

REPORT

OF THE

SECRETARY OF STATE

TO THE

GOVERNOR OF IOWA,

Of the Transactions of the Land Department.

JULY 1, 1887.

FRANK D. JACKSON, SECRETARY OF STATE.

DES MOINES:
GEO. E. ROBERTS, STATE PRINTER.
1887.

REPORT.

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

To his Excellency, WILLIAM LARRABEE, Governor of Iowa:

SIR—I have the honor to submit herewith the biennial report of the land department of this office, of the business transacted during the last two fiscal years. I have also included in the same, other matters and things that I thought were of interest, and which could be properly made a part thereof.

A large amount of labor performed by this department, such as the correspondence, making copies of plats, field notes, records of patents, etc., it is impracticable to report, but there is no inconsiderable amount of it, and it is sufficient to keep the clerk in charge constantly employed. The work of the land department is of that responsible kind, that in the performance of same, one has to be constantly on the alert, using the utmost care and caution.

There is still a large amount of lands to patent; especially of the School, Agricultural College and State University lands. But the issuing of patents, now, is a minor part of the labors of the department. There will be enough work for one clerk to perform in this department, for many years after the lands the State deals with are all conveyed. And any one will realize the truth of this who will contemplate the vast accumulation of valuable records in the vault of said department; the hundreds of certificates and patents the United States has made to the State under the various land grants, the records of thousands of patents the State has issued to individuals and corporations, the tract and plat books of the various land grants, the files of correspondence, certificates and various other kinds of papers and documents that have been accumulating from territorial times down to the present; and then add to this the archives of the office of Surveyor General of Iowa, which comprises all of the

original plats and field notes of the public surveys of the State, and all of the records, correspondence and other papers of said office from its origin to its discontinuance. These records are not only vast in quantity, but priceless.

The backs or covers of some of the record books are worn and rusty looking, from age and use; they do not present as respectable an appearance as they would in a new dress, but the records they inclose are whole and entire, and in view of this, and of that respect usually inspired by things venerable, I would recommend that for the present they remain as they are.

There is a belief extant that the State land department has charge of the records of the original disposition of all the lands in the State. This is not so. This department deals with the lands the State has received under the various congressional grants, together with certain lands taken under foreclosure of mortgages given to secure loans of school fund, lands taken on account of debts due the State, etc.

There is still one government land office in Iowa controlled by a register and a receiver appointed by the president of the United States, which office is located in Des Moines, all of the other government land offices having been one after another discontinued and their records turned over to the office in Des Moines; so that office now has charge of all of the records pertaining to government land entries in Iowa. Patents for lands entered at the government land office are issued at the general land office in Washington, D. C., and are usually sent to the Des Moines office for delivery. In case of the loss of any such patent a certified copy can be obtained by applying to the Commissioner of the General Land Office.

It is the custom of the general government, as I learn, to continue one land office in a State until the public lands are disposed of, and then to discontinue it and remove all the records to the general land office at Washington, D. C. It would be much better for all immediately interested, if this custom was changed and the records be allowed to remain at the capitol of the State. There is no use of transferring these records to Washington; the department there already has copies of most all of them and could readily obtain copies of the balance, if needed. Therefore should the necessity arise of discontinuing the offices of register and receiver, as it will ultimately, the records should be turned over to the State, as is now provided by law in regard to the records of the surveyor general's office, when

such office has been discontinued upon the completion of the public surveys of a State.

There is plenty of room in our new capitol for all of the records now in the government land office in Des Moines, and where their safety would be insured, and the retaining of them at the capital is a matter of such grave importance to the people of our State that our legislature should request our representation in Congress to urge the passage of a law providing for it. With the exception of a few hundred Des Moines river land patents, this office has no patents for delivery. Patents are delivered generally as fast as issued by the State. All patents are delivered free of charge, there being no provision of law for a fee or charge for the issue and delivery of any class of patents. All patents or other conveyances issued by the State are of record in this office, and a certified copy, or copies of the same can be furnished at any time upon application, for a reasonable fee.

The difficulty that I have experienced in trying to ascertain and prepare a list of the real estate which the State has acquired for the uses of our several State institutions and for other purposes, has satisfied me that all of the deeds made to the State, conveying real estate of whatever kind, for any such public use or purpose, should be filed and preserved in this office, and a record thereof kept, full and complete, so that there would be no trouble at any time to furnish a description of any such property. Under the present provisions of law, these deeds are scattered, and it is essential that they be gathered into one office.

THE SCHOOL LANDS.

In the last report of this office, I gave a complete statement of the unsold school lands, as exhibited at that time by reports received from the several county auditors. I have received no reports of such matters since, and am therefore unable to furnish an accurate statement of the lands yet unsold. The disposition of the school lands in each county is under the control of the board of supervisors, who have them appraised and sold when they deem it for the best interest of the school fund, and any one desiring to know what school lands are for sale in any particular county, can obtain the information by applying to the county auditor of such county. Said lands are sold by such auditor at public sale to the highest bidder, after having been appraised and advertised as required by law. The minimum price as fixed by law is six dollars per acre; nor can they in any case be sold for less than their appraisal. They may be sold for cash in hand; or for one-third cash and the balance on ten years time, with interest at the rate of eight per cent per annum. When sold on a partial credit a contract is entered into with the purchaser, and when the terms of the contract have been fully complied with, and full payment has been made of the balance of the purchase money, principal and interest, the original purchaser, his heir or assignee, as the case may be, is entitled to a certificate of purchase, to be furnished by the county auditor, upon which patent will issue upon presentation of the same at this office. The contract is assignable at any time during its continuance, and can be paid at any time during such continuance, but as soon as paid in full the law makes it the duty of the county auditor to issue the certificate of purchase forthwith. Such certificate of purchase is not assignable, but the patent must issue to the party whom certificate shows is entitled to it.

See sections 1851 and 1852 of the Code.

Section 88 of the Code requires that the certificate of purchase shall set forth the following facts, viz.: "the appraised value per acre, name of person to whom sold, date of sale, price per acre, amount paid, name of person making final payment and of person who is entitled to patent, and if thus entitled by assignment from the original purchaser, setting forth fully such assignment."

Section 1856 of the Code provides that all school lands are taxable from and after the execution and delivery of contract to purchaser; and occasionally school lands under contract are sold for taxes; but

chapter 101 of the acts of Seventeenth General Assembly provides that in any case the purchaser at tax sale takes only the interest of the original purchaser, and that in no case are the rights of the State interfered with by such tax sale. This provision also applies to State University lands, as well as to other lands which under the law are exempt from taxation.

It would appear then, in view of the foregoing provisions of law, that a party having purchased such contracted school land at tax sale, and having acquired the county treasurer's tax deed, has succeeded to the rights and interests of the holder of the contract, and is virtually the legal assignee of the same; but experience has shown that tax titles are sometimes procured by methods which the courts have held to be improper; therefore, the tax purchaser, in order to procure patent, is expected to quiet his title by decree of court, and when he presents at this office the county auditor's certificate of purchase he must present with the same a certified copy of such decree, and proof that the holder or holders of the contract or those directly interested in same had *personal* service of notice of the proceedings to quiet title, also his tax deed or a certified copy of it as of record in office of county recorder, must be furnished with certificate. When school land is sold by the sheriff upon foreclosure of a contract and is bid off by a party other than the State or county, such purchaser, in order to get patent, must pay the balance due under the contract, and must present at this office, with the county auditor's certificate of purchase, the sheriff's deed he received or copy thereof duly certified, to show that he is legally vested with the interest of the original purchaser in and to the land.

The quantity of school lands the State has received under the congressional grants is about 1,549,087.75 acres, and assuming that the statements made in the previous reports of the State land department, of lands patented are correct, there yet remains unpatented about 187,799.30 acres. The necessary labors of the department have been such that I have found it impossible to spare the time to verify these figures by a critical examination of the patents the State has issued for these lands. It might be, therefore, that such an examination would necessitate a change in the quantity as here expressed.

In regard to lands taken under foreclosure of mortgages given to secure loans of school fund, usually denominated "mortgage school

lands," I have to say that the counties have not reported them fully, so that I cannot determine what they aggregate.

By the act of January 1, 1874, the counties are responsible for all loans of school fund made by them. This act gives to the board, of supervisors the sole control and management, in their respective counties, of all loans on mortgages then held or thereafter made, and upon the foreclosure of any mortgage, or the resale of mortgaged property, any loss sustained must be made good by the county, and any gain realized enures to its benefit. Therefore, when lands are acquired under any such foreclosure subsequent to January 1, 1874, it is competent for the county to sell and convey them. This office will only issue patents for such lands as contemplated by section 1850 of the Code, when they have been acquired *prior* to January 1, 1874. I presume that there are but few tracts of this class of school lands that the State will hereafter be called upon to patent; doubtless, most of them have been disposed of by sale and patent.

The following is a statement of the three classes of school lands that have been patented during the last two years, giving name of county in which same are situated, with quantity in each county:

SIXTEENTH SECTION GRANT.

COUNTY.	NO. OF ACRES.
Adair.....	80.00
Allamakee.....	80.00
Boone.....	60.00
Bremer.....	120.00
Buena Vista.....	1,200.00
Butler.....	20.00
Calhoun.....	500.00
Cass.....	204.00
Cerro Gordo.....	40.00
Cherokee.....	500.00
Chickasaw.....	240.00
Clarke.....	120.00
Clay.....	480.00
Dallas.....	160.00
Dickinson.....	80.00
Hamilton.....	120.00
Hardin.....	160.00
Howard.....	120.00
Humboldt.....	320.00
Ida.....	640.00
Jasper.....	320.00
Jones.....	40.00
Kossuth.....	1,200.00
Linn.....	40.00
Louisa.....	160.00
Lyon.....	2,080.00
Marion.....	40.00
Monona.....	440.00
Montgomery.....	40.00
O'Brien.....	2,440.00
Osceola.....	1,600.00
Page.....	520.00
Plymouth.....	1,040.00
Pocahontas.....	400.00
Polk.....	80.00
Pottawattamie.....	440.00
Sioux.....	800.00
Story.....	80.00
Tama.....	160.00
Taylor.....	120.00
Van Buren.....	20.00
Wayne.....	280.00

COUNTY.	NO. OF ACRES.
Webster.....	320.00
Winneshiek.....	80.00
Woodbury.....	1,400.00
Worth.....	320.00
Wright.....	640.00
Total.....	20,464.00

500,000 ACRE GRANT.

COUNTY.	NO. OF ACRES.
Benton.....	40.00
Dallas.....	80.00
Fayette.....	40.00
Harrison.....	40.00
Iowa.....	42.64
Tama.....	100.00
Webster.....	40.00
Total.....	382.64

MORTGAGE SCHOOL LANDS.

COUNTY.	NO. OF ACRES.
Allamakee.....	128.05
Decatur.....	40.00
Hardin.....	160.00
Polk.....	40.00
Wapello.....	40.00
Washington.....	40.00
Total.....	448.05

Also in Scott county one town lot was patented.

THE UNIVERSITY LANDS.

These lands consist of the University and Saline land grants, lands donated, and lands acquired under sheriff's deeds. It is with the lands received under the two grants that this office deals. As per the original certificates on file here the number of acres received under the University grant is 45,928.84; and the number of acres received under the Saline land grant is 46,202.53. But it appears that the certification of 480 acres of these Saline lands was canceled by the Secretary of the Interior, December 15, 1885, because, as stated in the letter of the Commissioner of the General Land Office to the Register of State Land Office, "five full sections contiguous had been approved irrespective of this tract." This would reduce the amount of the Saline land grant to 45,722.53 acres. These 480 acres, which are described as the south half of section 13, and the northeast quarter of section 23, township 70, range 16, were certified to the State by the interior department under act of Congress of May 15, 1856, for the Burlington & Missouri River Railroad Company, on February 23, 1869, and by the State were certified to said company November 22, 1880, under chapter 167, acts eighteenth general assembly. The auditor of state was authorized by act of March 17, 1876, to negotiate with the Burlington & Missouri River Railroad Company for the purchase of those portions of said lands sold as Saline lands by the State, for the purpose of perfecting the title of the grantees of the State. There are yet unpatented of the lands of the University grant 2,654.77 acres, and of the lands of the Saline land grant 3,567.75 acres. But 240 acres of the latter are part of the 480 acres referred to which were certified to the Burlington & Missouri River Railroad Company.

During the last two years the State has issued but three patents for these lands, viz.: To Mary Lawrence for the nw $\frac{1}{4}$ of se $\frac{1}{4}$, section 27, township 86, range 19, containing 40 acres. To William C. Ballard for the e $\frac{1}{4}$ of nw fr $\frac{1}{4}$ and ne of sw fr $\frac{1}{4}$ of section 19, township 82, range 23, containing 120 acres, being a part of the University grant, and situated in Story county. Also to L. Johnson for the sw $\frac{1}{4}$ of sw $\frac{1}{4}$ of section 29, township 69, range 24, containing 40 acres, and being part of the Saline land grant.

UNSOLD UNIVERSITY LANDS.

Through the kindness of John N. Coldren, Esq., treasurer of the State University at Iowa City, I have been furnished with a list of the lands belonging to the State University that are yet unsold, which is given herewith. These lands are under the control of the board of regents of the State University, and are sold by the treasurer of said institution under the direction of the said board. Any one desiring information about any of these lands are respectfully referred to Mr. Coldren.

UNIVERSITY LAND GRANT.

PARTS OF SECTION.	Section. Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
n fr + of ne, n fr + of nw.....	6 81 26	109.35	Dallas.	
se of ne, e + of nw.....	13 70 27	120.00	Decatur.	
n +, n + of se.....	13 70 27	160.00	Decatur.	
s + of ne, w fr, w + of se.....	8 69 15	400.00	Davis.	
se of nw.....	31 70 15	497.36	Davis.	
nw of ne, e + of se of ne.....	5 88 19	40.00	Hardin.	
se of ne.....	5 88 19	60.00	Hardin.	
n fr + of ne, n fr + of nw.....	9 88 19	40.00	Hardin.	
sw of nw.....	5 71 23	192.34	Lucas.	
se of ne.....	7 71 23	40.00	Lucas.	
se of sw.....	2 71 23	40.00	Union.	
n + of nw, nw of sw.....	35 71 14	40.00	Wapello.	
w + of se, se of se.....	36 71 14	120.00	Wapello.	
ne of ne, se of se.....	28 71 14	80.00	Warren.	
Total.....		2,069.05		

1887.]

LAND DEPARTMENT.

13

SALINE LAND GRANT.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
ne of se, w hf of se.....	9	70 16	120.00	Appanoose.	
ne qr, s hf of nw, ne of sw.....	10	70 16	280.00	Appanoose.	
sw qr.....	13	70 16	160.00	Appanoose.	
s hf of se.....	19	70 16	80.00	Appanoose.	
nw of sw.....	20	70 16	40.00	Appanoose.	
nw of ne, sw of se.....	21	70 16	80.00	Appanoose.	
sw of sw.....	22	70 16	40.00	Appanoose.	
nw of ne, se of ne.....	23	70 16	80.00	Appanoose.	
ne of ne.....	30	70 16	40.00	Appanoose.	
nw of nw fr.....	31	70 16	44.40	Appanoose.	
w hf of ne fr, nw of se.....	1	69 17	125.69	Appanoose.	
se of nw, sw of ne.....	12	70 17	80.00	Appanoose.	
ne of ne.....	22	70 17	40.00	Appanoose.	
sw of ne.....	23	70 17	40.00	Appanoose.	
nw of ne, ne of nw.....	24	70 17	80.00	Appanoose.	
se of se.....	25	70 17	40.00	Appanoose.	
n hf of se, se of se.....	25	70 17	120.00	Appanoose.	
ne of se.....	10	70 12	40.00	Davis.	
se of sw, sw of se.....	23	69 24	80.00	Decatur.	
w hf of se.....	33	69 24	80.00	Decatur.	
sw of se.....	10	71 21	40.00	Lucas.	
s hf of se, se of ne.....	22	71 21	120.00	Lucas.	
nw of se.....	29	71 21	40.00	Lucas.	
e hf of sw.....	9	72 21	80.00	Lucas.	
ne of ne.....	27	72 21	40.00	Lucas.	
sw of se.....	34	72 21	40.00	Lucas.	
nw of sw.....	15	71 23	40.00	Lucas.	
nw fr qr.....	31	72 22	165.73	Lucas.	
n hf of ne, sw of sw.....	35	71 17	120.00	Monroe.	
ne of nw, se of se.....	36	71 17	80.00	Monroe.	
ne fr of ne, sw of ne.....	1	70 22	71.82	Wayne.	
sw fr of sw.....	6	70 21	39.90	Wayne.	
se of sw.....	6	70 21	40.00	Wayne.	
Total.....	22	12	2,607.07		

NOTE.—The sw qr Sec. 13, and nw of ne and se of ne Sec. 23, Tp. 70, R. 16, have been certified as B. & M. R. land. The approval as saline lands having been canceled by the Secretary of the Interior December 15, 1885.

DONATED TO STATE UNIVERSITY.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
nw qr	34	95	36	160.00	Clay.
ne of nw	23	86	32	40.00	Calhoun.
se of se	14	84	38	40.00	Crawford.
se of ne	8	67	28	40.00	Ringgold.
nw of ne	22	86	14	40.00	Tama.
e hf of sw	23	91	28	80.00	Humboldt.
e hf of nw	25	100	25	80.00	Winneshiek.
s hf of sw	18	91	25	81.45	Wright.
ne of ne	8	67	28	40.00	Ringgold.
Total				601.45	

ACQUIRED UNDER SHERIFF'S SALE.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
w hf of nw, se of nw	34	79	7	120.00	Johnson.
sw of sw	31	79	16	45.97	Poweshiek.
Total				165.97	

n hf of lot 5, block 79.....Iowa City.
 *s hf of lot 8, block 27.....Iowa City.
 e hf of lot 8, block 52.....Iowa City.
 lot 4, block 30.....Iowa City.

Prior to the time when the Saline lands were transferred by law to the State University, many of them were sold by the county officials, as the law at that time provided, and some of them were paid for in full and certificate of purchase issued. Some of these certificates were not presented for patent and have been lost or destroyed; and even in some cases no record was made of them by the county officials by whom they were issued. Under the law relative to issuing patents, a patent cannot issue at this office, for any Saline or other State land, except upon the presentation of the proper certificate of purchase, setting forth the facts in regard to the sale, payment, name of purchaser, name of party entitled to patent, etc. There being no one authorized to issue such certificate in these peculiar cases, the legislature was asked to provide a means whereby the purchasers could procure patent from the State and thus perfect their title. It

* Out lot.

was proposed that a law should be passed requiring all the proofs in a case to be submitted to the Governor and Attorney-General, and that they should examine them and determine the facts as to whether the land had been properly sold and paid for, the name of the purchaser and the party entitled to patent.

The law that was passed, however, falls short of what was intended or expected to be accomplished, for it will be seen that by the strict letter thereof all that is required of said officials is to satisfy themselves in each case presented, whether the land was sold by authority of the State and paid for, and whether the certificate of purchase was lost or destroyed or not.

It will be seen that this law does not require the proofs in the case to be filed with the Secretary of State; they are submitted to the Governor and Attorney-General, for it is said officials that have to examine and pass upon them. The Secretary of State is not presumed to have any knowledge or information of the matter except what he receives from the Governor and Attorney-General, and this certainly should be sufficient to enable him to rightfully and intelligently issue patent in the case.

The law referred to passed by the legislature, is as follows:

CHAPTER 178.

An act to authorize the Secretary of State to issue patents to State University lands in certain cases.

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

SECTION 1. The Secretary of State is hereby authorized to issue patents for lands, the legal title to which is vested in the State University of Iowa, in cases wherein it is shown to the satisfaction of the Governor and Attorney-General that such lands have been in fact sold by the authority of the State and paid for and that the certificates of purchase have been lost or destroyed.

SEC. 2. The patents thus issued shall enure to the benefit of the original purchaser and his granters [grantees] only and a clause to this effect shall be inserted in the patent.

Approved April 13, 1886.

DES MOINES RIVER LANDS.

A bill for the relief of settlers on the Des Moines river lands was passed at the first session of the forty-ninth Congress; but when presented to the President for his approval was vetoed. An effort to pass the bill over the veto was successful in the senate, but failed in the house of representatives.

For general information a copy of the bill is given herewith:

A bill to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

WHEREAS, It is alleged that all the lands along the Des Moines river above the mouth of the Raccoon fork, in the State of Iowa, referred to in the joint resolution of March second, eighteen hundred and sixty-one, (twelfth statutes, page two hundred and fifty-one), as certified to said State improperly by the department of the interior, as under the grant of August eighth, eighteen hundred and forty-six, and which were treated in the Harvey settlement of May twentieth, eighteen hundred and sixty-six, as having been sold or otherwise disposed of by the United States, as mentioned or provided in the act of July twelfth, eighteen hundred and sixty-two (twelfth statutes, page five hundred and forty-three), to extend the grant of eighteen hundred and forty-six, and for which lands the State in the Harvey settlement received and accepted indemnity lands, as provided she might do by the act of eighteen hundred and sixty-two, which settlement was fully accepted by the State legislature, March thirty-first, eighteen hundred and sixty-eight, and confirmed by Congress March third, eighteen hundred and seventy-one, are public lands, as held by the department of the interior after Secretary Browning's decision of May ninth, eighteen hundred and sixty-eight, and that by such settlement Iowa, in accepting the indemnity lands as referred to, is estopped from all claim to the lands in place that were improperly certified as river land, or under the act of eighteen hundred and forty-six; and,

WHEREAS, There are many settlers, who believing that the said lands were public lands, entered upon the same in good faith, and with the consent of the department of the interior, as pre-emptors and homesteads, and since so doing and after receiving patents, have been held by the courts trespassers, or that the lands were reserved from settlement. Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands improperly certified to Iowa by the Department of the Interior under the act of August eighth, eighteen hundred and forty-six, as referred to in the joint resolution of March second, eighteen hundred and sixty-one, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of eighteen hundred and sixty-two, are, and are hereby declared to be public lands of the United States: *Provided*, That the title of *bona fide* settlers

under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid. *Provided further*, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, eighteen hundred and eighty, not exceeding one hundred and sixty acres, are hereby confirmed and made valid in them, their heirs or their proper assigns; and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent: *Provided further*, That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, eighteen hundred and eighty, are confirmed and made valid.

SEC. 2. That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands, and remove all clouds from its title thereto; and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open for settlement or sale except as hereinbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of lands under the United States involved in any suit may at his or their expense, unite with the United States in the prosecution of such suits.

The bill was presented to the *second* session of the Forty-ninth Congress, passed the Senate, and was submitted to the House of Representatives, but seems not to have been reached in the order of business.

The matter of relief for the Des Moines River land settlers is deserving of attention and proper recognition, and will likely, in some shape, be presented to the next session of Congress.

Frequent applications have been made to this office for a copy of the list of Des Moines River lands *in place* upon which the Department at Washington allowed indemnity under the act of Congress of July 12, 1862, and the Harvey settlement. There being no such list on file here, I addressed a letter to the Commissioner of the General Land Office in regard to the matter, and received the following reply:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.
WASHINGTON, D. C., February 8, 1887.

