COUNTY—CONTINUED.						
se ¼ of nw ¼	30	N. 27	W. 3	40.00	\$ 1.25	\$ 50.00
n ¼ of ne ¼	33	89	27	40.00	1.20	48.00
sw ¼ of ne ¼	33	89	27	40.00	1.20	48.00
sw ¼ of ne ¼	36	89	27	40.00	1.20	48.00
ne ¼ of nw ¼	36	89	27	40.00	1.25	50.00
se ¼ of nw ¼	36	89	27	40.00	1.25	50.00
se ¼ of ne ¼	36	89	27	40.00	1.25	50.00
sw ¼ of nw ¼	2	90	27	40.00	1.25	50.00
w ½ of sw ¼	14	90	27	40.00	1.25	50.00
sw ¼ of sw ¼	24	86	28	40.00	1.25	50.00
re ¼ of ne ¼	23	90	27	40.00	1.25	50.00
ne ¼ of sw ¼	25	90	27	40.00	1.25	50.00
sw ¼ of se ¼	24	86	28	40.00	1.25	50.00
se ¼	22	86	28	40.00	1.25	50.00
nw ¼ of sw ¼	24	86	28	150.00	1.25	200.00
ne ¼ of sw ¼	24	86	28	40.00	1.25	50.00
n ¼ of ne ¼	24	86	28	40.00	1.25	50.00
sw ¼ of nw ¼	26	86	28	80.00	1.25	100.00
ne ¼ of sw ¼	8	87	28	34.85	1.25	43.56
ne ¼ of sw ¼	8	87	28	40.00	1.25	50.00
nw ¼ of se ¼	28	87	28	40.00	1.25	50.00
sw ¼ of se ¼	34	87	28	80.00	1.25	100.00
sw ¼ of ne ¼	34	87	28	150.00	1.25	200.00
sw ¼ of se ¼	2	88	28	40.00	1.25	50.00
sw ¼ of ne ¼	2	88	28	40.00	1.25	50.00
sw ¼ of ne ¼	2	88	28	40.00	1.25	50.00
ne ¼ of nw ¼	4	88	28	40.00	1.25	50.00
nw ¼ of nw ¼	4	88	28	50.01	1.25	62.51
nw ¼ of se ¼	4	88	28	40.00	1.25	50.00
ne ¼ of ne ¼	12	88	28	40.00	1.25	50.00
sw ¼ of ne ¼	30	88	28	40.00	1.25	50.00
ne ¼ of sw ¼	30	88	28	40.00	1.25	50.00
ne ¼ of sw ¼	30	88	28	40.00	1.25	50.00
sw ¼ of se ¼	32	88	28	40.00	1.25	50.00
sw ¼ of se ¼	32	88	28	40.00	1.25	50.00
ne ¼ of nw ¼	8	89	28	40.00	1.25	50.00
nw ¼ of ne ¼	10	89	28	40.00	1.25	50.00
nw ¼ of se ¼	10	89	28	40.00	1.25	50.00
sw ¼ of sw ¼	10	89	28	40.00	1.25	50.00
w ½ of sw ¼	12	89	28	80.00	1.25	100.00
se ¼ of ne ¼	12	89	28	40.00	1.25	50.00
sw ¼ of ne ¼	14	89	28	40.00	1.25	50.00
ne ¼ of se ¼	20	89	28	40.00	1.25	50.00
nw ¼ of se ¼	20	89	28	40.00	1.25	50.00
sw ¼ of nw ¼	22	89	28	40.00	1.25	50.00
se ¼ of sw ¼	22	89	28	40.00	1.25	50.00
e ¼ of ne ¼	22	89	28	40.00	1.25	50.00
ne ¼ of ne ¼	24	89	28	80.00	1.25	100.00
nw ¼ of nw ¼	26	89	28	40.00	1.25	50.00
nw ¼ of se ¼	26	89	28	40.00	1.25	50.00
nw ¼ of se ¼	28	89	28	40.00	1.25	50.00
sw ¼ of sw ¼	34	89	28	40.00	1.25	50.00
sw ¼ of sw ¼	34	89	28	40.00	1.25	50.00
e ¼ of ne ¼	4	90	28	79.68	1.71	136.25
e ¼ of sw ¼	4	90	28	80.00	1.25	100.00
se ¼ of ne ¼	4	90	28	80.00	1.25	100.00
s ¼ of ne ¼	8	90	28	40.00	1.25	50.00
w ½ of se ¼	8	90	28	40.00	1.25	50.00
nw ¼ of sw ¼	8	90	28	80.00	1.25	100.00
sw ¼ of sw ¼	8	90	28	40.00	1.25	50.00
sw ¼ of nw ¼	10	90	28	40.00	1.25	50.00
se ¼ of ne ¼	18	90	28	40.00	1.25	50.00
sw ¼ of ne ¼	20	90	28	40.00	1.25	50.00
ne ¼ of se ¼	20	90	28	40.00	1.25	50.00
nw ¼ of se ¼	20	90	28	40.00	1.25	50.00
ne ¼ of sw ¼	20	90	28	40.00	1.25	50.00



TABLE No. 25—CONTINUED.

PARTS OF SECTION.				Section.	Town.	Range.	Acres.	Price per acre.	Amount paid.
WEBSTER COUNTY—CONTINUED.									
nw ¼ of ne ¼	28	N. 20.	W. 28.	40.00	\$ 1.25	\$	50.00		
se ¼ of ne ¼	28	20	28	40.00	1.25		50.00		
sw ¼ of nw ¼	28	20	28	40.00	1.25		50.00		
se ¼ of sw ¼	32	32	32	40.00	1.25		50.00		
sw ¼ of se ¼	34	34	34	40.00	1.25		50.00		
c ¼ of sw ¼	12	87	20	40.00	1.25		50.00		
sw ¼ of ne ¼	4	88	20	40.00	1.25		50.00		
ne ¼ of sw ¼	4	12	38	40.00	1.25		50.00		
sw ¼ of nw ¼	34	88	20	40.00	1.25		50.00		
sw ¼ of nw ¼	3	88	30	68.20	1.25		85.25		
Total				6,630.91		\$	8,420.27		
WRIGHT COUNTY—APPROVED JUNE 15, 1901.									
ne ¼ of nw ¼	2	00	23	40.11	1.25		50.13		
sw ¼ of sw ¼	2	00	23	40.00	1.25		50.00		
sw ¼ of sw ¼	20	00	23	40.00	1.25		50.00		
ne ¼ of ne ¼	23	01	23	40.00	1.40		56.00		
nw ¼ of nw ¼, s ½ of nw ¼	24	01	23	120.00	1.35		162.00		
sw ¼ of se ¼	24	01	23	40.00	1.25		50.00		
w ½ of ne ¼	32	02	23	80.00	1.25		100.00		
ne ¼ of ne ¼	1	02	24	40.00	1.25		50.00		
se ¼ of ne ¼	13	00	25	40.00	1.20		50.00		
ne ¼ of ne ¼	33	00	25	40.00	1.27		50.00		
sw ¼ of nw ¼	24	00	25	40.00	1.30		52.00		
nw ¼ of nw ¼	0	00	20	40.00	1.25		50.00		
ne ¼ of ne ¼	18	00	20	40.00	1.20		50.00		
se ¼ of ne ¼	28	01	20	40.00	1.25		50.00		
nw ¼ of nw ¼									
Total				734.11		\$	939.25		

## LANDS ON WHICH INDEMNITY CLAIM IS HELD FOR REJECTION.

TABLE No. 26.

The following is a list of lands claimed as swamp and overflowed in the several counties therein named, upon which the claims for indemnity, under acts of congress of March 2, 1855, and March 3, 1857, are rejected, or held for rejection by the commissioner of the general land office. The list is copied from notices received from the commissioner during the last two years; the quantities were not carried out in the notices.

PARTS OF SECTION.		Section.	Town.	Range.
BREMER COUNTY				
sw 1/4 of sec 1	.....	23	N.	W.
se 1/4 of sw 1/4	.....	92	01	
sw 1/4 of sw 1/4	.....	01	1	
ne 1/4 of sw 1/4	.....	12	01	
sw 1/4 of sw 1/4	.....	4	03	
ne 1/4 of sw 1/4	.....	13	03	
sw 1/4 of ne 1/4	.....	14	03	
ne 1/4 of ne 1/4	.....	14	02	
sw 1/4 of ne 1/4	.....	24	02	
ne 1/4 of ne 1/4	.....	29	02	

TABLE No. 26—CONTINUED.

[illegible]



TABLE No. 26—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.
MONROE COUNTY—CONTINUED.			
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	11	N. 71	W. 19
n $\frac{1}{2}$ of se $\frac{1}{4}$	22	71	19
nw $\frac{1}{4}$ of sw $\frac{1}{4}$	23	71	19
e $\frac{1}{2}$ of ne $\frac{1}{4}$	33	71	19
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	36	71	19
MUSCATINE COUNTY.			
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{2}$ of nw $\frac{1}{4}$	36	N. E.	
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	7	78	1
lot 3	13	78	2
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	13	78	2
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	19	78	2
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	13	78	2
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , se $\frac{1}{2}$ of nw $\frac{1}{4}$	14	78	2
n $\frac{1}{2}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of ne $\frac{1}{4}$	24	78	2
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	25	78	2
lot 2	4	77	3
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$	4	77	3
sw $\frac{1}{4}$ of se $\frac{1}{4}$ , se $\frac{1}{2}$ of sw $\frac{1}{4}$	5	77	3
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	11	77	3
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of se $\frac{1}{4}$	12	77	3
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	31	77	3
se $\frac{1}{4}$ of ne $\frac{1}{4}$	31	77	3
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$ , n $\frac{1}{2}$ of se $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$	19	78	3
w $\frac{1}{2}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , e $\frac{1}{2}$ of sw $\frac{1}{4}$	20	78	3
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , n $\frac{1}{2}$ of nw	21	78	3
w $\frac{1}{2}$ of nw $\frac{1}{4}$	23	78	3
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of nw $\frac{1}{4}$ , n $\frac{1}{2}$ of sw $\frac{1}{4}$ , se $\frac{1}{2}$ of sw $\frac{1}{4}$	24	78	3
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	3	76	4
w $\frac{1}{2}$ of sw $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$	5	76	4
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ , sw $\frac{1}{4}$	5	76	4
e $\frac{1}{2}$ of nw $\frac{1}{4}$ , w $\frac{1}{2}$ of sw $\frac{1}{4}$	7	76	4
se $\frac{1}{2}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of se $\frac{1}{4}$	8	77	4
nw $\frac{1}{4}$ of se $\frac{1}{4}$	9	77	4
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	15	77	4
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , s $\frac{1}{2}$ of nw	17	77	4
e $\frac{1}{2}$ of ne $\frac{1}{4}$	17	77	4
ne $\frac{1}{4}$	28	77	4
w $\frac{1}{2}$ of se $\frac{1}{4}$	31	77	4
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	35	77	4
sw $\frac{1}{4}$ of se $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$	35	77	4
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$	36	77	4
se $\frac{1}{4}$ , se $\frac{1}{2}$ of se $\frac{1}{4}$	25	78	4
ne $\frac{1}{4}$ , se $\frac{1}{2}$ of se $\frac{1}{4}$	25	78	4
se $\frac{1}{2}$ of sw $\frac{1}{4}$	29	78	4
nw $\frac{1}{4}$ of se $\frac{1}{4}$ , se $\frac{1}{2}$ of se $\frac{1}{4}$	30	78	4
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$	30	78	4
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , sw $\frac{1}{4}$	33	78	4
SCOTT COUNTY.			
ne $\frac{1}{4}$ of se $\frac{1}{4}$ , se $\frac{1}{4}$ of sw $\frac{1}{4}$	1	N. E.	
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	1	79	1
se $\frac{1}{4}$ of sw $\frac{1}{4}$	2	80	2
se $\frac{1}{4}$	3	80	2
se $\frac{1}{4}$ of nw $\frac{1}{4}$ , n $\frac{1}{2}$ of se $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$	8	80	2
lots 7, 8 and 9	10	80	2
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of nw $\frac{1}{4}$	10	80	2
ne $\frac{1}{4}$ of sw $\frac{1}{4}$	12	80	2
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	14	80	2
nw $\frac{1}{4}$ of ne $\frac{1}{4}$	22	80	2
s $\frac{1}{4}$ of ne $\frac{1}{4}$	33	80	2
lots 2 and 3	1	80	3
lot 3	2	80	3
lots 1 and 2	2	80	3
lots 1, 2 and 4, n $\frac{1}{2}$ of nw $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$	4	80	3
lots 1, 2, 3, 4, 5 and 6	5	80	3

TABLE No. 26.—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.
SCOTT COUNTY—CONTINUED.			
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	6	N. 80	E.
lots 5 and 6	6	80	3
lots 1 and 3, se $\frac{1}{4}$ of nw $\frac{1}{4}$	2	80	3
lots 1 and 2	2	80	3
n $\frac{1}{2}$ of nw $\frac{1}{4}$	2	80	3
lot n of r	2	80	3
lot n of r	6	80	3
s $\frac{1}{2}$ of se $\frac{1}{4}$ , s $\frac{1}{2}$ of sw $\frac{1}{4}$	8	80	3
s $\frac{1}{2}$ of sw $\frac{1}{4}$	8	80	3
s $\frac{1}{2}$ of sw $\frac{1}{4}$	10	80	3
part of island in e $\frac{1}{2}$	12	80	3
lot 2, se $\frac{1}{4}$ of sw $\frac{1}{4}$	14	80	3
lots 3 and 5	15	80	3
lots 1 and 2	17	80	3
lots 2 and 3	18	80	3
TAYLOR COUNTY.			
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	18	N. W.	
WAYNE COUNTY.			
nw $\frac{1}{4}$ of nw $\frac{1}{4}$	6	68	20
se $\frac{1}{4}$ of se $\frac{1}{4}$	7	68	20
se $\frac{1}{4}$ of se $\frac{1}{4}$	9	68	20
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ , ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , w $\frac{1}{2}$ of se $\frac{1}{4}$	14	68	20
s $\frac{1}{2}$ of se $\frac{1}{4}$ , n $\frac{1}{2}$ of sw $\frac{1}{4}$ , s $\frac{1}{2}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , nw $\frac{1}{4}$ of se $\frac{1}{4}$	15	68	20
n $\frac{1}{2}$ of ne $\frac{1}{4}$ , sw $\frac{1}{4}$ of nw $\frac{1}{4}$ , w $\frac{1}{2}$ of sw $\frac{1}{4}$	18	68	20
ne $\frac{1}{4}$ of nw $\frac{1}{4}$ , s $\frac{1}{2}$ of nw $\frac{1}{4}$	19	68	20
s $\frac{1}{2}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , s $\frac{1}{2}$ of nw $\frac{1}{4}$ , ne $\frac{1}{4}$ of sw $\frac{1}{4}$	20	68	20
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	21	68	20
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of se $\frac{1}{4}$	22	68	20
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	23	68	20
nw $\frac{1}{4}$ of nw $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$	24	68	20
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , s $\frac{1}{2}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of sw $\frac{1}{4}$	27	68	20
se $\frac{1}{4}$ of sw $\frac{1}{4}$	2	69	20
n $\frac{1}{2}$ of se $\frac{1}{4}$	5	69	20
nw $\frac{1}{4}$ of sw $\frac{1}{4}$	9	69	20
nw $\frac{1}{4}$ of ne $\frac{1}{4}$	15	69	20
e $\frac{1}{2}$ of sw $\frac{1}{4}$ , se $\frac{1}{4}$ of nw $\frac{1}{4}$	19	69	20
se $\frac{1}{4}$ of se $\frac{1}{4}$	28	69	20
ne $\frac{1}{4}$ of nw $\frac{1}{4}$	33	69	20
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	34	69	20
se $\frac{1}{4}$ of ne $\frac{1}{4}$	13	68	21
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	13	68	21
s $\frac{1}{2}$ of nw $\frac{1}{4}$ , ne $\frac{1}{4}$ of sw $\frac{1}{4}$	3	69	21
se $\frac{1}{4}$ of ne $\frac{1}{4}$	4	69	21
se $\frac{1}{4}$ of nw	6	69	21
ne $\frac{1}{4}$ of ne $\frac{1}{4}$	6	69	21
ne $\frac{1}{4}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of sw $\frac{1}{4}$ , sw $\frac{1}{4}$ of se $\frac{1}{4}$	12	69	21
w $\frac{1}{2}$ of ne $\frac{1}{4}$ , nw $\frac{1}{4}$ of ne $\frac{1}{4}$	13	68	21
e $\frac{1}{2}$ of se $\frac{1}{4}$ , sw $\frac{1}{4}$ of ne $\frac{1}{4}$	24	69	21
se $\frac{1}{4}$ of nw $\frac{1}{4}$	25	69	21
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	25	69	21
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ , n $\frac{1}{2}$ of nw $\frac{1}{4}$	34	69	21
se $\frac{1}{4}$ of se $\frac{1}{4}$	31	70	21
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	31	70	21
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	33	70	21
w $\frac{1}{2}$ of se $\frac{1}{4}$	1	67	22
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , e $\frac{1}{2}$ of se $\frac{1}{4}$	12	67	22
w $\frac{1}{2}$ of ne $\frac{1}{4}$	13	67	22
sw $\frac{1}{4}$ of ne $\frac{1}{4}$	24	67	22
ne $\frac{1}{4}$ , sw $\frac{1}{4}$	18	68	22
e $\frac{1}{2}$ of sw $\frac{1}{4}$	18	68	22
sw $\frac{1}{4}$ of nw $\frac{1}{4}$	9	69	22
e $\frac{1}{2}$ of ne $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$	21	70	22
n $\frac{1}{2}$ of ne $\frac{1}{4}$	27	70	22
n $\frac{1}{2}$ of se $\frac{1}{4}$	28	70	22
s $\frac{1}{2}$ of se $\frac{1}{4}$ , ne $\frac{1}{4}$ of se $\frac{1}{4}$	21	68	23
sw $\frac{1}{4}$ of sw $\frac{1}{4}$	28	68	23
n $\frac{1}{2}$ of ne $\frac{1}{4}$ , w $\frac{1}{2}$ of sw $\frac{1}{4}$	33	68	23
w $\frac{1}{2}$ of nw $\frac{1}{4}$	33	68	23
ne $\frac{1}{4}$	10	70	23







TABLE No. 26—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.
WRIGHT COUNTY—CONTINUED.			
s ½ of ne ¼, ne ¼ of se ¼ sw ¼ of se ¼	33	N.	W.
w ¼ of ne ¼, n ½ of nw ¼, e ½ of sw ¼	34	00	26
n ½ of sw ¼	35	00	26
nw ¼ of ne ¼, se ¼ of se ¼, nw ¼ of se ¼	36	00	26
w ¼ of ne ¼, nw ¼, n ½ of sw ¼, nw ¼ of se ¼	2	01	26
n ½ of ne ¼, nw ¼ of nw ¼, nw ¼ of sw ¼, w ½ of se ¼	3	01	26
w ¼ of ne ¼, e ½ of nw ¼, nw ¼ of sw ¼, se ¼ of sw ¼, s ½ of se ¼	4	01	26
e ½ of ne ¼, w ½ of nw ¼, ne ¼ of se ¼	5	01	26
e ½ of se ¼	6	01	26
se ¼ of ne ¼, se ¼ of se ¼	8	01	26
ne ¼, nw ¼ of se ¼, s ½ of se ¼	9	01	26
nw ¼	15	01	26
se ¼ of ne ¼, nw ¼ of sw ¼, se ¼ of sw ¼	17	01	26
ne ¼ of ne ¼, se ¼ of nw ¼, ne ¼ of sw ¼, nw ¼ of se ¼	18	01	26
n ½ of ne ¼, sw ¼ of ne ¼, ne ¼ of nw ¼, s ½ of nw ¼	19	01	26
nw ¼ of ne ¼, n ½ of sw ¼, w ¼ of se ¼	20	01	26
ne ¼ of sw ¼	28	01	26
w ¼ of nw ¼	31	01	26
sw ¼	35	01	26
ne ¼ of sw ¼, s ½ of sw ¼	36	01	26
nw ¼ of ne ¼, ne ¼ of nw ¼	3	02	26
sw ¼ of nw ¼	5	02	26
w ½ of sw ¼	6	02	26
se ¼ of se ¼	8	02	26
ne ¼ of ne ¼, sw ¼ of ne ¼, sw ¼ of nw ¼, sw ¼, nw ¼ of se ¼, s ½ of se ¼	9	02	26
sw ¼	10	02	26
ne ¼ of ne ¼, sw ¼, w ¼ of se ¼	17	02	26
ne ¼ of ne ¼	20	02	26
sw ¼ of ne ¼, nw ¼ of nw ¼, se ¼ of nw ¼, sw ¼ of sw ¼, nw ¼ of se ¼, se ¼ of se ¼	21	02	26
sw ¼ of sw ¼	22	02	26
w ¼ of nw ¼, n ½ of sw ¼, se ¼ of sw ¼	27	02	26
n ½ of ne ¼, w ½ of se ¼	28	02	26
n ½ of se ¼, sw ¼ of se ¼	31	02	26
ne ¼ of ne ¼, sw ¼ of ne ¼, s ½ of nw ¼, nw ¼ of sw ¼	32	02	26
nw ¼ of ne ¼, s ½ of ne ¼, se ¼ of se ¼	33	02	26
ne ¼, w ½ of sw ¼	34	02	26
ne ¼ of se ¼	35	02	26
WRIGHT COUNTY—LIST 3.			
ne ¼ of se ¼, nw ¼ of se ¼, se ¼ of se ¼	36	00	23
ne ¼ of sw ¼	12	03	23
ne ¼ of sw ¼, nw ¼ of sw ¼	8	00	25
sw ¼ of se ¼	18	00	25
nw ¼ of ne ¼, se ¼ of ne ¼	30	03	25
ne ¼ of nw ¼, nw ¼ of nw ¼, se ¼ of sw ¼	33	03	25
se ¼ of se ¼	3	00	26
nw ¼ of ne ¼	1	00	23
ne ¼ of ne ¼, se ¼ of ne ¼	13	00	23
ne ¼ of nw ¼	32	02	23
nw ¼ of ne ¼	27	03	23
ne ¼ of nw ¼	31	03	23
ne ¼ of sw ¼	33	03	23
ne ¼ of se ¼, se ¼ of se ¼	30	00	25
se ¼ of nw ¼	33	00	25
ne ¼ of ne ¼	23	00	26
sw ¼ of ne ¼, ne ¼ of se ¼, nw ¼ of se ¼	29	00	26
nw ¼ of se ¼, sw ¼ of se ¼	30	00	26
se ¼ of ne ¼, sw ¼ of ne ¼	35	00	26

## THE RAILROAD LANDS.

The railroad lands of Iowa consist of all lands granted by the various acts of congress to aid in the construction of certain railroads in the state of Iowa. All lands, which inured to the state under these grants, have been either patented or certified to the state by the proper government officials, and in turn granted to the railroads by the legislature of Iowa.

There have been so many inquiries during the past biennial term relative to the railroad grants and the disposition of the lands inuring to the state thereunder, that I have concluded to incorporate herein a complete list of all the acts of congress making the grants, and all other acts of congress relating thereto, as well as all acts of the general assembly of Iowa disposing of the lands to the railroads or relating in any manner to the railroad grants. I have also included the acts of congress and the general assembly of Iowa, granting certain lands to the Des Moines Valley railroad, formerly the Keokuk, Fort Des Moines & Minnesota railroad, although properly speaking the lands granted to said railroad come under the Des Moines River Grant.

These copies of the acts of congress and of the legislature of Iowa will be found on pages beginning with 56.

The act of congress approved March 3, 1887, authorized the secretary of the interior to adjust, in accordance with the decisions of the supreme court, each of the railroad land-grants made by congress to aid in the construction of railroads. This act provided, "if it shall appear, upon the completion of such adjustments, that lands have been from any cause heretofore erroneously certified or patented, by the United States to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the secretary of the interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits."

In accordance with the provisions of this act, the commissioner of the general land office has been making examinations of the several railroad grants, under the direction of the secretary of the interior, with a view to the adjustment of the grants.

The following communication from the commissioner of the general land office shows the status of the railroad grants in the state of Iowa:

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
WASHINGTON, D. C., July 13, 1901. }

Hon. W. B. Martin, Secretary of State, Des Moines, Iowa:

SIR: I have the honor to acknowledge receipt of your letter of July 1, 1901, asking whether there are any railroad grants in Iowa "unadjusted at



this date," and also whether there have been any adjustments of railroad grants the last two years?

Reply: The Burlington and Missouri River Railroad company's adjustment was accepted, and announced as closed by the honorable secretary of the interior's letter, to this office, February 23, 1901, and Messrs. Thompson & Slater, resident attorneys for the company, were so advised by office letter "F," February 27, 1901.

The Cedar Rapids and Missouri River Railroad (Iowa Railroad Land company, successor in interest) company's adjustment, under departmental instructions of August 4, 1899, (29 L. D., 79,) has progressed to the extent that it has been finally ascertained there will be a slight deficiency, possibly 400 acres, in satisfying the requirements of the grant.

Demand was made March 11, 1901, on P. E. Hall, Esq., president of Iowa Railroad Land company, Cedar Rapids, Iowa, for payment of government price for 2,857.63 acres, erroneously certified at various dates, on account of the grant, and confirmed to company's vendees under act March 2, 1896, (29 Stat., 42,) and on failure to respond within prescribed time the record has been certified to honorable secretary of the interior, April 10, 1901, with report.

There are no remaining unadjusted railroad grants in Iowa.

Very respectfully,

BINGER HERMANN,  
Commissioner.

This report shows that the adjustment of the several railroad grants of Iowa will be completed within a short time, and also indicates that in the final adjustment the quantity of lands already conveyed to the state for railroad purposes will not be greatly increased by conveyances to be made in the future.

The following tract was approved and certified by the department of the interior, under act of June 2, 1864, directly to the Chicago, Rock Island & Pacific Railroad company, as required by said act, as the same appears by the certified copy of the original list furnished the state by the commissioner of the general land office:

TABLE No. 27.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	IN WHAT CO. SITUATED.	DATE OF APPROVAL.	RAILROAD LIMIT.
se $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	31	80	33	40.00	Guthrie .....	June 14, 1901 ..	Indemnity.

The following tracts were approved and certified by the interior department, under act of June 2, 1864, directly to the Cedar Rapids & Missouri River Railroad company, as required by said act, as same appears by certified copies of the original lists furnished the state by the commissioner of the general land office:

TABLE No. 28.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	IN WHAT CO. SITUATED.	DATE OF APPROVAL.	RAILROAD LIMIT.
nw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	7	82	31	44.25	Greene .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	11	82	31	40.00	Greene .....	June 14, 1901 .....	Indemnity.
lot 3 .....	12	82	46	45.25	Monona .....	June 14, 1901 .....	Indemnity.
lot 1 .....	30	83	45	50.60	Monona .....	June 14, 1901 .....	Indemnity.
lot 2 .....	30	83	45	57.76	Monona .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of nw $\frac{1}{4}$ .....	31	83	31	42.27	Greene .....	June 14, 1901 .....	Indemnity.
e $\frac{1}{2}$ of se $\frac{1}{4}$ .....	32	83	32	80.00	Greene .....	June 14, 1901 .....	Indemnity.
se $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	1	85	30	40.00	Greene .....	June 14, 1901 .....	Indemnity.
nw $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	20	85	30	40.00	Greene .....	June 14, 1901 .....	Indemnity.
n $\frac{1}{2}$ of nw $\frac{1}{4}$ .....	20	85	30	80.00	Greene .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	20	85	30	40.00	Greene .....	June 14, 1901 .....	Indemnity.
ne $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	30	85	30	40.00	Greene .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	3	85	31	40.00	Greene .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	9	85	31	40.00	Greene .....	June 14, 1901 .....	Indemnity.
sw $\frac{1}{4}$ of sw $\frac{1}{4}$ .....	20	87	36	40.00	Sac .....	June 14, 1901 .....	Indemnity.
Total .....				720.14			

The following tracts were approved and patented to the state of Iowa, under act of May 12, 1864, for the benefit of the Chicago, Milwaukee & St. Paul Railroad company, and were by the state patented to said company:

TABLE No. 29.

PARTS OF SECTION.	Sec.	Town.	Range.	Acres.	IN WHAT CO. SITUATED.	DATE OF UNITED STATES PATENT.	RAILROAD LIMIT.
Lots 6, 7, 8, 9 and 10 ..	19	97	34	154.45	Palo Alto .....	December 19, 1900	Primary.
se $\frac{1}{4}$ of ne $\frac{1}{4}$ .....	19	97	34	40.00	Palo Alto .....	December 19, 1900	Primary.
sw $\frac{1}{4}$ of se $\frac{1}{4}$ .....	19	97	34	40.00	Palo Alto .....	December 19, 1900	Primary.
e $\frac{1}{2}$ of se $\frac{1}{4}$ .....	19	97	34	80.00	Palo Alto .....	December 19, 1900	Primary.
Lots 9, 10 and 11 .....	29	97	34	89.25	Palo Alto .....	December 19, 1900	Primary.
Total .....				403.65			

The above lands were patented to the state of Iowa for the use of the said railroad company in accordance with the findings of a survey made in townships 96 and 97 north, of ranges 34 and 35. The general land office ordered these additional surveys to be made in the said townships in 1898 and detailed A. W. Barber to do the work. He made the surveys in April, 1898, and these surveys showed that certain lands had been erroneously included with Trumbull and Lost Island lakes in Clay and Palo Alto counties. When the patent was received by the governor of the state for the above tracts of land, the question arose whether or not these lands conveyed by the patent, and also the other lands included within the surveys, did not already belong to the state under the claim of the state to its right of ownership of lakes and lakebeds within its territory. The governor submitted the evidence of the original and resurvey of the lands in the said townships to the attorney general of the state of Iowa, and asked for his opinion upon this question. The following is the opinion of the attorney general in full:

To the Honorable Leslie M. Shaw, Governor of Iowa.

DES MOINES, Iowa, July 3, 1901.

SIR—I beg to report that I have made a careful examination of the evidence offered as to the original and resurvey of lands by the government in townships ninety-six (96) and ninety-seven (97), ranges thirty-four (34)



and thirty-five (35), west of the fifth principal meridian, for a resurvey of which an application was made to the commissioner of the land office, and a resurvey thereof made under the direction of the commissioner in the months of May and June, 1900, and have found the following facts, with my conclusions thereon, to-wit:

*First*, I find that a mistake was made in the meander lines of the original survey of said lands. These lines do not follow the shores of any body of water, and a considerable amount of dry tillable lands were excluded from the original survey by reason of such mistake. The lands thus excluded are not lakes or lake-beds, and were erroneously included with Trumbull and Lost Island lakes, and bounded by the meander lines of such survey. No reason exists why such mistake in the original survey should not be corrected, and patents to said lands be issued from the state to the parties entitled thereto. The lands for which patents are asked are not of the class claimed by the state under its rights of sovereignty in lakes and lake-beds within its territory, and a resurvey thereof, or patents issued therefor, do not conflict with the position maintained by the state as to its ownership of lakes and lake-beds, which were correctly meandered by the original government survey.

*Second*, I find that the Chicago, Milwaukee & St. Paul railway is entitled to the following lands, which are included within the railway grant from the general government, and were erroneously excluded from the original government survey:

Lots numbered six (6), seven (7), eight (8), nine (9) and ten (10), the southeast quarter of the northeast quarter, the southwest quarter of the southeast quarter, and the east half of the southeast quarter of section nineteen (19);

Lots numbered nine (9), ten (10) and eleven (11), in section twenty-nine (29), all in township ninety-seven (97), range thirty-four (34) west of the fifth principal meridian.

Lots five (5), six (6), seven (7) and nine (9), in section one (1);

Lots five (5) and six (6) in section 11;

Lots four (4) and five (5) in section (13), all in township ninety-six (96), range thirty-five (35), west of the fifth principal meridian.

Lots five (5) in section twenty-three (23);

Lots five (5), six (6) and seven (7) in section twenty-seven (27);

Lots seven (7) and eight (8), in section thirty-five (35), all in township ninety-seven (97), range thirty-five (35), west of the fifth principal meridian.

A patent has been issued by the government to the state for the lands in township ninety seven (97), range thirty-four (34) aforesaid, and no reason exists why the state should not at once issue its patents to the railway company for these lands.

No patent has as yet been issued by the government to the state for the lands in townships ninety-six (96) and ninety-seven (97), range thirty-five (35), and the patent from the state to the railway company should not issue until such lands are patented to the state by the government.

*Third*.—I find that Clay county is entitled, under the Swamp Land grant from the government, to the following described lands, which are included in such re-survey, namely:

Lots eight (8), ten (10) and eleven (11), in section one (1), the east one-

half ( $\frac{1}{2}$ ) of the south-east one-fourth ( $\frac{1}{4}$ ), and lots seven (7) and eight (8) of section eleven (11), lots five (5) and six (6) of section twelve (12), lots four (4) and five (5) of section fourteen (14), all in township ninety-six (96), range thirty-five (35), west of the fifth principal meridian.

Lot eleven (11) in section twenty-five (25), lots four (4), five (5) and six (6) in section twenty-six (26), lot five (5) in section thirty-four (34) and lot six (6) in section thirty-five (35), all in township ninety-seven (97), range thirty-five (35), west of the fifth principal meridian.

No patent has as yet been issued to the state by the government for any of these lands, and the patent from the state to Clay county should not issue until the state receives its patent from the government.

All of which is respectfully submitted this 3d day of July 1901.

CHAS. W. MULLAN,

Attorney-General.

The following table gives the description of tracts of land which were certified by the state to the Dubuque & Sioux City Railroad company, under the provisions of section 82, chapter 2, title 2, of the 1897 code. These lands were all approved to the state of Iowa December 27, 1888, under the act of congress, approved May 15, 1856.

TABLE No. 30.

Giving description of lands certified by the state to the Dubuque & Sioux City Railroad company during the biennial term ending June 30, 1901.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	PARTS OF SECTION.	Section.	Town.	Range.	Acres.
BUTLER COUNTY.					CALHOUN CO.—CONT'D.				
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ .....	27	N. 10	W. 10	40.00	N $\frac{1}{2}$ of SE $\frac{1}{4}$ .....	33	N. 88	31	480.00
CALHOUN COUNTY.					All of.....	35	N. 88	31	640.00
All of.....	1	S. 87	31	667.24	All of.....	3	N. 87	32	580.00
All of.....	2	S. 87	31	673.08	All of.....	5	N. 87	31	580.00
All of.....	3	S. 87	31	680.14	All of.....	7	N. 87	31	580.00
All of.....	7	S. 87	31	623.84	All of.....	9	N. 87	31	640.00
All of.....	9	S. 87	31	640.00	All of.....	11	N. 87	31	640.00
All of.....	11	S. 87	31	640.00	All of.....	13	N. 87	31	640.00
All of.....	13	S. 87	31	640.00	All of.....	15	N. 87	31	640.00
All of.....	15	S. 87	31	640.00	All of.....	17	N. 87	31	640.00
All of.....	17	S. 87	31	640.00	All of.....	19	N. 87	31	640.00
All of.....	19	S. 87	31	623.14	All of.....	21	N. 87	31	640.00
All of.....	21	S. 87	31	640.00	All of.....	23	N. 87	31	640.00
All of.....	23	S. 87	31	640.00	All of.....	25	N. 87	31	640.00
All of.....	25	S. 87	31	640.00	All of.....	27	N. 87	31	640.00
All of.....	27	S. 87	31	330.00	All of.....	29	N. 87	31	640.00
N $\frac{1}{2}$ of.....	31	S. 88	31	330.00	All of.....	31	N. 87	31	600.00
All of.....	1	N. 88	31	753.42	All of.....	33	N. 87	31	640.00
All of.....	3	N. 88	31	750.00	All of.....	35	N. 87	31	640.00
All of.....	5	N. 88	31	746.44	All of.....	1	S. 87	32	681.94
All of.....	7	N. 88	31	320.03	All of.....	3	S. 87	32	600.00
All of.....	9	N. 88	31	310.13	All of.....	5	S. 87	32	600.00
All of.....	11	N. 88	31	640.00	All of.....	7	S. 87	32	298.14
All of.....	13	N. 88	31	330.00	All of.....	9	S. 87	32	640.00
All of.....	15	N. 88	31	330.00	All of.....	11	S. 87	32	640.00
All of.....	17	N. 88	31	640.00	All of.....	13	S. 87	32	640.00
All of.....	19	N. 88	31	640.00	All of.....	15	S. 87	32	640.00
All of.....	21	N. 88	31	640.00	All of.....	17	S. 87	32	640.00
All of.....	23	N. 88	31	640.00	All of.....	19	S. 87	32	640.00
All of.....	25	N. 88	31	640.00	All of.....	21	S. 87	32	640.00
All of.....	27	N. 88	31	640.00	All of.....	23	S. 87	32	640.00
All of.....	29	N. 88	31	640.00	All of.....	25	S. 87	32	640.00
All of.....	31	N. 88	31	624.78	All of.....	27	S. 87	32	640.00



TABLE No. 30—CONTINUED.