Hon. Frank D. Jackson, Secretary of State of Iowa, Des Moines, Iowa:

SIR—I have to acknowledge the receipt of your letter of the 20th ult., and in reply to advise you that there is no list of lands on file in this office situated within five miles of the Des Moines river, for which the State of Iowa received indemnity under the act of July 12, 1863 (12th Stat., 543).

The indemnity granted to the State under said act was by special certificate of April 25, 1863, and pursuant to the adjustment of 1866, consummated by this office and the State. At the dates mentioned it was not the practice to require claimants under such grants to specify the tracts lost for those selected.

The quantity to which the State was entitled was determined by crediting the grant with the whole amount of the odd-numbered sections within five miles of the river and north of the Racoon fork thereof, and charging it with the amount the State had already received, the quantity of land in place to be certified and the excess received by the State under the 500,000 acre grant of September 4, 1841.

Accept thanks for copy of the list of lands certified by the State to the Chicago, Milwaukee & St. Paul Railway Company, under the decision of the Supreme Court of the United States of March 29th last, in a suit between said company and the Sioux City & St. Paul Railroad Company.

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

Filed February 11, 1887.

F. D. JACKSON,

Secretary of State.

A few of the claims, on account of sales made by John Tolman, School Fund Commissioner of Webster county, of the so called Des Moines River School lands, the payment of which was provided for by Chapter 63, Special Acts of 1860, are yet unpaid. Through the kindness of the General Assembly they have been permitted to draw interest at the rate of ten per cent per annum for the past thirty-three years, and this rate of interest on these unpaid claims still continues.

During the past two years the following claims have been audited and paid, either to the original purchasers, their heirs or assigns:

For amount paid on northeast quarter of section 7, township 87, range 26, containing 160 acres, purchased by Eleazer Russell.

For amount paid on lots 1, 2, 3 and 4 and northeast quarter of northwest quarter of section 1, township 86, range 27, containing 204.01 acres, purchased by Perlonzo Bell.

For amount paid on southwest quarter of northwest quarter of section 21, township 87, range 26, containing 40 acres, purchased by W. Neese.

The appropriation made by Chapter 63, Special Acts 1860, becoming exhausted, while there were still a considerable number of such claims left unpaid, the Eighteenth General Assembly appropriated by Chapter 179 the further sum of eight thousand dollars, or so much thereof as was necessary for the purpose (four thousand dollars). The first appropriation, perhaps, would have been sufficient, had the legislature limited the time for presentation of the claims for payment, but interest at ten per cent rapidly adds to the principal.

The following table gives a description of all the Des Moines River lands sold by John Tolman as School Fund Commissioner, as aforesaid, with name of purchaser, date of sale, price per acre, amount paid in cash at date of purchase, amount of credit and a column of remarks showing upon which sales the money has been refunded, etc.

This table has been compiled from Tolman's report on file and other records of the office:

NAME OF PURCHASER.	DATE OF PURCHASE OR CONTRACT.	PART OF SECTION.	Section.	Township.	Range.	Acres.	Price per acre.	Cash paid.	Credit.	REMARKS.
Evan Lewis	Aug. 27, 1853	se of se	25	88	23	40.00	\$1.25	\$12.50	\$37.50	Paid up and patented.
Jacob Kraus	Sept. 2, 1853	se of se, e hf of sw of se	19	87	26	60.00	1.25	75.00	.....	Money refunded.
Roscow Royster	Aug. 18, 1853	w hf of sw	5	87	23	80.00	1.25	25.00	75.00	Money refunded.
William A. Scott	Aug. 18, 1853	sw qr	7	87	26	140.00	1.25	43.83	131.00	Paid up and patented.
Jesse Goodrich	Aug. 20, 1853	e hf of ne	11	87	23	80.00	1.25	100.00	.....	Paid up and patented.
Wm. T. Woolsey	Aug. 20, 1853	w hf of se, n hf of sw	1	87	23	160.00	1.25	200.00	.....	Paid up and patented.
Thos. G. Pierce	Aug. 20, 1853	nw qr	7	87	26	137.64	1.25	172.05	.....	Patented and money refunded.
Robert Alcorn	Aug. 20, 1853	se of ne	13	87	23	40.00	1.25	50.00	.....	.....
John Tolman	Aug. 20, 1853	n hf of se	25	88	23	80.00	1.25	100.00	.....	Patented and money refunded.
John Ware	Sept. 7, 1853	w hf of sw	17	85	28	40.00	1.25	12.50	37.50	.....
Perlonzo Bell	Sept. 9, 1853	w hf of sw	31	87	26	62.68	1.25	78.37	.....	Money refunded.
Perlonzo Bell	Sept. 9, 1853	lots 1, 2, 3, 4, and ne of nw	1	86	27	204.92	1.25	255.89	.....	Money refunded.
Eleazer Russell	Sept. 19, 1853	ne qr	7	87	26	160.00	1.25	50.00	150.00	Money refunded.
Francis W. Allen	Oct. 1, 1853	e hf of se	5	88	23	80.00	1.25	100.00	.....	Allen was an alien and died intestate; interest escheats to State.
Francis W. Allen	Oct. 1, 1853	nw of se	5	88	23	40.00	1.25	12.50	37.50	No one can demand a refund.
John B. Skinner	Oct. 19, 1853	nw of sw	19	87	26	32.37	1.25	10.12	30.50	.....
John B. Skinner	Oct. 19, 1853	ne of ne	25	87	23	40.00	1.25	12.50	37.50	Money refunded.
John Gaylor	Nov. 12, 1853	w hf of ne	7	87	23	80.00	1.25	25.75	75.00	Patented and money refunded.
Isaac Murphy	Nov. 28, 1853	nw of se	7	87	26	40.00	1.25	12.50	37.50	Money refunded.
Leander Bober	Nov. 28, 1853	w hf of sw	11	86	27	80.00	1.25	25.00	75.00	.....
Solomon Bathler	Dec. 6, 1853	w hf of se	15	87	26	80.00	1.25	25.00	75.00	Patented and money refunded.
*Francis McGuire	Dec. 9, 1853	lot 4 and se qr	15	87	27	62.50	1.50	93.75	.....	.....
Ebenezer H. West	Dec. 12, 1853	s hf of sw, w hf of sw of se	19	87	26	92.37	1.25	20.87	86.59	Money refunded.
Benjamin Corban	Dec. 12, 1853	lots 1, 2, 4, 5, e hf of nw and nw of nw	25	87	27	302.05	1.25	94.37	283.30	Paid up and patented.
Samuel K. Barnes	Dec. 20, 1853	sw qr	13	88	28	160.00	1.25	200.00	.....	Patented and money refunded.
Isaac Murphy	Dec. 27, 1853	e hf of se, sw of se	7	87	26	120.00	1.25	37.50	112.50	Money refunded.

* This description is doubtless a mistake in Tolman's report. According to other reports in the office it should be lot 4, section 15, 87, 27—62.50 acres. The "se qr" should be stricken out as improper. See also U. S. plat of said section.

NAME OF PURCHASER.	DATE OF PURCHASE OR CONTRACT.	PART OF SECTION.	Section.	Township.	Range.	Acres.	Price per acre.	Cash paid.	Credit.	REMARKS.
George C. Goss	Jan. 2, 1854	w hf of se	31	88	27	80.00	\$1.25	\$25.00	\$75.00	Money refunded.
Lodowick Maricle	Jan. 3, 1854	lot 8 and se of se	23	87	27	76.75	1.25	19.18	57.56	Patented and money refunded.
David A. Eckerson	Jan. 4, 1854	ne of nw	21	87	26	40.00	1.25	12.50	37.50	.....
Peter Byram	Jan. 7, 1854	e hf of se	15	87	26	80.00	1.25	25.00	75.00	.....
James Craig	Jan. 7, 1854	se of sw	29	87	26	40.00	1.25	50.00	.....	Paid up and patented.
Wesley McKinney	Jan. 10, 1854	ne qr e hf of nw	31	87	26	240.00	1.25	75.00	235.00	Money refunded.
John Everhart	Jan. 10, 1854	s hf	31	87	26	303.00	1.25	94.77	284.23	Money refunded.
James Corban	Dec. 13, 1853	nw of ne	25	87	27	40.00	1.25	12.50	37.50	Paid up and patented.
George Neese	Jan. 7, 1854	w hf of ne	21	87	26	80.00	1.50	.....	.....	Patented and money refunded.
W. Neese	Jan. 7, 1854	nw of nw	21	87	26	40.00	1.25	.....	.....	Patented and money refunded.
W. Neese	Jan. 7, 1854	sw of nw	21	87	26	40.00	1.25	.....	.....	Patented and money refunded.

DES MOINES RIVER LAND PATENTS—CONTINUED.

94

REPORT OF THE SECRETARY OF STATE.

[A5

1887.]

LAND DEPARTMENT.

95

Number.	PARTS OF SECTION.	Section.	Town. Range.	Acres.	PATENTEE.	COUNTY.
134	ne of nw.	27	72 13	40.00	George W. Knight, Jr.	Wapello.
135	ne of se.	11	70 11	40.00	William Wilson	Van Buren.
139	nw of sw.	23	72 14	40.00	Alexander Crawford	Wapello.
142	sw of ne.	13	75 15	40.00	Thomas Wilson	Wapello.
145	sw of se.	27	73 14	40.00	Jacob Kipp	Wapello.
150	se of ne.	37	73 14	40.00	Rinaldo Brown	Wapello.
152	nw of se.	17	75 17	40.00	Theodore Cox	Mahaska.
155	nw of nw.	21	70 12	40.00	Jacob Rutherford	Davis.
158	h f of sw.	23	71 11	80.00	Robert Brown	Jefferson.
160	sw of ne.	19	73 14	200.00	Henry Williamson	Wapello.
160	ne qr.	27	73 14	40.00	John Rutherford	Davis.
164	nw of ne.	21	70 12	40.00	Joseph Ramsey	Davis.
165	nw of se.	17	70 12	40.00	Alfred Hood	Mahaska.
167	sw of nw.	23	75 16	80.00	William Duffield	Davis.
169	se of ne, ne of se	3	70 13	40.00	Elijah Spangler	Van Buren.
171	se of sw.	5	70 10	40.00	Joseph Bones	Wapello.
177	sw of sw.	25	72 15	40.00	Thomas C. Walker	Mahaska.
179	sw of nw.	31	75 15	120.00	Enos Moore	Wapello.
181	e h f of ne, ne of se.	15	71 12	80.00	John S. Fisher	Wapello.
183	e h f of se.	35	72 13	158.90	James B. Wright, Henry Smith and Charles Dudley, Comr's	Mahaska.
191	sw fr qr.	19	72 13	40.00	Samuel Magee	Wapello.
195	nw of sw.	27	72 13	80.00	Edward Lynch	Davis.
196	w h f of nw.	15	70 12	40.00	John S. Fisher	Wapello.
202	ne of se.	13	72 13	120.00	Harmon Garrison	Wapello.
224	w h f of se, ne of se	23	71 12	40.00	Riley E. Hills	Wapello.
225	sw of sw.	17	75 16			

NOTE.—No 179 is sw of ne in sale book.

226	e h f of nw.	1	71 13	98.86	James Stephens	Wapello.
227	w h f of se.	35	72 13	80.00	Ell Myers	Wapello.
228	se of sw.	35	72 13	40.00	David Caldwell	Wapello.
255	ne of se.	19	74 15	40.00	Lewis I. Walker	Mahaska.
261	nw of nw.	15	71 12	80.00	Samuel M. Wright	Wapello.
261	ne of ne.	21	71 12	40.00	Daniel A. McIntire	Wapello.
262	se of sw.	3	71 12	120.00	Jacob Scott	Mahaska.
285	s h f of nw, nw of sw.	5	74 15	80.00	Abijah F. Clark	Wapello.
285	ne of nw.	25	72 13	40.00	Thomas Deford	Wapello.
288	ne of sw.	27	72 13	80.00	Isaac Stormer	Mahaska.
269	se of se.	21	72 13	40.00	Adam Winnick	Davis.
274	e h f of nw.	29	74 15	40.00	Charles Meeker	Monroe.
280	sw of se.	1	70 13	40.00	Richmond Cheadle	Wapello.
282	nw of se.	11	73 16	40.00	James Kstep	Mahaska.
283	sw of se.	27	72 13	40.00	Joseph Shaw	Mahaska.
285	ne of se.	17	71 12	160.00	Charles Stott	Wapello.
287	nw of se.	29	75 16	40.00	James P. Fisher	Van Buren.
302	sw.	5	71 13	40.00	David Johnson	Wapello.
316	ne of se.	7	69 8	40.00	Thomas Brumsey	Wapello.
317	se of sw.	17	71 12	74.50	David P. Smith	Wapello.
320	sw of sw.	35	72 13	40.00	Malon Hibbs	Wapello.
322	Lots 7 and 8.	31	72 13	40.00	William Hogan	Wapello.
327	se of nw.	17	72 13	240.00	James G. Campbell	Davis.
339	se of se.	13	72 13	89.10	Samuel Walker	Jefferson.
347	w h f of se.	1	70 12	40.00	Lewis F. Temple	Wapello.
347	se qr.	11	70 12	41.70	John Wilkinson	Davis.
353	ne of ne.	13	71 13	131.59	Thomas Jones	Wapello.
354	ne fr of ne.	3	69 12	76.85	Polly Holcomb	Van Buren.
361	s h f of nw, nw fr of nw.	3	72 13	40.00	James Avery	Wapello.
364	w fr h f of ne.	27	70 11	80.00	George Blything	Davis.
366	ne of sw.	25	71 12	80.00	Moses Starr	Van Buren.
367	ne of se, sw of se.	35	70 12	160.00	John Jones	Davis.
384	e h f of ne.	23	70 11	40.00	Benona Freel	Van Buren.
388	nw qr.	13	70 12	78.54	Willard F. Miles	Van Buren.
393	ne of se.	23	70 11			
395	Lots 7 and 8.	17	70 11			

No. 364 should be e h f of ne, section 27, township 70, range 11.

DES MOINES RIVER LAND PATENTS UNCALLED FOR—CONTINUED.

Number.	PARTS OF SECTIONS.	Section. Town. Range.	Acres.	PATENTEE.	COUNTY.
397	Lot 9.	13 71 13	12.31	Hugh H. Young.	Wapello.
400	sw of ne, se of sw.	31 71 11	80.00	George W. Nelson.	Jefferson.
401	se of se.	13 71 12	40.00	Dudley Ferris.	Wapello.
406	w hf of nw.	29 71 11	80.00	William W. Carson.	Jefferson.
408	ne of nw.	7 70 12	80.00	Daniel McHugh.	Davis.
410	Lot 6 and sw of sw.	17 70 11	78.40	David Creighton.	Van Buren.
411	nw of ne, ne of nw.	23 70 12	80.00	Abraham Mace.	Davis.
414	hf of ne.	7 72 13	40.88	Matthias Nail.	Wapello.
415	Lot 8.	18 71 13	57.35	Andrew Cummins.	Wapello.
420	Lot 5.	29 71 13	40.00	Conrad Shank.	Wapello.
429	ne of nw.	29 72 13	80.00	William Park.	Wapello.
432	w hf of se.	15 70 11	80.00	Benjamin F. Brown.	Van Buren.
443	hf of se.	7 71 11	40.00	Francis Ham.	Jefferson.
446	ne of se.	25 70 12	46.84	William Mellor.	Davis.
449	nw fr of nw.	7 70 12	40.00	Oliver H. Mitchell.	Davis.
450	sw of ne.	21 71 12	80.00	Robinson Ralls.	Wapello.
458	sw of se, se of sw.	29 70 11	40.00	John Dockling.	Van Buren.
460	se of sw.	25 69 8	55.55	William Revell.	Van Buren.
466	Lot 2.	31 73 14	40.00	George W. Linkenback.	Wapello.
488	se of nw.	3 72 14	28.88	Charles Stoddard.	Wapello.
496	Lot 7.	33 73 17	77.75	Hiram P. Covey.	Mahaska.
503	Lot 3 and se of nw.	5 74 16	291.00	Daniel Covey.	Mahaska.
504	Lots 4, 5, 6, sw of nw and n fr hf of nw	5 74 16	40.00	Lewis T. Baker.	Mahaska.
504	Lots 4 and 5.	5 74 16	40.00	Benjamin Thomas.	Wapello.
507	ne of nw.	15 74 16	57.64	Joseph Delay.	Mahaska.
508	se of nw.	35 73 14	114.25	John W. Caldwell.	Wapello.
512	Lot 4.	25 74 15	40.00	Herman Snow.	Mahaska.
515	Lots 3 and 4.	23 72 14	80.00	William Garland.	Mahaska.
525	se of ne.	23 74 16			Monroe.
530	sw of nw, nw of sw.	5 73 10			
542	hf of ne.	15 73 14	80.00	John Boyde.	Wapello.
545	hf of ne.	19 70 11	80.00	Horace D. Gorham.	Van Buren.
560	nw of ne.	35 75 16	40.00	Joseph Rush.	Mahaska.
563	hf of se.	13 75 18	80.00	Joseph Tong.	Marion.
569	hf of se.	27 68 10	80.00	Isaac Hoskin.	Van Buren.
570	w hf of se.	27 68 10	80.00	William Hoskin.	Van Buren.
592	ne of se.	15 74 17	40.00	Stephen Cooper.	Mahaska.
594	Lots 6, 7, 8, 9, and nw fr of ne.	1 76 20	229.43	Elihu Alley.	Marion.
597	se of sw.	31 71 10	40.00	Abner Beale.	Jefferson.
598	sw of se.	13 72 13	40.00	Isaac Holdernab.	Wapello.
606	nw of nw.	23 77 22	40.00	John M. Parkinson.	Warren.
607	w hf of se, ne of sw.	21 77 22	120.00	Jonas Carsner.	Warren.
609	nw of ne.	13 71 12	40.00	John Rhodes.	Wapello.
614	sw fr of sw fr.	7 70 10	44.21	William Wilson.	Van Buren.
618	nw of se.	25 74 16	40.00	Benjamin Newell.	Mahaska.
619	nw of se.	13 72 13	40.00	William W. Nelson.	Wapello.
630	w fr hf of nw.	31 69 7	88.96	Nathaniel Myer.	Lee.
632	w hf of sw.	11 74 17	80.00	Samuel Martin.	Mahaska.
633	hf of ne.	35 75 18	80.00	Ebenezer W. Ridlin.	Marion.
634	se of ne.	3 71 13	40.00	Joseph Myers.	Wapello.
637	se of sw.	27 72 13	40.00	Cyrus Franklin.	Wapello.
640	sw of ne.	3 71 13	40.00	John Abernathy, Sr.	Wapello.
650	sw of sw.	13 72 14	40.00	Francis M. Harrow.	Wapello.
664	Lots 5 and 6.	11 76 19	103.03	Michael S. Morris.	Marion.
665	Lots 3, 4, and s hf sw.	11 76 19	173.86	James Kar.	Marion.
669	se of nw.	17 75 17	40.00	Benjamin Franklin.	Mahaska.
670	nw of nw.	17 75 17	40.00	Benjamin Metzker.	Mahaska.
674	n fr hf of sw.	31 75 17	79.38	John Hallowell.	Mahaska.
678	nw of nw.	33 74 15	40.00	George Jackson.	Mahaska.
677	Lot 4.	19 75 17			
677	Lot 1.	29 75 17	47.67	Abraham Bryan.	Mahaska.
678	ne of ne.	29 73 14	40.00	Isaac Fisher.	Wapello.
684	nw fr of ne.	3 75 19	34.86	George G. Rose.	Marion.
687	sw of sw.	3 77 23	40.00	Vincent Barnes.	Warren.
688	sw of se, se of sw.	35 78 22	80.00	Charles H. Hamblin.	Polk.
690	ne.	33 78 23	169.00	Peter Vandevanter.	Polk.
693	ne of ne.	9 77 23	40.00	Simpson Hargis.	Warren.
709	nw fr of nw.	7 75 17	35.37	John P. Majors.	Mahaska.
727	hf of ne.	29 72 14	80.00	Richard Busk.	Wapello.

Number.	PARTS OF SECTION.	Section. Town. Range.	Acres.	PATENTEE.	COUNTY.
742 Lot 6		7 73 15	53.88	Jabez P. Eddy	Wapello.
750 Lot 1		17 73 15	59.50	James Baker	Wapello.
755 Lot 2		1 73 16	36.00	Henry C. Waldrup	Monroe.
759 se of se		1 69 12	40.00	George N. Rosser	Davis.
763 Lot 4		9 74 16	50.05	Hollom Rice	Mahaska.
766 se qr		23 74 16	160.00	John Niday	Mahaska.
769 Lots 1 and 2		35 74 16	71.54	Jacob Basinger	Mahaska.
790 Lot 4		3 75 18	49.25	William George	Marion.
797 sw of sw		21 71 12	40.00	James Michael	Wapello.
802 e hf of se		17 70 12	80.00	Aaron Wilkinson	Davis.
807 Lots 1, 2 and 3		13 75 18	130.90	John Carnes	Marion.
810 nw of se		35 75 18	40.00	Owen Doud	Marion.
812 ne of nw		11 75 18	40.00	Andrew Foster	Marion.
816 nw of ne		7 75 17	40.00	John Conner	Mahaska.
820 ne of ne		11 74 17	40.00	William M. Lee	Mahaska.
826 se of se		3 74 18	40.00	Thomas Nichols	Marion.
828 Lot 2		15 74 16	53.10	Daniel Covey	Mahaska.
834 w hf of sw		17 73 14	80.00	Anna Newell	Wapello.
839 se of nw, se of sw		3 73 16	80.00	George Cain	Monroe.
840 se of ne		5 73 16	40.06	George Cain	Monroe.
850 ne of ne		13 72 14	40.00	Barney Royston	Wapello.
851 se of nw		13 72 14	40.00	Anderson Vowell	Wapello.
854 se of ne		25 74 16	40.00	Thomas Exley	Mahaska.
855 e hf of sw		3 72 14	40.00	Anderson Vowell	Wapello.
856 Lot 5		9 72 14	59.35	Anderson Vowell	Wapello.
857 ne of se		29 72 14	40.00	Richard Bush	Wapello.
859 se of sw		23 73 14	40.00	Anderson Vowell	Wapello.
865 e hf of nw		3 71 14	80.00	Joseph Delay	Wapello.
870 e hf of ne		7 67 8	80.00	Lawrence Scott	Van Buren.
879 sw of sw		21 78 23	40.00	James McRoberts	Polk.
884 se of nw, ne of sw		3 76 19	50.00	Rufus B. Jones	Marion.
890 ne of nw		31 70 11	40.00	Mortimore S. Reynolds	Marion.
892 sw of sw		31 70 11	40.18	George N. Rosser	Van Buren.
894 Lots 7 and 8		19 75 17	95.54	James M. Walters	Mahaska.
901 ne of se		21 75 16	40.00	Eli Trout	Mahaska.
906 e hf of se		9 77 23	160.00	John Galbreath	Warren.
906 n hf of nw		15 77 23	80.00	Jane Hollingsworth	Warren.
908 w hf of sw		5 77 23	40.00	Stanford Doud, Jr.	Marion.
910 se of se		35 76 18	40.00	John Hargis	Warren.
914 sw of se		3 77 23	160.00	Allen B. Hall	Warren.
915 sw qr		9 77 23	36.20	Mary Anne Hall	Marion.
919 Lot 5		25 69 11	40.00	Edwin Godard	Van Buren.
920 nw of sw		1 69 12	40.00	James A. Scott and John G. Lille	Davis.
921 sw of se		21 75 18	80.00	Charles Cox and James Cox	Marion.
923 n hf of se		19 75 18	80.00	Charles Cox and James Cox	Marion.
929 se of ne and ne of se		25 74 16	40.00	Benjamin Newell	Mahaska.
929 ne of se		25 74 16	238.15	William Compton	Polk.
942 e hf of se, se of sw		27 78 23	40.00	Henry Dukes	Wapello.
942 Lot 1 and e hf of nw		21 78 23	251.84	Lewis Barlow	Polk.
943 nw of sw		35 78 23	158.20	Cornelis T. Lam	Marion.
947 Lots 1, 8, 9 and e hf of se		15 75 23	320.00	Hendrik Van Blokland, Jacob Van Ham, Alexander de Visser, Wouter Vlieg and Bustain Groeneweg	Marion.
947 ne of ne		13 76 19	320.00	Leendert Colyn, Gysbert Van Hoiewelingen, Hendrik Van Vliet and Dirk den Otter	Marion.
950 e hf of ne, ne of se, and lot 8		13 76 18	160.00	Adam P. Hasselman	Marion.
957 n hf		9 76 18	40.00	Samuel D. Holcomb	Van Buren.
959 e hf		9 76 18	40.00	Francis Ross	Mahaska.
962 n hf of nw		27 76 18	43.30	David Elsworth	Jefferson.
962 e hf of nw		35 70 11	74.40	John W. Caldwell	Wapello.
965 sw of sw		35 75 16	40.00	James Davidson	Wapello.
978 sw of sw		21 71 11	40.00	James Davidson	Wapello.
979 nw fr of nw		5 78 16	40.00	Thomas W. Wilson	Van Buren.
982 nw fr of nw, se of nw		13 72 13	40.00	William Monroe	Van Buren.
988 ne of sw		27 72 13			
989 sw of sw		1 67 9			
990 se of nw		1 70 11			
991 ne of se		1 70 11			

DES MOINES RIVER LAND PATENTS UNCALLED FOR—CONTINUED.

30

REPORT OF THE SECRETARY OF STATE.

[A 5]

[B 7.]

LAND DEPARTMENT.

31

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
994	se of ne	23	71 12	40.00	George Humphrey	Wapello.
1009	nw fr of nw	31	69 10	38.84	David Newhouse	Van Buren.
1016	w hf of sw	25	77 19	80.00	Allen Lawhead	Marion.
1018	sw fr gr, sw of nw	31	77 18	184.46	Daniel Earl	Marion.
1019	nw of ne	11	76 19	40.00	Daniel Earl	Marion.
1031	nw of ne	33	75 16	40.00	George Argabright	Mahaska.
1032	se fr gr, se of ne	27	77 20	190.80	Hannah Alley	Marion.
1034	e hf of se	9	70 12	80.00	William Scumover	Davis.
1037	ne of nw	35	74 16	40.00	George W. Davis	Mahaska.
1067	ne fr of se	3	77 22	140.60	Creath Renfro	Warren.
1063	e hf of ne	13	70 13	80.00	Abner M. Berns	Davis.
1075	ne of se	1	74 18	40.00	Washington Ciesco Doud	Marion.
1079	se of ne	23	69 11	40.00	Samuel Roush	Van Buren.
1083	sw of se	35	75 18	40.00	Stanford Doud	Marion.
1084	nw of se	5	73 15	40.00	John Kavanaugh	Wapello.
1085	se of ne	31	75 18	40.00	Jerome B. Sweet	Marion.
1092	nw of se	13	75 18	40.00	John Carnes	Marion.
1095	w hf of nw	13	73 16	80.00	William L. McKinney	Monroe.
1097	nw of ne	19	83 10	40.00	Henry T. Gorrell	Van Buren.
1101	Lot 1	7	73 15	51.00	Christian Ver Wayen	Wapello.
1105	Lots 5 and 6	33	76 18	42.02	Joseph Clark, ex'r of estate of Andrew Foster	Marion.
1109	sw gr and s hf of nw gr	29	76 17	240.00	Esau S. Folk	Mahaska.
1112	e hf of sw	19	75 18	80.00	James Tong	Marion.
1119	w hf of ne, e hf of nw	35	76 18	160.00	William Welch	Marion.
1120	s hf of se	35	76 18	80.00	Walker Findley	Marion.
1121	s hf of nw	25	76 18	80.00	Walker Findley	Marion.
1122	e hf of se	1	78 24	80.00	John Harris	Polk.
1128	nw gr	11	72 14	160.00	David Armstrong	Wapello.
1130	se of sw	11	74 16	40.00	Jacob Sales	Mahaska.
1132	e hf of ne	17	73 16	80.00	Jonathan Thompson	Monroe.
1134	sw of se	19	68 10	40.00	Jacob Teter	Van Buren.
1143	nw fr of ne	3	69 12	42.44	Samuel Mathew	Davis.
1146	Lots 8 and 9	9	77 21	92.30	Hezekiah Gay	Marion.
1152	ne of ne	25	69 11	40.00	Joseph McKinney	Van Buren.
1158	ne of ne	33	70 12	40.00	Catharine Winton, guardian for heirs of Bradley Winton	Davis.
1160	nw of sw	11	71 14	40.00	Curtis Knight	Wapello.
1163	e hf of sw	3	77 22	80.00	Charles W. Freel	Warren.
1166	e hf of se, nw of se	33	71 13	120.00	James Rowland	Wapello.
1167	n hf of sw	33	71 13	80.00	Israel Rupe	Wapello.
1170	se of se	7	75 16	40.00	William McMurdy	Mahaska.
1179	sw of nw	15	74 15	40.00	Isaac S. Davis	Mahaska.
1188	nw fr of nw, se of nw	31	72 14	80.39	Daniel C. Nichols	Wapello.
1195	se of se	1	77 21	40.00	Thomas Karr	Marion.
1197	n hf	35	79 23	320.00	George Knoop	Polk.
1198	se of ne	33	71 13	40.00	James Rowland	Wapello.
1206	s hf of sw	1	77 21	80.00	Joseph W. McWilliams	Marion.
1210	w hf of ne	29	70 11	80.00	William McHugh	Van Buren.
1211	se of ne	5	77 20	40.00	Cary D. Shelladay	Marion.
1215	s hf of se	15	77 22	80.00	Michael Howard	Warren.
1221	sw of nw	1	69 12	40.00	George N. Rosser	Davis.
1226	se of nw	13	74 16	40.00	William Watson	Mahaska.
1229	sw of ne	7	71 13	40.00	William C. McIntire	Wapello.
1235	se gr	13	76 18	160.00	Joseph Porter	Marion.
1236	se of ne	23	76 18	40.00	Gerret Van Der Vreit	Marion.
1239	nw of nw	13	75 18	40.00	Manna Bozarth	Marion.
1241	nw of nw	15	74 17	40.00	Hezekiah Lee	Mahaska.
1242	se of ne	11	74 17	40.00	Thomas Lee	Mahaska.
1245	sw fr of sw	31	71 12	48 58	Henry Avery	Wapello.
1255	se of nw	35	75 16	40.00	Levi S. Terwilliger	Mahaska.
1260	w fr hf of nw	31	77 19	83.42	John Mikesell	Marion.
1264	s hf of se	1	71 12	80.00	Reuben Voss	Wapello.
1275	w hf of se	7	77 22	80.00	John M. Draper	Warren.
1276	w fr hf of nw	19	77 22	67.48	Richard Stanton	Warren.
1279	sw of sw	1	69 12	40.00	James A. Clark	Davis.
1284	w hf of sw, se of sw	21	77 22	120.00	William Henry Reynolds	Warren.
1285	ne of sw, nw of se	5	75 17	80.00	James I. Brown	Mahaska.
1287	se of nw, w hf of ne	25	71 13	120.00	James A. Brown and John D. Sanford	Wapello.

LES MOINES RIVER LAND PATENTS UNCALLED FOR—CONTINUED.

32

REPORT OF THE SECRETARY OF STATE.

[A 3

1887]

LAND DEPARTMENT.

33

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
1297	w hf of sw, se of sw, and lots 2 and 3	85	77 20	213.78	Thomas H. Morgan	Marion.
1298	w hf of ne, ne of nw	27	77 20	120.00	David Clark	Marion.
1300	ne of nw	21	71 12	40.00	Simon F. Likens	Wapello.
1301	se of ne	1	77 21	40.00	Dan. Kygar	Marion.
1302	w hf of sw	9	76 17	80.00	Sarah Ann Battin, Lydia Battin, Mary E. Battin, and Hiram Battin.	Mahaska.
1303	se of se	5	76 21	40.00	William Glenn	Marion.
1304	nw of sw	13	70 12	40.00	George Washington	Davis.
1325	nw fr of ne	5	76 20	39.62	Adam Richabaugh	Marion.
1326	se of ne	11	71 12	40.00	Orange Clark	Wapello.
1332	n hf of ne	17	78 23	160.00	William Hughs	Polk.
1332	n hf of nw	15	78 23			
1336	e hf of se	31	78 21	160.00	Henry Sheerer	Jasper.
1336	w hf of sw	21	78 21			
1338	e hf of se	17	78 21	80.00	Jacob Booher	Jasper.
1340	Lot 10	6	77 22	60.55	Elijah Wicker	Polk.
1341	sw of nw	27	77 22	40.00	William Donelson	Warren.
1342	Lots 1 and 3	9	77 22	70.51	Uriah Roby	Warren.
1344	nw qr and n hf of sw	15	77 22	240.00	George Leslie	Warren.
1345	s hf of sw	15	77 22	80.00	Stephen Howell	Warren.
1353	ne of sw	7	76 17	40.00	Jan Lodewick Hengeveld	Mahaska.
1358	sw of sw	1	76 18	40.00	Garret Rysdem	Marion.
1363	w hf of ne	15	76 18	80.00	Jacob de Haan	Marion.
1364	nw qr	15	76 18	160.00	Jacob de Haan	Marion.
1370	ne of sw	21	76 18	40.00	Cornells den Hartog	Marion.
1382	e hf of ne	35	76 18	80.00	Wouter J. Dingeman	Marion.
1385	e hf of sw	35	76 18	80.00	James L. Warren	Marion.
1387	w hf of se	17	76 18	80.00	Frederick T. Lam	Marion.
1397	Lot 2	11	76 19	41.39	James Karr	Marion.
1394	Lots 5 and 7	9	76 19	116.14	Thomas Dickey	Marion.
1398	Lot 1	13	76 19	41.80	Michael S. Morris	Marion.
1401	w hf of se, sw of ne	17	76 19	120.00	William Kent	Marion.
1406	ne of nw	25	77 20	40.00	William Sunderland	Marion.
1408	s hf of nw	25	77 20	80.00	Daniel Hiskey	Marion.
1410	sw of sw	35	77 18	40.00	Arnold Gesman	Marion.
1425	n fr hf of ne	6	77 20	62.00	Robert B. Moore	Marion.
1433	Lot 6	35	77 20	26.18	Elizabeth Williams	Marion.
1434	Lot 4	35	77 20	50.50	Warren S. Mathews	Marion.
1441	se qr, w hf of ne, se of ne	11	77 21	280.00	George Allison	Marion.
1442	lot 6 and ne of ne	15	77 21	80.93	Napoleon B. Allison	Marion.
1452	ne of q	1	77 22	142.64	John Howard	Warren.
1456	ne of ne	25	77 22	40.00	William Glenn	Warren.
1458	ne of nw	27	77 22	40.00	Amos Freel	Warren.
1459	nw fr qr	31	77 22	151.32	John Farley	Warren.
1462	se of sw	1	77 23	40.00	Mordecai Disney	Warren.
1463	nw fr of ne, se of nw	3	77 23	78.75	Daniel Moore	Warren.
1467	sw of se	23	77 23	40.00	Harmon Hayworth	Warren.
1470	nw of nw	25	77 23	40.00	Harmon Hayworth	Warren.
1472	n hf of ne	13	77 24	80.00	David D. Cummins	Warren.
1483	w fr hf of sw	19	78 22	52.40	Hiram Niday	Polk.
1487	nw of sw, sw of se	29	78 22	80.00	Robert Canady	Polk.
1491	Lots 5 and 6	5	78 23	80.00	Bluford Barlow	Polk.
1496	Lot 1 and ne of se, sw of ne	15	78 23	129.55	William Dawson	Polk.
1497	se of ne	16	78 23	40.00	Lewis Barlow	Polk.
1503	se of ne	21	78 23	40.00	Lewis Deaton	Polk.
1507	e hf of nw	25	78 23	80.00	Job Dewey	Polk.
1509	ne of nw	35	78 23	40.00	Joshua Chapman	Polk.
1516	nw fr of ne	5	75 17	36.77	John P. Majors	Mahaska.
1518	nw of nw	21	70 10	40.00	William Park	Van Buren.
1521	se of sw	25	73 15	40.00	Henry Michael	Wapello.
1524	nw of ne, ne of nw	9	78 21	80.00	Larkin Young	Marion.
1525	se of se	9	78 21	40.00	William Bristow	Marion.
1527	ne of se	17	76 18	40.00	Klass Hersteeg	Marion.
1528	se of se	17	76 18	40.00	Jan Toom	Marion.
1530	w hf of ne and se of ne	21	76 18	120.00	Seendert Kolein	Marion.

NOTE.—No. 1336. This description same as in sale book; patent has both tracts in Sec. 21.

Number.	PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.	PATENTEE.	COUNTY.
1533	sw of ne	33	70	e	40.00	Catharine Winter, guardian of heirs of Bradley Winter	Davis.
1534	Lot 8	3	75	12	68.45	Samuel Bacon	Marion.
1534	nw of se	9	75	12	80.00	Michael Howard	Warren.
1535	w hf of sw	11	77	23	80.00	James Henderson Stark	Mahaska.
1540	w hf of sw	11	74	17	102.40	John Johnson	Marion.
1541	w fr hf, ne of nw	19	76	19	40.00	John Johnson	Marion.
1543	nw of nw	15	76	19	40.00	David Tade	Van Buren.
1544	ne of ne	17	69	8	40.00	Hezekiah Lee	Mahaska.
1552	se of se	9	74	12	80.00	Andrew McF. Thompson	Polk.
1556	e hf of se	11	78	23	42.57	James Arter	Wapello.
1560	nw fr of nw	19	71	13	33.83	Thomas Dickey	Marion.
1561	Lot 6	9	76	19	80.00	Jeremiah Leming	Polk.
1563	sw of nw, ne of nw	33	78	24	80.00	Elijah Wicker	Polk.
1562	w hf of sw	33	78	22	40.00	Jonathan Wittenmeyer	Wapello.
1563	sw of se	19	73	14	40.00	Robert V. Holcomb	Wapello.
1588	ne of nw	7	71	13	34.57	Simeon B. Chapman	Monroe.
1591	nw fr of nw	3	78	16	40.00	Larken Young	Warren.
1592	sw of ne	9	76	21	160.00	Michael Howard	Warren.
1593	e hf of sw, w hf of se	11	77	22	40.00	Cornelius Vanhesin	Mahaska.
1595	ne of se	13	75	17	40.00	Charles A. Warden	Wapello.
1596	nw of ne	11	72	14	80.00	Adam Minning	Davis.
1604	e hf of se	7	70	12	40.00	Samuel D. Holcomb	Van Buren.
1608	sw of nw	1	69	11	40.00	William Rowe	Warren.
1609	ne of ne	15	77	22	40.00	Jonas Carsner	Warren.
1611	nw of ne	27	77	22	80.00	Joseph Langdon	Polk.
1612	h of ne	25	78	23			

NOTE.—No. 1541 conflicts with No. 3372.

1821	sw of sw	21	72	12	40.00	James Madison Coadick	Wapello.
1822	ne of ne	27	72	14	40.00	Rinaldo Brown	Wapello.
1829	ne fr of ne	35	70	22	40.22	Hiram A. Lambert	Warren.
1830	nw of sw	35	77	22	40.00	Alfred Piles	Warren.
1831	ne of se	33	77	22	40.00	Alfred Piles	Warren.
1832	se of se	3	78	22	40.00	Robert Baley	Polk.
1833	sw qr, w hf of se	9	78	23	240.00	Lyle Garret	Polk.
1844	nw of se	25	70	12	40.00	Francis Ham	Davis.
1845	e hf nw, and nw of nw	23	78	24	120.00	Edward Shelton	Polk.
1850	nw of se	21	78	23	40.00	Trammel D. Gillaspie	Polk.
1851	nw of se	23	76	19	40.00	Martin Smith	Marion.
1870	nw of sw	29	72	12	40.00	Thomas Brumsey	Wapello.
1873	Lot 6	5	77	22	48.42	Elijah Wicker	Polk.
1877	Lot 4	25	78	23	39.64	Job Derry	Polk.
1878	se of se	9	77	22	40.00	Boston Taylor	Warren.
1880	Lot 1	23	78	28	23.15	Jeremiah Church	Polk.
1882	nw of nw	27	77	20	40.00	Admiral B. Miller	Marion.
1887	nw of se	7	69	11	40.00	Jonathan Ferris	Van Buren.
1888	nw of nw	35	78	23	40.00	Joshua B. Chapman	Polk.
1896	ne of ne	9	73	16	40.00	John B. Gray	Monroe.
1898	Lot 2	9	77	22	39.91	John Newell	Warren.
1897	nw fr of ne, ne fr of nw	3	78	16	68.30	Willoughby Randolph	Marion.
1701	sw of se	3	76	19	40.00	John King	Marion.
1704	n hf of ne, nw of se and lot 2	25	78	23	169.50	Job Dewey	Polk.
1718	Lot 6	11	78	24	62.00	Henry B. Mitchell	Polk.
1721	sw of sw	11	78	22	80.00	Quary Bailey	Polk.
1721	sw of se	25	78	22			
1722	e hf of ne	3	77	23	77.72	Nancy Beezly	Warren.
1724	n hf of se	1	71	12	86.00	George Humphrey	Wapello.
1727	sw of se	9	74	15	46.00	Warrenton S. Duncan	Mahaska.
1729	se of sw	21	78	14	49.00	Seth Fairchild	Mahaska.
1733	se of nw	5	70	13	40.00	David W. Morris	Davis.
1734	Lot 5	11	78	24	53.89	Henry B. Mitchell	Polk.
1735	w hf of sw	3	74	16	80.00	Elijah Wesley Talkington	Mahaska.
1737	se of sw	3	70	13	40.00	Lucien B. Sweet	Davis.
1741	se of se	3	77	23	40.00	John Hargis	Warren.
1744	se of ne	15	72	15	40.00	Benjamin G. Sayers	Wapello.
1747	ne of ne	7	69	10	40.00	William Roberts	Van Buren.
1750	sw of nw	23	76	18	40.00	Huibert Pas	Marion.

Number.	PARTS OF SECTIONS.	Section.	Township.	Range.	Acres.	PATENTEE.	COUNTY.
1754	ne of sw, sw of ne	11	73 16		80.00	Charles Meeker	Monroe.
1763	e hf of sw	33	76 17		80.00	William P. Shipley	Mahaska.
1776	sw of ne	13	70 18		40.00	Abner M. Burns	Davis.
1783	se of sw, sw of se	5	73 15		80.00	Thomas Newell	Wapello.
1787	nw of sw	25	75 24		40.00	Jeremiah Lemming	Polk.
1794	ne of se	1	73 24		40.00	Otho H. W. Payne	Warren.
1798	w hf of ne	7	70 12		80.00	William T. Fishburn and Peter Hendricks	Davis.
1801	a hf of ne	27	78 22		80.00	James McCullum	Polk.
1804	se of sw	1	77 24		40.00	Thomas C. Walker	Warren.
1808	nw of se	15	76 21		40.00	Harrison Jordan	Marion.
1809	nw of ne	35	78 23		40.00	Lewis Deaton	Polk.
1812	nw of se, ne of sw	9	76 21		80.00	Nathaniel Bristow	Marion.
1822	w hf of sw, ne of se	9	76 21		120.00	Harrison Jordan	Marion.
1834	sw of sw	15	74 15		40.00	Asa Davis	Mahaska.
1845	ne of ne	11	77 21		40.00	Hester Allison	Marion.
1847	ne of ne	31	78 13		40.00	Mahlon Hibbs	Wapello.
1859	se of nw	7	70 12		40.00	William Mitchell	Davis.
1860	ne of sw, se of nw	7	69 11		80.00	William Anderson	Van Buren.
1861	nw of sw, sw of nw	17	76 18		80.00	Marines De Zwarte	Marion.
1862	se of sw	17	76 18		40.00	Klaas Versteeg	Marion.
1863	sw of sw	15	76 18		40.00	Klaas Versteeg	Marion.
1867	n hf of ne	17	71 13		80.00	John D. Devin	Wapello.
1876	sw of sw	3	76 21		40.00	Isaac Vinson	Marion.
1877	se of nw	9	76 21		40.00	Larkin Young	Marion.
1881	w hf of ne	7	77 23		120.00	Allen B. Hall	Warren.
1881	ne of se	21	77 23				
1886	nw fr of nw	3	76 19		37.44	Edward Billaps	Marion.
1887	sw of nw	3	76 19		40.00	Andrew Stevenson	Marion.
1890	ne of sw	5	70 10		40.00	Joseph Patterson	Van Buren.
1896	w hf of sw	33	77 22		80.00	Frederick A. Perry	Warren.
1899	ne of sw	23	74 16		40.00	Asa Kraps	Mahaska.
1903	ne of nw	29	72 12		40.00	Cyrus Franklin	Wapello.
1904	Lots 2 and 3	13	76 19		96.23	Mortimore Reynolds	Marion.
1906	a hf of nw	11	78 23		120.00	William Dosson	Polk.
1908	ne of ne	15	78 23				
1910	se of ne	13	78 23		40.00	William A. Porter	Polk.
1915	Lots 1 and 2	5	78 23		88.93	Thomas H. Napier	Polk.
1918	n hf of ne	27	78 22		80.00	John Young	Polk.
1921	a hf of se	33	78 23		80.00	William R. Butler	Polk.
1923	sw of sw	17	76 18		40.00	Klaas Versteeg	Marion.
1924	se of se	33	72 13		40.00	John D. Devin	Wapello.
1928	w hf of ne, e hf of nw	29	77 21		160.00	Able Friend	Marion.
1929	e hf of sw, nw of se	29	78 23		120.00	Alanson Harrison	Polk.
1930	w hf of nw	33	78 23		80.00	Jonathan Keeney	Polk.
1934	w fr hf of nw	5	70 10		76.87	Michael Sawvel	Van Buren.
1952	sw of se	17	77 21		40.00	Able Friend	Marion.
1964	nw of sw	5	71 14		53.83	Rinaldo Brown	Wapello.
1966	nw of sw	15	76 19		40.00	James Caldwell	Marion.
1967	nw of sw	27	76 19		40.00	James Caldwell	Marion.
1968	sw fr of nw	7	69 11		44.89	Jonathan Ferris	Van Buren.
1972	ne of sw	17	78 22		40.00	Grandville Hendricks	Polk.
1976	w hf of sw	23	71 14		80.00	William L. Baker	Wapello.
1980	ne of se	33	78 23		40.00	Jonathan Keeney	Polk.
1981	sw of se	21	78 23		40.00	Traniel D. Gillaspie	Polk.
1982	e hf of nw	7	76 23		80.00	Able Lanson	Polk.
1984	a hf of nw	35	77 22		80.00	William Donaldson	Warren.
1991	ne of sw	35	77 22		40.00	James T. Gelvin	Warren.
2006	se gr.	17	77 22		160.00	Henry Shetterly	Warren.
2009	ne fr of ne	5	76 20		39.16	Adam Riekbough	Marion.
2012	se of sw	21	70 11		40.00	John Coon	Van Buren.
2019	w hf of se, ne of se	31	77 22		120.00	David B. Horseman	Warren.
2021	w fr hf of sw	31	70 19		61.56	James Walters	Marion.
2023	ne of ne, ne of se	33	78 22		80.00	David W. Johnson	Polk.
2024	se of ne	33	78 22		40.00	David Johnson	Polk.
2038	ne of nw	19	77 22		40.00	Richard Stanton	Warren.
2040	e hf of nw	21	75 16		80.00	John W. Johnson	Mahaska.