PARTS OF SECTION.				PARTS OF SECTION.			
Section.	Town.	Range.	Acres.	Section.	Town.	Range.	Acres.
CALHOUN CO.,—CONT'D.				CALHOUN CO.,—CONT'D.			
All of	15	N	W.	All of	11	N	W.
All of	17	88	640.00	All of	13	89	640.00
All of	19	88	594.36	All of	15	89	640.00
All of	21	88	640.00	All of	17	89	640.00
All of	23	88	640.00	n ½ of	19	89	321.91
All of	25	88	640.00	s ½ of	19	89	321.91
All of	27	88	640.00	All of	21	89	640.00
All of	29	88	640.00	All of	23	89	640.00
All of	31	88	505.80	All of	25	89	640.00
All of	33	88	640.00	All of	27	89	640.00
All of	35	88	640.00	s ½ of	27	89	320.00
e ½ of	1	89	588.00	All of	29	89	640.00
All of	3	89	640.00	All of	31	89	640.00
All of	5	89	628.32	All of	33	89	640.00
All of	7	89	670.16	All of	35	89	640.00
All of	9	89	640.00	lots 5, 6, 7 and 8.	1	88	34
All of	11	89	640.00	e ½ of se ¼	1	88	34
All of	13	89	640.00	lots 1, 2, 3, 4, 9 and 10.	3	88	102.00
All of	15	89	640.00	e ½ of se ¼	3	88	34
All of	17	89	640.00	se ¼ of sw ¼	3	88	40.00
All of	19	89	607.16	All of	7	88	734.98
All of	21	89	640.00	se ¼ of ne ¼	7	88	34
All of	23	89	640.00	s ½ of ne ¼	9	88	40.00
All of	25	89	320.00	e ½ of se ¼	9	88	56.00
e ½ of	27	89	83.53	s ½ of	9	88	34
lots 1 and 2	27	89	50.70	e ½ of	11	88	320.00
s ½ of sw ¼	27	89	40.00	All of	13	88	640.00
All of	29	89	640.00	All of	15	88	640.00
e ½ of ne ¼	33	89	40.00	All of	17	88	34
lots 3 and 4	33	89	40.00	All of	19	88	405.84
lots 4 and 5	33	89	40.00	e ½ of ne ¼	21	88	640.00
lots 1, 2 and 6	33	89	122.28	All of	23	88	34
s ½ of se ¼	33	89	80.00	All of	25	88	640.00
sw ¼ of se ¼	33	89	40.00	All of	27	88	640.00
All of	35	89	640.00	n ½ of ne ¼	29	88	80.00
n ½ of	35	89	664.92	n ½ of	35	88	320.00
lots 2 and 3	3	87	370.22	All of	1	89	591.92
e ½ of	3	87	161.20	All of	3	89	524.54
½ of se ¼	1	88	33	All of	5	89	652.00
nw ¼ of se ¼	1	88	40.00	All of	9	89	640.00
All of	3	88	749.44	All of	11	89	640.00
All of	5	88	720.00	All of	13	89	640.00
All of	7	88	615.52	All of	15	89	640.00
All of	9	88	640.00	n ½ of	17	89	320.00
All of	11	88	640.00	All of	19	89	640.00
nw ¼ of	11	88	159.45	All of	21	89	640.00
All of	13	88	640.00	All of	23	89	640.00
All of	15	88	640.00	All of	25	89	640.00
All of	17	88	640.00	All of	27	89	640.00
All of	19	88	611.50	All of	29		
All of	21	88	640.00	All of	31	89	642.24
All of	23	88	640.00	All of	33	89	640.00
All of	25	88	640.00	All of	35	89	640.00
All of	27	88	640.00				
n ½ of nw ¼	29	88	80.00				
s ½ of ne ¼	31	88	80.00	Total.			101,674.03
All of	33	88	640.00				
All of	35	88	640.00	GRUNDY COUNTY.			
All of	1	89	640.00	w ½ of sw ¼	20	89	16
All of	3	89	640.00				80.00
All of	5	89	640.00				
All of	7	89	640.00	HARDIN COUNTY.			
All of	9	89	594.78	e ½ of ne ¼	15	87	22
All of	11	89	640.00				
All of	13	89	640.00	Total.			101,874.03

## RAILROAD LAND GRANTS.

The following tabulated statement shows the land concessions by acts of congress, to the state of Iowa, giving the dates of the grants, and acts extending and modifying the grants; also the mile limits of each grant

TABLE No. 31.

*Land concessions, by acts of congress, to the state of Iowa, for railroad purposes, from the years 1856 to June 30, 1901.*

Date of law.	NAME OF ROAD.	Mile limits.	Acres certified for patented for years ending June 30, 1901.	Acres certified for June 30, 1901.
May 15, 1856	Burlington & Missouri River.	6 and 15		
June 2, 1864	Burlington & Missouri River.	20		
July 1, 1864	An act authorizing the company to change or modify the location of the uncompleted portion of its line.			389,989.71
March 3, 1865	An act extending the time for completion of road two years.			
Feb. 10, 1866	Resolution extending the time for completion of road.			
May 15, 1856	Chicago, Rock Island & Pacific.	6 and 15		
June 2, 1864	Chicago, Rock Island & Pacific.	20		\$83,094.35
March 3, 1865	Act extending the time for completion of road two years.	40.00		154,572.81
Jan. 31, 1873	Act to quiet the title to certain lands in the state of Iowa			
June 15, 1878	Act to restore certain lands to settlement under homestead law, etc.			
May 15, 1856	Cedar Rapids & Missouri River.	6 and 15		
June 2, 1864	Cedar Rapids & Missouri River.	20		921,247.67
March 3, 1865	Act extending the time for completion of the road two years.	720.14		244,745.10
May 15, 1856	Dubuque & Sioux City	6 and 15		
June 2, 1864	Act authorizing said road to change its line.			683,023.80
March 3, 1865	Act extending the time for completion of road two years.			
June 2, 1868	Act extending time for completion of road to January 1, 1872.			
May 15, 1856	Iowa Falls & Sioux City.	6 and 15		
	Act extending the time for completion of road two years.			683,023.80
Aug. 8, 1866	Des Moines Valley	5		\$502,573.50
July 12, 1862				
May 12, 1864	Chicago, Milwaukee & St. Paul	10 and 20		
May 12, 1864	McGregor & Missouri River.	403.95		325,689.54
May 12, 1864	Sioux City & St. Paul.	10 and 20		407,910.21
Total			1,163.70	4,802,878.50

\*In addition to this amount, the Des Moines Valley also received cash indemnity for 44,157.66 acres.



## ACTS OF CONGRESS RELATIVE TO RAILROAD GRANTS.

ACT OF MAY 15, 1856.

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

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

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

SEC. 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 purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted,* That the lands hereby granted to said state shall be disposed of by said State only in manner following, that is to say: that a quantity of land not

exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the Gov. or 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 Postmaster General shall have the power to determine the same.

Approved May 15, 1856.

ACT OF MAY 12, 1864.

AN ACT for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

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

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

SEC. 3. *And be it further enacted,* that the lands hereby granted shall be subject to the disposal of the Legislature of Iowa, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States,



free of all toll or other charges upon the transportation of any property or troops of the United States.

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

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

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

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

Approved May 12, 1864.

#### ACT OF JUNE 2, 1864.

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

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Mississippi and Missouri Railroad company, a corporation established by the laws of the State of Iowa, and to which the said State granted a portion of the land grant mentioned in the title of this act, to aid in the construction of a railroad from Davenport to Council Bluffs, in said State, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line for connection with the Iowa branch of the Union Pacific Railroad; *Provided*, nevertheless, That said new line, if located, shall in every case pass through the corporate limits of the cities of Des Moines and Council Bluffs; and the right of way over the public lands of the United States is hereby

granted to said Railroad Company for that purpose; *Provided*, that said line shall pass through the town of Newton, in Jasper county, or as near said town as may be found practicable, and not farther north of said town than the north line of section twenty-two, township eighty, north of range nineteen, according to the United States surveys, if the citizens of the county of Jasper shall first pay to said company the difference in cost, if any, between the line proposed by the company and the one contemplated by this proviso, including extra cost of right of way if any, said difference in cost to be estimated by competent engineers to be selected by the parties.

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

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

SEC. 4. *And be it further enacted*, That the Cedar Rapids and Missouri River Railroad company, a corporation established under the laws of the State of Iowa, to which the said State granted a portion of the land mentioned in the title to this act, may modify or change the location of the uncompleted portion of its line as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line to the Missouri river, and to a connection with the Iowa branch of the Union Pacific Railroad, and for the purpose of facilitating the more immediate construction of a line of railroad across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company aforesaid, the Cedar Rapids and Missouri [River] Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad company; and the Cedar Rapids and Missouri River Railroad Company shall be entitled, for such modified line, to the same lands and to the same amount of lands per mile, and for such connecting branch the same amount of land per mile as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and for the said purpose, the right of way through the public lands of the United States is hereby granted to said Company. *And it is further provided*, that whenever said modified main line shall have been established, or such connecting line located, the said Cedar Rapids and Missouri River Railroad Company shall file in the General Land Office of the United States a map definitely showing such modified line and such connecting branch aforesaid; and the Secretary of the Interior shall reserve and cause to be certified and conveyed to said company, from time to time, as the work progresses on the main line, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a pre-emption right or right of homestead settlement has not been attached, and on which a *bona fide* settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within fifteen miles of the original main line, an amount of land equal to that originally



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

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

SEC. 6. *And be it further enacted*, That the Dubuque & Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of

their present land grant. A map of the change shall be filed with the Commissioner of the General Land Office within one year after the passage of this act.

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

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

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

Approved June 2, 1864.

#### ACT OF JULY 1, 1864.

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

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

SEC. 2. *And be it further enacted*, That the Burlington and Missouri River railroad company may so far change or modify the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious route to the terminus of said line on the Missouri River, said new line to be located within the limits of the land grant made by the United States to aid in its construction; and said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act.

Approved July 1, 1864.

#### ACT OF MARCH 3, 1865.

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

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

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

Approved March 3, 1865.



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

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

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

Approved February 10, 1866.

## ACT OF MARCH 2, 1868.

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

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

Approved March 2, 1868.

## ACT OF JANUARY 31, 1873.

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

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

Received by the President January 30, 1873.

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

## ACT OF JUNE 22, 1874.

AN ACT for the relief of Settlers on Railroad Lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the adjustment of all railroad grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be

found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States, subsequent to the time at which, by the decision of the land office, the right of said road was declared to have attached, to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof, from any of the public lands to which they shall receive title the same as though originally appropriated at the date of selection, or filings, thus relieved from conflict, may be perfected into complete title as if such lands had not been granted; *provided,* that nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad, or to extend to lands shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department, under which lands have been certified to any railroad company, when line of the road, and prior to the notice to the local land office of the withdrawal of such lands from the market.

Approved June 22, 1874.

## ACT OF APRIL 21, 1876.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

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

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

Approved April 21, 1876.

## ACT OF JUNE 15, 1878.

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

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



hereinbefore mentioned shall be permitted to make the final proof now required by law, and receive their patents at the expiration of five years from the date of their actual settlement. The said lands shall not include any lands embraced in the confirmatory act.

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

Approved June 15, 1878.

ACT OF MARCH 3, 1879.

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

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

Approved March 3, 1879.

ACT OF JANUARY 13, 1881.

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

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

Approved January 13, 1881.

ACT OF JULY 10, 1886.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That no lands granted to or by a railroad corporation by any act of Congress shall be exempt from taxation on the lands upon the same for the costs of surveying, selecting, and account of the lien of the said corporation, because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided,* That any such land sold for taxes shall be sold to the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all such

liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That this act shall apply only to lands situated opposite to and co-terminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

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

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

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

Approved July 10, 1886.

ACT OF MARCH 3, 1887.

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

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

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

Sec. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any *bona fide* settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public land laws: *Provided*, That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if said settler does not renew his application for said entry within a reasonable time, to be fixed by the Secretary of the Interior, then all such uncanceled lands shall be disposed of under the public land laws, with priority of right given to *bona fide* purchasers of said uncanceled lands, if any, and if there be no such purchasers, then to *bona fide* settlers residing thereon.

SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the



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

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

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

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

Approved March 3, 1887.

#### ACT OF SEPTEMBER 29, 1890.

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

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

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due

claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January first, eighteen hundred and eighty-eight, or where persons may have settled said lands with *bona fide* intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of one dollar and twenty-five cents per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the first day of January, eighteen hundred and ninety, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company, prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of one dollar and twenty-five cents per acre, if so much has been paid, and not more, credited to him on account of and as a part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: *Provided*, That in all cases where parties, persons or corporations, with the permission of such state or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other moveable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person has in good faith made or asserted the right to make a pre-emption or homestead settlement; *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March third, eighteen hundred and eighty-seven, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

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

SEC. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison Line," being a line drawn from Wallula, Washing-



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

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

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

SEC. 8. That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of

eighty-four miles. And the Secretary of the Interior in making settlement and certifying to or for the benefit of the said company the lands earned thereby shall include therein all the lands sold, conveyed or otherwise disposed of by said company not to exceed the total amount earned by said company as aforesaid. And the title of the purchasers to all such lands are hereby confirmed so far as the United States are concerned.

But such settlement and certification shall not include any lands upon which there were ninety, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad company is on condition that it shall within ninety days from the passage of this act, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all grant, as have heretofore been sold by the officers of the United States for cash, where the government still retains the purchase money, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, or as are claimed holding or claiming any such lands under such sales or entries are hereby confirmed, and all such claims under the pre-emption or homestead laws may be perfected as provided by law. And, within indemnity limits in lieu of the lands so relinquished, and the title of the land officers, of the lands in the granted limits of the Alabama and Florida Railroad grant, where the United States still retains the purchase money but without liability on the part of the United States.

Approved September 29, 1890.

#### ACT OF FEBRUARY 18, 1891.

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

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

Approved, February 18, 1891.

#### ACT OF FEBRUARY 24, 1891.

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

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

Approved, February 24, 1891.



# ACTS OF THE GENERAL ASSEMBLY OF IOWA RELATIVE TO RAILROAD GRANTS.

## CHAPTER 1.

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

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

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

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

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

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

SEC. 5. That so much of the lands, interest, rights, powers and privileges as are or 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 first day of April next, after the passage of this act, and maps or plots, showing such lines or routes, shall be filed in the office of the Governor of the State of Iowa, and also in the office of the Secretary of State of the State of Iowa. It shall be the duty of the Governor, after affixing his official signature, to file such map in the Department 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 arrangements, tariff of prices, or otherwise, over the said branch of their Railroad.

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

SEC. 9. The roads aforesaid shall be constructed upon a gauge with a width of four feet, eight and one-half inches, and the iron used in the track shall be of approved quality and pattern, and the said roads shall be completed and finished in a style and of a quality equal to the average of other first class western roads, and when the roads, or any of them, authorized to be constructed by this act, shall be intersected by the roads of any other Railroad Company now constructed, or hereafter to be constructed, it shall be the duty of such road or roads, receiving the benefit of this act, to furnish all proper and reasonable facilities and to join such other company in making all necessary crossings, turnouts, sidings 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 herein-after 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.

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

Approved July 14, 1856.

## CHAPTER 129.

### ACTS OF THE SIXTH GENERAL ASSEMBLY.

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

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

SEC. 2. The acceptance of said grant shall be signified by said company filing duplicate certificates to that effect under the seal of said corporation, signed by the president and secretary thereof; one in the office of the Secretary of State of the State of Iowa, the other in the office of the Secretary of the Interior, at Washington, which shall be held and regarded as an acceptance by the State, which shall bind said company to the performance of the conditions of such grant.

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

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

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

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

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

Approved January 27, 1857.

## CHAPTER 182.

### ACTS OF THE SIXTH GENERAL ASSEMBLY.

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

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

SEC. 2. Any mortgage or deed of trust made upon the lands, roads, or the property of either, shall bind and be a valid lien upon all the property mentioned in such deed or mortgage including rolling stock; and the purchasers under a trustees sale or foreclosure of mortgage, shall have and enjoy all the rights of a purchaser on execution sale. *Provided further*, that nothing contained in this act shall be so construed as in any manner to interfere with, change or modify the rights of this state or of the United States to any lands granted by Congress to this state and by this state to certain railroad companies therein, as security for the completion of said roads, or to transfer any right in said lands otherwise than as subject to all the conditions imposed by the grant made by the United States to this state, and by the grant by this state to said companies or by either of said grants; and, *provided further*, that the faith of the state is in no way pledged for the payment of said bonds.

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

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

Approved January 28, 1857.

## CHAPTER 17.

### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

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

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

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

Approved March 7th, 1860.

## CHAPTER 25.

### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

WHEREAS, By the act of Congress approved May 15, 1856, there were granted to the State of Iowa certain lands to aid in the construction of certain railroads in said State, upon certain



terms, conditions, and restrictions under which said lands might be disposed of; and whereas, the General Assembly of the State of Iowa, by an act approved July 14, 1856, accepted said grant of lands upon the terms, conditions and restrictions contained in said act of Congress, and contracted with Iowa Central Air Line Railroad Company for the sale upon certain terms of that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from Lyons City north-westerly to a point of intersection with the main line of the Iowa Central Air Line Railroad near Maquoketa, thence on said main line running as near as practicable to the forty-second parallel across the said State to the Missouri River, in consideration of the undertaking on the part of said Company, and subject to the conditions and restrictions contained in said act and the act of Congress aforesaid; and whereas, the said Iowa Central Air Line Railroad Company has wholly failed to perform on their part the conditions of said acts, and has utterly failed to construct any part of said railroad as required by law, and by the terms of their contract, and has failed to complete and equip any portion of said road, thereby, at the option of said State, annulling all their rights to the lands and privileges, under and by virtue of said acts by reason whereof the State of Iowa has the right to resume all said rights and privileges, and all the rights in relation to said lands so as aforesaid conferred upon said company by said State; and whereas, no part of said lands have been actually conveyed by this State to said Company, nor by said Company disposed of pursuant to the provisions of said acts, and inasmuch as the interest of the State in said lands and the construction of the road to aid which said lands were granted by Congress, as also the good faith of the State in executing the trust confided to it by Congress, require that the State should resume said rights and privileges and all rights to the lands aforesaid; now therefore,

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

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

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

Approved March 17, 1860

## CHAPTER 36.

### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

AN ACT entitled an act declaratory of the meaning of an act entitled an act for extending the time of completion of seventy-five miles of road by the Dubuque and Pacific Railroad Company, approved 7th of March, 1860.

WHEREAS, The first section of the act above recited reads as follows:

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

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

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

Approved March 26, 1860.

## CHAPTER 37.

### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the lands, interests, rights, powers and privileges as have been or may be granted and conferred in pursuance of the act of Congress, entitled "an Act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of Railroads in said State," approved May 15, 1856, to aid in the construction of a railroad from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line running as near as practicable to the forty-second parallel across the State of Iowa to the Missouri river, are hereby disposed of, granted and conferred to and upon the Cedar Rapids and Missouri River Railroad Company, a body corporate, created and existing under the laws of the State of Iowa; *Provided, however,* That no portion of the grants of land provided for in this act shall be applied to the liquidation of any debt or obligation heretofore made or contracted by the said Cedar Rapids and Missouri River Railroad Company, or 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. 2. The grant by this act conferred upon said Company is made upon the express condition that in case said Company shall fail to have completed and equipped forty miles of its road along the route aforesaid, and west from some convenient point on the Cedar river, near the forty-second parallel, within one year from the first day of December next, after the passage of this act, thirty miles in addition, each year thereafter, for two years, and the remainder of their whole line of road in two years thereafter, or by the first day of December, 1865, then and in that case it shall be competent for the State of Iowa to resume all rights conferred by this act upon said Company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of to the Company so failing to have the length of road completed in manner and time as aforesaid.

SEC. 3. The provisions of the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the first chapter of the laws of Iowa, passed at the extra session of the Fifth General Assembly, and approved July 14, 1856, so far as the same are applicable to this Company under the provisions of this act, and the one hundred and eighty-second chapter of the laws of this State, enacted by the Sixth General Assembly, and approved January 28, 1857; and the eighty-fifth chapter of the laws of this State, enacted by the Seventh General Assembly, and approved March 20, 1858, so far as said enactments are not inconsistent with the provisions of this act, be and the same are hereby made applicable to this Company, receiving the benefits of the grant hereby conferred; and it is further provided, that said Railroad shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; and if the said Company shall accept this grant upon the condition aforesaid, which acceptance shall appear by an express writing, under the seal of said corporation, with the signatures of its President and Secretary, and shall be filed in the office of the Secretary of the State of Iowa, within ninety days after the approval of this act by the Governor, it shall take the same with the conditions imposed, and incumbrances specified in this act; and shall in no event have any claim or recourse whatever upon the State of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.