NOTE.—No. 1930, sale book says: Sold to Joseph Keeney, and No. 1744, a prior patent to William Lewis. Vol. A, page 116.

DES MOINES RIVER LAND PATENTS—CONTINUED.

38

REPORT OF THE SECRETARY OF STATE.

[A 5]

Number.	PARTS OF SECTIONS.	Section. Township. Range.	Acres.	PATENTEE.	COUNTY.
2045	ne of ne.	29 71 11	40.00	Samuel Brown and George Brown.	Jefferson.
2055	nw of se.	25 78 32	40.00	Thomas Mitchel.	Polk.
2063	se of se.	33 78 22	40.00	David W. Johnson.	Polk.
2065	nw of se.	3 70 13	40.00	William Duffield.	Davis.
2079	sw of sw.	35 78 23	40.00	Francis M. Childs.	Polk.
2081	sh of ne.	17 77 21	40.00	Joseph Hinton.	Warren.
2082	ne of ne.	17 77 21	40.00	Edmund Murry.	Marion.
2086	sh of sw.	15 78 21	40.00	Edmund Murry.	Marion.
2087	se of se.	29 78 21	40.00	William Means.	Jasper.
2092	ne of nw.	17 78 23	40.00	Anderson Bradford.	Jasper.
2094	ne of ne.	7 70 12	40.00	Jeremiah Dawson.	Polk.
2096	nw fr of	3 74 17	40.00	John D. Devin.	Davis.
2097	ne of nw.	29 78 23	169.98	Frederick Hancock.	Mahaska.
2100	se of sw.	29 77 23	40.00	James Flemming.	Polk.
2101	sw of ne.	33 77 18	40.00	Haney McM. Farley.	Warren.
2105	n hf of nw.	25 77 20	80.00	A. Van Deley.	Marion.
2113	se of se.	17 70 10	40.00	Daniel Hiskey.	Marion.
2133	w hf of nw.	35 70 12	80.00	John Miller.	Van Buren.
2149	w fr hf of nw.	19 78 21	56.62	Christian Ham.	Laps.
2163	sw	11 75 18	6.42	Jacob Booker.	Jasper.
2167	sw	23 68 10	40.00	Catharine Barker.	Marion.
2169	sw	7 70 10	40.00	Thomas Whitaker.	Van Buren.
2178	ne	27 77 23	40.00	Jacob Sawvel.	Van Buren.
2207	ne	35 73 14	40.00	James Stone.	Warren.
2227	sw	33 70 12	40.00	Peter P. Fisher.	Wapello.
2232	sw	5 69 10	40.00	James Winton.	Davis.
				Joseph Freeman.	Van Buren.

NOTE.—No. 2087, sale book, has the range, 22, instead of 21.

[A 5]

LAND DEPARTMENT.

89

2239	se of ne.	13 71 19	40.00	James A. Brown and John D. Sanford.	Wapello.
2243	nw fr of ne.	5 73 16	34.72	Peter Chitwood.	Monroe.
2248	ne of se.	35 78 23	40.00	Levin Powell.	Polk.
2249	se of ne.	35 78 23	40.00	Francis M. Childs.	Polk.
2256	nw of ne.	17 77 22	40.00	Martha Thornton.	Warren.
2259	sw of nw.	21 70 10	40.00	Isaac Nedrow.	Van Buren.
2268	sw of nw.	3 77 23	40.00	Zalerius W. Young.	Warren.
2273	Lot 3.	9 77 22	42.16	Peter Ridgeway.	Warren.
2280	ne of sw.	29 77 22	40.00	William Myrick.	Warren.
2281	ne of ne.	25 77 23	40.00	Henry H. Peterson.	Warren.
2282	nw of ne.	25 77 23	40.00	Andrew L. Myrick.	Warren.
2288	w hf of nw, ne of sw and lot 1.	15 77 21	149.49	James A. Brown and John D. Sanford.	Marion.
2290	se of sw.	25 77 23	40.00	Hemen P. Graves.	Warren.
2291	aw of ne.	33 78 22	40.00	Valentine Boatright.	Polk.
2292	Lot 5.	15 77 21	27.37	Napoleon B. Allison.	Marion.
2297	ne of sw.	9 70 12	40.00	James Duffa.	Davis.
2298	sw of se.	23 78 24	40.00	Byron Rice.	Polk.
2299	sw of ne.	7 72 14	40.00	John Johnson.	Wapello.
2300	nw of nw.	35 78 24	40.00	Granville Holland.	Polk.
2306	nw of sw.	25 72 16	4.00	John I. Sponseller.	Wapello.
2325	se of nw.	27 77 20	40.00	Admiral B. Miller.	Marion.
2364	sw of ne.	29 68 10	40.00	Mary E. Garby.	Van Buren.
2374	nw fr of nw.	3 75 17	35.61	Thomas Lyon.	Mahaska.
2377	n fr hf of nw.	1 77 22	61.50	Jonathan Parkinson.	Polk.
2378	sw of se.	31 78 21	40.00	James Hamlin.	Jasper.
2382	Lot 6.	3 75 18	44.87	Washington Campbell.	Marion.
2383	ne of ne.	23 75 18	40.00	Andrew Doughman.	Marion.
2385	ne of ne.	13 78 22	40.00	Charles Black.	Polk.
2389	Lot 7.	5 77 22	27.30	Tally Wicker.	Warren.
2392	ne of sw.	7 70 12	40.00	Adam Minick.	Davis.
2394	se of ne.	35 78 21	40.00	Benjamin F. Brown.	Jasper.
2397	ne of se.	5 77 21	40.00	William Cottrell.	Marion.
2400	Lot 2.	11 75 18	41.33	John Price.	Marion.
2412	se of ne, ne of se.	23 75 18	80.00	Andrew Doughman.	Marion.
2426	sw of sw.	3 74 18	40.00	David Hamaker.	Marion.
2427	se of nw, se of sw.	3 74 18	80.00	John Hamaker.	Marion.
2428	sw of se.	3 74 18	40.00	John Hamaker.	Marion.

No. 2397—Entry canceled and money refunded.

DES MOINES RIVER LAND PATENTS—CONTINUED.

40

REPORT OF THE SECRETARY OF STATE.

[A 5]

1887.]

LAND DEPARTMENT.

41

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
2439	ne of sw	25	78 21	40.00	James D. Norris	Jasper.
2441	e hf of nw	31	77 20	80.00	Eli Vanderford	Marion.
2442	nw of sw and lot 2	39	77 20	95.97	Eli Vanderford	Marion.
2443	sw of nw	39	77 23	40.00	Absolem Hollingsworth	Warren.
2447	nw of sw	3	77 23	40.00	Valerius W. Young	Warren.
2449	nw of ne	3	76 21	40.00	Gilmore Logan	Marion.
2455	nw of sw	15	71 14	40.00	Benjamin Baum	Wapello.
2456	Lots 3 and 6	15	71 14	93.96	Simoon Reynolds	Marion.
2465	ne of ne	39	78 22	40.00	Mason Pendleton	Polk.
2466	nw of sw	5	77 21	40.00	Adam and Francis Blee	Marion.
2468	sw of se	17	70 10	40.00	Jonathan Sawvel	Van Buren.
2479	sw of nw	33	78 22	40.00	John Hull, Sr.	Polk.
2481	s hf of se	1	77 22	80.00	Anderson Ritchey	Warren.
2483	ne of nw	31	76 18	40.00	William Bradley	Marion.
2485	nw fr of nw, se of nw	31	77 18	75.12	Daniel Earl	Marion.
2488	n hf of sw, se of sw	15	76 18	120.00	Jacob D. Haan	Marion.
2489	sw fr qr	31	77 20	37.52	James Reynolds	Marion.
2490	Lot 7	29	77 20	37.16	Simoon Reynolds	Marion.
2497	sw of nw	1	71 12	40.00	Ward Lamson	Wapello.
2501	ne of ne	11	71 12	40.00	Elizabeth Clark	Wapello.
2503	ne of nw	17	77 21	40.00	William H. Palmer	Marion.
2504	ne of sw, sw of ne	33	77 21	80.00	John Hardin	Marion.
2505	Lots 1 and 8	29	77 20	59.76	Alonzo Reynolds	Marion.
2506	ne of se	33	77 21	40.00	Alonzo Reynolds	Marion.
2512	ne of sw	35	76 17	40.00	Francis Whitenger	Mahaska.
2514	sw of nw	13	74 18	40.00	Isabella Lee	Marion.
2517	Lot 4	25	79 23	4.84	William Carr	Marion.
2519	sw of sw	25	79 23	40.00	Solomon Runyon	Polk.
2521	se of ne	27	77 23	40.00	Allen B. Hall	Warren.
2522	sw of se	15	76 21	40.00	Lewis Reynolds	Marion.
2523	Lot 1	1	76 20	19.65	James W. Harp	Marion.
2527	se of ne	21	75 17	40.00	John P. Majors	Mahaska.
2528	nw of sw	5	76 21	40.00	Henderson Polston	Marion.
2529	se of ne	9	70 11	40.00	George Miller	Van Buren.
2531	w fr hf of nw	1	74 18	85.18	Stanford Doud	Marion.
2536	se of sw	13	75 18	40.00	John Arnold	Marion.
2538	nw of nw	27	75 18	40.00	Joseph Graham	Marion.
2539	sw of nw	25	75 18	40.00	John T. Doughman	Marion.
2541	nw of se	15	73 16	40.00	Richard McMullen	Monroe.
2542	sw of sw	23	73 16	40.00	Jeremiah Miller	Monroe.
2546	ne of nw	31	77 18	40.00	James Taylor	Marion.
2549	ne of se	21	75 17	40.00	John P. Majors	Mahaska.
2553	nw of ne	33	77 21	40.00	William B. Proffit	Marion.
2561	sw of ne	15	76 21	40.00	Gilmore Logan	Marion.
2564	sw of nw	1	77 22	40.00	Enoch Newell	Warren.
2568	nw fr of nw	1	71 13	59.75	Jesse Williams	Wapello.
2571	se of se	35	78 22	40.00	Enoch Newell	Polk.
2573	nw of se	25	72 16	40.00	Alvin Miller McCord	Wapello.
2577	n fr hf of nw	5	77 20	59.90	Francisco H. Hughes	Marion.
2582	sw of ne	21	70 12	40.00	Daniel Miller	Davis.
2583	sw of ne, se of nw	23	70 12	80.00	David Greighton	Davis.
2584	se of nw	1	69 12	40.00	Francis Miller	Davis.
2586	nw of ne	9	75 17	40.00	Lorace P. Larkins	Mahaska.
2588	ne fr ne	1	71 15	53.95	Henry B. Bones	Wapello.
2589	w hf of sw	19	78 21	55.80	James Young	Jasper.
2593	n hf of se, ne of sw	3	77 23	120.00	Jeremiah Church and Daniel Moore	Warren.
2594	sw of ne	3	77 23	40.00	Jeremiah Church and Daniel Moore	Warren.
2603	sw of ne	7	77 20	40.00	Charles N. Lester	Marion.
2604	sw of nw	23	78 21	40.00	James D. Norris	Jasper.
2606	ne of ne	35	77 19	40.00	Samuel Watson	Marion.
2608	sw of se	25	74 17	40.00	Abner Fuller	Mahaska.
2612	sw of nw	21	73 15	40.00	James Myers	Wapello.
2615	sw of sw	31	73 15	39.04	John Stephenson	Wapello.
2618	sw of se, ne of se	9	77 22	80.00	Thomas Ward	Warren.
2619	sw of ne	31	76 19	40.00	Harmon Garrison	Marion.
2620	ne of ne	31	76 19	40.00	Nathaniel Richardson	Marion.
2622	se of se	25	76 20	40.00	William Burch	Marion.
2625	s hf of sw, sw of se	27	78 22	120.00	Gideon Ferguson	Polk.

DES MOINES RIVER LAND PATENTS-CONTINUED.

42

REPORT OF THE SECRETARY OF STATE]

[A 5

1887]

LAND DEPARTMENT.

43

Number.	PARTS OF SECTIONS.	Section.	Township.	Range.	Acres.	PATENTEE.	COUNTY.
2627	nw of se	19	75	18	40.00	William Stewart	Marion.
2633	ne of ne	21	70	12	40.00	Adam Pickingspaugh	Davis.
2634	ne of sw	21	76	30	40.00	Daniel McQuarry	Marion.
2636	s hf of nw, nw fr of nw	5	75	19	115.38	Azel B. Walters	Marion.
2637	sw of sw	5	75	19	40.00	Azel B. Walters	Marion.
2638	se of ne	33	77	18	40.00	Peter M. Van Derley	Marion.
2641	w hf of sw	13	77	23	80.00	Solomon Wright	Marion.
2642	sw of nw	13	77	23	40.00	John White	Warren.
2643	se of se	1	76	19	40.00	Mint Ostinger	Marion.
2644	Lot 2	31	77	20	33.55	Alonzo Reynolds	Marion.
2645	ne fr of nw	1	77	24	40.89	William Childs	Warren.
2646	Lot 7	3	78	23	40.00	Lewis Barlow	Folk.
2647	sw of se	3	78	23	40.00	Mint Ostinger	Marion.
2648	nw fr of nw	31	71	13	40.99	David H. Johnson	Wapello.
2649	nw of se	3	76	19	40.00	James Karr	Marion.
2655	sw qr, n hf of se, sw of ne	23	78	24	280.00	Jesse Williams	Marion.
2656	s hf of nw	35	74	16	80.00	William Buck	Folk.
2657	sw of ne	23	77	23	40.00	Charles Hinshaw	Mahaska.
2658	nw fr of ne	1	69	12	40.90	Isaac Overall	Warren.
2659	n fr hf of ne, s hf of se	1	77	23	143.87	John D. Farmlee	Davis.
2660	se of ne	3	77	21	40.00	Charles Owens	Warren.
2662	sw of se	23	76	19	40.00	Jairus E. Neal	Marion.
2663	sw of sw	17	79	17	40.00	John Welch	Marion.
2666	se of se	17	79	23	40.00	Jesse C. Melton	Mahaska.
2668	se of nw	13	77	23	40.00	Benjamin Smith	Folk.
2671	n hf of sw	13	74	18	80.00	Jairus E. Neal	Warren.
2675	e hf of nw, nw of nw	13	74	18	120.00	Jairus E. Neal	Marion.
2676	ne of ne	13	75	19	40.00	Jairus E. Neal	Marion.
2678	nw fr of nw	3	75	19	34.98	Jairus E. Neal	Marion.
2679	ne of se	33	76	19	40.00	Jairus E. Neal	Marion.
2680	ne of sw	35	76	19	40.00	Jairus E. Neal	Marion.
2682	se of ne	21	70	12	40.00	Adam Pickingspaugh	Davis.
2684	se of ne	25	75	19	40.00	William B. Stroud	Marion.
2685	se of nw	1	77	22	40.00	Charles W. Freel	Marion.
2686	nw of ne	7	75	18	40.00	William B. Stroud	Marion.
2688	n fr hf of ne	5	70	13	50.13	Thomas Clark	Davis.
2697	sw of nw	3	70	13	40.00	Thomas Clark	Marion.
2698	n hf of se	3	74	18	80.00	John Hamaker	Davis.
2703	nw of sw	13	78	24	40.00	Nathan Andrews	Polk.
2704	w hf of ne, ne of ne	29	78	22	120.00	Marion Warren	Polk.
2706	se of nw	29	78	22	40.00	Robert Kennedy	Polk.
2707	se of ne	29	78	22	40.00	John D. Wells	Polk.
2711	se of ne	17	72	14	40.00	James C. Tolman	Wapello.
2712	ne of se	29	77	22	40.00	Samuel Black	Warren.
2719	n hf of nw	27	73	15	80.00	Joseph Gardner	Wapello.
2736	ne of se	17	78	21	40.00	Thomas Strain	Jasper.
2737	sw of se	15	73	16	40.00	Joseph B. Beedell	Monroe.
2741	se of se	7	71	13	40.00	William C. McIntire	Wapello.
2744	e hf of ne	15	76	21	80.00	Robert M. Logan	Marion.
2745	nw of nw	11	76	21	40.00	Daniel Shay	Marion.
2748	nw of se	33	78	21	40.00	Ezra H. Baker	Jasper.
2751	nw of nw	25	77	22	40.00	Richard B. Conn	Warren.
2752	w fr hf of sw	31	77	21	59.42	Herman P. Graves	Marion.
2755	nw of ne	21	77	20	40.00	Jacob Roder and Isaac Yokum	Marion.
2756	se of nw	7	77	20	40.00	Jonathan Mullins	Marion.
2759	se of nw, ne of sw	27	76	20	80.00	Levi Markett	Marion.
2761	sw of se, nw of nw	33	76	20	80.00	Henry Marthorn	Marion.
2762	se of se	29	76	20	40.00	Henry Marthorn	Marion.
2766	ne of se	13	71	14	40.00	James C. Tolman	Wapello.
2767	ne of nw	5	76	20	40.09	Peter Rickabaugh	Marion.
2769	se of sw	11	75	18	40.00	James Seby Parsons	Marion.
2773	e hf of nw	23	76	18	80.00	Dirk Van Zee	Marion.
2778	sw of nw	9	76	21	40.00	Larkin Young	Marion.
2779	ne of nw	35	73	16	40.00	Herman P. Graves	Monroe.
2780	ne of se	27	74	17	40.00	John Berry	Mahaska.
2781	sw of nw (canceled)	25	78	22	40.00	Isaac Everett	Folk.

2 e of nw in sale book.

No. 2781 is canceled.

DES MOINES RIVER LAND PATENTS—CONTINUED.

44

REPORT OF THE SECRETARY OF STATE.

[A 5]

[1887.]

LAND DEPARTMENT.

45

Number.	PARTS OF SECTIONS.	Section. Township. Range.	Acres.	PATENTER.	COUNTY.
2755	se of ne	27	75 18	40.00 John Ridlin	Marion.
2756	sw of nw	3	73 15	40.00 Sevese Letner	Wapello.
2757	se of sw	35	73 16	40.00 Henry McBride	Monroe.
2758	se of se	29	76 19	40.00 Ezekiel James	Marion.
2801	ne of ne	25	78 22	40.00 Morman Johnson	Polk.
2802	Lots 2 and 3 and sw of se	13	78 23	129.68 John Barlow	Polk.
2803	sw of nw	23	78 23	40.00 John M. Townsend	Polk.
2804	se of ne	35	76 23	40.00 John M. Townsend	Polk.
2805	ne of se	35	76 23	40.00 James M. Oglevie	Polk.
2807	se of se	25	77 23	40.00 Henry Carter	Polk.
2816	nw of sw	8	76 21	40.00 William F. Davis	Warren.
2818	n hf of nw	120	76 17	80.00 Jesse Williams	Marion.
2821	se of sw	123	78 22	40.00 William Lynn	Mahaska.
2825	w hf of nw	13	76 21	80.00 Elijah W. Hubbard	Polk.
2827	nw of sw	17	76 20	40.00 Daniel McQuary	Marion.
2828	se of se	33	77 21	40.00 Herman P. Graves	Marion.
2830	ne of se	35	77 22	40.00 Samuel R. Cain	Warren.
2831	sw of ne	35	77 22	40.00 Gustavia M. Aldrick	Warren.
2832	hf of se	35	77 22	80.00 David Tuttle	Warren.
2833	nw of nw	9	76 21	40.00 Thomas Lakey	Marion.
2834	ne of se	16	76 21	40.00 Francis Everett	Marion.
2835	ne of sw	33	76 19	40.00 Madison Taylor	Warren.
2845	sw of ne	1	75 18	40.00 Uriah Dotson	Warren.
2852	se of nw	35	77 22	40.00 Edwin R. Clapp	Warren.
2854	se of sw	3	77 23	123.68 Phineas M. Casady	Polk.
2855	w fr hf of nw, ne of nw	18	78 24	80.00 Stephen Divilbiss	Polk.
2856	hf of sw	1	79 24		Polk.

No. 2796 is Ezekiel Jones in sale book.

No. 2801 is nw of ne in sale book.

No. 2830 is nw of se in sale book.

2863	w hf of ne, ne of se	15	79 24	120.00 Nathaniel J. Powers	Polk.
2865	se qr	19	79 24	160.00 William R. Clase	Polk.
2866	ne qr	19	79 24	160.00 Henry Hutsonpiller	Polk.
2867	n hf of nw	29	79 24	80.00 Nathaniel J. Powell	Polk.
2869	sw of nw	3	79 24	40.00 John Hays	Polk.
2875	Lot 6	31	80 24	45.85 John W. Wilkin	Polk.
2876	Lots 3, 4 and 5	31	80 24	162.86 Edwin R. Clapp	Polk.
2877	Lot 2	31	80 24	37.16 Richard L. Prowtty	Polk.
2879	hf of sw	31	80 24	80.00 William H. McHenry	Polk.
2880	ne of nw	31	80 24	40.00 Jonathan W. Bruer	Polk.
2882	w hf of nw	33	80 24	80.00 Edwin R. Clapp	Polk.
2883	se of nw	33	80 24	40.00 Norman T. Vorse	Polk.
2884	w hf of se	33	80 24	80.00 Hendrick Raseboom	Polk.
2891	nw of nw	11	78 25	40.00 Charles Murrow	Polk.
2892	hf of se	25	79 25	80.00 Henry C. Grimmel	Polk.
2893	sw qr	25	79 25	160.00 Francis C. Grimmel	Polk.
2896	Lot 4	3	80 25	35.35 Leonard M. Small	Polk.
2902	ne of nw	21	80 25	40.00 Nathaniel J. Powell	Polk.
2903	w hf of ne	25	80 25	80.00 Joseph Hiner	Polk.
2905	ne of ne	35	80 25	40.00 Samuel Hunt	Polk.
2912	w hf of se	21	81 25	80.00 George H. B. Hopkins	Polk.
2915	w hf of sw	25	81 25	80.00 John M. Nicwander	Dallas.
2918	hf of nw and lots 1 and 2	3	81 26	161.85 John Richhart	Dallas.
2919	sw of ne	5	81 26	40.00 Crawford Cole	Dallas.
2920	hf of se	13	81 26	80.00 John Ware	Dallas.
2924	Lot 4	25	81 26	28.25 John Ware	Dallas.
2925	se of sw	3	82 26	40.00 George Hull	Boone.
2927	nw of ne	3	82 26	42.00 Richard Green	Boone.
2934	w hf of ne	23	82 26	80.00 Henry Graves	Boone.
2935	se of se	33	82 26	40.00 Crawford Cole	Boone.
2937	n hf of sw	35	82 26	50.00 Benjamin Williams	Boone.
2941	hf of se, se of ne	9	83 26	120.00 James Hull	Boone.
2942	nw of se	11	83 26	40.00 Woodson D. Parker	Boone.
2953	nw of nw	21	78 24	40.00 Jesse Williams	Polk.
2955	nw of sw	27	68 10	40.00 Isaac Tiffy	Van Buren.
2957	Lot 2	23	78 23	39.76 John M. Townsend	Polk.
2958	hf of ne, ne of se	1	77 23	120.00 John D. Parmlee	Warren.
2959	hf of ne, sw of ne, se of nw and nw of se	9	81 26	200.00 James W. Ince	Dallas.