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

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



upon failure of either of the conditions named in the second section of this act, all lands to which the said Company shall not have then become entitled by completion of one or more sections as aforesaid of the said road.

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

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

SEC. 8. And be it further enacted, that it shall be deemed a felony for the President and Directors or Managers of the said Railroad Company accepting the grant of land to be conveyed by this act, to wilfully misapply any of the land herein granted, to any other purpose than the carrying into effect the true meaning and intent of this act, and the President, Directors or Managers of said Railroad Company who may be guilty of any such wilful misapplication of the lands herein granted, shall be liable to a fine of not less than five thousand dollars, or imprisonment in the county jail not less than twelve months and not more than three years, or both such fine and imprisonment, at the discretion of the court before whom any case may be tried.

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

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

Approved March 26th, 1860.

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

## CHAPTER 153.

### ACTS OF THE NINTH GENERAL ASSEMBLY.

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

SECTION 1. *Best enacted by the General Assembly of the State of Iowa.* That from and after the taking effect of this Act, the Governor of the State of Iowa shall not certify to the Secretary of the Interior that any part of the road is completed on the line of the Dubuque and Sioux City Railroad, as now provided for by section four (4) of the Act of Congress making said grant, approved May 15th, A. D. 1856; nor shall said road be entitled to receive any cer-

tificate for lands on said line of road until said company shall have executed a deed of release of all the swamp and overflowed lands now approved, or that may be hereafter approved by the Surveyor General, in any county within the fifteen mile limits of said road, to the county in which such swamp and overflowed lands may be situated, including all such swamp or overflowed lands as were returned and certified to the General Land Office, and ratified to the State by Act of Congress of March 3d, 1857, nor until said Dubuque and Sioux City Railroad Company shall transfer their interest in those tracts of land in Webster and Hamilton counties, heretofore sold by John Tolman, School Fund Commissioner of Webster county, within the fifteen mile limits of the grant of said road (whether the same are held by patents from the State, or contracts made with said Commissioner), to the Register of the State Land Office, in trust, to enable said Register to carry out and perform said contracts in all cases where he is called upon by the parties in interest to do so, before the first day of January, A. D. 1864, (after which day he is authorized and required to reconvey those tracts aforesaid not demanded or claimed as aforesaid at that time, to said Railroad Company), nor until the said Dubuque and Sioux City Railroad Company shall execute deeds of release to the State of Iowa of all lands sold by the State prior to the 7th day of May, A. D. 1854, of the odd sections above the Racoon Fork of the Des Moines river within five miles of said river, and of such other of said lands as have been sold since that date and prior to the first day of January, A. D. 1862, and now improved and occupied by actual settlers residing thereon, who have purchased the same in good faith, not exceeding, however, one hundred and sixty acres to any one land settler.

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

SEC. 2. The said deeds of release shall be filed and recorded in the office of the State Register of the State Land Office, and either the record or the certificate of said Register shall be sufficient evidence of the compliance of said Companies with the provisions of this Act.

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

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

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

Approved April 7, 1862.

## CHAPTER 121.

### ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

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

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

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

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

WHEREAS, A large portion of the lands sold by the state to individuals and since falling within the limits of the grant known as that of the Mississippi and Missouri Railroad, has



become forfeited to the State, by the failure of said road to comply with the conditions of its grant, and recognizing it as the duty of the State at all times to protect individuals holding its patent for lands purchased in good faith, and for a valuable consideration, in the quiet possession of their farms and houses; therefor,

SECTION 1. *Be it Enacted by the General Assembly of the State of Iowa,* That the lands and all rights to the hereinafter described lands and the interests, rights, powers and privileges in and to, and concerning such lands, lying within five miles of the Des Moines River on either side thereof heretofore conferred or intended to be conferred upon the Mississippi and Missouri Railroad Company, if any such lands, rights, interest, powers, or privileges, were ever so conferred by an Act approved July 14th, 1856, entitled "An Act to accept of the Grant and carry into execution the trust conferred upon the State of Iowa by an Act of Congress entitled an Act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State," and by an Act of Congress approved May 15th, 1856, entitled "An Act making a Grant of Lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," and by an Act of Congress approved June 2d, 1864, entitled "An Act to amend an act entitled an act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," be and the same are hereby absolutely and entirely resumed by the State of Iowa.

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

## PARTS OF SECTIONS.

	Section.	Town.	Range.	Acres.
s $\frac{1}{2}$ sec., nw $\frac{1}{4}$ , s $\frac{1}{2}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ ne $\frac{1}{4}$	7	79	23	630.44
sw $\frac{1}{4}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ ne $\frac{1}{4}$ , sw $\frac{1}{4}$ nw $\frac{1}{4}$ , se $\frac{1}{4}$	17	79	23	280.00
sw $\frac{1}{4}$ nw $\frac{1}{4}$ , w $\frac{1}{2}$ sw $\frac{1}{4}$	31	80	23	143.34
lot 6	9	78	24	43.79
s $\frac{1}{2}$ sec. and fractional left bank	17	78	24	320.47
all	19	78	24	653.12
nw $\frac{1}{4}$ nw $\frac{1}{4}$	21	78	24	40.00
nw $\frac{1}{4}$ ne $\frac{1}{4}$ , e $\frac{1}{2}$ nw $\frac{1}{4}$ , nw $\frac{1}{4}$ ne $\frac{1}{4}$	29	78	24	100.00
n $\frac{1}{2}$ sw $\frac{1}{4}$ , n $\frac{1}{2}$ ne $\frac{1}{4}$ , w $\frac{1}{2}$ sw $\frac{1}{4}$	29	78	24	120.00
ne $\frac{1}{4}$ , e $\frac{1}{2}$ nw $\frac{1}{4}$ , n $\frac{1}{2}$ se $\frac{1}{4}$	31	78	24	320.00
e $\frac{1}{2}$ n $\frac{1}{2}$ , nw $\frac{1}{4}$ s $\frac{1}{2}$ , sw $\frac{1}{4}$	1	79	24	508.62
nw $\frac{1}{4}$ sw $\frac{1}{4}$	3	79	24	40.00
sw $\frac{1}{4}$ sw $\frac{1}{4}$ , lots 5 and 6	7	79	24	121.79
w $\frac{1}{2}$ ne $\frac{1}{4}$ , sw $\frac{1}{4}$ ne $\frac{1}{4}$ , s $\frac{1}{2}$ se $\frac{1}{4}$ , and w $\frac{1}{2}$	7	79	24	523.42
w $\frac{1}{2}$ ne $\frac{1}{4}$ , w $\frac{1}{2}$ se $\frac{1}{4}$ , w $\frac{1}{2}$ sw $\frac{1}{4}$	11	29	24	240.00
se $\frac{1}{4}$ sw $\frac{1}{4}$	11	79	24	40.00
e $\frac{1}{2}$ , sw $\frac{1}{4}$ and e $\frac{1}{2}$ nw $\frac{1}{4}$	13	79	24	500.00
all	15	79	24	640.00
w $\frac{1}{2}$ sw $\frac{1}{4}$ , se $\frac{1}{4}$ sw $\frac{1}{4}$ , lots 7, 8, 9	17	79	24	280.25
all	19	79	24	645.74
w $\frac{1}{2}$ sw $\frac{1}{4}$ , sw $\frac{1}{4}$ nw $\frac{1}{4}$	21	79	24	120.00
s $\frac{1}{2}$ sec., nw $\frac{1}{4}$ , s $\frac{1}{2}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ ne $\frac{1}{4}$	23	79	24	600.00
s $\frac{1}{2}$ nw $\frac{1}{4}$ , w $\frac{1}{2}$ sw $\frac{1}{4}$	25	79	24	100.00
n $\frac{1}{2}$ ne $\frac{1}{4}$ , n $\frac{1}{2}$ nw $\frac{1}{4}$	29	79	24	160.00
nw $\frac{1}{4}$	31	79	24	169.96
s $\frac{1}{2}$ sw $\frac{1}{4}$	7	80	24	86.61
sw $\frac{1}{4}$	9	80	24	160.00
nw $\frac{1}{4}$ and se $\frac{1}{4}$	15	80	24	320.00
ne $\frac{1}{4}$ ne $\frac{1}{4}$	17	80	24	40.00
e $\frac{1}{2}$ ne $\frac{1}{4}$	19	80	24	80.00
ne and w $\frac{1}{2}$	23	80	24	480.00
ne and w $\frac{1}{2}$	25	80	24	480.00
ne $\frac{1}{4}$ ne $\frac{1}{4}$ , sw $\frac{1}{4}$ sw $\frac{1}{4}$ , se $\frac{1}{4}$	27	80	24	240.00
e $\frac{1}{2}$ se $\frac{1}{4}$ , and sw $\frac{1}{4}$ se $\frac{1}{4}$	29	80	24	120.00
nw $\frac{1}{4}$ and w $\frac{1}{2}$ se $\frac{1}{4}$	33	80	24	240.00
all	31	80	24	527.43
e $\frac{1}{2}$ ne $\frac{1}{4}$	35	80	24	80.00
s $\frac{1}{2}$ , nw $\frac{1}{4}$ , s $\frac{1}{2}$ ne $\frac{1}{4}$ , and nw $\frac{1}{4}$ ne $\frac{1}{4}$	1	78	25	643.95
e $\frac{1}{2}$ nw $\frac{1}{4}$ , and e $\frac{1}{2}$ sw $\frac{1}{4}$	3	78	25	617.12
e $\frac{1}{2}$ ne $\frac{1}{4}$ , s $\frac{1}{2}$ ne $\frac{1}{4}$ , and se $\frac{1}{4}$ ne $\frac{1}{4}$	11	78	25	160.00
ne $\frac{1}{4}$ se $\frac{1}{4}$	13	78	25	40.00
w $\frac{1}{2}$ ne $\frac{1}{4}$ , se $\frac{1}{4}$ ne $\frac{1}{4}$ , w $\frac{1}{2}$ , se $\frac{1}{4}$	23	79	25	600.00
all	29	79	25	640.00
n $\frac{1}{2}$ , n $\frac{1}{2}$ sw $\frac{1}{4}$ , se $\frac{1}{4}$ sw $\frac{1}{4}$ se $\frac{1}{4}$	27	79	25	600.00
w $\frac{1}{2}$ ne $\frac{1}{4}$ , w $\frac{1}{2}$ se $\frac{1}{4}$ and w $\frac{1}{2}$	35	79	25	480.00
s $\frac{1}{2}$ ne $\frac{1}{4}$	1	80	25	80.00

## PARTS OF SECTIONS.

	Section.	Town.	Range.	Acres.
ne $\frac{1}{4}$ ne $\frac{1}{4}$ , se $\frac{1}{4}$ nw $\frac{1}{4}$ , e $\frac{1}{2}$ sw $\frac{1}{4}$ , se $\frac{1}{4}$	5	80	25	332.81
ne $\frac{1}{4}$ , w $\frac{1}{2}$ , e $\frac{1}{2}$ se $\frac{1}{4}$	9	80	25	580.00
lots 1, 2, 6	11	80	25	105.82
lots 3, 4, 7, 8	13	80	25	180.18
se $\frac{1}{4}$ ne $\frac{1}{4}$ , s $\frac{1}{2}$ nw $\frac{1}{4}$ , and sw $\frac{1}{4}$ se $\frac{1}{4}$ , and n $\frac{1}{2}$ se $\frac{1}{4}$	15	80	25	480.00
se $\frac{1}{4}$ sw $\frac{1}{4}$ , w $\frac{1}{2}$ se $\frac{1}{4}$ , n $\frac{1}{2}$ sw $\frac{1}{4}$	17	80	25	200.00
e $\frac{1}{2}$ ne $\frac{1}{4}$ , and e $\frac{1}{2}$ nw $\frac{1}{4}$ , nw $\frac{1}{4}$ nw $\frac{1}{4}$	17	80	25	120.00
e $\frac{1}{2}$ , e $\frac{1}{2}$ nw $\frac{1}{4}$ , e $\frac{1}{2}$ sw $\frac{1}{4}$ , sw $\frac{1}{4}$ nw $\frac{1}{4}$	21	80	25	200.00
n $\frac{1}{2}$ , sw $\frac{1}{4}$ , n $\frac{1}{2}$ se $\frac{1}{4}$ , se $\frac{1}{4}$ se $\frac{1}{4}$	23	80	25	520.00
e $\frac{1}{2}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ ne $\frac{1}{4}$ , w $\frac{1}{2}$ sw $\frac{1}{4}$ , e $\frac{1}{2}$ se $\frac{1}{4}$	25	80	25	620.00
sw $\frac{1}{4}$ ne $\frac{1}{4}$ , se $\frac{1}{4}$ nw $\frac{1}{4}$ , n $\frac{1}{2}$ sw $\frac{1}{4}$ , sw $\frac{1}{4}$ se $\frac{1}{4}$	27	80	25	280.00
nw $\frac{1}{4}$ , e $\frac{1}{2}$ , sw $\frac{1}{4}$ se $\frac{1}{4}$	29	80	25	200.00
e $\frac{1}{2}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ , and e $\frac{1}{2}$ se $\frac{1}{4}$	31	80	25	400.00
n $\frac{1}{2}$ ne $\frac{1}{4}$ , nw $\frac{1}{4}$ , and e $\frac{1}{2}$ se $\frac{1}{4}$	33	80	25	320.00
w $\frac{1}{2}$ nw $\frac{1}{4}$	11	80	26	120.00
n $\frac{1}{2}$	13	80	26	80.00
n $\frac{1}{2}$ , se $\frac{1}{4}$	23	81	26	480.00
Amounting in all to				19,734.48

SEC. 2. That in lieu of the land hereby confirmed to individual purchasers, the Register of the State Land Office shall set apart to, and for the Mississippi & Missouri Railroad Grant an equal number of acres from the Grant known as "Indemnity Lands," (reserved in Section 5 of Chapter 108 of the Acts of the 10th General Assembly) granted by acts of Congress approved July 12th, 1862, and accepted by the General Assembly by Joint Resolution, dated September 11th, 1862, *Provided*, That none of the indemnity lands set apart in this section shall be certified to the Mississippi and Missouri Railroad Company unless the Supreme Court of the United States shall decide that the lands, described in Section 1, of this Act, were included in the Grant of Lands made to the State of Iowa by Act of Congress approved May 15th, 1856; *Provided*, further, that before any of the indemnity lands aforesaid shall be certified to the said Railroad Company all the incumbrances created or suffered by said Company upon the said lands hereby confirmed, or any part thereof shall be removed therefrom.

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

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

Approved April 2d, 1866.

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

## CHAPTER 134.

## ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

AN ACT to accept of the Grant and carry into execution the Trust conferred upon the State of Iowa, by an Act of Congress entitled "An Act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands, rights, powers and privileges conferred upon the State of Iowa by the Act of Congress entitled "An Act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in the State of Iowa," approved May 12, 1864, be and the same are hereby accepted upon the terms, conditions, and restrictions contained in said Act of Congress.

SEC. 2. That so much of the lands, interests, rights, powers, and privileges, as are or may be granted and conferred in pursuance of the Act of Congress aforesaid, for the purpose



of aiding in the construction of a railroad from Sioux City, in the said State of Iowa, to the south line of the State of Minnesota, at such point as the said State of Iowa may select between the Big Sioux and the west fork of the Des Moines River be, and are hereby disposed of, granted and conferred upon the Sioux City and St. Paul Railroad Company, a body corporate existing under and by virtue of the laws of the State of Iowa.

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

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

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

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

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

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

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

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

Approved April 3d, 1866.

## CHAPTER 144.

### ACTS OF THE ELEVENITH GENERAL ASSEMBLY.

AN ACT to accept the grant of land to the State of Iowa, made by Act of Congress of May 12, 1864, and to carry out the provisions of said Act, entitled, "An Act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That the lands, rights, powers, duties, and trusts conferred upon the State of Iowa by an Act of Congress, approved July 12th, 1864, entitled "An Act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State, are hereby accepted by said State, upon the terms, conditions, and restrictions contained in said Act of Congress.

SEC. 2. Whenever any lands shall be patented to the State of Iowa, in accordance with the provisions of said Act of Congress, said lands shall be held by the State in trust for the

benefit of the Railroad Company entitled to the same by virtue of said Act of Congress, and to be deemed to said Railroad Company as shall be ordered by the Legislature of the State of Iowa, at its next regular session, or at any session thereafter.

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

Approved April 20th, 1866.

## CHAPTER 10.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

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

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

SEC. 3. *Be it further enacted.* That this act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Daily State Register* and *Iowa Homestead*, two papers published at Des Moines, Iowa.

Approved February 5, 1868.

## CHAPTER 13.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

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

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

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

WHEREAS, The Chicago, Rock Island and Pacific Railroad corporation subsequently, to-wit: on the 20th day of August, A. D. 1866, consolidated its stock and corporate rights with that of the Chicago and Rock Island Railroad Company, a corporation existing by virtue of the laws of the State of Illinois, with a stipulation and agreement between the said consolidated companies that the whole line would adopt the corporate name of the Chicago, Rock Island and Pacific Railroad Company; and

WHEREAS, The said consolidated company has completed the said line of road as far as the city of Des Moines, and desire to complete the same to the Missouri river as rapidly as



possible, and for this purpose desire the use of said lands so granted to aid in the completion of the same; therefore

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

SEC. 2. The said consolidated company is hereby required to construct, complete and operate its railroad from the city of Des Moines to a point at or near Council Bluffs, on the Missouri river, as required by the articles of incorporation of the said Chicago, Rock Island and Pacific Railroad Company, in this State, so as to enable it to connect its line of road with the Union Pacific Railroad, at as early a period as practicable, and within two years from the passage of this act, and to apply the lands heretofore granted by the General Assembly to the Mississippi and Missouri Railroad Company to the building and completion of said line of railroad, for which purpose the State of Iowa hereby grants unto the said consolidated railroad company, all right or interest the State may have in said land; *provided,* said railroad company, accepting the provisions of this act, shall at all times be subject to such rules, regulations and rates of tariff for transportation of freight and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act and in the acts of Congress granting the same to the State, and extending the time for the completion of said road; *provided,* said consolidated railroad company shall also apply to such construction, completion and the equipment thereof, all the proceeds of forty-nine thousand shares of said capital stock, issued and sold by said consolidated company, or for it, by or under the direction of its executive committee, or the agents thereof, since the 13th day of September last, or so much thereof as may be necessary for that purpose; and the issuing and sale of said shares of the capital stock of said consolidated company as full paid shares, and sale of the same for less than the sum of one hundred dollars per share, by its officers, are hereby confirmed and declared valid, and the same are and shall be deemed and taken to be full paid shares of said consolidated company, issued and sold for the purpose of completing said line of road from Des Moines to Council Bluffs, and not liable to any calls or assessments; *and provided, further,* that the board of directors of said consolidated company shall postpone the annual meeting of the stockholders for the election of directors thereof, until the first Wednesday of June, A. D., 1869; and that said board of directors shall make and file with the Secretary of this State, on or before the first days of July and January until said road is completed, a report in writing verified by the president or engineer, showing the progress of the work, the portions of the road finished, how much under contract, and the amount expended thereon; *and provided, further,* the said consolidated railroad company shall signify their acceptance of the provisions of this act, by filing in the office of the Secretary of State of this State, a written acceptance thereof by the president and secretary of said company, within ninety days from the passage of this act.

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

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

SEC. 5. Any person wishing to avail himself of the preceding section shall, within four months from the taking effect of this Act, file his application for such purchase in the county court of the county in which such lands may be situated, with the proofs in writing, showing his right to make such purchase under the provisions of the preceding section, and showing that he has never directly or indirectly received any of the benefits secured to actual settlers, on any lands embraced in said grant, either by this act or by the provisions of sections ten, eleven and twelve, of an act in the preceding section mentioned; a copy of which application

and proofs shall be personally served upon the secretary of said company. If such proofs shall establish the right of the applicant to make such purchase, and that he has not, either directly or indirectly, purchased any other lands embraced in said grant under the provisions of this act or of the act above mentioned, the Court shall give him a certificate setting forth such facts, a copy of which shall be personally served upon the secretary of said company. The applicant shall, within ninety days after the execution of such certificate, pay to the Treasurer of State, for the use of said company, one dollar and twenty-five cents per acre for the lands described in the certificate, for which the Treasurer shall execute duplicate receipts, one of which shall be indorsed on said certificate, and the other shall be delivered to the secretary of said company. Either party shall have the right to appeal from the decision of the county court to the district court, in the same manner as appeals are taken from the judgment of justices of the peace, within ninety days after the decision of the county court; and the same shall be tried in the district court as a cause triable by the first method of trying equity causes, the applicant being the plaintiff, and the company the defendant; and the court, in its final decree, shall make such order touching the title and the disposition of the moneys deposited with the State Treasurer as the law and the facts require. When no appeal is taken in the time above described, the title shall vest in the applicant, and the moneys so paid to the Treasurer of State shall be held by him and paid to said company, when it shall have been vested with a complete title to said lands under this act.

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

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

Approved February 11, 1868.

## CHAPTER 16.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

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

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

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all lands and all rights to said lands, granted or intended to be granted to the McGregor Western Railroad Company by said Act, be and the same are hereby absolutely and entirely resumed by the



State of Iowa, and that the same be and are as fully and absolutely vested in said State as if the same had never been granted to said railroad company

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

Approved February 27, 1868.

## CHAPTER 26.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT Resuming certain Rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an Act approved July 14, 1856, and Acts amendatory thereof, and to Repeal certain Laws in relation thereto.

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

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

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

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

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

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

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

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

Approved March 10, 1868.

## CHAPTER 42.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to amend an Act approved April 20, 1866, entitled "An Act to accept the Grant of Land to the State of Iowa, made by Act of Congress of May 12, 1864, and to carry out the Provisions of said Act, entitled an Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," and to make Effectual the Acceptance by the State of Iowa to said Grant of Land.

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

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

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

Approved March 24, 1868.

## CHAPTER 58.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT Making a Grant of Land to the McGregor & Sioux City Railway Company, or, in case of their failure to accept the same, to the Forty-Third Parallel Company, and to execute the Trust conferred by act of Congress entitled "An Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," approved, May 12, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the lands, rights, and privileges that are granted to the State of Iowa by an act of Congress, approved, May 12, 1864, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, at or near the forty-third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien in said State of Iowa, are hereby granted and conferred to and upon the McGregor & Sioux City Railway Company, a corporation organized under the laws of the State of Iowa: *Provided*, Said railroad company accepting the provisions of this act shall at all times be subject to such rules, regulations and rates of tariff for the transportation of freights and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions, and provisions contained in this act, and in the Acts of Congress granting said lands to the State of Iowa.

SEC. 2. This grant is made upon the express condition that said railway company shall have constructed and in running order a line of railway as required by the provisions of the act of Congress making said grant to the State, and of this act, upon the most practicable route, on or as near as practicable to the forty-third parallel of north latitude, running within one mile of New Hampton, in Chickasaw county, and running from thence by way of, and within one mile of St. Charles City, Mason City, and Algona, until it shall intersect, in the county of O'Brien in this State, the proposed railroad running from Sioux City to the Minnesota State line.

SEC. 3. This grant is conferred on the McGregor & Sioux City Railway Company on the further express conditions that in case said company shall fail to have its railway built and completed in good running order as far west as to Chickasaw, in range fourteen, in Chickasaw county by the first day of September, 1869; or in case said company shall fail to build and complete in good running order at least twenty miles in addition in each and every year thereafter, and the whole of said road by the first day of December, 1875; then, and in case of any such failure, or on failure to comply with any of the conditions of this act, the State of Iowa may at any time resume all rights conferred by this act, and resume all rights to the lands hereby



granted, and which may remain undisposed of to said company on account of road actually built in compliance with the terms of this act; *provided*, that if in any one year more road shall be built than is required by this act it shall be regarded and treated as road built in the next succeeding year or years.

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

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

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

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

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

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

last named company, their successors or assigns, of land in said contemplated additional grant for any railroad constructed on said line between McGregor and O'Brien county.

SEC. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Daily State Register* and *Iowa Evening Statesman*. Approved March 31, 1868.

## CHAPTER 124.

### ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

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

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

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

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



day of July, 1869, the time now fixed by act of Congress; one-half of the balance within one year from that time, and the remainder before the first day of January, A. D. 1872; and said road, when any twenty miles shall be completed, shall be subject to the lease of the Illinois Central Railroad Company, transferred to the Iowa Falls and Sioux City, by the Dubuque and Sioux City Railroad Company, and shall be operated as one continuous and unbroken through line of railroad from Dubuque to Sioux City.

SEC. 5. Said lands so granted as aforesaid, to the Iowa Falls and Sioux City Railroad Company, shall be patented by the Governor to said company as the same shall be earned by the building of said road, but no patent shall be issued by him for any portion of said lands until at least seventy-five miles of road shall be completed, and "no patent shall be made for any lands more than forty miles in advance of the point to which said road may be constructed from time to time," as provided by said act of Congress. No patent shall be made for any lands located within fifty miles of Sioux City, until said company shall have its entire road completed to Sioux City, except for such road as said company may cause to be built and operated from Sioux City eastward, and when said company shall have forty miles of road built and operated from Sioux City eastward then this restriction shall cease, and such lands may be patented for any road built by said company; and no patent shall include lands situate in more than one county, and such patent shall be, by said company, recorded in the county where said lands lie, and a certified copy of the record of the same may be used as evidence with the same effect as the original. And in case any of said lands hereby granted are now, and were on the first day of January last, occupied by actual settlers residing thereon and improving the same, upon such settler making proof to the satisfaction of the Register of the State Land Office of such settlement and improvement, he shall be entitled to purchase not exceeding one-quarter section of land of the State at the rate of \$2.50 per acre, and when such land shall have been earned by the extension of said road, upon the payment to the said company of the said sum, the Governor shall execute a patent to such actual settler for said land.

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

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

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

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

Approved April 7, 1868.

## CHAPTER 73.

### ACTS OF THE THIRTEENTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Dubuque, Bellevue & Sabula Railroad Company, having failed and refused to accept the terms

and conditions of chapter 124 of the acts of the Twelfth General Assembly relating to the construction of the Tete des Morts Branch Railroad, and the grant of land connected therewith; and said company not having proceeded in good faith to construct said branch road, and open the same for business, as required by said act; therefore, all the right, title, and interest in and to the land granted or intended to be granted to said Dubuque, Bellevue & Sabula Railroad Company by any of the provisions of said chapter 124 of the acts of the Twelfth General Assembly, be and the same is hereby absolutely and entirely resumed by the State; *provided, however*, that nothing in this act shall be construed to prevent the said Dubuque, Bellevue & Sabula Railroad Company from claiming and recovering reasonable compensation for any work actually done by said company on the line of said branch road, from any person or company to whom said land grant may hereafter be transferred, and who may proceed to construct said branch road.

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

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

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

Approved April 7th, 1870.

## CHAPTER 168.

### ACTS OF THE FOURTEENTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*. That in cases where lands have been granted to the State of Iowa by act of Congress, and certified lists of the lands inuring under the grant have been made to the State by the Commissioner of the General Land Office, as required by act of Congress, and such lands have been granted by act of the General Assembly to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the Register of the State Land Office is hereby authorized to prepare, on the application of the grantee, a list or lists of lands situated in each county inuring to such grantee, from the lists certified by the Commissioner of the General Land Office, as aforesaid, which shall be signed by the Governor of this State, and attested by the Secretary of State, with the State seal, and then be certified to by the Register to be true and correct copies of the lists made to this State, and deliver them to such grantee



who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and when so recorded shall vest in such grantee the right of the State to the lands therein described, under the grant of Congress by which the lands were certified to the State, so far as the certified lists made by the Commissioner aforesaid conferred title to the State.

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

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

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

Approved April 22, 1872.

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

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

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

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

#### CHAPTER 34.

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

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

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

SECTION 1. That the Governor of the State of Iowa be and is hereby authorized and directed to certify to the Sioux City and St. Paul Railroad Company any and all lands which are now held

by the State of Iowa in trust for the benefit of said Railroad Company in accordance with the provisions of section 2, chapter 144 of the laws of Eleventh General Assembly.

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

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

Approved March 13, 1874.

#### CHAPTER 96.

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

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

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

SECTION 1. That whereas the McGregor & Sioux City Railway Company, now known as the McGregor & Missouri River Railway Company, has failed to comply with the conditions and provisions of the acts of the Twelfth General Assembly of the State of Iowa, approved March 31, 1868, entitled an act making a grant of land to the McGregor & Sioux City Railway Company, now, therefore, all lands or rights to lands saving and excepting all those tracts and parcels lying within twenty miles on either side of the located or constructed line of the Sioux City & St. Paul Railroad Company, and within what is known as the "overlapping [overlapping] limits," heretofore granted or intended to be granted to the McGregor & Sioux City Railway company, be and the same are hereby absolutely and entirely resumed by the state of Iowa.

SEC. 2. That all of said lands and rights to lands, be and are hereby granted to and conferred upon the McGregor & Missouri River railway company, upon the following express terms and conditions, viz: That the McGregor & Missouri River railroad company, then called the McGregor & Sioux City railway company, shall build and construct their railroad from Algona, in Kossuth county, to Emmetsburg, in Palo Alto county, and locate and establish their depot upon the depot grounds of said company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish their depot upon section 7, in township 96, range 36, on or before the 1st day of January, A. D. 1877, and that the said McGregor & Missouri River railway company shall build and construct their railroad thence on the most direct and practicable route to the point of connection, in O'Brien county, within half mile of Sheldon, with the Sioux City & St. Paul railroad on or before the 1st day of December, A. D. 1877.

*Provided*, That federal legislation be had in 1876, by which the McGregor & Missouri River Railway Company is permitted to make its junction with the Sioux City & St. Paul Railroad west or southwest of Primghar, outside of O'Brien county; then, in that event, said McGregor & Missouri River Railroad shall be constructed from Spencer to Primghar, and thence to such point of intersection with the Sioux City & St. Paul Railroad, as the McGregor & Missouri River Railroad Company may designate. And if federal legislation is had after 1876, then said McGregor & Missouri River Railway Company may intersect the Sioux City & St. Paul Railroad at such point as the McGregor & Missouri River Railroad Company may determine. And, *provided further*, said Railroad Company or any other Railroad Company, accepting the provisions of this act, shall, at all times, be subject to such rules, regulations and rates of tariff for the transportation of freights and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and in the acts of Congress granting said lands to the State of Iowa, and the filing by any Railroad Company of the bond hereinafter provided, shall be taken and accepted as an acceptance by the Company so filing, of the above proviso and each part thereof.

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



patent and transfer to said McGregor & Missouri River Railway Company all the remaining lands belonging to or embraced in said grant, appertaining to this line of railroad.

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

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

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

SEC. 5. Should the McGregor & Missouri River Railway Company fail to build and construct their railroad to Spencer, in Clay county, on or before the 1st of January, A. D. 1877, or fail to file the bonds required by this act within the time prescribed, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act, shall revert to the state of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act by reason of railroad already constructed; and any other railroad company first filing with the auditor of State, a good and sufficient bond in the sum of fifty thousand dollars, to be approved by the governor, and executive council as provided in section three for a faithful performance of the provisions of this act, may be by advice of the governor and consent of the executive council substituted to all the rights and subject to all the provisions of this act, to the same extent as if the lands were conferred upon said company and named by this act; and said company shall have the same time as is provided by section two of this act for the building of the road. Said grant shall then inure to the benefit of the Iowa, Dakota & Black Hills Railroad Company, who shall have the right to file its bonds and accept said grant for thirty days thereafter, subject to the limitations and restrictions hereinbefore or hereinafter provided.

SEC. 6. Nothing contained in this act shall be so construed as to effect or change the rights of the McGregor & Missouri River Railroad Company, or of the Sioux City & St. Paul Railroad Company, as now existing in relation to lands where their rights conflict, or overlap, nor shall this act in any manner affect either company in any pending litigation, and if the McGregor & Missouri River Railroad Company shall obtain right or title to any lands heretofore patented to the State for the benefit of the Sioux City & St. Paul Railroad Company, over which the last named company has constructed its road, then the McGregor & Missouri River Railroad Company shall for the consideration of one dollar convey and release to the Sioux City & St. Paul Railroad Company a right-of-way over said lands on its present line, fifty feet in width on each side in ordinary cases, and in cases where cuts occur, such additional width as may be necessary for protection against drifting snow not exceeding one hundred and fifty feet in width on each side of said center line of track, and if any of said lands in dispute as to title shall be finally adjudged to the Sioux City & St. Paul Railroad Company, and be owned by it when the McGregor & Missouri River Railroad Company construct[s] its road or particularly designates its precise route or tract to a junction with said Sioux City road, then the last named company shall for the consideration of one dollar convey to the McGregor & Missouri River Railroad Company, a like right-of-way as above for its road. It is further made an express condition of this grant that should the McGregor & Missouri River Railway Company be finally adjudged to be the owner of section thirteen (13), town[ship] ninety-nine (99), range forty-two (22), which has been heretofore patented to the State, for the use of the Sioux City & St. Paul Railroad Company, it being the section of land on which Sibley is located, in Osceola county, on which large expenditures and expensive improvements have been made by the Sioux City & St. Paul Railroad Company, it shall be the duty of the McGregor & Missouri River Railway Company to permit the Sioux City & St. Paul Railroad Company to purchase said section at the price of two dollars and fifty cents per acre, and upon the tender of the purchase money therefor, the last named company shall be entitled to receive said land by a conveyance of all the title received by said McGregor & Missouri River Railway Company of the United States or from the State of Iowa, and the Sioux City & St. Paul Railroad Company shall thereupon confirm said plat of Sibley and complete the title of Osceola county to the ground given for the court house, and also confirm the title to all donations of lots heretofore

made for school houses and church lots and fulfill and confirm all contracts made with individuals for the sale of lots in Sibley, and it is further provided that in case the McGregor & Missouri River Railway Company shall be constructed to a connection with the Sioux City and St. Paul Railroad Company at Sheldon, then the last named company in consideration of the foregoing beneficial privileges, shall donate right-of-way and suitable depot grounds in the village of Sheldon to said McGregor & Missouri River Railway Company.

SEC. 7. The acceptance of the provisions of this act shall be deemed a release by the company accepting the same of all claims to unpatented land, selected for and belonging to the original grant, which have been entered and occupied in good faith pursuant to the provisions of the pre-emption or homestead laws; and upon the making of final proof of occupation and improvement now required by law, and of good faith as aforesaid to the satisfaction of the Register of the State Land Office, the Governor is hereby authorized to execute a patent for such land to the persons entitled thereto.

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

Approved March 15, 1876.

## CHAPTER 21.

### ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY.

AN ACT in relation to the Lands Granted to the State of Iowa by Act of Congress, entitled, "An Act for a Grant of Lands to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State," Approved May 12, 1864, and to Grant to and Impose upon the Chicago, Milwaukee and St. Paul Railway Company, the Powers and Liabilities mentioned in Chapter Four (4), Title Ten (10) of the Code.

WHEREAS, The McGregor and Sioux City Railway Company, now known as the McGregor and Missouri River Railway Company, has failed to comply with the provisions of the act of the Twelfth General Assembly of the State of Iowa, approved March 31, 1868, entitled, "An Act making a grant of land to the McGregor and Sioux City Railway Company," therefore,

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

SECTION 1. That all lands or rights to lands heretofore granted to the McGregor and Sioux City Railway Company be, and the same are hereby, absolutely and entirely resumed by the State of Iowa.

SEC. 2. That all lands and rights to lands, whether in severalty, jointly, or in common, and including all lands or rights to lands, or any interest therein, or claims thereto, whether certified or not, embraced within the overlapping or conflicting limits of the two grants, or roads made and described by the act of Congress hereinafter designated, granted to the State of Iowa, to aid in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route on or near the forty-third parallel of north latitude, until it shall intersect, in the county of O'Brien, a railroad running from Sioux City, Iowa, to the Minnesota State line, by act of Congress, approved May 12, 1864, and entitled "An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State," be, and the same are hereby, granted to and conferred upon the Chicago, Milwaukee & 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 and Missouri River Railway Company, as shown by the town plat of Emmetsburg, thence to Spencer, in Clay county, and locate and establish its depot upon section seven (7), township ninety-six (96), range 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 and St. Paul Railroad, within one-half mile of the corporate limits of Sheldon, in O'Brien county, on or before the first day of January, 1880.

SEC. 3. When the said railroad shall have been built and constructed to Spencer, in Clay county, then and thereupon the Governor of the State shall patent and transfer to the Chicago, Milwaukee and St. Paul Railway Company all lands and rights to lands, and all interest or claims therein, mentioned in section two (2) of this act, and lying east of said point and co-terminous with the completed portion of said road, and when said railroad shall have been built and con-



structed 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 & St. Paul Railway Company all the remaining lands belonging to or embraced in said grant appertaining to their line of railroad, including all or any part or moiety of the lands in said overlapping limits, which by the terms of said act of Congress appertain to their line of road: *Provided*, That within twenty days from the passage of this act, the said Chicago, Milwaukee & St. Paul Railway Company shall file with the Secretary of State a bond, to be approved by the Governor, in the penal sum of two hundred thousand dollars, conditioned for the faithful performance on its part of all the provisions and conditions of this act, which sum is agreed upon as liquidated damages for the failure of said company to comply with the conditions of said act.

SEC. 4. All the rights, powers, and liabilities mentioned and provided in chapter four (4), title ten (10), of the Code are hereby granted to and imposed upon the said Chicago, Milwaukee and St. Paul Railway Company.

SEC. 5. Should the said Chicago, Milwaukee & St. Paul Railway Company fail to file the bond or acceptance mentioned in section three (3) of this act within the time prescribed, or fail to build and construct its road in accordance with the conditions, or any of them, set out in section 2 of this act, then and thereupon all lands and rights by this act conferred shall revert to the State of Iowa.

SEC. 6. The said railroad shall be built upon, and subject to, all the terms and conditions named in the act of 1869, approved March 31, 1869, 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 & 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, 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, 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 patents, and their assigns, to the lands so patented, are hereby ratified and confirmed.

SEC. 9. If it shall be found that the Sioux City and St. Paul Railroad Company has constructed its road over any portion of the lands granted by this act, so much land as may be now used and appropriated for right-of-way and fencing at cuts for protection against snows 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 Company, said section being heretofore certified by the State to the Sioux City and St. Paul Railroad Company as inuring to it as a part of its land grant, and said last named company having erected thereon valuable side-tracks, depots, grain elevators, hotel, and other improvements, and having platted a town or village thereon, sold and donated lots, and dedicated streets and parks for public uses, said section is reserved and excepted from this grant to said Chicago, Milwaukee and St. Paul Railway Company, and the title thereto is hereby confirmed to the said Sioux City and St. Paul Railroad Company on condition that said company shall execute a valid conveyance to the State of Iowa in trust for said Chicago, Milwaukee and St. Paul Railway company, or other 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.