DES MOINES RIVER LAND PATENTS—CONTINUED.

46

REPORT OF THE SECRETARY OF STATE.

[A 5

1887.]

LAND DEPARTMENT.

47

Number.	PARTS OF SECTIONS.	Section.	Township.	Range.	Acres.	PATENTEE.	COUNTY.
2860	sw of nw, ne of sw.	9	81	25	40.00	Jeduthan Waldo.	Dallas.
2865	Lots 6 and 5.	29	81	25	95.18	Russel Bowman.	Polk.
2871	ne qr.	17	81	25	160.00	John Wear.	Polk.
2872	sw of nw.	37	81	25	40.00	John Wear.	Polk.
2873	Lot 6.	9	78	24	48.75	Samuel Gray.	Polk.
2881	ne of sw.	1	77	20	40.00	George Groce.	Polk.
2886	ne of se.	6	75	19	40.00	Lawson G. Terry.	Marion.
2887	ne of nw.	9	75	19	40.00	Ebenezer M. Funk.	Marion.
2888	nw of sw.	6	75	19	40.00	Lawson G. Terry.	Marion.
2895	sw of se.	31	76	19	40.00	Jairus E. Neal.	Marion.
2896	nw of se, nw of sw.	35	76	19	80.00	Jairus E. Neal.	Marion.
2898	ne of se.	35	75	18	40.00	Charles Anderson.	Marion.
3040	sw of sw.	21	79	12	40.00	Samuel G. Sconce.	Marion.
3006	nw of se.	23	77	23	40.00	Aaron Kister.	Davis.
3007	nw of ne, ne of nw.	23	77	23	80.00	Elkanah Hiatt.	Warren.
3008	ne of se.	23	77	23	40.00	Charles Hinshaw.	Warren.
3011	ne of nw.	7	74	15	40.00	Sarah Crosson.	Warren.
3013	nw of nw.	25	80	25	40.00	Alexander Pouts.	Marion.
3014	nw of nw.	19	81	25	49.17	John H. Moots.	Polk.
3016	se of se.	19	81	25	40.00	Felix G. Farris.	Polk.
3017	se of ne.	1	80	25	40.00	George Beebe.	Polk.
3018	s fr hf of sw.	7	80	24	88.61	Albert W. Vasson.	Polk.
3022	se of se.	35	78	23	40.00	Ephraim Pierson.	Polk.
3024	sw of ne.	9	73	16	40.00	John B. Gray.	Polk.
3026	se of nw.	23	78	24	40.00	Jesse Williams.	Monroe.
3027	sw of sw.	23	70	12	40.00	Stephen Collins.	Polk.
3032	Lot 5.	11	81	26	47.70	John Spear.	Davis.

NOTE.—No. 2867 is ne of ne in sale book.

No. 3017 is sw of ne in sale book.

No. 2830 is nw se in sale book.

3037	ne of ne.	13	75	17	40.00	Peter Butler.	Marion.
3040	ne of sw.	31	80	25	40.00	Joseph Hiner.	Polk.
3041	ne of se.	31	71	13	40.00	Amand Cranell.	Wapello.
3047	ne of ne.	15	79	18	40.00	Aart Mouston and Stoffel Orert Wel.	Marion.
3048	ne of se.	25	75	19	40.00	Peter Stroud.	Marion.
3049	sw of sw.	25	76	19	40.00	Ranson Trobee.	Marion.
3050	se of ne.	3	70	13	40.00	James Clark.	Davis.
3052	n hf of nw.	23	75	17	80.00	Margaret Slider.	Marion.
3053	se of se.	28	80	25	40.00	John McLean.	Polk.
3056	nw of sw.	27	70	12	40.00	Amon Shook.	Davis.
3060	sw of ne, se of nw.	13	79	21	80.00	Harvey Terwilliger.	Marion.
3063	se of se.	35	77	21	40.00	Isaac Metcalf.	Marion.
3069	sw of ne.	35	78	21	40.00	John H. Philips.	Jasper.
3072	nw of ne.	35	77	22	40.00	Nelson Davis.	Warren.
3074	ne of se.	3	78	19	40.00	Simon Elsworth.	Marion.
3075	ne of ne.	21	76	18	40.00	Christian Niewrendorp.	Marion.
3078	se of sw.	9	76	21	40.00	Milton Thompson.	Marion.
3081	n hf of se.	11	75	17	80.00	Peter Butler.	Marion.
3085	nw of sw.	33	78	14	40.00	Ruth Rector.	Wapello.
3086	sw of sw.	23	75	15	40.00	Jonathan Edwards.	Marion.
3087	ne of nw.	35	75	18	40.00	Jonathan Edwards.	Marion.
3088	ne of ne.	27	75	18	40.00	Daniel Newell.	Marion.
3089	se of se.	21	75	18	40.00	Daniel Newell.	Marion.
3091	n fr hf of ne.	3	70	13	50.99	Thomas Duffield.	Davis.
3092	ne of ne.	9	76	21	40.00	William F. Jordan.	Marion.
3093	se of ne.	3	76	22	40.00	William S. Freeland.	Warren.
3097	sw of se.	3	76	19	40.00	Jairus E. Neal.	Marion.
3098	se of ne.	3	76	19	40.00	Jairus E. Neal.	Marion.
3104	se of se.	25	75	24	40.00	Joseph M. Griffith.	Polk.
31074	se of ne.	9	75	18	40.00	Joseph Waller.	Polk.
3109	n fr hf of nw.	7	79	24	81.13	Daniel Fisher.	Polk.
3111	sw of se.	21	78	22	40.00	John Tyler.	Polk.
3112	se of sw.	17	78	22	40.00	Willis Tyler.	Polk.
3113	n hf of sw.	15	78	22	80.00	Elizabeth Leak.	Polk.
3114	ne of se.	21	78	22	40.00	Ira S. Sellers.	Polk.
3115	nw of se.	15	76	19	40.00	Nicholas Morthorn.	Marion.

NOTE.—No. 3104 is ne of ne in sale book—probably right. No. 3097—sale book has the township "75" instead of 76. The sale book is no doubt correct. No. 3090 is se of nw in sale book. Doubtless correct. No. 3090 is "Henry" Terwilliger in sale book. No. 3068 is "Josiah" Metcalf in sale book.

LES MOINES RIVER LAND PATENTS—CONTINUED.

48

REPORT OF THE SECRETARY OF STATE.

1853

1853

LAND DEPARTMENT.

49

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
3117	ne of nw.	15	75 18	40.00	Alexander Rich.	Marion.
3119	e hf of sw.	9	75 23	80.00	James M. Warren.	Polk.
3121	e hf of nw.	33	75 22	80.00	D. W. Johnson.	Polk.
3125	se of ne.	13	81 26	40.00	Leren Willis.	Dallas.
3130	sw of se.	35	75 23	40.00	Ephraim Pierson.	Polk.
3131	nw of nw.	15	75 22	40.00	Riley Jones.	Polk.
3133	ne of se.	7	72 15	40.00	George O. Helen J. and John D. S. Montieth.	Wapello.
3134	ne of se.	5	70 13	40.00	John M. Hamilton.	Davis.
3135	sw of ne.	5	70 13	40.00	James Moore.	Davis.
3136	se of ne, ne of se.	27	80 25	80.00	Andrew Clarke.	Polk.
3140	sw of sw.	25	76 18	40.00	Durke G. Partama.	Marion.
3141	nw of nw.	25	76 18	40.00	Willington Nassman.	Marion.
3142	sw of ne.	23	75 18	40.00	Eli Leggett.	Marion.
3144	s hf of sw.	33	75 16	80.00	Morgan Patrick.	Mahaska.
3145	sw of nw.	13	77 21	40.00	Thompson Stollcup.	Marion.
3148	w r hf of nw.	31	75 20	40.88	Thompson Stollcup.	Jasper.
3150	nw of nw.	11	75 23	40.00	Henry O. McBroom.	Polk.
3151	w hf of se, se of ne.	5	76 20	80.00	Davis W. Sutton.	Marion.
3152	e hf of sw.	5	76 20	80.00	Levi Sutton.	Marion.
3161	ne fr of ne.	5	75 18	37.01	John R. Whaley.	Marion.
3165	w hf of nw.	35	75 21	80.00	William Boswell.	Marion.
3169	se of ne.	17	68 10	40.00	Samuel D. Kingdom.	Jasper.
3170	se of ne.	27	77 21	40.00	Isaac Metcalf.	Van Buren.
3171	nw of sw.	35	77 21	40.00	William Beckwith.	Marion.
3173	nw of ne.	23	80 25	40.00	William Frazier, Jr.	Polk.
3174	sw of sw.	25	80 35	40.00	Alexander Fouts.	Polk.
3175	sw of nw.	17	77 21	40.00	John Samuel Busey.	Marion.
3185	nw qr.	13	75 22	160.00	David Frazier.	Polk.
3194	ne of se.	25	75 22	40.00	Joel Biggs.	Polk.
3197	s hf of sw.	15	75 22	80.00	Ira S. Sellers.	Polk.
3200	nw qr.	35	70 17	160.00	William J. Jackson.	Mahaska.
3202	sw of se, se of sw.	23	77 22	80.00	John Crews.	Warren.
3203	se of nw.	21	75 22	40.00	Stephen Powers.	Polk.
3204	sw of nw.	33	75 22	40.00	Alexander Burk.	Polk.
3207	ne of se.	15	75 22	40.60	Riley Jones.	Polk.
3208	nw of nw.	11	71 14	40.00	Hemen F. Graves.	Wapello.
3209	ne of sw.	8	81 26	40.00	James Morse.	Dallas.
3211	se of ne.	19	74 17	40.00	Abraham Pringle.	Mahaska.
3212	nw of nw, nw of ne.	11	77 23	80.00	John Hargis.	Warren.
3214	nw of ne.	9	75 19	40.00	David F. Young.	Marion.
3215	nw fr of ne.	1	77 24	40.70	William Chiles.	Warren.
3216	sw of ne.	7	77 22	40.00	Willis Cook.	Warren.
3217	ne of ne.	17	80 24	40.00	George W. Hall.	Polk.
3223	se of sw.	23	79 24	40.00	Benjamin F. Bowen.	Polk.
3225	ne of ne, sw of ne.	25	80 25	80.00	William Frazier.	Polk.
3228	sw of nw.	5	76 22	40.00	Christopher Fletcher.	Warren.
3237	se of ne.	33	77 22	40.00	Thomas Griffin.	Warren.
3238	nw of sw.	17	72 14	40.00	Joseph Hayne.	Wapello.
3238	sw of sw.	11	83 26	40.00	George Hall.	Boone.
3234	ne of ne.	25	75 24	40.00	Jesse Williams.	Polk.
3235	ne of nw.	21	75 22	40.00	Stephen Powers.	Polk.
3236	ne fr of ne.	3	75 19	34.80	William B. Young.	Marion.
3237	w hf of ne.	5	75 18	77.07	Jairus E. Neal.	Marion.
3240	ne of se, sw of sw, and lot 2.	21	83 26	118.80	Philip Hull.	Boone.
3241	se of se.	23	75 22	40.00	William Wilson.	Polk.
3242	se of se.	15	76 21	40.00	Lewis Reynolds.	Marion.
3246	ne of nw.	9	77 23	40.00	George Myres.	Warren.
3248	sw of sw.	27	75 23	40.00	Annis Rice.	Polk.
3250	nw of sw.	25	81 29	40.00	John Bailey.	Dallas.
3253	sw of ne.	3	83 26	40.00	David Jones.	Boone.
3255	se of se.	25	75 22	40.00	William Pope.	Polk.
3256	s hf of ne.	5	70 12	80.00	William Carter.	Davis.
3258	sw of nw.	5	75 18	40.00	Peter Ochs.	Marion.
3262	nw of sw.	21	75 23	40.00	Thomas J. Gooch.	Polk.
3265	ne of ne.	27	76 19	40.00	Jairus E. Neal.	Marion.
3267	nw of nw.	17	75 18	40.00	Eliaz Ramey.	Marion.
3268	sw of sw.	27	70 12	40.00	Amon Shook.	Davis.
3269	se of nw.	1	77 23	40.00	Willis Cook.	Warren.

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
3270	se of sw.	33	78 22	40.00	Lewis Gooding.	Polk.
3271	n fr hf of nw.	1	77 22	68.27	Frederick M. Stumbo.	Polk.
3290	sw of sw.	35	78 16	40.00	John W. McBride.	Monroe.
3291	n hf of se.	35	82 26	80.00	David Miller.	Boone.
3292	sw of se, nw fr of se.	29	76 19	80.00	Zopher Ball.	Marion.
3293	se of se, nw fr of ne.	1	76 18	77.71	James S. Parsons.	Marion.
3296	sw of nw.	23	76 19	40.00	Jarius E. Neal.	Marion.
3298	ne of se.	9	81 26	40.00	James W. Ince.	Dallas.
3299	s hf of se.	5	81 26	80.00	Joseph Newland.	Dallas.
3291	s fr hf of nw.	7	77 19	67.77	Claibourne Hall.	Marion.
3298	se of se.	33	78 22	40.00	John Ridgeway.	Polk.
3294	n fr hf of ne.	1	77 21	67.68	Alfred Vertrees.	Marion.
3297	nw fr of nw.	31	80 24	43.10	John Clary.	Polk.
3298	sw of sw.	17	80 12	40.00	John Hinning.	Davis.
3299	se of ne.	5	76 19	40.00	Jarius E. Neal.	Marion.
3301	se of se.	35	76 19	40.00	Jarius E. Neal.	Marion.
3303	nw of nw.	11	76 19	40.00	Jacob Piper.	Marion.
3304	sw of nw.	35	71 13	40.00	Charles Harward.	Wapello.
3305	Lot 6.	31	78 22	35.90	William H. H. Ward.	Polk.
3306	ne of ne.	27	79 23	40.00	Lewis F. Randolph.	Polk.
3307	ne of sw.	35	74 15	40.00	Roan Spurlock.	Mahaska.
3308	ne of se.	35	80 25	40.00	Doctor F. Hunt.	Polk.
3309	se of sw.	35	78 22	40.00	Adam Blee.	Polk.
3311	se of sw.	37	77 22	40.00	Thomas Griffin.	Warren.
3313	se of sw.	31	77 21	40.00	George N. Disney.	Marion.
3315	ne of se.	29	78 20	40.00	Joshua Howard.	Jasper.
3316	Lot 8.	23	77 21	39.24	John Griffiths.	Marion.
3321	sw of ne.	5	77 20	40.00	Alfred Vertrees.	Marion.
3328	ne of se.	33	83 26	40.00	Henry Bean.	Boone.
3329	se of sw.	21	83 26	40.00	Philip Hall.	Boone.
3333	ne of ne.	35	78 21	40.00	John H. Phillips.	Jasper.
3334	ne of se.	33	76 17	40.00	William Fleck.	Mahaska.
3336	Lot 7.	31	78 22	37.50	Ephraim Pearson.	Polk.
3336	nw of sw.	35	80 25	40.00	Alexander Foutz.	Warren.
3341	sw of nw.	17	70 12	40.00	Edward G. McKinney.	Davis.
3342	sw of se.	27	73 16	40.00	William H. McBride.	Monroe.
3343	nw of nw.	9	81 26	40.00	John Reynolds.	Dallas.
3344	Lot 6.	3	80 25	53.96	John Nicholson.	Polk.
3345	sw of nw.	13	81 26	40.00	Thomas Hazleton.	Dallas.
3347	nw of ne, ne of nw.	35	78 21	80.00	William W. Williams.	Jasper.
3348	sw fr of nw.	7	73 14	43.41	William Curry.	Wapello.
3349	nw fr of nw.	1	75 19	34.28	Martin P. Brook.	Marion.
3353	sw of se.	31	71 10	40.00	William Carson.	Jefferson.
3354	e hf of sw.	31	79 23	80.00	Benjamin Coffeen.	Polk.
3355	ne of nw.	11	77 23	40.00	William Hastie.	Warren.
3356	sw of nw.	35	76 19	40.00	Garrian Weaver.	Marion.
3360	Lot 3 and sw of se.	3	81 26	98.20	Joseph Newland.	Dallas.
3363	ne of sw.	23	76 18	40.00	John Welch.	Marion.
3364	ne of nw.	19	76 17	40.00	John Walker.	Mahaska.
3366	se of se.	15	82 26	40.00	Call Anderson and Christine Mary Anderson.	Boone.
3367	sw qr.	27	81 30	160.00	Edwin L. Clapp.	Jasper.
3368	se of nw.	29	76 23	40.00	Daniel Atkinson.	Warren.
3369	nw of nw.	35	76 19	40.00	Garrian Weaver.	Marion.
3372	nw fr qr.	19	76 19	143.34	Jesse Ratcliff.	Marion.
3374	nw of ne.	19	76 19	40.00	Joseph Davis.	Marion.
3375	nw of ne, ne of nw.	17	73 16	80.00	Isaac C. Gillett.	Monroe.
3377	ne qr.	29	76 17	160.00	George Chezum.	Mahaska.
3381	se of se.	10	74 17	40.00	Adolphus D. Templeton.	Mahaska.
3382	Lot 4.	19	78 23	49.54	Charles C. Evans.	Polk.
3389	sw of se.	5	75 17	40.00	Ruth Jane Cummins.	Mahaska.
3390	sw of se.	15	76 18	40.00	Jacob De Haan.	Warren.
3391	sw of nw.	11	76 19	40.00	Jacob Piper.	Marion.
3392	ne of sw.	15	76 19	40.00	Garrian Weaver.	Marion.
3393	Lot 1.	11	77 22	24.00	Gideon M. Ferguson.	Warren.
3396	nw of sw.	11	75 19	40.00	Ebenezer M. Funk.	Marion.
3398	sw of sw.	11	81 26	40.00	John Spear.	Dallas.

NOTE.—No 3372 conflicts with No. 1541.

No. 3368—Sale book has town 77, instead of 76, which is correct.

DES MOINES RIVER LAND PATENTS—CONTINUED.

52

REPORT OF THE SECRETARY OF STATE.

[A 5]

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
3399 nw of nw.		23	77 23	40.00	George H. Rees	Warren.
3401 ne of nw.		33	77 21	40.00	William Barbee	Marion.
3402 nw of se.		9	71 14	40.00	Moses Sanders	Wapello.
3403 Lot 3		25	81 26	51.70	Edward Thornley	Dallas.
3405 nw of ne.		35	77 19	40.00	H. H. & W. H. DeHaan.	Marion.
3406 ne of sw, se of nw.		23	75 18	80.00	Mahlon McIntire.	Marion.
3411 sw fr of nw and ne of nw.		7	72 15	79.74	Nelson Davis	Wapello.
3412 se of se.		23	88 26	40.00	Phillip Hall	Boone.
3418 nw of nw.		17	88 26	40.00	Jacob Crooks	Boone.
3417 se of sw		33	70 11	40.00	William F. Grimsley.	Van Buren.
3420 w hf of se.		23	76 18	80.00	Herman Van Dam	Marion.
3421 sw of se.		17	81 25	40.00	Benjamin Hunt	Polk.
3423 w fr hf of sw.		7	76 17	61.32	Jan Lodewick Herywild.	Mahaska.
3427 nw of nw.		11	82 26	40.00	Richard Green	Boone.
3428 ne of nw.		17	76 18	40.00	John Mullenburg	Marion.
3429 nw of nw, nw of sw		23	76 18	80.00	Jacob DeHaan	Marion.
3431 sw of nw		21	72 14	40.00	Angus E. Ross	Wapello.
3432 nw of sw, sw of nw		23	78 22	80.00	James B. Young	Polk.
3433 se of ne.		27	76 19	40.00	Reuben Coffman	Marion.
3434 se of se.		15	76 18	40.00	Jacob DeHaan	Marion.
3436 ne of ne.		11	77 23	40.00	Joseph Petree.	Warren.
3437 sw of nw		25	80 25	40.00	Alexander Fouts	Polk.
3438 se of sw.		25	76 18	40.00	Durke G. Postma	Marion.
*3439 sw of ne.		27	74 17	40.00	Joseph Bivins	Mahaska.
3442 se of sw		23	76 18	40.00	Hiram Bowman.	Marion.
3443 se of sw		25	80 25	40.00	Samuel Hunt	Polk.
3448 ne of se.		23	80 25	40.00	John McClain	Polk.

* No. 3439. Entry canceled and money refunded to Joseph Bivins—a prior entry.

3451 ne of se.	17	75 18	80.00	Jarius E. Neal	Marion.
3451 ne of sw.	35	75 23	40.00	Julian Ellis	Polk.
3452 se of sw.	17	76 18	40.00	John Mullenburg	Marion.
3453 nw of ne.	7	76 18	40.00	Herman Dam	Marion.
3454 ne of ne.	25	81 25	80.00	John M. Nishwonder	Polk.
3556 e hf of sw	25	81 25	40.00	John Bailey	Dallas.
3458 sw of sw.	25	81 26	40.00	Jesse Sherwood	Marion.
3460 nw of ne.	25	75 19	80.00	Jarius E. Neal	Marion.
3463 e hf of ne.	13	76 20	40.00	Pitt P. Bloodworth	Marion.
3464 nw of ne.	23	76 20	40.00	James Phillips	Polk.
3469 ne of se.	19	78 24	80.00	Francis C. Grimmel	Polk.
3470 e hf of ne.	27	75 18	40.00	William Scott	Marion.
3473 se of sw	27	75 18	40.00	Jonathan Gullion	Marion.
3474 se of se.	27	76 18	40.00	Spear S. Mangrum	Marion.
3476 nw of ne.	21	79 23	80.00	Reason Pritchard	Polk.
3478 n hf of nw.	23	79 23	40.00	Jane Pritchard	Polk.
3479 sw of sw.	17	79 23	40.00	George Doran	Polk.
3480 nw of se.	25	76 20	40.00	Jarius E. Neal	Marion.
3481 sw of se.	25	80 25	40.00	Alexander Fouts	Polk.
3484 nw of nw.	25	80 25	40.00	Jan Doon	Marion.
3485 e hf of ne.	25	80 25	40.00	James Hunt	Polk.
3491 se of se.	35	78 21	40.00	George Brown	Jasper.
3492 ne of se.	29	78 20	80.00	William P. Norris	Jasper.
3493 s hf of nw	19	77 20	40.00	William P. Norris	Marion.
3494 se of ne.	23	78 28	40.00	James D. Norris	Dallas.
3495 se of ne.	33	76 17	40.00	Henry N. Jackson	Mahaska.
3497 se of nw.	33	80 25	160.00	William F. Ayres	Polk.
3501 nw qr	29	77 18	160.00	A. C. Kemper	Marion.
3504 se qr.	23	81 25	40.00	James Crabtree	Polk.
3505 sw of se.	25	78 24	40.00	James Phillips	Polk.
3507 sw of sw	17	77 22	40.00	John Slack Sr.	Warren.
3508 se of sw	19	75 16	68.92	John H. Poague	Mahaska.
3512 w fr hf of sw	13	78 22	40.00	John Frazier	Polk.
3514 nw of ne.	13	78 23	40.00	James Stewart	Polk.
3517 sw of nw.	25	77 23	40.00	William T. Marsh	Warren.
3523 se of ne.	29	77 22	80.00	Thomas Reed	Warren.
3525 s hf of nw	29	77 22			

NOTE.—No. 3469, prior sale to Jesse Williams.

No. 3478 canceled—prior sale.

[B 7.]

LAND DEPARTMENT.

53

DES MOINES RIVER LAND PATENTS—CONTINUED.

54

REPORT OF THE SECRETARY OF STATE.

[A 5

1887.]

LAND DEPARTMENT.

55

Number.	PARTS OF SECTIONS.	Section. Township. Range.	Acres.	PATENTEE.	COUNTY.
3533	sw of se	8	76 21	40.00 Jacob E. Lower	Marion.
3534	se of nw	3	76 21	40.00 William Lower	Marion.
3535	se of nw	21	72 14	40.00 William S. Ross	Wapello.
3536	sw of nw	35	73 16	40.00 Alexander Smith	Monroe.
3537	n hf of sw	35	73 16	80.00 Reuben W. Moss	Monroe.
3538	se of nw	21	77 20	40.00 Nimrod Caple	Marion.
3540	se of sw	25	79 23	40.00 Solomon Runyan	Polk.
3542	s hf of ne	29	77 18	80.00 William H. Turton	Marion.
3543	s hf of sw	25	77 18	80.00 Ezra G. Doughman	Marion.
3550	Lots 5 and 6	13	78 24	83.65 William H. Leas	Polk.
3551	s hf of lot 5 and lot 4	11	75 18	75.38 Herman Van Dam	Marion.
3552	nw qr.	29	77 18	160.00 Areke Vander Linden	Marion.
3553	ne of sw	29	77 18	40.00 Herman Van Dam	Marion.
3554	w fr hf of nw	29	73 18	68.67 Jan Walraven	Marion.
3557	nw of ne	29	77 18	40.00 William H. Leas	Marion.
3560	ne qr	25	72 15	160.00 Thomas Sharp	Wapello.
3561	w hf of nw	11	74 16	80.00 Alexander Cassidy	Mahaska.
3563	se of sw	35	76 19	40.00 Jarius E. Neal	Marion.
3564	w hf of ne, n hf of se	19	78 24	160.00 Phineas M. Casady	Polk.
3565	s hf of ne	19	77 22	80.00 Samuel Black	Warren.
3566	nw of sw	25	78 22	40.00 Eleazer Lynn	Polk.
3567	sw of se	19	77 21	40.00 Nathan P. Hale	Marion.
3568	sw of se	19	70 12	40.00 Aaron Wilkinson	Davis.
3569	ne of sw, nw of se	23	76 21	80.00 William F. Pitman	Marion.
3570	se of ne	7	70 10	40.00 John Carson	Van Buren.
3571	ne of se	33	75 16	40.00 John Hellwig	Mahaska.
3573	se of nw	13	72 15	40.00 James Bowen	Wapello.

NOTE.—No. 3543 should be 2575, E. 18, as per sale book, which is correct.
No. 3573. This purchase vacated by order of court. Tract re-sold and patented to Daniel Bowen. See No. 3566.

3574	w hf of sw	11	79 24	80.00 David Zimmerly	Polk.
3575	se of nw, ne of sw	13	78 24	80.00 Nathan Andrews	Polk.
3585	se of nw	23	75 17	40.00 John W. Cunningham	Mahaska.
3587	nw of nw	21	77 20	40.00 Silas J. Hughes	Marion.
3588	sw of nw	21	77 20	40.00 Francisco H. Hughes	Marion.
3590	nw of ne	23	75 17	40.00 Margaret Slider	Mahaska.
3595	ne of sw	29	78 21	40.00 Iredell Cooper	Jasper.
3596	se of ne	25	75 18	40.00 John McVay	Marion.
3597	se of ne	17	78 22	40.00 Lucy Gilpin	Polk.
3603	sw of ne	21	73 16	40.00 William Crews	Monroe.
3606	se of se	11	75 19	40.00 Jarius E. Neal	Jasper.
3607	nw of nw	13	75 19	40.00 Jarius E. Neal	Jasper.
3608	s hf of sw	23	78 21	80.00 Andrew J. Brown	Jasper.
3610	se of sw	11	75 17	40.00 William J. Ogilvie	Mahaska.
3611	ne of ne	25	78 22	40.00 David Frazier	Polk.
3612	se of ne	13	78 22	40.00 William Henry	Polk.
3616	s hf of nw	21	75 18	80.00 Samuel C. Williams	Marion.
3620	se of sw	21	73 16	40.00 William Cruse	Monroe.
3627	n hf fr of nw	5	77 31	65.89 Andrew J. Brown	Marion.
3629	nw of nw, se of nw	21	80 25	80.00 Nathaniel J. Powell	Polk.
3630	se of nw	17	80 25	40.00 Nathaniel J. Powell	Polk.
3631	w hf of se, e hf of sw	17	80 25	160.00 Nathaniel J. Powell	Polk.
3633	ne of se	27	80 24	40.00 Nathaniel J. Powell	Polk.
3635	sw of ne	35	78 23	40.00 Francis Chiles	Polk.
3636	sw of se	33	78 22	40.00 William Park	Polk.
3637	se qr, e hf of sw	23	81 25	240.00 Samuel Fowler	Polk.
3638	se of nw	23	81 25	40.00 Samuel Fowler	Polk.
3639	ne of sw	7	76 19	40.00 Jarius E. Neal	Marion.
3641	w hf of sw, se of sw	13	78 22	120.00 David T. Brown	Polk.
3650	sw of sw	17	77 22	40.00 William Park	Warren.
3651	se of ne	31	78 21	40.00 Noah Biggs	Jasper.
3656	Lot 2	11	77 22	66.20 Nelson W. Nunnally	Warren.
3658	nw of se	5	83 26	40.00 John Houser	Boone.
3661	ne of nw	33	82 26	40.00 John Blaughter	Boone.
3662	ne of sw	1	72 16	40.00 Elizabeth Bozorth	Monroe.
3668	se of se	33	78 24	40.00 Stephen Skelton	Polk.
3669	ne fr of ne	5	80 25	52.81 Alfred Bowman	Polk.
3670	Lot 5 and sw of sw	33	81 25	79.30 Alfred Bowman	Polk.
3672	w fr hf of sw	7	78 21	52.10 John Rains	Jasper.

LES MOINES RIVER LAND PATENTS—CONTINUED.

56

REPORT OF THE SECRETARY OF STATE.

[A 5]

1887.]

LAND DEPARTMENT.

57

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
3673	Lot 3	7	76 19	85.02	William Staley	Marion.
3676	se of ne.	3	75 19	40.00	Sarah Wilson	Marion.
3680	nw of sw.	11	78 24	40.00	Thomas McNullin	Polk.
3684	w hf of se.	5	79 24	40.00	Thomas McNullin	Polk.
3686	Lot 4	17	82 26	80.00	Robert N. Jones	Boone.
3687	Lot 5	3	81 26	39.50	Daniel J. Skinner	Dallas.
3689	nw of se, se of nw.	15	82 26	82.28	Daniel J. Skinner	Dallas.
3690	n fr hf of nw	5	81 26	57.01	Daniel J. Skinner	Dallas.
3692	ne of nw.	9	80 25	40.00	Daniel J. Skinner	Dallas.
3700	nw of sw.	25	76 18	40.00	Abraham Elliott	Polk.
3701	nw of ne.	31	76 19	40.00	Comrad Van Zee	Marion.
3703	se of se.	9	78 22	40.00	Zopher Ball	Marion.
3706	ne of sw.	17	76 18	40.00	Richard D. Jones	Polk.
3708	sw qr	5	83 26	160.00	Edward O. Towne	Marion.
3712	sw of nw.	1	75 19	40.00	Jacob Gutshall	Boone.
3714	sw of se.	35	76 19	40.00	Jairus E. Neal	Marion.
3715	se of ne.	19	70 12	40.00	Jairus E. Neal	Marion.
3720	w hf of ne.	33	76 17	80.00	John Henning	Davis.
3721	ne of sw.	5	73 16	40.00	James S. Parsons	Mahaska.
3724	ne of ne.	33	77 22	40.00	Ell White	Monroe.
3726	n hf of se.	25	77 23	80.00	Nelson W. Nunally	Warren.
3727	se of ne, nw of se.	13	75 23	80.00	Andrew Dixon	Warren.
3728	s hf of nw, ne of sw.	29	75 18	120.00	Andrew J. Stevens	Polk.
3729	nw of sw.	17	80 25	40.00	James McCall	Marion.
3730	n hf of sw, sw of se.	29	80 25	120.00	Nathaniel J. Powell	Polk.
3731	ne of se.	19	77 18	40.00	Nathaniel J. Powell	Polk.
3735	e fr hf of nw.	5	74 17	84.88	Samuel Clutter	Marion.
3738	ne of se.	5	76 21	40.00	Matthew B. Whorton	Mahaska.
					William Brown	Marion.
3738	nw fr qr	19	77 18	149.45	John Shephard	Marion.
3739	ne qr	19	77 18	160.00	Henry Taggart	Marion.
3740	e hf of se	23	77 19	80.00	John Henderson	Marion.
3755	e hf of se, sw of ne.	29	84 26	120.00	Benton Post	Boone.
3756	se qr.	29	84 26	100.00	Saban Latham	Boone.
3759	s hf of ne, se of nw.	33	84 26	120.00	Henry Hoffman	Boone.
3760	nw of nw.	33	84 26	40.00	Benjamin Williams	Boone.
3763	sw of nw.	35	84 26	40.00	James R. Payne	Boone.
3768	Lot 4	13	84 27	41.50	Jeremiah Gordon	Boone.
3769	se of sw.	13	84 27	40.00	Elisha Speckelmire	Boone.
3778	nw of sw.	33	85 23	40.00	Zachariah J. Voutrees	Boone.
3779	se of ne, ne of se.	3	85 27	80.00	Ezra Rathbun	Boone.
3783	nw of ne.	17	87 26	40.00	Benjamin Bell	Hamilton.
3788	s hf of nw	11	87 27	50.00	Jesse Goodrich	Webster.
3789	Lots 7 and 8.	15	87 27	102.20	Francis McGuire	Webster.
3790	w hf of sw.	11	87 27	80.00	Daniel Galer	Webster.
3793	w hf of sw.	35	76 17	80.00	Curtis Beals	Mahaska.
3794	e hf of sw, sw of se.	35	76 17	120.00	Pardon Smith	Mahaska.
3798	ne of sw.	25	76 18	40.00	William Welch	Marion.
3799	sw of se.	7	77 19	40.00	Jairus E. Neal	Marion.
3800	se of ne.	35	78 22	40.00	James Ferguson	Polk.
3801	ne of nw.	31	77 19	40.00	Dennis Payton	Marion.
3802	ne of ne, se of sw.	21	75 21	80.00	Edward Quick	Jasper.
3805	se of se.	21	78 21	40.00	John C. Bush	Jasper.
3804	ne of sw.	15	78 21	40.00	Thomas Asher	Jasper.
3805	ne of ne.	23	75 19	40.00	William M. Jordan	Marion.
3806	nw of nw.	17	76 18	40.00	Zelmer S. Dorenbos	Marion.
3812	ne of se.	25	77 20	40.00	Dennis Allen	Marion.
3813	sw of ne.	13	77 20	40.00	Dennis Allen	Marion.
3815	sw of sw.	21	77 20	40.00	David Clark	Marion.
3817	se of se.	31	77 20	40.00	Samuel H. Caffrey	Marion.
3818	se of sw.	5	76 21	40.00	Henry Hamilton	Marion.
3819	e hf of se.	1	79 24	80.00	James Halterman	Polk.
3821	ne of se.	5	83 26	40.00	Nelson J. Meeker	Boone.
3822	ne qr, e hf of nw.	31	81 25	240.00	Clement Murphy	Polk.
3823	n hf of se.	31	81 25	80.00	Clement Murphy	Polk.
3826	ne of se.	17	72 14	40.00	Phelix Berick	Wapello.

NOTE.—No. 3735 should be e hf of sw and sw of ne.

No. 3739 should be sec. 15 instead of sec. 13.

DES MOINES RIVER LAND PATENTS—CONTINUED.

58

REPORT OF THE SECRETARY OF STATE.

[A 5

[887]

LAND DEPARTMENT.

59

Number.	PARTS OF SECTIONS.	Section.	Township.	Range.	Acres.	PATENTEE.	COUNTY.
3830	se of ne.	5	70 13		40.00	William H. Tull.	Boone.
3836	nw of nw.	33	82 26		40.00	Alexander P. Townsend.	Boone.
3842	nw of nw.	17	89 28		40.00	Francis W. Allen.	Boone.
3843	Lots 1 and 2, and se of se.	27	82 26		117.18	Charles J. Anderson.	Boone.
3844	sw of sw.	33	76 19		40.00	Jairus E. Neal.	Boone.
3845	e hf of ne.	35	80 24		80.00	Caleb Richison.	Boone.
3847	w hf of se.	1	79 24		80.00	Byron Rice.	Boone.
3848	e hf of sw.	23	80 25		80.00	Byron Rice.	Boone.
3849	nw of ne.	1	76 22		40.00	James Smith.	Boone.
3851	ne of ne.	23	78 22		40.00	John Linn.	Boone.
3852	ne of ne.	27	80 25		40.00	Isaac Hastings.	Boone.
3853	Lots 6 and 7, and nw of nw.	15	82 26		140.34	Landa Hurst.	Boone.
3854	sw of se.	19	82 26		40.00	Robert Jones.	Boone.
3855	n hf of sw.	17	82 26		80.00	Robert Jones.	Boone.
3856	e hf of ne.	33	76 17		80.00	James S. Parsons.	Boone.
3858	w hf of se, ne of se.	1	81 26		120.00	William Akers.	Boone.
3859	sw of ne.	1	78 25		40.00	John W. Wilkin.	Boone.
3860	sw of se, se of sw.	27	70 11		80.00	William Akers.	Boone.
3863	ne of ne.	7	74 17		40.00	Abel Starbuck.	Boone.
3864	se of ne.	7	74 17		80.00	Tristram Starbuck.	Boone.
3866	se of nw.	13	72 15		40.00	Daniel Bowen.	Boone.
3869	nw of se.	27	73 16		40.00	Reuben W. Moss.	Boone.
3870	sw of se.	11	73 16		40.00	Joseph J. Galvin.	Boone.
3871	w hf of sw.	13	76 21		80.00	James W. Gill.	Boone.
3872	se of sw.	3	76 21		40.00	Gryant Young.	Boone.
3874	se of se.	9	82 26		40.00	Sanford B. Williams.	Boone.
3877	ne of se.	17	72 14		40.00	John Smith.	Boone.

No. 3877 canceled—prior sale to Phelix Berick, Oct. 1, 1853. See No. 3826.

3878	sw of ne, nw of ne.	5	89 11		80.00	George W. Brown.	Boone.
3879	ne of se.	19	85 26		40.00	Tyler Higbee.	Boone.
3882	w hf of se, sw of ne.	9	83 26		120.00	Robert A. Ware.	Boone.
3883	se of sw.	21	84 26		40.00	John Howser.	Boone.
3884	se gr, ne of sw.	21	84 26		300.00	Jacob Gutshall.	Boone.
3886	ne gr.	21	84 26		160.00	Samuel Snyder.	Boone.
3893	se of se.	15	76 19		40.00	John J. Springer.	Boone.
3894	nw of nw.	17	78 21		40.00	Eli Rivers.	Boone.
3896	ne gr, e hf of se.	13	74 18		240.00	Miletus P. Clark.	Boone.
3899	se of se.	11	74 18		40.00	Miletus P. Clark.	Boone.
3897	nw of sw, se of sw.	5	75 17		80.00	James S. Parsons.	Boone.
3901	s hf of ne.	7	79 23		80.00	Foster Elliott.	Boone.
3902	nw of nw.	35	80 25		40.00	Nathaniel J. Powell.	Boone.
3904	ne of sw.	25	72 15		40.00	John J. Sponseller.	Boone.
3905	sw of ne.	9	81 26		40.00	William Wallace Waldo.	Boone.
3909	se of se.	15	78 21		40.00	William J. Robertson.	Boone.
3910	e hf of sw.	19	77 18		80.00	Herman Van Dam.	Boone.
3911	nw of ne.	7	76 18		40.00	Herman Van Dam.	Boone.
3914	n hf of sw.	5	84 26		80.00	Josiah M. Thrift.	Boone.
3916	se of se.	27	73 16		40.00	Alexander Smith.	Boone.
3917	sw of ne.	33	85 26		40.00	Sarah Friedley.	Boone.
3919	sw of ne.	11	74 18		40.00	Jackson Jones.	Boone.
3920	se of sw.	5	75 16		40.00	John Wain.	Boone.
3924	se gr.	13	79 24		160.00	Jenkin W. Morris.	Boone.
3930	sw of nw.	17	75 18		40.00	Elias Ramey.	Boone.
3934	nw of se.	25	81 25		40.00	John Crabtree.	Boone.
3936	nw of sw.	33	77 21		40.00	James Wilson.	Boone.
3937	nw of se.	33	77 21		40.00	Henry D. Jesse.	Boone.
3941	nw of sw.	27	75 18		40.00	John Forrence.	Boone.
3942	ne of sw.	23	78 22		40.00	Thomas Mitchell.	Boone.
3943	ne of ne.	5	75 19		35.97	Jairus E. Neal.	Boone.
3944	nw of ne.	35	81 26		40.00	William Jacobs.	Boone.
3946	ne gr.	9	80 25		160.00	William Frazier.	Boone.
3957	Lot 3.	13	80 25		22.00	William Frazier.	Boone.
3958	sw fr of nw.	31	80 24		42.96	Jacob Crum.	Boone.
3960	sw of ne.	25	81 25		40.00	John Crabtree, Jr.	Boone.
3967	n hf of nw, se of nw.	35	79 25		120.00	John Robinson.	Boone.
3968	ne of se.	33	68 9		40.00	Samuel M. Mills.	Boone.
3971	nw of ne.	13	77 20		40.00	Dennis Allen.	Boone.

Number.	PARTS OF SECTIONS.	Section.	Township.	Range.	Acres.	PATENTEE.	COUNTY.
3972	ne of se	5	73	16	40.00	Sarah M. Bockwell	Monroe.
3973	sw of ne	21	72	14	40.00	Jacob R. Shreeve	Wapello.
3974	ne of nw	9	81	26	40.00	John Newland	Dallas.
3975	nw of ne	9	81	26	40.00	Jeduthan Waldo	Dallas.
3976	ne of ne	29	77	18	40.00	Henry P. Scholte	Marion.
3978	ne fr of nw, nw fr of ne	3	77	24	81.02	Nathaniel J. Powell	Warren.
3979	se of ne	3	77	24	40.00	Nathaniel J. Powell	Warren.
3986	e hf of sw	33	88	26	80.00	Elias Zimmer	Boone.
3987	nw of nw, nw of ne	31	79	22	82.66	Milton Smith	Boone.
3988	ne of sw	1	77	23	40.00	Robert Wallace	Polk.
3989	nw fr of ne	1	78	25	54.58	David Lamb	Warren.
3994	Lot 6	13	84	27	61.73	James Corbin	Polk.
3995	Lot 8	13	84	27	26.51	Isaac Nutt	Boone.
3996	sw of nw	13	84	27	40.00	William C. Crooks	Boone.
3997	Lot 4 and nw fr of ne	5	82	26	87.94	Washington J. Nutt and Edward O. Nutt	Boone.
3999	s hf of nw	35	77	21	80.00	Elias Scott	Marion.
4001	nw of nw	29	78	14	40.00	Henry B. Hendershott	Wapello.
4003	nw of ne	27	83	26	40.00	James Gilded	Boone.
4009	e hf of se	7	82	26	80.00	John J. Baswell	Boone.
4010	w hf of se	7	82	26	80.00	Henry Kirby	Boone.
4013	Lot 4	23	88	28	58.88	Thomas R. Barger	Webster.
4015	nw of ne	27	78	21	40.00	Charles W. Lamb	Jasper.
4016	nw of se	23	78	21	40.00	Charles W. Lamb	Jasper.
4018	Lot 7	9	82	26	50.00	David Miller	Boone.
4020	nw of se	13	77	21	40.00	William Cowman	Marion.
4025	se of se	17	72	14	40.00	Jacob R. Shresor	Wapello.
4026	e hf of se, sw of se	27	70	12	120.00	James Davis	Davis.
4027	se of sw	19	78	22	40.00	Jerome Eastridge	Polk.
4030	ne of sw	19	72	14	40.00	James Cottrell	Wapello.
4031	sw of se	33	81	26	40.00	William Jacobs	Dallas.
4032	nw of nw	17	79	23	40.00	Benjamin Bryant	Polk.
4034	e hf of sw	12	84	27	80.00	Isaac Nutt	Boone.
4036	sw of ne, se of nw	5	84	26	80.00	George Ward	Boone.
4040	e hf of ne	33	83	26	80.00	Redick Cartwright	Boone.
4041	n hf of ne, se of ne	25	83	26	120.00	Redick Cartwright	Boone.
4049	nw of sw	17	79	23	40.00	Seth Richards	Mahaska.
4054	se of se	27	74	17	40.00	Calvin Wilson	Polk.
4055	e hf se, sw of se	25	78	24	120.00	John D. Sanford	Polk.
4056	se of ne	31	80	25	40.00	Andrew J. Stevens	Boone.
4057	e hf of sw	5	82	26	80.00	Seth Richards	Polk.
4059	Lot 6	5	79	94	32.00	Daniel Rittgers	Marion.
4074	nw of nw	9	75	18	40.00	Charles Cooper	Webster.
4076	Lots 3, 4, 5 and 7	17	88	29	95.10	Seth Richards	Dallas.
4077	se of ne	23	81	26	40.00	Seth Richards	Dallas.
4078	ne of ne	23	81	26	40.00	Seth Richards	Dallas.
4079	nw of ne	7	82	26	80.00	Randolph Cox	Boone.
4080	n hf of ne	35	78	21	40.00	William Fairly	Jasper.
4082	se of sw	18	78	25	40.00	Seth Richards	Polk.
4087	ne of se	7	81	25	88.54	Henry Carr	Polk.
4088	n hf of nw (fr)	25	78	21	80.00	Charles W. Lamb	Jasper.
4089	e hf of ne	23	78	21	40.00	James D. Norris	Jasper.
4090	nw of nw	83	75	18	80.00	William Reed	Marion.
4098	e hf of sw	19	77	19	40.00	James M. Dewees	Wapello.
4099	ne of ne	23	78	14	40.00	William Henshaw	Polk.
4101	se of se	11	80	25	24.34	Daniel Belr	Polk.
4102	Lot 6	17	81	25	40.00	Robert Logan	Wapello.
4103	se of sw	17	71	13	40.00	John Saylor	Mahaska.
4104	nw of nw	27	74	17	40.00	Cary W. Carson	Mahaska.
4105	ne of ne	27	74	17	40.00	William B. Kendall	Mahaska.
4106	ne of nw	25	79	23	80.00	Seth Richards	Polk.
4107	a hf of sw	17	76	19	20.95	Elijah S. Hurd	Marion.
4109	Lot 2	11	83	26	40.00	John B. Montgomery	Boone.
4118	se of sw	23	84	27	85.90	John Pea	Boone.
4119	Lots 5 and 6	23	78	24	40.00	John D. Sanford	Polk.
4124	se of nw	23	78	24			

NOTE—No. 4041 should no doubt be for n hf of nw and se of nw, the land described in patent was deeded to D. N. & R. R. Co.
No. 4106 is William B. Randall in sale book.