## CHAPTER 30.

### ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY.

AN ACT to provide for the Giving of the Bond mentioned in an act entitled, An Act in relation to the Lands Granted to the State of Iowa, by an Act of Congress, entitled "An Act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," Approved, May 12th, 1864, and to grant to and impose upon the Chicago, Milwaukee and St. Paul Railway Company the powers and liabilities mentioned in Chapter four, Title ten of the Code.

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

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

Approved March 12, 1878.

## CHAPTER 167.

### ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY

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

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

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

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

Approved March 26, 1885.



## CHAPTER 186.

## ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY.

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

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

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

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

Approved March 27, 1880.

## CHAPTER 107.

## ACTS OF THE NINETEENTH GENERAL ASSEMBLY.

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

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

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

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

WHEREAS, Said Sioux City & St. Paul Company duly accepted said grant on the 20th day of September, A. D. 1866, but has failed to complete or cause to be completed any road on the line adopted therefor, from Sioux City to LeMars, in said State of Iowa, or any road in lieu thereof;

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

SECTION 1. That all lands, and all rights to lands, granted or intended to be granted to the Sioux City & St. Paul Railroad Company by said acts of Congress, and of the General

Assembly of the State of Iowa, which have not been earned by said railroad company by a compliance with the conditions of said grant, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are absolutely vested in said State as if the same had never been granted to said railroad company.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Sioux City Journal, newspapers published in the State of Iowa.

Approved March 16, 1882.

## CHAPTER 123.

## ACTS OF THE NINETEENTH GENERAL ASSEMBLY.

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

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

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

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

Approved March 17, 1882.

## CHAPTER 69.

## ACTS OF THE TWENTIETH GENERAL ASSEMBLY.

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

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

SECTION 1. That the governor of the State of Iowa is hereby authorized to appoint an agent to make a formal and proper selection, at the local government land office in Des Moines, of the lands not heretofore patented, along the line of the railroad constructed from McGregor to Sheldon, and within the limits specified in the grant made to aid in the construction of said road, which are claimed by occupants under section 8 of chapter 21 of the acts of the Seventeenth General Assembly, and who have filed proof of their claims in the land department of the State. That should the selection of any tract or tracts of such lands be prevented by reason of some interfering claim or right, then such selection to be made as early as practicable after the interference is removed.

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

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

Approved March 27, 1884.

## CHAPTER 71.

## ACTS OF THE TWENTIETH GENERAL ASSEMBLY.

AN ACT to relinquish and re-convey to the United States all lands and rights to lands granted to the State of Iowa by the act of Congress entitled "An act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in the State of Iowa," approved May 12th, A. D. 1864, which have not been earned pursuant to the provisions of said act



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

WHEREAS, By acts of the General Assembly of the State of Iowa, approved April 3d, A. D. 1866, and April 20th, A. D. 1866, the lands, rights, powers, duties and trusts conferred upon the State of Iowa by said act of Congress, were duly accepted on the part of the State of Iowa; and

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

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

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

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

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

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

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

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

Approved March 27, 1884.

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

SEC. 82. In cases where lands have been granted to the state of Iowa by act of congress, and certified lists of lands inuring under the grant have been made to the state by the commissioner of the general land office, as required by act of congress, and such lands have been granted by act of the general assembly, to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the secretary of state is hereby authorized to prepare, on the application of such person or company, or on the application of a party claiming title to any land through such person or company, a list or lists of lands situated in each county inuring to such applicant, from the lists certified by the commissioner of the general land office, as aforesaid, which shall be signed by the governor of the state, and attested by the secretary of state, with the state seal, and then be certified to by the secretary to be true and correct copies of the lists made to this state, and deliver them to such applicant, who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and shall be evidence of title in such grantee, or his or its assigns, to the lands therein described, under the grant of congress by which the lands were certified to the state, so far as the certified lists made by the commissioner aforesaid conferred title to the state; but where lands embraced in such lists are not of the character embraced by such acts of congress or the acts of the general assembly of the state,

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



## DES MOINES VALLEY RAILROAD, FORMERLY KEOKUK, FORT DES MOINES & MINNESOTA RAILROAD.

### CHAPTER 99.

#### ACTS OF THE SEVENTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the lands granted to the then Territory of Iowa by an Act of Congress, approved August eighth, eighteen hundred and forty-six, entitled an Act granting lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory, and all lands and compensation which may be given in extension or in lieu of any portion thereof by the General Government, and also all stone, timber and other material turned over to the State by the Des Moines Navigation and Railroad Company in settlement with the State of Iowa, 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 land belonging to said grant heretofore sold by the State of Iowa, or which may hereafter be conveyed to the Des Moines Navigation and Railroad Company by virtue of a settlement now pending between the State and said Company, and also so much of the said timber, stone and other material as may be used in the completion of the locks and dams at Croton, Plymouth, Bentonsport and Keosauqua; this grant to become operative as soon as Congress shall assent to or permit a diversion, or the title thereto shall become vested in the State so as to be subject to grant.

SEC. 2. That the Keokuk, Ft. Des Moines and Minnesota Railroad Company, shall pay all liabilities against said Des Moines River Improvement, and against the State of Iowa, growing out of said improvement, whether by contracts between the State and other parties, or between the Des Moines Navigation and Railroad Company and other parties, or between any parties whatever which have been assumed by the State in consequence of the proposed settlement with the Des Moines Navigation and Railroad Company, as contained in the joint resolution passed at the present session of the General Assembly; and said Company shall also complete the locks and dams at Croton, Plymouth, Bentonsport, and Keosauqua, and fifty thousand acres of the lands which may hereafter be certified by the General Government to the State of Iowa, shall be set apart by the Register of the State Land Office, which said lands shall be held for the purpose of securing the payment of said liabilities and the completion of said lock[s] and dams, and that whenever said Company shall pay thirty thousand dollars of said liabilities properly audited and allowed by the Register of the State Land Office, or shall do thirty thousand dollars' worth of work on said locks and dams, to be certified and allowed by an engineer to be appointed by the Governor to superintend said works, that then the Register of the State Land Office shall issue to said Company a certificate for ten thousand acres of said lands so set apart, for every thirty thousand dollars so paid or expended until said liabilities are paid, and said locks and dams are completed, and if any of said fifty thousand acres of land shall remain after the payment of said liabilities and the completion of said locks and dams, it shall be certified to said Railroad Company in the same manner provided in this act; *Provided,* That if the proceeds of said fifty thousand acres of land shall at any time be found insufficient to discharge existing contracts for constructing or repairing the works at Keosauqua, Bentonsport, Plymouth, and Croton, and in all respects preserve the state harmless on account of any liabilities now existing against the State, or that have been assumed by the

proposed settlement with the Des Moines Navigation and Railroad Company, or arising in any manner from the past improvement of the Des Moines River, or the payment of the officers or agents employed in and about said improvement, then the said Keokuk, Fort Des Moines and Minnesota Railroad Company shall be liable to pay the State the amount of said deficiency.

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

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

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

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

Approved March 22, 1858.

### CHAPTER 16.

#### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the fifty thousand acres of land to be set apart by the Register of the State Land Office, under the second section of an Act of the General Assembly, approved March 22, 1858, entitled, "An Act disposing of the grant of land made by 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 22, 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. 3. That the office of Commissioner of the Des Moines River Improvement be, and the same is hereby abolished.

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

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

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

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

SEC. 11. Said Commissioners shall, as soon after the organization of the Board as may be expedient, proceed to sell all the interest of the State in all such locks and dams belonging to the Des Moines River Improvement and the land appertinent thereto, and the water power thereto belonging, as shall have been completed by the State or by the said railroad company; and shall also sell the dams and water power at Keosauqua and Plymouth in the same manner, when said dams shall have been completed, and shall make conveyances in the name of the State without warranty to the purchasers of the interest so sold, containing covenants on the part of said purchasers that they and their heirs and assigns shall and will forever keep said dams and locks in good repair, and that they will at all reasonable times pass boats through said locks, and charge only such tolls as may be agreed upon between said Commissioners and the purchasers, not exceeding the maximum rates prescribed in the contract by the State with the Des Moines Navigation and Railroad Company, which conveyances shall also be executed by the purchasers as parties of the second part thereto, and said sale shall be made upon such

terms as will secure the State against all liability upon any leases or contracts for water power heretofore executed between the officers of the Improvement and individuals, and the proceeds of said sales shall be applied, first, to the payment of the expenses of said sales, second, to the payment of said Commissioners, third, to the payment of damages for any lands condemned, and fourthly, any balance that may remain shall be paid on the audited claims herein provided for.

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

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

SEC. 13. That all the stone, timber and other materials belonging to said Des Moines Improvement, and not necessary to be used in the construction of the locks and dams provided for in the second section of the said act of the 22nd of March, 1858, are hereby relinquished and transferred to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

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

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

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

Approved March 3d, 1860.

## CHAPTER 35.

### ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

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

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

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

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

Approved, March 24, 1860.



## CHAPTER 103.

## ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

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

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

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

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

Approved February 10th, 1860.

## CHAPTER 91.

## ACTS OF THE EIGHTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Commissioners appointed and provided for by an act entitled "An act in relation to the Des Moines River Improvement, and abolishing the office of commissioner thereof," approved March 3d, 1860, shall have the power, and they are hereby authorized and directed to inquire into and examine the liabilities and obligations of all persons to said improvement, or the state on account of said improvement, arising from contracts made by any person or persons with the officers or agents of said improvement, and also all liabilities of any and all persons who may have heretofore acted as agents or officers of said improvement, and also all liabilities of any and all persons who may wrongfully withhold any money or property belonging to said improvement, or to the state on account of said improvement, or who may have wrongfully taken or trespassed on any of the property belonging to said improvement, or who may for any cause be liable in any sum to said improvement or the state for or on account of said improvement.

SEC. 2. Said Board for that purpose may, upon their own motion, or on the petition of any other party, issue a citation or notice to any person believed to be indebted or liable in any sum to said improvement, or to the state on account of said improvement, requiring such

person to appear before such commissioners at such time and place as they may, in such notice, designate, to answer to such claims, charges and liabilities as may be briefly set forth and specified in said notice. Such notice shall be served by the sheriff, as other notices, and his returns shall have the same force and validity as in other cases. Said commissioners, or any one of them, may issue subpoenas for witnesses, which shall, in like manner, be served by the sheriff.

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

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

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

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

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

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

Approved April 3d, 1860.

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

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled,* That all the title which the United States still retain in the tracts of land along the Des Moines river, and above the mouth of the Racoon 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 eighth, eighteen hundred and forty-six, and which is now held by bona-fide purchasers under the state of Iowa, be, and the same is hereby, relinquished to the state of Iowa.

Approved March 2, 1861.

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

JOINT RESOLUTION in relation to the Des Moines River Grant.

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

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

Approved April 7th, 1862.



ACT OF CONGRESS, JULY 12, 1862.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8th, 1846, is hereby extended so as to include the alternate sections, (designated by odd numbers,) lying within five miles of said river, between the Kaccoon Fork and the Northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Ft. Des Moines & Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 22d, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2d, 1862, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof; *Provided,* That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to, and be held as a trust fund for the benefit of the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862.

## JOINT RESOLUTION No. 2.

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

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

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

Approved September 11th, 1862.

## CHAPTER 37.

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

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

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

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

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

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

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

Approved September 11th, 1862.

## CHAPTER 108.

## ACTS OF TENTH GENERAL ASSEMBLY.

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

*SECTION 1.* *Be it enacted by the General Assembly of the State of Iowa,* That all the title and interest of the State of Iowa in and to any portions of the lands granted by the act of Congress, approved July 12th, 1862, situated north of township number ninety, north, which was entered upon by a head of a family as a homestead or as a pre-emption claim, and who had prior to the first day of January 1863, filed in the proper land office a declaratory statement, and who actually occupied the said land with his family, as a homestead, on the first day of December last, and has continued to hold and occupy the same, shall be relinquished to the United States upon the condition hereinafter mentioned. The said claimants shall, within ninety days from the taking effect of this act, make due proof before the Register of the Land Office at Fort Dodge, of such filing, entry, and continued occupation, and any person claiming an interest in the said lands, after giving all contesting parties ten days' notice of the time and place, may appear before the Register within thirty days after the expiration of the said ninety days, and contest the validity of such claims, and the whole evidence having been reduced to writing and certified to by said Register of the Land Office at Fort Dodge, shall be deposited in said Land Office, and a complete list of such claims and the evidence relating thereto shall be filed in the office of the Governor at Des Moines, within one hundred and forty days from the date of the taking effect of this act. The Governor shall execute a release of such lands to the United States, when lists of the same, duly certified by the Register of the Land Office at Fort Dodge, shall be furnished him, and he shall be satisfied from the evidence so filed with the Register that the said claims have been established in accordance with the provisions of this act.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

SEC. 10. The bond provided for in section nine of this Act, shall not bind the Keokuk, Fort Des Moines and Minnesota Railroad Company to pay any claims except such as have grown out of contracts for the construction and completion of the works at Keosauqua, Plymouth and Croton, and which have been allowed by the Commissioners appointed under the act of March 3d, 1860, or their successors, or which shall be allowed, not exceeding twenty thousand dollars, within sixty days from the taking effect of this Act. All claims not presented

within the said sixty days shall be forever barred. Said Commissioners are authorized to hear and determine such claims as may be presented to them within the said sixty days, and to fix the time and place of their meeting, and to give thirty days notice thereof in the Keosauqua Republican and Keokuk Gate City, as provided in said Act of March 3, 1860.

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

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

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

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

SEC. 14. In case the said Railroad Company shall procure from all persons having valid claims against the Des Moines River Improvement, or the State, arising out of contracts for the completion of the locks and dams in said Improvement, or for leases, water-rents and other contracts from which future liabilities may arise by reason of said locks and dams not being completed, full releases from all such contracts, claims and demands, and shall file the same in the office of the Register aforesaid; then the said Company shall be released from any obligation to complete and keep in repair the lock and dam at Bentonsport; and in case the said Company shall expend any sums of money upon any of said works, or in procuring said releases, then, for every three thousand dollars so expended, the Register shall certify to said Company one thousand acres of the lands above reserved not required to pay the claims of section nine of this Act, and in the same rates for any less sums so expended.

SEC. 15. Whenever it shall be made to appear to the satisfaction of the Governor and the Register of the State Land Office, that in accordance with any contract with the Keokuk, Fort Des Moines & Minnesota Railroad Company, and for a consideration paid by said Company, the completion of either of the locks and dams remaining uncompleted at Croton, Plymouth and Keosauqua, has been assumed by some proper party, and the State and said Company discharged from any further payments therefor, and that the State and said Company have been discharged from all liabilities arising out of any contracts for the completion of either of such locks and dams heretofore entered into or assumed by the State as trustee, or out of any and all contracts or leases of water-power heretofore executed or assumed by the State as such trustee, or otherwise, it shall be the duty of the Governor and Register of the State Land Office, first, if so requested by such Company, to execute to such party as the Company shall designate, a conveyance in the name of the State of Iowa, without warranty, of all the interests of the said State in such lock and dam, and in the land appurtenant thereto, and the water-power thereto belonging, and in any material prepared for the construction of such lock and dam; and if any of such material shall have been improperly taken possession of by any person, the



State or its grantee may replevin the same. That said conveyance shall contain a covenant on the part of the grantee, that said dam shall at all reasonable times be kept in condition to pass boats without unnecessary hindrance or delay, and that for boats passed through the locks of such dam, the toll charged shall not exceed the maximum rates prescribed by the contract by the State with the Des Moines Navigation and Railroad Company. Second, to certify to said Keokuk, Fort Des Moines & Minnesota Railroad Company, or to such person as it may designate, for every three thousand dollars so paid, one thousand acres of land from the seventy thousand acres reserved by this Act, and in the same ratio for sums less than three thousand dollars.

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

SEC. 17. When the Keokuk, Fort Des Moines and Minnesota Railroad Company shall in like manner have established the fact that it has completed and is operating its road one-fourth of its distance between the city of Des Moines and Fort Dodge, it shall be entitled to a certificate and patent for one-fourth of the lands reserved by Section eight of this Act; and upon the completion of each additional one-fourth of said road between Des Moines and Fort Dodge, said Company shall be entitled to receive a certificate and patent for one-fourth of the lands so reserved: *Provided*, however, that the Railroad Company building westwardly from McGregor shall have the right of way for their road across the lands embraced in this Act, and the same is hereby granted to said Company: And, *Provided further*, That the State shall in no event whatever, be liable to said Keokuk, Fort Des Moines & Minnesota Railroad Company, or to any of its grantees, or any other persons to whom lands may be sold or patented under the provisions of this Act, for any failure of title to any of the lands so sold or patented.

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

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

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

SEC. 21. This act being deemed of immediate importance, shall take effect and be in force

from and after its publication in the Iowa State Register and the Iowa Homestead, newspapers published in Des Moines.

Approved March 23th, 1864.

## CHAPTER 22.

### ACTS OF THE ELEVENTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all moneys received by the Register of the State Land Office, as provided by section 13 of Chapter 108 of the Laws of the Tenth General Assembly, shall be paid over to the State Treasurer, who shall pay out the same as follows: 1st. The expenses of such classification, appraisement, advertisement and sale. 2d. Sums due the state for moneys advanced or due other parties as mentioned in section 9 of the act to which this act is supplemental. 3d. He shall pay the warrants provided for in section 2 of this act, *pro rata*, as such moneys shall be received.

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

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

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

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

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

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

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

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

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

Approved March 12th, 1866.



## CHAPTER 36.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated out of any moneys in the hands of the Treasurer of State arising from the sales of the lands mentioned in section four, chapter 108 of the laws of the Tenth General Assembly, the sum of twenty-six thousand three hundred and nineteen dollars and thirty cents, for the payment of the following claims, to-wit: Wells & Co., for repairs on the Croton dam, in the fall of 1861, the sum of fifteen hundred dollars; Gray & Co., for repairs upon said dam, in the years 1862 and 1863, the sum of two thousand dollars; Wells & Co., for repairs upon said dam, in the year 1866, the sum of twenty-eight hundred and sixteen dollars; Hogsett & Chidister, for repairs on said dam in the year 1866, one hundred and seventy-four 25-000 dollars; and to Wells & Co., the further sum of eight thousand five hundred and nine dollars and seventy-five cents, in consideration and for the purpose of rebuilding said dam at Croton, and for the releases as hereinafter stipulated; and to O. H. P. Scott for the cancellation and surrender of the original contract, of the State of Iowa, made through H. W. Sample, as President of the Board of Public Works, with John McCune and Charles F. McCune, dated 5th of March, 1849, for the construction of a lock and dam at Plymouth, together with all the supplemental contracts respecting said lock and dam, (which original and supplemental contracts are now held by said Scott as assignee), and also for the surrender of all rights to him (Scott) accruing as assignee of the contract of the State of Iowa, made to Jonas Houghton for the lease of water-power for twelve run of stone at Plymouth, and for the releases hereinafter provided, and for the building of the dam at Plymouth, as hereinafter stipulated, the sum of eleven thousand dollars; and to the estate of E. Mayne the sum of one hundred and sixteen and 80-100 dollars; to Ed. Johns(t)on the sum of ninety-one and 50-100 dollars; to J. E. Jewi(e)tt, ninety dollars; and to Sample and Kenley twenty dollars; with interest from March 28, 1864, on each of the four last mentioned sums; the same having been allowed to said parties respectively by section 9, chapter 108, acts of the Tenth General Assembly, and the Auditor of State is hereby required to draw warrants therefor, upon the written application of the said parties or their assignees, which warrants shall be payable out of the moneys mentioned in section one, chapter 22 of the laws of the Eleventh General Assembly, and shall draw interest at the rate of seven per cent. per annum.

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

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

SEC. 4. Upon the execution of the releases provided for in section three of this act to the State of Iowa, and the Des Moines Valley Railroad Company, and upon filing satisfactory evidence of such releases in the Register's office of the State of Iowa, the Governor shall upon the written request of the said railroad company execute a conveyance, in the name of the State of Iowa, to said Wells and Company, without warranty, of the lock and dam at Croton, and of the lands appurtenant on either side of the river, and the water-power thereto belonging. And when said O. H. P. Scott shall surrender to the State of Iowa the original and

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

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

SEC. 6. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved March 18, 1868

## CHAPTER 57.

## ACTS OF THE TWELFTH GENERAL ASSEMBLY.

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

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

WHEREAS, The General Assembly of this State, by an act approved March 22, 1858, granted such portion of said lands as had not been previously disposed of, to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad from the city of Keokuk up and along the valley of the Des Moines river by the way of the city of Des Moines to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peter's river, and providing that said grant should become operative when the consent of Congress to the diversion of said lands should be obtained, or the title thereto vested in the State; and also imposing upon said company, in case of its acceptance of said grant, certain conditions and restrictions, among which it was provided that said company would complete seventy-five miles of said road within three years, and thirty-three miles each year thereafter for five years, and the whole line on or before the first day of December, 1868, and,

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

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

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

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

First—That it shall be the duty of the Register of the State Land Office, as soon as practicable, and before the first day of July, 1868, to set apart and reserve from the remaining river



lands within the grant, and lying in place next north of township number ninety, and upon which there are no settlers claiming homestead rights, and exclusive, also, of the ten sections set apart and sold to S. H. Taft, one hundred thousand acres of said lands, which shall be especially held to secure the payment of the claims described in sections 1 and 2 of chapter 22 of the laws of the Eleventh General Assembly of Iowa, and also of such claims as have been or may be allowed by the present General Assembly.

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

*Third*—That upon such sale and payment of the purchase money, the Register shall issue a certificate to the purchaser, showing the land purchased by him and the amount paid therefor; and upon the presentation thereof to the Governor he shall execute to the purchaser a deed in the name of the State of Iowa, without warranty, conveying the lands so purchased, which deed shall be effectual to pass all the right and title thereto now held by the State, or which may hereafter be acquired by the State from the United States; and all moneys, the proceeds of the sales of lands as aforesaid, shall be by the Register paid into the State treasury for the use of the holders of the unpaid claims herein provided for; which shall be paid in the order specified in section 1 of chapter 22 of the laws of the 11th General Assembly, upon the production and surrender of the warrants therefor; and if there should be an amount insufficient to pay the same in full, then the same shall be paid *pro rata*; and if there shall remain a balance after paying the same in full, such balance shall be paid over to said railroad company.

*Fourth*—That the Register of the State Land Office shall, as soon as practicable, and prior to the first day of July next, select from the lands embraced in the said act of Congress, approved July 12, 1862, excluding the lands reserved and described in the first paragraph hereof, one hundred thousand acres of said land of average value as near as practicable, and embracing the ten sections sold to S. H. Taft; and the lands so selected, as well as the proceeds of any portion thereof now sold, shall be held and applied exclusively for the construction of said railroad above Des Moines as now provided by law, and shall be conveyed and patented to said railroad company, or to such person or persons as they shall direct, only upon the completion of said railroad into the town of Fort Dodge, situated on the East side of the Des Moines river, within the year 1870, which said company agrees to do; and the evidence of such completion shall be the running of trains into said town within the time specified, and none of said lands shall be patented until such completion, and the proceeds of any portion thereof sold under provisions of existing law shall be at the same time paid over to said railroad company. The said railroad company shall also have not less than sixty-five miles of said road from their present terminus graded during the present and the ensuing calendar year.

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

SEC. 2. In case of non-compliance by said railroad company with the foregoing conditions by it to be performed, then, without further legislation, this act shall have the force and effect of an act of resumption, and all rights of said company in and to said lands or any part thereof, heretofore or hereby granted to said company, and not at the time of such failure actually con-

veyed by the State to said company, shall be forfeited to and revested in the State of Iowa, as full[y] as if the grant thereof had never been made by the State.

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

SEC. 4. So much of section three of chapter one hundred and eight, of the laws of the Tenth General Assembly, and of other laws and provisions relating thereto, including section five of said chapter, as requires the lands hereinbefore referred to, or any part thereof, to be classified or graded by commissioners, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

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

Approved March 31, 1868.

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

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

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

Approved March 3, 1871.



### DES MOINES RIVER LAND GRANT.

This grant was made by Act of Congress, approved August 8, 1846. The act provided that "there be, and hereby is, granted to the Territory of Iowa, for the purpose of aiding said territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, (so called,) in said territory, one equal moiety, in alternate sections, of the public lands, (remaining unsold and not otherwise disposed of, incumbered or appropriated,) in a strip five miles in width on each side of said river, to be selected within the said territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the secretary of the treasury of the United States."

The grant was accepted by joint resolution of the general assembly of the state of Iowa, January 9, 1847. By an Act, approved February 24, 1847, the General Assembly provided for the creation of a Board of Public Works, consisting of a president, secretary and treasurer, who were to be elected by the people. This board was to have entire charge and control of the work of river improvement and was authorized to pay for such work out of the funds to be derived from the sale of the lands granted, which the Board was authorized to sell under the regulations adopted for the sale of United States Lands. This Act also defined the nature of the improvements to be made in the river.

The state, through its agents, who were appointed by the governor, elected to select the odd numbered sections of land within the limits of the grant. The selection of the odd numbered sections was approved by the secretary of the treasury. The selections made included all the odd numbered sections of the public lands then (remaining unsold and not otherwise disposed of, incumbered or appropriated,) lying and being within the state of Iowa within a strip of five miles in width on each side of the Des Moines River from its mouth to its source.

About a year and a half after the passage of the Act making the Des Moines river grant, a question arose before the Commissioner of the General Land Office whether the grant of the odd sections extended only to the Raccoon Fork or from the mouth of the river to its source. He decided that it extended throughout the whole line of said river within the limits of Iowa. He afterwards changed this decision, however. Then the attention of the secretary of the treasury was called to the matter and he decided that the grant extended above the Raccoon Fork. On April 18, 1850, the secretary of the interior, whose department had in the meantime been established and to which the control of the general land office had been assigned, reversed the decision of the secretary of the treasury and held that the grant only extended to the said Fork. The matter was then brought before the president of the United States and was referred by him to the

attorney-general, who decided that the grant extended above the Raccoon Fork. But before this decision was promulgated the president died. A new cabinet was formed and among others there was a new attorney-general. He over-ruled the decision of his predecessor, and affirmed that of the secretary of the interior. The matter was then submitted to the new president and cabinet, and on October 29, 1851, the secretary of the interior decided that, in view of the great conflict of opinion among the executive officers of the government, and in view of the opinion of several prominent jurists which were presented to him in favor of the construction contended for by the state, the claim of the state would be recognized and the selections approved without prejudice to the rights of other parties. Under this arrangement selections above the Raccoon Fork were approved and certified to the state until December, 1853, the number of acres so certified amounting to 271,572. The commissioner of the general land office decided in March, 1856, that the grant only extended to the Raccoon Fork and the matter was again referred to the attorney-general of the United States, who advised the secretary of the interior to acquiesce in the views of his predecessor and to continue the approval of the lands as certified to him under the law.

The matter of the extension of the grant was finally passed upon by the Supreme Court of the United States in the December term in 1859 and 1860. The supreme court held that the grant only extended to the Raccoon Fork.

On the second day of March, 1861, congress passed a joint resolution quieting the title in the state of Iowa to the lands above the mouth of the Raccoon Fork, which had been certified to the state of Iowa under the provisions of the Des Moines river grant. By an act, approved July 12, 1862, congress extended the grant so as to include the alternate sections lying within the five mile limit between the Raccoon fork and the northern boundary of the state. This act also provided that the lands so granted should be held and applied in accordance with the provisions of the original grant, except that the consent of congress was given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines & Minnesota railroad, afterwards the Des Moines Valley railroad.

During this period of controversy over the extent of the grant, the work of improving the Des Moines river in accordance with the provisions of the said grant continued from year to year. The board of public works had entire control of the river improvement, also the sale of the lands acquired under the grant, and the application of the proceeds thereof in payment for the work of improvement, from 1847 to 1851, when the board was abolished by the act approved February 5, 1851. This act also authorized the appointment of a commissioner and a register of the Des Moines river improvement, and empowered them to contract for the completion of that part of the improvement of the river at or below Keosauqua, and to allow contractors in payment for such work any portion of the lands granted for the improvement of the said river, which lay below the Raccoon Fork. By an act, approved January 19, 1853, the commissioner and the register of the Des Moines river improvement were empowered to sell and dispose of all and any lands which have been or hereafter may be granted by congress for improvement of the Des Moines river, for not less than \$1,300,000. This was the amount estimated by the commissioner and register it would take to complete the work of improvement and to pay off existing indebtedness. On the



24th of January, 1852, the general assembly passed an act providing for the election of a commissioner by the people, and appointing George G. Wright, of Van Buren county, and Uriah Biggs, of Wapello county, as assistant commissioners, and authorized them to make a contract, selling the lands of the improvement for \$1,300,000, and if necessary to sell the water rent, rolls, etc. These commissioners made a contract with the Des Moines Navigation and Railroad company, agreeing to sell all the lands donated to the state under the Des Moines river grant, which had not been sold prior to December 23, 1853, for \$1,300,000, which amount was to be used in paying the indebtedness of the Des Moines river improvement, and on the further improvement of the river. Up to June 9, 1854, the date of this contract, the state had sold 327,000 acres of Des Moines river lands, the proceeds of which had been applied on the improvement of the river, in accordance with the provisions of the act making the grant.

After June 9, 1854, the Des Moines Navigation and Railroad company carried on the work of improving the river under their contract. As the work progressed, certificates for land were issued the said company by the authorized officers of the state. These certificates did not convey title, but merely specified that the company was entitled to so many acres of land for work done toward improving the Des Moines river. The first of these certificates, dated May 14, 1855, embraced 88,853.10 acres, and the second and last, dated May 6, 1856, embraced 116,636.54 acres.

Owing to the fact that matters of disagreement and misunderstanding had arisen between the Des Moines Navigation & Railroad company and the state officials, the general assembly, for the purpose of making a final settlement with the said company, passed a joint resolution March 22, 1858, making propositions for such settlement. The company accepted the propositions and in accordance therewith the state deeded the said company all the lands not otherwise disposed of which had been certified to the state under the grant. Fifteen deeds in all were made, embracing 266,108 acres, of which 53,367 acres were below, and 212,741 acres were above the Raccoon Fork.

By an act, approved March 22, 1858, the general assembly donated all the lands granted to the state under the act of congress August 8, 1846, known as the Des Moines river grant, and such other lands and compensation which should be given by congress in extension of such grant or in lieu of any portion thereof, to the Keokuk, Fort Des Moines & Minnesota Railroad company, (Des Moines Valley Railroad company), except the lands already sold or which should thereafter be deeded to the Des Moines Navigation and Railroad company. Under this act and subsequent acts of the legislature the said railroad company acquired practically all of the lands certified to the state under the act of congress, approved July 12, 1862, extending the Des Moines river grant to the northern boundary of the state.

All of the acts of the general assembly with reference to this grant, in so far as they related to the said Keokuk, Fort Des Moines & Minnesota Railroad company (Des Moines Valley Railroad company), will be found on pages 100 to 115 of this report.

Under the act of congress, approved July 12, 1862, there were approved and certified to the state 214,616.88 acres of land in place and 298,919.45 acres of indemnity land. The supreme court of the United States held, at

the December term 1866, that the land in place inured to the state and its grantees under the joint resolution of congress, March 2, 1861, therefore the state was not entitled to the indemnity award, and no title passed to the state when these lands were certified under the act of 1862. Congress, however, by the act, approved March 3, 1871, confirmed title to the indemnity lands to the state and its grantees.

The following statement gives the total number of acres of land certified to the state under the Des Moines river grant and also shows the disposition made of the same by the state.

#### STATEMENT,

*In brief, of the Lands approved and certified to the State by the Department, under the Des Moines River Grant, and of the disposition of the same by the State:*

Certified under act of August 8, 1846:	
Below the forks.....	321,188.33 acres.
Above the forks.....	271,572.24 acres.
Patented by the State to Des Moines Navigation and R. R. Company:	
Below the forks.....	53,680.69 acres.
Above the forks.....	212,558.35 acres.
Patented by the State to individuals under said grant:	
Below the forks.....	267,507.64 acres.
Above the forks.....	59,013.89 acres.
Certified under act of July 12, 1862:	
Lands in place.....	314,616.88 acres.
Indemnity lands.....	298,919.45 acres.
These were disposed of as follows:	
Patented and certified to the D. V. R. R. Co.....	502,573.50 acres.
Patented to S. H. Taft.....	6,363.48 acres.
Patented to settlers.....	2,320.64 acres.
Released to United States.....	320.00 acres.
Tracts which were priorly disposed of.....	1,958.71 acres.

#### DES MOINES RIVER LAND SETTLERS.

There were a number of settlers that had claims to Des Moines river lands under color of title from the government; some of these settlers had received patents for the lands claimed, and all had more or less improved the land on which they had located. The United States courts decided against these titles, and efforts have been frequently made to obtain relief for the settlers by congressional action. The Forty-ninth Congress passed a bill entitled "An Act to quiet the title of settlers on the Des Moines river lands in the state of Iowa, and for other purposes" which was vetoed by President Cleveland, who suggested in his veto that the settlers be indemnified for their losses through an appropriation for that purpose. The Fiftieth Congress passed an act similar to the one passed by the Forty-ninth Congress, which was also vetoed by President Cleveland.

The act of congress, approved March 3, 1893, provided for the appointment of a special agent to obtain information which would enable the United States to properly and equitably adjust the claims of the Des Moines river land settlers. Robert L. Berner was appointed as such special agent and he made a full report to the Secretary of Interior in accordance with the provisions of the said act.

The sundry civil act approved August 18, 1894, appropriated \$200,000 to adjust the claims of settlers on the Des Moines river lands and to be expended by the Secretary of Interior as directed by said act. The act



also authorized the appointment of a special agent to investigate and determine the claims of such settlers or their heirs or assigns, and also determine the amount due the said settlers or their heirs or assigns; the special agent was required to report to the Secretary of Interior, who was to approve said report and pay the said claims in the order of their approval.

Robert L. Berner was again appointed as special commissioner. His report was approved by the Secretary of Interior. The total amount of claims allowed by the commissioner and approved by the Secretary of the Interior was \$183,854.07.

The sundry civil act, approved July 1, 1898, under the heading "Des Moines River Land Settlers," made further provisions relative to claims of the Des Moines river land settlers and authorized the Secretary of Interior to secure further evidence if he deemed it necessary.

The sundry civil act, approved March 3, 1899, made an additional appropriation for the payment of the claims of the Des Moines river land settlers.

Hon. J. L. Stevens, of Boone, Iowa, was appointed as special commissioner August 4, 1898, to adjust the claims remaining unadjusted, and there have been submitted to him for consideration 581 claims. The following is an extract from his report made to the Secretary of the interior August 16, 1900:

"The Secretary of the Interior.—

"SIR: I was appointed on the 4th day of August, 1898, to take other and further evidence respecting the claims of the Des Moines River land settlers, in addition to that taken under the act of August 18, 1894, which provides that the commissioner in making his examination should determine:

"First.—The amount of the just claims of persons, their heirs or assigns, holding patents or other written evidence of title from the United States who are now or have been in continuous possession thereunder.

"Second.—The claims of persons, their heirs or assigns, holding written evidence of title from the United States who have been evicted from said lands by process of court at the suit of the Des Moines River Navigation Company, or its assigns.

"Third.—The claims of persons, their heirs or assigns, for a valuable consideration, whose claim of title runs back to the person making the original entry of said land and who have heretofore purchased the paramount title.

"The sundry civil act approved July 1, 1898, provides as follows:

"Des Moines River Settlers: To enable the Secretary of the Interior to expend any balance of money appropriated under the act of August eighteenth, eighteen hundred and ninety-four, remaining unexpended, which sum is hereby reappropriated to pay any such sums as may be found due to duly qualified settlers who have in good faith filed pre-emption or homestead claims, made settlement, resided upon for a period not less than five years, unless sooner evicted, cultivated, and made valuable improvements upon the land claimed, and in cases where such persons made actual settlement in good faith under the pre-emption and homestead laws, at a time when others were permitted to file on like lands, and in good faith resided upon the same for a period of not less than five years, unless sooner evicted, cultivated, and made valuable improvements upon the lands so occupied and duly offered to file for the land settled upon within the time prescribed by law, but were not permitted to do so by the officers of the Land Department, and did not abandon said lands or procure title to other public lands under any law of the United States, and the further sum of twenty-five thousand dollars is hereby appropriated to enable the Secretary to make such payments: *Provided*, That no part of the aforesaid sum shall be paid until the Secretary of the Interior shall find and determine upon the evidence heretofore taken by the special commissioner appointed under said act of August eighteenth, eighteen hundred and ninety-four, and upon such other and further evidence as he may in his discretion take, all of which shall be preserved in his office, what sum, if anything, is justly due to such persons, their heirs or assigns, and the measure of damages shall be in all respects as was provided for claims under said act of August

eighteenth, eighteen hundred and ninety-four, and of the foregoing sums two thousand dollars, or so much thereof as may be necessary, may be expended in making such further examination: *Provided further*, That no claim of any pre-emptor or homesteader shall be considered or allowed except upon proofs of settlement, residence, and improvements as herein required: *Provided further*, that nothing herein shall be construed as authorizing the re-opening or further consideration of any claim reported in lists A and B of the special commissioner's report as the same appears in Senate Document numbered two hundred and fifty-eight, fifty-fourth Congress, first session."

"Under the last act I proceeded to examine the evidence taken by the former commissioner and to take additional evidence offered by claimants in support of their claims, in order to ascertain:

"First—Those qualified settlers who have in good faith filed pre-emption or homestead claims, made settlement and residence upon for a period of not less than five years unless sooner evicted, cultivated, and made valuable improvements on the land.

"Second—Those duly qualified settlers who made actual settlement in good faith under the pre-emption or homestead laws at the time when others were permitted to file on like lands, and in good faith resided upon the same for a period of not less than five years unless sooner evicted, cultivated and made valuable improvements upon the land so occupied and duly offered to file for the land settled upon within the time prescribed by law, but were not permitted to do so by the officers of the Land Department, and did not abandon said lands or procure title to other public lands under any law of the United States.