DES MOINES RIVER LAND PATENTS—CONTINUED.

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
4129	nw of ne.	11	82 26	40.00	John D. Sanford	Boone.
4130	ne of ne.	1	82 26	38.74	John D. Sanford	Boone.
4131	w fr hf of se (or lot 7 and sw of se).	23	84 27	79.58	John D. Sanford	Boone.
4132	w hf of sw.	21	84 26	80.00	John D. Sanford	Boone.
4133	se of se.	19	85 26	40.00	John D. Sanford	Boone.
4137	sw of sw.	3	71 14	40.00	Seth Richards.	Boone.
4139	e hf of se, nw of se.	35	76 17	120.00	Jesse Beals.	Wapello.
4140	nw of sw.	1	73 16	40.00	Charles Anderson.	Mahaska.
4141	ne of sw.	25	73 16	40.00	Charles Anderson.	Monroe.
4142	se of sw.	15	80 24	160.00	Robert L. Tidrick.	Boone.
4144	se of se.	33	77 23	40.00	Stephen Parker.	Polk.
4150	sw of ne.	27	79 23	40.00	John Noble and W. A. Noble.	Warren.
4153	se of se.	33	83 26	40.00	William Dyer.	Polk.
4154	Lot 2.	33	83 26	42.95	Thomas Edmunds.	Boone.
4155	se of sw.	9	83 26	40.00	David A. Killion.	Boone.
4157	nw of se.	17	76 20	40.00	Willis H. McQuary.	Boone.
4161	nw of sw.	27	76 19	40.00	John Bullington.	Marion.
4162	s hf of se.	33	85 26	80.00	James M. Strutz.	Marion.
4169	s fr hf of nw	31	84 26	78 51	Augustus D. Walker.	Boone.
4202	nw fr qr.	6	81 25	148.53	Robert Meek.	Boone.
4209	s hf of ne, ne of ne.	31	79 22	120.00	William Sweeney.	Polk.
4213	nw of sw.	9	81 25	40.00	Richard Pierce.	Polk.
4214	se of sw.	9	81 25	40.00	Seth Richards.	Polk.
4215	s hf of nw.	21	75 18	80.00	Jairus E. Neal.	Polk.
4216	ne of sw.	27	74 16	40.00	Homer D. Ives.	Marion.
4222	ne of sw.	5	77 23	40.00	Phineas M. Casady.	Mahaska.
4223	ne of nw.	3	81 25	40.00	Phineas M. Casady.	Warren.
No. 4157 is William H. McQuary in sale book.						
4225	Lot 6.	27	82 26	19.75	Phineas M. Casady	Boone.
4228	nw of se.	27	76 19	40.00	George W. Holeman.	Marion.
4232	se of ne.	27	77 12	40.00	John Connor.	Davis.
4234	w hf of se.	23	84 26	80.00	Robert A. Moon.	Boone.
4235	nw of se.	1	77 23	40.00	John D. Farnlee and John Watts.	Warren.
4241	nw of sw.	15	73 16	40.00	Reuben W. Moss.	Monroe.
4242	se of nw.	35	73 16	40.00	Reuben W. Moss.	Monroe.
4243	ne of sw.	5	77 21	40.00	William Fairly.	Marion.
4245	nw of ne.	27	80 25	40.00	Nathaniel J. Powell.	Polk.
4247	ne of se.	25	84 27	40.00	Byron B. Martin.	Boone.
4248	se of ne.	25	84 27	40.00	James M. Martin.	Boone.
4250	ne of ne.	35	83 26	40.00	William Dyer.	Boone.
4252	nw of sw.	29	77 19	40.00	Jairus E. Neal.	Marion.
4256	ne of nw.	29	70 12	40.00	Philip B. Dodson.	Davis.
4257	se of ne.	35	77 19	40.00	Stephen A. Smith.	Marion.
4258	se of ne.	15	76 18	40.00	Wilson Stanley.	Marion.
4263	ne of ne.	25	85 27	40.00	Joseph Richardson.	Boone.
4273	nw of sw.	9	78 22	40.00	Jefferson Robertson.	Polk.
4275	e hf of nw.	25	77 19	80.00	Yelle Yelsma.	Marion.
4276	ne of ne.	25	77 20	40.00	Gasse Defrens.	Marion.
4278	se of se.	23	77 12	40.00	Jolan Prentice.	Warren.
4279	sw of sw, sw of nw.	23	80 24	80.00	Seth Richards.	Polk.
4280	ne of ne.	27	80 24	40.00	Seth Richards.	Polk.
4286	ne qr, n hf of se.	29	75 18	240.00	Robert Anderson.	Marion.
4287	sw of se.	19	71 11	40.00	Jacob W. Creese.	Jefferson.
4289	nw of ne.	13	76 21	40.00	Robert L. Tidrick.	Marion.
4290	sw of ne.	3	74 24	40.00	Nathaniel J. Powell.	Warren.
4291	sw qr.	21	76 17	160.00	John Howar.	Mahaska.
4292	nw of ne.	15	74 18	40.00	Cumberland Ridden.	Marion.
4293	e hf of ne.	33	75 18	80.00	Cumberland Ridden.	Marion.
4295	se of ne.	33	70 19	40.00	John Connor.	Davis.
4297	se of nw.	19	79 24	40.00	Seth Richards.	Polk.
4298	ne of ne.	21	80 25	40.00	Robert Broadie.	Polk.
4300	sw of ne, se of nw, ne of sw.	11	75 19	120.00	Absalom Black.	Marion.
4301	sw of se.	5	75 18	40.00	John Gamble.	Marion.
4303	n hf of ne.	25	77 19	80.00	Syaerd A. Sipma.	Marion.
4305	nw of nw.	19	70 11	44.35	John Ram.	Van Buren.

NOTE.—No. 4258 patent canceled and money refunded prior sale to Isaac Overkamp. Money paid to J. D. Devin on Stanley's order.

DES MOINES RIVER LAND PATENTS—CONTINUED.

64

REPORT OF THE SECRETARY OF STATE.

[A 5

1887.]

LAND DEPARTMENT.

65

Number.	PARTS OF SECTIONS.	Section.	Township. Range.	Acres.	PATENTEE.	COUNTY.
4309	sw of sw	21	79 24	40.00	Jesse Williams	Polk.
4310	ne of nw	19	70 11	40.00	Calvin P. Davis	Van Buren.
4311	sw fr of sw	7	90 28	40.00	Jesse Williams	Webster.
4312	n hf	9	88 28	320.00	Jesse Williams	Webster.
4317	nw fr of nw	3	82 26	42.00	Robert Meek	Boone.
4332	se qr.	33	75 18	160.00	Aaron Van Benthusen	Marion.
4338	ne of se	11	75 19	40.00	Daniel Newman	Marion.
4342	sw of se	23	79 25	40.00	Robert L. Tedrick	Polk.
4345	sw of ne	21	75 17	40.00	Joseph Blakeley	Mahaska.
4348	s hf of se	23	79 23	80.00	Reason Pritchard	Polk.
4350	Lot 8.	33	83 26	31.85	Joshua Bennett	Boone.
4353	n hf of se	31	79 22	80.00	William Sweeney	Polk.
4357	s hf of sw, nw of sw	21	71 13	120.00	John McCune	Wapello.
4362	sw of ne	35	85 27	40.00	David C. Hull	Boone.
4364	s hf of se, se of sw	23	88 28	120.00	Seth Richards	Webster.
4370	n hf of sw, se of sw	33	78 24	120.00	John B. Hickey	Polk.
4372	se of nw	15	87 26	40.00	Solomon Reighler	Hamilton.
4375	se of ne	35	85 27	40.00	Isom C. Hull	Boone.
4378	se of se	21	73 16	40.00	Aaron Gordon	Monroe.
4379	s hf of se	23	69 11	80.00	John Newhouse	Van Buren.
4382	Lot 9	5	77 22	53.98	Miles White	Warren.
4383	nw of nw	29	78 23	40.00	Henry Manbeck	Polk.
4385	nw of se	23	74 17	40.00	William W. Waddle	Mahaska.
4388	w hf of sw	1	77 23	80.00	Miles White	Warren.
4389	se of se	7	77 22	40.00	Miles White	Warren.
4391	sw of se	15	70 15	40.00	Peter F. Noel	Davis.
4395	se of sw	17	87 26	40.00	Benjamin Bele	Hamilton.

No. 4309. Patent canceled. Prior sale to Jesse S. Dieks. See No. 3698.

4396	se of se	15	88 28	40.00	David Teming	Webster.
4397	Lot 7.	27	84 27	63.00	Norman C. Averile	Boone.
4399	se of sw	7	70 12	40.00	Charles Howard, Sr.	Davis.
4410	nw qr.	25	88 28	160.00	Thomas Weaver	Webster.
4411	w hf of sw	23	79 25	40.00	Miles White	Polk.

NOTE.—No. 4396 is David Leming in sale book.
For full amount of lands received by the State under the Des Moines River grant acts of Congress of August 8, 1846, and July 12, 1862. See statement under head of "Miscellaneous."

THE SWAMP LANDS.

During the last two years many contests have been ordered at the local government land office in Des Moines, to determine the character of lands that have been claimed as swamp or overflowed; usually these contests have been ordered upon the application of parties adverse to the swamp claim for the purpose of having the swamp claim canceled, in order that they might enter the tracts under the timber culture or homestead law. The Executive Office has been served with notice, in each case, of the contemplated contest, with name of contestant, description of land in contest and the time fixed for hearing in the case. Recently, however, the Department at Washington seems to have changed, to some extent, the practice, by permitting the adverse claimant to make the entry of the tract, subject to the swamp claim, and obliging the claimant under the swamp grant to object to the perfection of the entry, should he desire to do so, and make application to contest the right of such party to make the entry. A limit, usually of sixty days, is allowed the swamp claimant in which to file his objections as aforesaid, and if no objection is made within that time his right to do so is deemed concluded, and the entry will be perfected.

The State having, by act of January 12, 1853, granted its swamp land interests to the several counties respectively, has no interest in these contests, but observes the practice of furnishing the county auditor of the county interested with information of the contest ordered, with the import of the notice served upon the Executive and of the result of the contest; to the end that the county may take such action in regard to the matter that it sees fit.

In my remarks under the head of "Swamp Lands," in my last biennial report, I had occasion to refer to the decision of the Supreme Court of the United States in the case of the "Railroad Company vs. Smith," decided at the December term, 1869, wherein the court speaks of the swamp grant of September 28, 1850, as a grant *in presenti*. Now it must be understood that in said case the question as to

whether said grant was or was not a present grant, was not before the court, and the court was not called upon to determine this question. Therefore, should a case come before said court in which this question was the one *directly* at issue, a different view might be entertained.

If the swamp grant was a present grant, and vested title in the State without the action of the Secretary of the Interior, then what meaning is there in the second section of the act, which provides, among other things, that the title in fee simple shall vest in the State upon the issuing of the patent. In considering the force and effect of the act granting the swamp lands, it is necessary to consider its several sections together. The act grants a *class* of lands, and the Secretary of the Interior, the official who is at the head of the land department of the general government, was charged with the duty of ascertaining and determining what lands belonged to this class, and of furnishing the Governor of the State with a list and plat of them, and at request of said Governor cause a patent to be issued to the State therefor, "and on that patent the fee simple title to said lands shall vest in the said State subject to the disposal of the legislature thereof." Under this law it will be seen that the Secretary of the Interior is the only person authorized to prepare and furnish for patent the list of swamp and overflowed lands which were to pass under the grant; of course he might obtain assistance from any source that he deemed advisable and proper, but under the law the patent which is to pass to the State the fee simple title to those lands can only issue upon the list furnished by him. The law is inexorable; said power given to the Secretary of the Interior cannot be delegated by him, nor can any one else assume it. Even those lands patented to the State under the confirmatory act of March 3, 1857, had to be listed and approved by the Secretary of the Interior before patent could issue; said act required it.

A different rule may be applied to those swamp lands for which indemnity is provided by acts of March 2, 1855, and March 3, 1857. The law requires that proof of their swampy character shall be made before the Commissioner, by the authorized agent of the State. But all of the lands for which the State has received patents under the swamp grant, including those patented under the confirmatory act of March 3, 1857, were first listed and approved by the Secretary of the Interior, reported to the Governor for patent and patented to the State upon the Governor's request.

It must be observed that by the terms of the act of September 28, 1850, the swamp and overflowed lands are placed at the disposal of the legislature of the State *only* when the title in fee simple is vested in the State by the issuing of the patent as aforesaid. Therefore it would follow that if the legislature of a State did undertake to pass its swamp interests, by grant or otherwise, in advance of the patent, the right or title so transferred, to any particular lands, would be altogether dependent upon the patent to be issued to the State therefor; this conclusion is inevitable.

In this connection I wish to refer to the act of Congress of March 5, 1872, entitled "An act for the relief of Lucas, O'Brien, Dickinson and other counties in the State of Iowa." It appears that there were selections of lands as swamp made by a few of the counties and reported to the Surveyor-General of the State, which the Department at Washington declined to recognize; this act required the Commissioner of the General Land Office to receive and examine these selections, and either "allow or disallow said selections and the indemnity provided for, according to the acts of Congress in force touching the same at the time such selections were made, without prejudice to legal entries or the rights of *bona fide* settlers under the homestead and pre-emption laws of the United States prior to the date of this act."

These selections had, therefore, to pass the inspection of the Department, and such portions as were deemed subject to patent as swamp lands were listed and approved by the Secretary of the Interior and reported to the Governor.

The theory that no lands passed under the swamp grant, except such as were susceptible of survey and subdivision at some portion of the year, in accordance with the rules governing the public surveys; also, that meandered bodies of water incapable of survey and subdivision were not included in said grant, was pretty thoroughly discussed in my report of two years ago. There are still plenty of said reports on hand for the accommodation of any one desirous of obtaining a copy.

On account of swamp or overflowed lands which were located with warrants or scrip, the State has received from the United States in lieu thereof, patents for other lands to the amount of 322,917.22 acres. Of the amount of indemnity awarded on account of warrant and scrip locations, there yet appears to be a balance for which the State has received nothing, of 27,883.28 acres. This deficiency is for

the reason that there are no government lands in Iowa that can be taken by the State to complete the balance of the award.

The general government has accounted to the State of Iowa, as per records of this office, for swamp and overflowed lands as follows:

Number of acres patented as swamp or overflowed lands.....	883,676.38
Number of acres of swamp or overflowed lands located with warrants or scrip upon which land indemnity has been awarded under act of March 2, 1853.....	350,100.50
Number of acres of swamp or overflowed lands sold by the United States for cash for which cash indemnity has been allowed under act of March 2, 1855.....	895,332.39
Total number of acres accounted for.....	1,629,109.27
Deduct land indemnity awarded but not paid.....	27,883.28
Leaving a balance of.....	1,601,225.99



A table giving the number of acres of all swamp lands in each county disposed of by the general government between September 28, 1850, and March 3, 1857, for cash, land warrants or scrip, and for which indemnity has been awarded under act of March 2, 1855, as shown by the records of this office.

COUNTIES.	Cash indemnity.	Land indemnity.	COUNTIES.	Cash indemnity.	Land indemnity.
Adair.....	2,952.30	2,595.13	Johnson.....	8,156.32	15,412.09
Adams.....	4,896.98	1,028.70	Jones.....	5,453.42	6,222.07
Allamakee.....	5,907.45	6,331.48	Keokuk.....	3,880.00	4,895.24
Appanoose.....	1,980.20	3,880.00	Kossuth.....	.....	.....
Audubon.....	2,468.88	4,612.84	Lee.....	.....	.....
Benton.....	12,032.65	3,282.55	Linn.....	2,804.65	2,437.46
Black Hawk.....	12,541.02	4,858.01	Louis.....	2,807.53	12,316.32
Boone.....	1,405.59	1,019.69	Lucas.....	4,624.23	4,569.62
Bremer.....	7,316.14	3,943.99	Lyon.....	.....	.....
Buchanan.....	1,537.78	1,838.08	Madison.....	.....	.....
Buena Vista.....	.....	.....	Mahaska.....	7,296.73	9,054.12
Butler.....	.....	.....	Marion.....	1,325.65	2,233.00
Calhoun.....	198.01	430.23	Marshall.....	230.08	130.00
Carr.....	2,166.65	3,161.00	Mills.....	6,705.29	5,827.30
Cass.....	12,253.96	9,042.92	Mitchell.....	10,037.29	4,540.13
Cedar.....	5,679.17	5,492.56	Monroe.....	12,162.97	.....
Cerro Gordo.....	5,806.02	30,057.54	Montgomery.....	16,116.44	20,427.97
Cherokee.....	.....	.....	Muscatine.....	8,516.57	5,220.00
Chickasaw.....	.....	.....	Muscatine.....	2,280.85	3,875.71
Clarke.....	927.28	684.37	O'Brien.....	.....	.....
Clay.....	19,100.92	11,051.18	Osceola.....	.....	.....
Clayton.....	196.15	208.33	Page.....	4,199.58	680.00
Clinton.....	8,162.10	2,780.35	Palo Alto.....	.....	.....
Crawford.....	2,959.97	.....	Plymouth.....	5,709.33	3,975.92
Dallas.....	1,040.00	200.00	Polk.....	3,340.69	4,352.85
Davis.....	1,860.10	.....	Pocahontas.....	.....	.....
Decatur.....	3,949.74	2,630.46	Pottawattamie.....	5,709.33	3,975.92
Delaware.....	2,508.97	2,500.00	Pottawattamie.....	5,709.33	3,975.92
Des Moines.....	401.38	2,520.00	Poweshiek.....	3,094.19	.....
Dickinson.....	.....	.....	Prairie.....	13,390.10	5,033.94
Dubuque.....	200.17	840.00	Sac.....	340.00	4,520.00
Emmet.....	.....	.....	Scott.....	1,708.92	5,715.53
Fayette.....	5,017.17	4,372.22	Shelby.....	.....	.....
Floyd.....	5,059.44	3,318.89	Sioux.....	1,016.60	1,388.50
Franklin.....	1,137.71	1,294.86	Story.....	10,126.27	2,772.04
Frederick.....	7,031.73	10,658.22	Tama.....	9,397.83	1,999.96
Greene.....	3,754.99	2,838.69	Taylor.....	5,887.46	13,666.62
Grundy.....	4,537.45	4,474.30	Union.....	.....	.....
Guthrie.....	3,693.20	7,480.29	Van Buren.....	354.69	.....
Hamilton.....	.....	.....	Warren.....	10,107.29	7,487.41
Hancock.....	704.94	5,053.17	Washington.....	5,744.29	8,073.88
Hardin.....	3,290.84	2,310.87	Wayne.....	2,874.29	564.22
Harrison.....	2,212.58	690.00	Webster.....	2,464.92	3,695.23
Howard.....	485.67	1,400.00	Winnebago.....	.....	922.32
Humboldt.....	1,671.10	.....	Winnebago.....	4,346.48	1,640.00
Iowa.....	292.25	2,367.92	Winnebago.....	.....	.....
Jackson.....	5,979.60	3,434.42	Worth.....	7,533.04	.....
Jasper.....	1,506.46	.....	Wright.....	755.24	8,246.90
Jefferson.....	3,363.51	2,291.41	Total.....	395,332.30	850,700.50

The following is a statement of the swamp and overflowed lands patented to the State of Iowa by the United States during the last two years, the same having been patented by the State to the respective counties in which they are situated:

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
	N.	E.			
Lots 4, 5.....	28	83	5	84.50	Clinton.
Lots 5, 6, 7.....	29	83	5	148.95	Clinton.
Lot 8.....	32	83	5	28.80	Clinton.
Lot 8.....	33	83	6	41.30	Clinton.
Total in Clinton county.....		N.	W.	801.55	
nw fr of nw.....	3	93	27	60.06	Humboldt.
nw fr of nw.....	5	93	27	52.70	Humboldt.
sw of sw.....	9	93	27	40.00	Humboldt.
sw of ne.....	29	93	27	40.00	Humboldt.
nw of ne.....	23	93	28	40.00	Humboldt.
Total in Humboldt county.....		N.	W.	232.76	
ne of sw, nw of se.....	31	96	28	80.00	Kossuth.
nw of ne, se of ne.....	1	97	29	74.60	Kossuth.
ne of nw.....	8	95	30	40.00	Kossuth.
nw of se.....	22	100	30	40.00	Kossuth.
sw of ne.....	36	98	27	40.00	Kossuth.
ne of nw.....	18	96	28	40.00	Kossuth.
sw of ne.....	24	97	28	40.00	Kossuth.
Lot 1.....	14	94	29	17.00	Kossuth.
ne of sw.....	6	99	29	40.00	Kossuth.
nw of ne.....	29	98	27	40.00	Kossuth.
ne of se.....	3	96	27	40.00	Kossuth.
sw of nw.....	13	97	27	40.00	Kossuth.
nw of sw.....	33	98	27	40.00	Kossuth.
nw of se.....	5	94	28	40.00	Kossuth.
se of nw.....	23	94	28	40.00	Kossuth.
wh of sw.....	25	94	28	80.00	Kossuth.
se of se.....	35	96	28	40.00	Kossuth.
sw of ne, se of nw, se of se.....	1	97	28	120.00	Kossuth.
sw of se.....	29	94	29	40.00	Kossuth.
Lot 2.....	24	95	29	37.27	Kossuth.
Lot 1.....	25	95	29	41.17	Kossuth.
se of ne.....	1	96	29	40.00	Kossuth.
nw of sw.....	13	96	29	40.00	Kossuth.
sw of ne.....	25	96	29	40.00	Kossuth.
se of nw.....	3	97	29	40.00	Kossuth.
se of se.....	17	97	29	40.00	Kossuth.
nw of sw.....	5	98	29	40.00	Kossuth.
nw of ne.....	35	98	29	40.00	Kossuth.
nw fr. of nw fr.....	1	94	30	42.44	Kossuth.
ne of sw.....	9	94	30	40.00	Kossuth.
sw of sw.....	1	95	30	40.00	Kossuth.
ne of nw.....	35	95	30	40.00	Kossuth.
sw of nw.....	25	97	30	40.00	Kossuth.
ne of ne.....	35	97	30	40.00	Kossuth.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.
se of se.....	7	N. 98	W. 30	40.00	Kossuth.
ne of sw.....	15	96	27	40.00	Kossuth.
w hf of sw.....	23	97	30	80.00	Kossuth.
ne of ne.....	11	98	27	40.00	Kossuth.
Total in Kossuth county....				1,732.46	
ne fr of ne, w fr of nw.....	3	N. 92	W. 32	138.62	Pocahontas.
sw of nw.....	13	92	32	40.00	Pocahontas.
nw of sw.....	21	93	32	40.00	Pocahontas.
w fr hf of sw.....	31	93	32	84.75	Pocahontas.
Total in Pocahontas county....				302.77	
shf of se.....	30	N. 86	W. 35	80.00	Sac.
n hf of se, se of se.....	6	86	36	120.00	Sac.
w hf of nw, shf of s w, e hf of se, sw of se.....	8	86	36	280.00	Sac.
w hf of ne.....	18	86	36	80.00	Sac.
nw of sw.....	20	87	36	40.00	Sac.
se of sw.....	22	86	37	40.00	Sac.
Total in Sac county.....				640.00	
ne of se.....	7	N. 74	W. 9	40.00	Washington.
Aggregate.....				3,249.54	

The land in township 83, range 5 east in Clinton county described in the foregoing list, is the bed of Goose lake, a small lake which was meandered by the United States Dep. Surveyor in the subdivision of said township. It was drained many years ago, principally by the county authorities, and claimed under the swamp grant. Some parties tried to enter the same as vacant government land, but the United States authorities finally decided in favor of the claim of the county; the land was listed by the Secretary of the Interior, and approved as swamp land, and list reported by him to the Governor, who, upon receipt thereof declined to request patent for the same, on the ground that at the date of the swamp land grant it was a lake, incapable of survey and subdivision, and hence did not pass under the swamp grant.