"The act of 1894 expressly provided that payment should not include any claim of a pre-emptor or homesteader who had actual notice of the adverse claim of the Des Moines River Navigation and Railroad Company at the time he made such pre-emption or homestead claim. And it was held under said act that 'Declaratory statements in pre-emptions' and 'applications to enter homesteads' did not constitute written evidence of title, and a majority of the claims under consideration now were rejected on one or both of these grounds; but the act of July 1, 1898, permits duly qualified settlers to show their good faith, notwithstanding they may have had actual notice of the adverse claim of the Des Moines River Navigation and Railroad Company.

"I have permitted additional evidence to be offered by claimants whose claims were denied because of notice of the adverse claim of the Des Moines River Navigation and Railroad Company, and have considered the question of 'notice' as bearing upon the question of 'good faith' only.

"In determining the question of 'good faith,' I have considered the action of the settler as evidenced by the time he resided upon the land, the value of his improvements, the character of his settlement, his conduct with respect to the adverse claim of the Des Moines River Navigation and Railroad Company, or its grantees, when such claim was made, the date of his settlement, viz, that by the terms of the act granting this land it should not be conveyed or disposed of by the Territory of Iowa or the State to be formed out of the Territory except as the improvements of said river shall progress; that both State and national authorities at the time of the grant construed the act as granting the lands to the Raccoon Forks only; that the governor of the State of Iowa was not authorized to make a deed to said lands passing that title to the Des Moines River Navigation and Railroad Company; that many able counsel advised settlers up to 1869, and some even later, that the courts would on proper showing sustain their contention.

"That in 1860 the Supreme Court of the United States decided that the grant of 1846 did not extend above the Raccoon Forks; that the settlers believed the settlement made by the State of Iowa in 1858 with the said Des Moines River Navigation and Railroad Company was without authority and void; that there were many suits pending in the State and Federal courts against the settlers when a decision was made in the case of William B. Wells v. Hannah Riley by the United States Supreme Court in 1869, previous to which time the settlers all believed that the decision would finally be in their favor.

"And in all cases where it has been found, after a consideration of all the facts, that a duly qualified settler has in good faith filed a pre-emption or homestead claim, made settlement and resided upon for a period of not less than five years, unless sooner evicted, cultivated and made valuable improvements upon the land claimed; or, where a duly qualified settler made actual settlement in good faith under the pre-emption or homestead laws at a time when others were permitted to file on like lands, and in good faith resided upon the same for a period of not less than five years, unless sooner evicted, cultivated and made valuable improvements upon the land so occupied, and duly offered to file for the land settled upon within the time prescribed by law, but was not permitted to do so by the officers of the Land Department and did not abandon said lands or procure title to other public lands under any law of the United States, I



have allowed his claim and fixed the amount to which he was entitled under said act, which provides that in such cases the measure of damages shall be the amount heretofore expended to purchase the paramount title to said lands, or, in case they have not heretofore purchased the outstanding or paramount title, the measure of their damages shall be a reasonable value of such paramount title, if they are still in possession, or the reasonable value of the same at the time of eviction in case of eviction.

"Where the settler conceded the correctness of the decision of the courts and surrendered possession upon the demand of the holder of the paramount title, rather than engage in useless and expensive litigation, such settlers have been regarded as being evicted within the meaning of the law.

"The equities of many whose claims are based upon declaratory statements and settlements alone are fully equal to those who received patents or other written evidence of title, and in many cases they seem even stronger. Their settlements were made under the same belief; they saw others settle on like lands and receive patents therefor; they invested all they had in their improvements, but not being able to procure patents could not sell and were forced to a legal contest that lasted for years and ended in defeat, although the equities at all times seemed to be in their favor.

"In January, 1899, there were 437 cases pending before me, and it being apparent that an additional appropriation was necessary in order to pay all the just claims undetermined, Congress made the following appropriation as part of the sundry civil bill of 1899, to-wit:

"*Des Moines River Land Settlers:* To pay the Des Moines River land settlers, upon the provision of the paragraph in the sundry civil act approved July first, eighteen hundred and ninety-eight, under the heading of 'Des Moines River land settlers,' in addition to the amount already appropriated for said purpose, one hundred and fifty thousand dollars, or so much thereof as may be necessary, the same to be in full of all claims adjusted or in process of adjustment provided for by said act, and no part of the claims shall be paid by the Secretary of the Interior until all the claims heretofore filed are examined, and all claims not presented within sixty days after the passage of this act shall be barred from consideration: *Provided*, That of the foregoing sum three thousand five hundred dollars, or so much thereof as may be necessary, may be expended in making the examination provided for by said act approved July first, eighteen hundred and ninety-eight."

"After the passage of said act and within sixty days thereafter 144 new cases were filed, making a total of 581 cases that I have examined and passed upon.

"The total amount claimed in the 581 cases is \$1,181,817.45; the sum allowed is \$183,623.02

"Respectfully submitted,

J. L. STEVENS,  
*Special Commissioner.*"

#### DES MOINES RIVER LAND PATENTS.

There are now on file in this department several hundred of the original patents for the Des Moines River lands. The present owners of the said lands can obtain these patents by surrendering to the state the original receipt or certificate of sale, or filing an affidavit as to ownership of the land, and stating that the original receipt or certificate of sale has been lost. The affidavit should be similar to the following form:

#### AFFIDAVIT.

STATE OF IOWA, }  
.....County, } ss.

I, ....., do solemnly swear, that I am the owner in fee simple of the following described real estate, to-wit:

..... which was originally purchased by .....; that I have made diligent search and inquiry for the certificate of purchase, or receipt given said purchaser at the time full payment was made for said real estate, and have been unable to find the same; that I believe it is either lost or destroyed, and I make this affidavit for the purpose of obtaining the patent

issued for said real estate, which I agree to file for record, forthwith, in the proper county recorder's office.

Subscribed and sworn to before me, by the said .....  
this ..... day of ....., 190..

Witness my hand and official seal.



## MEANDERED LAKES.

Prior to 1896 several of the lakes of Iowa were drained, surveyed and patented to the state of Iowa as swamp land under the act of September 28, 1850. The lakes were so surveyed and patented on the request of the respective governors of the state. A total of 2,474.55 acres of lake beds were conveyed to the state under the said grant. Interested parties contended then and still continue to contend that all the dry lake beds should be patented to the state under the swamp land grant, but the consensus of opinion of both state and government officials in recent years is that title to the lakes and lake beds in Iowa already rests in the state, and consequently does not have to be secured under the swamp land grant. Governor Shaw has been especially pronounced in this view and in his message to the Twenty-eighth General Assembly recommended that "a legislative grant be made of all the lake beds that have or may hereafter become dry, either to the State University or to the State College of Agriculture and Mechanic Arts; or perhaps better still to both these institutions jointly; and that a commission be appointed to make selections from time to time, and report the same to the executive council for confirmation, under such provisions for hearing and appeal as may be deemed wise in the premises."

No action was taken by the legislature upon the recommendation. This left the question of the disposition of the lake beds still unsettled.

In April, 1901, the executive council decided to rent the lake beds, and instructed the secretary of the council to advertise for proposals to rent the dry lands within the meander lines of the lakes of the state. The council also requested the attorney general to draw up a form of lease which would answer the purpose desired. It was determined at first to rent the lake beds for a period of from one to five years, but the council finally concluded, in view of the fact that the next legislature might take some action relative to the disposition of the lake beds, that they should be leased for only one year. Proposals to rent several of the lake beds were received by the executive council in response to the advertisement. Leases were authorized and executed by the executive council in accordance with the form furnished by the attorney general. These leases provide for the renting of all the dry land within the meander lines of the lakes for the year 1901. The following table gives a list of the leases executed during the biennial period ending June 30, 1901:

TABLE No. 32.

COUNTY.	Lake.	Twp.	Range.	Consideration	Date of lease.	Name of leaser.
Buena Vista.....	Storm Lake....	84	30-31	\$10.00	June 15, 1901	City of Storm Lake.
Greene.....	Goose Lake....	84	30-31	50.00	June 12, 1901	John Irving.
Hancock.....	Lakes in.....	96	24-25	50.00	June 20, 1901	E. S. Frank.
Wright.....	Wall Lake....	90	24	50.00	June 20, 1901	E. S. Frank.
Wright.....	Lake Cornelia..	92	24			
Wright.....	Lake Ellen....	92	24			
Wright.....	Twin Lakes....	93	24	75.00	June 20, 1901	Henry Eyl.

The following table contains a list of the meandered lakes of Iowa. The list was prepared from the original plats of the government survey and shows that about 61,000 acres of land were covered by the lakes in Iowa. There are a few meandered lagoons and bayous along the Mississippi and Missouri rivers, the location and area of which are not given in this list:

TABLE No. 33.

*Giving the names of the counties in which the meandered lakes are situated, the number of the township and range, with a careful estimate of acreage covered by each, also the length of shore line as shown by the meander notes of government survey.*

LAKE.	LOCALITY OF LAKE.			Estimated area in acres	ESTIMATED SHORE LINE		
	Town.	Range.	COUNTY.		Miles.	Chains.	Links.
*Goose lake, in secs. 28, 29, 32 and 33.	N. 83	E. 5	Clinton .....	301.55	2	65	48
Muscatine slough, in secs. 7, 17, 18, 20, 21, 28 and 29.....	N. 74	W. 2	Louisa .....	570	19	31	40
Wapello lake .....	75	2-3	Louisa .....	152	3	15	11½
Green bayou, in secs. 26, 27, 28, 29, 31, 32 and 33.....	68	3	Lee .....	271	8	48	37
Keokuk lake, in secs. 13, 22, 23, 24, 26 and 27.....	76	3	Muscatine .....	454	5	26	33
Lake in secs. 1 and 2.....	96	3	Allamakee .....	163.86	2	50	68
Lake in secs. 16, 20 and 21.....	88	4	Delaware .....	44.25	1	52	27
Two lakes in secs. 13, 24 and 25.....	100	4	Allamakee .....	200	3	33	...
Swan lake.....	80-81	7	Johnson .....	45	1	10	55
Lake in secs. 4, 5, 8, 9, 16 and 17.....	90	3	Allamakee .....	679	6	16	39
Lake in secs. 30 and 31.....	81	7	Johnson .....	62.73	2	6	...
Clear lake .....	96	22	Cerro Gordo .....	3,643.37	13	35	42
Lake Rice .....	99	22-23	Worth and Winnebago .....	600	7	56	75
Silver lake, in secs. 14 and 15.....	100	22	Worth .....	318	3	8	95
Bright's lake, in secs. 7, 8 and 17.....	100	22	Worth .....	155	2	18	50
Iowa lake, in secs. 14, 15, 22, 23, 24, 25 and 26.....	88	23	Hamilton .....	886.84	6	34	13
Wall lake, in secs. 9, 10, 15 and 16.....	86	24	Hamilton .....	309.56	2	07	...
Lake in sec. 27.....	87	24	Hamilton .....	142	2	1	55
† Cairo lake.....	87	24-25	Hamilton .....	1,382	8	53	43
Walled lake, in secs. 2, 3, 10, 11, 14, 15 and 16.....	90	24	Wright .....	986.85	5	73	91
Cornelia lake, in secs. 9 and 16.....	92	24	Wright .....	332.42	7	71	97
Elin lake, in secs. 21, 22, 27 and 28.....	92	24	Wright .....	450.38			
Twin lake, in secs. 28 and 29.....	93	24	Wright .....	107.07	1	67	32
Lake in secs. 19, 20, 29 and 30.....	94	24	Hancock .....	193	3	4	20
Lake.....	96	24-25	Hancock .....	106			
Lake.....	96	24-25	Hancock .....	915	5	22	84
Duck lake, in secs. 20 and 21.....	100	24	Winnebago .....	71.30	1	27	40
Lake in se. q. sec. 24.....	96	25	Hancock .....	59	1	7	47
Lake in secs. 9, 10, 15 and 16.....	97	25	Hancock .....	252.68	2	63	13
‡ Impassable marsh.....	91-92	27	Humboldt .....	1,743.20	9	22	15

\*Goose lake, in Clinton county, was drained, surveyed, and approved as swamp land, and patented to the county as swamp land, October 7, 1886.

†Cairo lake, in Hamilton county, has been drained, surveyed and approved, and patented to the state as swamp land, and was patented by the state to Hamilton county, December 14, 1895.

‡The "Impassable marsh," in Humboldt county, has been surveyed and approved, patented to the state as swamp land, and patented by the state to Humboldt county.



## MEANDERED LAKES—CONTINUED.

LAKE.	LOCALITY OF LAKE.			Estimated area in acres.	ESTI-MATED SHORE LINE.		
	Town.	Range.	COUNTY.		Miles.	Chains.	Links.
§ Owl lake, in secs. 21, 22, 27, and 28.	92	27	Humboldt	772.14	4	65	....
Lake .....	90-91	29	Webster and Humboldt	211	3	40	87
Bass lake .....	91	29-30	Humboldt	208	2	60	79
Bancroft lake, in secs. 10, 14, and 15.	100	29	Kossuth	125	3	68	73
Lake .....	84	30-31	Greene	715	1	35	....
Lake in sec. 17 .....	100	30	Kossuth	70.43	2	40	....
Lake in sec. 28 .....	100	30	Kossuth	147.40	1	75	75
Lake in secs. 9 and 10 .....	100	30	Kossuth	48	2	42	51
Lizard lake, in secs. 22 and 27 .....	91	31	Pocahontas	252.38	12	57	21
Iowa lake, in secs. 11, 12 and 14 .....	100	31	Emmet	285	22	30	70
Walled lake .....	88-89	32-33	Calhoun	571	3	58	....
Lake (medium) .....	96-97	32-33	Palo Alto	980	2	16	86
Swan lake (7 or 8 miles long) .....	99	32-33	Emmet	2300	4	41	59
Lake Okamanpadu, in sec. 10, 11, 12	100	32	Emmet	945	3	43	....
Tremon lake .....	100	32-33	Emmet	147	4	70	29
Lake in sec. 10 .....	86	33	Calhoun	160.84	5	40	....
Lake in secs. 1, 2, 11 and 12 .....	88	33	Calhoun	400	2	68	73
High lake, in secs. 11, 12 and 13 .....	98	33	Emmet	461	3	43	....
Lake in secs. 14, 15 and 23 .....	98	33	Emmet	337	4	70	29
Swan lake, in secs. 27, 28, 33 and 34 .....	99	33	Emmet	442.28	5	40	....
Lake in secs. 16 and 17 .....	100	33	Emmet	177.20	2	68	....
Tow Head lake, in secs. 23 and 24 .....	89	34	Calhoun	195.05	2	16	6
Clear lake .....	91-92	34	Pocahontas	170	3	2	62
Two lakes in secs. 9, 15, 16 and 17 .....	93	34	Pocahontas	616	7	15	28
Rush lake, in secs. 20 and 21 .....	94	34	Palo Alto	501.15	4	1	20
Silver lake, in secs. 18, 19, 21, 28, 29.	95	34	Palo Alto	659	5	71	23
Lake in secs. 29 and 30 .....	96	34	Palo Alto	192.57	7	29	35
Lake in secs. 16, 17, 19, 20 and 21 .....	96	34	Palo Alto	458.42	28	3	15
Lost Island and Pelican lakes .....	96-97	35-36	Palo Alto and Clay	3425	3	27	23
Trumbull lake .....	96-97	35	Clay	1773	4	74	16
Twelve Mile lake, in secs. 20, 21, 29.	98	34	Emmet	300.95	1	69	32
Cheever lake, in secs. 20, 21 and 29 .....	99	34	Emmet	316.43	2	48	31
Lake .....	99	34-35	Emmet and Dickinson	219	1	26	5
Lard lake, in secs. 4, 5, 8 and 9 .....	89	35	Sac	246.19	2	13	60
Rush lake, in secs. 8 and 17 .....	89	35	Sac	63.60	2	22	72
Lake .....	93-94	35	Buena Vista and Clay	172.97	1	40	95
Lake in secs. 25 and 26 .....	94	35	Clay	235.23	4	32	97
Lake .....	95-96	35	Clay	306	1	63	....
Lake in secs. 8, 9, 16, 17 and 20 .....	97	35	Clay	219	2	7	75
Lake in secs. 7 and 18 .....	99	35	Dickinson	127	4	38	73
Lake .....	99	35-36	Dickinson	110	9	30	30
Lake in secs. 22, 23, 26 and 27 .....	100	35	Dickinson	375.15	13	73	87
Wall lake .....	86-87	36	Sac	907	38	38	6
Spirit lake .....	100	36	Dickinson	5600	3	32	84
Okoboji, east .....	99-100	36	Dickinson	1842	3	7	85
Okoboji, west .....	99	36-37	Dickinson	3993	2	1	20
Gar lakes, in secs. 29, 30 and 32 .....	99	36	Dickinson	406	12	25	25
Two lakes .....	99-100	36	Dickinson	194	9	61	67
Lake in secs. 5, 6, 7 and 8 .....	99	36	Dickinson	293.42	3	12	25
Lake in sec. 23 .....	99	36	Dickinson	136.37	2	62	24
Lakes, four, west of Spirit lake .....	100	36	Dickinson	900	2	4	14
Storm lake .....	90	37	Buena Vista	3224.47	1	24	20
Lake in secs. 31 and 32 .....	99	37	Dickinson	143	1	14	21
Lake in secs. 30 and 31 .....	99	37	Dickinson	157.40	6	41	79
Diamond lake, in secs. 10, 11, 14, 15.	100	37	Dickinson	164.55	2	1	70
Lake in secs. 23, 24, 25 and 26 .....	100	37	Dickinson	70.90	3	33	61
Lake .....	100	36-37	Dickinson	50	1	67	38
Silver lake, in secs. 27, 28, 29, 32, 33 and 34 .....	100	38	Dickinson	1047.40	1	53	50
Lake on Minnesota state line .....	100	39	Osceola	165.90	2	1	70
Rush lake .....	100	39-40	Osceola	357.53	3	33	61
Wabonsie lake, in secs. 2 and 3 .....	70	43	Fremont	260	1	67	38
Lake in secs. 29 and 32 .....	74	43	Pottawattamie	72.48	1	53	50

§ Owl lake, in Humboldt county, has been drained, surveyed and approved, and patented as swamp land, and was patented to the county as swamp land April 30, 1895.

## MEANDERED LAKES—CONTINUED.

LAKE.	LOCALITY OF LAKE.			Estimated area in acres.	ESTI-MATED SHORE LINE.		
	Town.	Range.	COUNTY.		Miles.	Chains.	Links.
Lake in secs. 11, 14, 15, 22 and 23 .....	75	44	Pottawattamie	430.79	6	39	40
Lake in secs. 2, 3, 10 and 11 .....	76	44	Pottawattamie	234.63	4	19	77
Boyer lake, in secs. 21, 22, 27 and 28.	76	44	Pottawattamie	593	5	10	25
Lake .....	77-78	45	Pottawattamie and Harrison	76.78	2	4	85
Lake in secs. 22, 23 and 26 (Soldier) ..	78	45	Harrison	266.91	4	48	99
Lake in secs. 2, 11, 14, 15, 22 and 27 ..	80	45	Harrison	532	8	....	20
Lake in secs. 13, 14, 25 and 24 .....	80	45	Harrison	416.88	3	25	69
Blue lake .....	83-84	45-46	Monona	1598.60	10	28	63
Lake in secs. 10, 11, 12, 13, 14, 23, 24, 26, 27 and 34 .....	86	47	Woodbury	991.27	13	8	59



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