Governor Larrabee, after examining the matter, concluded that under all the circumstances it would be just as well to request patent, which he accordingly did, in a communication dated September 13, 1886.

In regard to title to lake beds, see the remarks under the head of meandered lakes in last report of this office.

SWAMP LAND INDEMNITY.

The act of Congress of March 2, 1855, provides for indemnifying the State for any swamp lands that the United States may have disposed of subsequent to the date of the grant of September 28, 1850, upon due proof being made to the Commissioner of the General Land Office that the lands were swamp lands, by paying over to the State the cash received on account of cash entries, and where the lands were located with warrants or scrip, by giving the State authority to locate a like amount on any of the public lands subject to sale at \$1.25 per acre or less. And this indemnity act was extended and continued in force by the confirmatory act of March 3, 1857. But these indemnity provisions are not applicable to lands disposed of by the government after March 3, 1857. There are now no lands in Iowa which can be taken as indemnity for those disposed of for warrants or scrip as aforesaid, and the State is not permitted to take such indemnity outside of her own limits.

Efforts have been made in the past to obtain legislation in Congress for the purpose of extending the provisions of the indemnity act, and making it also apply to all swamp lands which the United States has disposed of since March 3, 1857, and also to make some provision for the payment of the indemnity on account of swamp lands located with warrants or scrip. These measures will no doubt continue to be energetically urged before Congress by the swamp land claimants and those in their interest; but that such measures will ever be enacted by Congress, is very improbable. The feeling is wide spread and general that too much is claimed under the swamp grant.

The General Land Office, as I understand, will now only consider claims for swamp land indemnity where such claims are on account of lands that were entered with cash.

In response to my request, the Commissioner of the General Land Office has furnished a list of the swamp lands of Iowa upon which indemnity has been paid since May 24, 1885. Herewith is given a copy of said list and Commissioner's letter transmitting the same:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, WASHINGTON, D. C., June 23, 1887. }

FRANK D. JACKSON, Esq., *Secretary of State of Iowa, Des Moines Iowa:*

SIR—In accordance with your request of the 14th inst., I inclose a list of swamp lands in Iowa, on which cash indemnity has been paid since June 24, 1885.

The tracts are situated in six counties, as follows:

Clinton county.....	1,720.65 acres.
Poweshiek county.....	3,094.19 acres.
Wayne county.....	162.14 acres.
Mitchell county.....	721.71 acres.
Howard county.....	280.00 acres.
Floyd county.....	490.79 acres.
Bremer county.....	416.13 acres.
Wapello county.....	354.69 acres.

No award of land indemnity has been made since June 24, 1885, in Iowa.

Very respectfully,

S. M. STOCKSLAGER,
Asst. Commissioner.

A list of swamp lands on which the State of Iowa has been paid cash indemnity since May 24, 1885, sent to Secretary of State of Iowa, June 23, 1887.

CLINTON COUNTY—PAID AUGUST 21, 1886.

PARTS OF SECTION.	Section.				Acres.
	Section.	Town.	Range.	Acres.	
Lot on left bank river.....	11	81	E		52.90
Lot on left bank river.....	14	81	1		27.25
se of nw.....	14	81	1		40.00
Lot 4.....	1	80			34.23
sw of se.....	1	80			40.00
se of se.....	2	80			40.00
Lot 3.....	11	80			45.05
se of sw.....	7	81			40.00
ne of se.....	7	81			40.00
se of ne.....	11	81			40.00
se of ne.....	18	81			40.00
se of ne, ne of se.....	23	81			40.00
nw of nw.....	7	82			80.00
ne of se.....	14	82			40.00
sw of ne, se of nw.....	17	82			40.00
w hf of se.....	19	82			80.00
se of nw.....	20	82			80.00
sw of se.....	22	82			40.00
ne of nw.....	23	82			40.00
ne of nw.....	24	82			40.00
se of se.....	29	82			40.00
sw of se.....	30	82			160.00
ne of ne.....	31	82			40.00
nw of ne.....	33	82			40.00

CLINTON COUNTY—PAID AUGUST 21, 1886—CONTINUED.

PARTS OF SECTION.	Section.				Acres.
	Section.	Town.	Range.	Acres.	
nw of nw.....	34	82			40.00
se of ne.....	19	81	2		40.00
se of nw.....	20	82	3		40.00
nw of ne.....	30	82	3		40.00
nw of se.....	12	81	4		40.00
Lots 2 and 3.....	32	81	4		81.22
sw of se.....	4	81	5		40.00
s hf of sw.....	9	81	5		80.00
e hf of sw, se of se.....	20	83	5		120.00
					1,720.65

POWESHIEK COUNTY—PAID DECEMBER 16, 1886.

PARTS OF SECTION.	Section.				Acres.
	Section.	Town.	Range.	Acres.	
s hf of sw.....	15	79	13		80.00
s hf of sw.....	17	79	13		80.00
s hf of se.....	17	79	13		80.00
ne of ne.....	22	79	13		40.00
ne of nw.....	22	79	13		40.00
s hf of ne, se of nw.....	23	79	13		120.00
w hf of ne.....	23	79	13		80.50
ne of se.....	13	80	13		40.00
ne of sw, nw of se, se of se.....	8	79	14		120.00
se of sw.....	15	79	14		40.00
nw of se, se of se.....	18	79	14		80.00
se of ne.....	8	80	14		40.00
se of ne.....	8	80	14		40.00
nw of nw.....	14	80	14		40.00
ne of ne.....	14	80	14		40.00
nw of nw.....	15	80	14		40.00
se of se.....	30	80	14		40.00
ne of ne.....	13	81	14		40.00
se of ne.....	17	81	14		40.00
se of se.....	18	78	15		40.00
nw of nw, se of nw.....	36	78	15		80.00
s hf of ne.....	7	79	15		80.00
sw of ne.....	8	79	15		40.00
n hf of ne.....	17	79	15		80.00
sw of se.....	4	80	15		40.00
se of se.....	4	80	15		40.00
se of ne.....	12	80	15		40.00
sw of ne, se of nw.....	12	80	15		80.00
sw of nw.....	12	80	15		40.00
ne of se.....	12	80	15		40.00
nw of ne.....	36	80	15		40.00
s hf of ne.....	20	81	15		80.00
sw of se.....	22	81	15		40.00
sw of sw.....	24	81	15		40.00
se of se.....	6	78	16		40.00
e hf of ne.....	7	78	16		80.00
w hf of sw.....	7	78	16		59.07

POWESHIEK COUNTY—PAID DECEMBER 16, 1886—CONTINUED.

PARTS OF SECTION.	Section.			
	Section.	Town.	Range.	Acres.
nw of nw	8	N. 78	W. 16	40.00
ne of nw	18	78	16	40.00
s hf of se	18	78	16	80.00
nw of nw	18	78	16	29.28
ne of se	19	73	16	40.00
nw of nw	20	78	16	40.00
nw of sw	21	73	16	40.00
se of sw	21	78	16	40.00
sw of nw, nw of sw	21	78	16	40.00
se of ne	27	78	16	80.00
sw of ne	28	78	16	40.00
ne of se	28	78	16	40.00
ne of ne	28	78	16	40.00
sw of ne	35	78	16	40.00
se of ne	35	78	16	40.00
se of sw	36	78	16	40.00
se of ne	30	79	16	40.00
sw of sw	30	79	16	45.84
se of se	14	81	16	40.00
nw of sw	26	81	16	40.00
				3,094.19

WAYNE COUNTY—PAID JANUARY 19, 1887.

sw of sw	5	69	20	40.00
nw of sw	11	69	20	40.00
sw of sw	11	69	20	40.00
nw of sw	19	69	20	42.14
				162.14

MITCHELL COUNTY—PAID JANUARY 24, 1887.

sw of sw	7	N. 97	W. 15	31.10
se of se	7	97	15	40.00
sw of se	14	97	15	40.00
nw of nw	3	98	15	71.72
w hf of sw	4	98	15	70.05
se of se	7	98	15	40.00
ne of nw	17	98	15	40.00
se of nw	29	98	15	40.00
nw of nw	2	97	16	32.36
sw of sw	8	98	16	40.00
sw of nw, sw of sw	35	98	16	80.00
nw of nw	10	97	17	40.00
ne of ne	19	98	18	36.48
se of ne	24	98	18	40.00
sw of ne	27	98	18	40.00
	7	100	18	40.00
				721.71

HOWARD COUNTY—PAID FEBRUARY 7, 1887.

PARTS OF SECTION.	Section.			
	Section.	Town.	Range.	Acres.
ne of nw	13	99	11	40.00
nw of ne	13	97	12	40.00
e hf of se	6	97	14	80.00
sw of nw	12	97	14	40.00
ne of sw	17	97	14	40.00
ne of sw	9	98	14	40.00
				280.00

FLOYD COUNTY—PAID FEBRUARY 19, 1887.

n hf of ne	4	N. 94	W. 15	74.92
sw of sw	4	94	15	40.00
w hf of sw	17	94	16	80.00
w hf of ne	8	95	16	80.00
se of sw	22	97	16	40.00
nw of ne	26	97	16	40.00
w hf of sw, se of sw, sw of se	18	95	18	135.57
				490.79

BREMER COUNTY—PAID MAY 13, 1887.

nw of sw	18	N. 92	W. 11	31.81
w hf of nw	19	92	11	64.32
sw of nw	29	93	11	40.00
se of sw	29	93	11	40.00
se of sw	2	98	12	40.00
nw of sw	11	98	12	40.00
se of sw	11	98	12	40.00
nw of se	28	98	12	40.00
nw of sw	9	92	13	40.00
ne of ne	29	93	13	40.00
				416.13

WAPELLO COUNTY—PAID MAY 21, 1887.

nw of ne	4	N. 73	W. 13	34.69
nw of sw	4	73	13	40.00
sw of sw	5	73	13	40.00
s hf of se	21	73	13	80.00
sw of sw, sw of se	25	73	13	80.00
ne of nw	27	73	13	40.00
sw of ne	36	73	13	40.00
				354.69
Aggregate				7,240.30

Prior lists of swamp lands upon which the United States has awarded indemnity, under the acts of Congress of March 2, 1855, and March 3, 1857, are published in reports of the State Land Department for the years 1873, 1877 and 1885.

A list is herewith given of lands claimed as swamp and overflowed in certain counties therein named, upon which the claim for indemnity under acts of March 2, 1855 and March 3, 1857, is either rejected by the United States Land Department or held for rejection. This list was copied from notices received from the Commissioner of the General Land Office. The quantities were not carried out, and I have not attempted to supply them. I believe these claims were chiefly, if not entirely, for cash indemnity.

The claims were rejected for the reason, as stated in the Commissioner's notices, that the evidence and proofs showed that the tracts on account of which the indemnity was claimed were not swamp or overflowed, as contemplated by the act of Congress of Sept. 28, 1850.

These selections and claims for indemnity were not made by the State of Iowa, nor under her authority, but principally, as I understand, by agents of the counties, who had bargained with such counties to procure the indemnity they were entitled to, for a certain per cent thereof.

CEDAR COUNTY.

PARTS OF SECTION.

	Section.	Town.	Range.
nw of ne	2	81	1
ehf of nw	17	82	1
ne of ne, nw of nw	19	82	1
nw of sw	29	82	1
ne of se, sw of sw	30	82	1
sw of ne	34	82	1
ne of nw	8	81	2
se of ne	19	81	2
sw of nw, se of se	7	82	2
se of sw	8	82	2
sw of se	17	82	2
shf of ne, sw of nw	19	82	2
sw of sw	20	82	2
se of se	23	82	2
se of se	23	82	2
whf of se, se of se	24	82	2
ne of ne, shf of ne	25	82	2
ehf of se	25	82	2

CEDAR COUNTY—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.
ne of ne, whf of ne	26	82	2
nw of ne	33	82	2
ne of ne	34	82	2
sw of se	2	82	2
sw of se	11	82	2
sw of ne, se of nw	13	82	2
ne of se	24	82	2
sw of sw	33	82	2
ne of ne	36	82	2

CLINTON COUNTY.

	Section.	Town.	Range.
Lot 1	2	81	1
Lot 3	13	81	1
sw of ne, shf of nw and nw of sw	15	81	1
se of sw	17	81	1
Lot west of river	23	81	1
whf of ne	24	81	1
whf of ne	1	80	2
sw of ne, se of nw	8	80	2
Lot 1	6	80	2
Lot 1	8	80	2
whf of nw, n hf of sw, sw of sw	10	80	2
n hf of se, sw of se	10	80	2
n hf of nw, sw of nw, lot 4	11	80	2
nw of sw	1	81	2
n hf of ne, se of ne, se of sw, ne of se, sw of se	2	81	2
se of se	3	81	2
nw of sw, se of se	7	81	2
se of sw, nw of se	10	81	2
se of ne	11	81	2
shf of ne	14	81	2
nw of ne	18	81	2
sw of sw, nw of se	23	81	2
se of sw, sw of se	24	81	2
n hf of se	28	81	2
nw of sw	30	81	2
ehf of nw	31	81	2
ne of ne, se of sw, se of se	14	82	2
whf of sw	14	82	2
se of se	17	82	2
se of ne	18	82	2
se of ne	19	82	2
shf of nw	20	82	2
whf of nw, sw of sw	21	82	2
ne of se	22	82	2
nw of ne, nw of nw, sw of sw	23	82	2
se of sw, n hf of sw, sw of sw, sw of se	24	82	2
ne of ne, shf of sw, ne of se	31	82	2
sw of ne	33	82	2
se of ne	34	82	2
ne of se	6	81	3

CLINTON COUNTY.

PARTS OF SECTION.	Section.	Town.	Range.
nw of sw	2	81	W.
sw of se	17	81	3
s hf of ne, se of nw	20	81	3
sw of se	25	81	3
nw of nw	30	81	3
nw of sw	33	81	3
ne of ne	36	81	3
ne of sw	15	82	3
sw of sw	17	82	3
se of sw, se of se	18	82	3
ne of nw, sw of se	19	82	3
nw of nw	20	82	3
ne of nw	22	82	3
nw of ne	22	82	3
w hf of nw, se of nw, w hf of se	22	82	3
sw of nw	4	81	4
se of nw, ne of sw	12	81	4
ne of se	19	81	4
se of sw	33	82	4
sw of se	33	82	4
se of se	9	80	5
nw of ne	4	81	5
n hf of sw	9	81	5
se of sw	17	81	5
se of ne	18	81	5
nw of nw	20	81	5
ne of ne	22	81	5
se of sw	22	81	5
sw of sw	30	81	5
nw of ne, s hf se, nw of nw	35	82	5
n hf of se	20	83	6
sw of sw, ne of se	21	83	6
Lots 2 and 3.	28	83	6
Lot 4.	29	83	6

DAVIS COUNTY.

PARTS OF SECTION.	Section.	Town.	Range.
sw of ne	14	68	12
sw of sw, se of sw, sw of se	19	68	12
s hf of sw	20	68	12
se of sw	6	69	12
ne of ne	1	68	13
w hf of sw	6	68	13
se of sw	1	68	14
sw of ne	2	68	14
se of nw	31	69	14
se of se	1	67	15
se of nw	2	67	15
se of se	18	67	15
sw of se	2	68	15
se of nw	10	68	15
se of nw	29	68	15

FLOYD COUNTY.

PARTS OF SECTION.	Section.	Town.	Range.
nw of sw	8	94	15
n hf of sw, ne of se	4	94	15
nw of ne, sw qr, n hf of se, se of se	5	94	15
nw qr	8	94	15
sw of nw, n hf of se, se of se	10	94	15
e hf of sw	11	94	15
w hf ne, e hf of sw, se qr	15	94	15
w hf of nw	19	94	15
ne qr, e hf of nw, se of sw, s hf of se	22	94	15
w hf	22	94	15
nw of ne, se of ne, nw of nw	26	94	15
n hf ne, ne of nw, s hf of sw, sw of se	27	94	15
ne qr	28	94	15
nw of sw	28	97	15
sw of se	13	94	16
sw of nw	14	94	16
se of ne	15	94	16
nw of se	20	94	16
e hf of ne	4	95	16
se of ne, e hf of nw, ne of se, w hf of se	8	95	16
se of sw	9	95	16
se qr	14	95	16
n hf of ne	15	95	16
ne qr, w hf of se	17	95	16
ne of ne	21	95	16
nw qr	22	95	16
ne qr, ne of sw	22	95	16
nw of se	22	95	16
w hf of nw, sw of sw	33	95	16
w hf of ne, e hf of nw	36	95	16
ne of ne	38	95	16
n hf of se	22	97	16
ne of sw, ne of se, w hf of se	26	97	16
e hf of ne, e hf of se	4	94	17
nw of sw	5	94	17
e hf of nw, ne of se	20	94	17
ne of ne	2	95	17
n hf of ne	6	95	17
ne of se	6	95	17
n hf of nw	16	95	17
nw of ne, ne of nw	19	95	17
w hf of nw, se of nw	20	95	17
sw of se	27	95	17
s hf of se	28	95	17
n hf of nw	2	96	17
ne of ne	5	96	17
s hf of ne	6	96	17
n hf of ne, nw qr, nw of sw	21	96	17
ne of sw, w hf of sw	17	96	17
sw of se	27	96	17
w hf of nw	28	96	17
nw of sw	29	96	17
ne of ne	30	96	17
ne of ne, sw of ne, ne of nw, nw of sw, s hf of se	32	96	17
w hf of sw, s hf of se	33	96	17
ne of sw	34	96	17

FLOYD COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.
nw of nw	36	96	17
sw of sw	28	97	17
e hf of se	30	97	17
nw of nw	19	97	17
sw of se	5	96	18
se of nw, nw of se	8	96	18
sw of se, nw of sw	9	96	18
sw of nw	19	96	18
ne of ne	30	97	18

BREMER COUNTY.

PARTS OF SECTIONS.	Section.	Town.	Range.
se of se	3	91	11
nw of ne	7	91	11
w hf of ne	10	91	11
nw of se	15	91	11
w hf of se	18	91	11
ne of se	22	91	11
e hf of ne	2	92	11
s hf of ne	3	92	11
sw of ne	5	92	11
sw of nw	7	92	11
s hf	23	92	11
n hf of sw, e hf of se, nw of se	24	92	11
sw of sw	28	92	11
w hf of sw	31	92	11
s hf of ne, e hf of se	32	92	11
ne qr, sw qr	35	92	11
ne of ne, nw of ne	36	92	11
n hf of ne, nw of sw, se of sw	2	93	11
ne of ne	5	93	11
nw of nw	7	93	11
sw of nw	8	93	11
sw of nw, nw of sw	10	93	11
e hf of ne, nw of ne, se of se	15	93	11
sw of nw	19	93	11
se of sw	20	93	11
s hf	22	93	11
nw of nw, se of nw, sw of sw, s hf of se	24	93	11
n hf of nw, n hf of sw	29	93	11
n hf, se of sw	30	93	11
nw qr	32	93	11
sw qr	33	93	11
sw of se	1	91	12
n hf of ne, e hf of se	9	91	12
nw of se	10	91	12
nw of nw, w hf of sw	12	91	12
n hf of nw, sw of sw	13	91	12
nw of se	15	91	12
ne of ne, s hf of sw, ne of se	17	91	12
nw of ne	20	91	12
n hf of ne, se of nw, se of sw, sw of se	21	91	12

BREMER COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.
sw of ne	25	91	12
nw of sw	28	91	12
ne of ne, n hf of sw, ne of se, s hf of se	29	91	12
e hf of se	31	91	12
w hf of sw	32	91	12
nw of nw	33	91	12
e hf of nw	34	91	12
sw of se	35	91	12
ne of nw, n hf of se	9	92	12
w hf of ne	10	92	12
sw qr	10	92	12
s hf of sw	14	92	12
nw of ne	15	92	12
sw of sw, se qr	22	92	12
ne of ne	23	92	12
nw of ne	24	92	12
n hf of ne	26	92	12
s hf of nw	4	93	12
ne of sw, s hf of sw	5	93	12
w hf of se, se of se	8	93	12
e hf of ne, sw of ne, s hf of sw, e hf of se	9	93	12
se of ne, e hf of se, nw of se	11	93	12
ne of sw, sw of se	13	93	12
w hf of sw	14	93	12
nw of ne, se of ne, ne of se	17	93	12
e hf of ne	21	93	12
se of ne	22	93	12
e hf of sw	27	93	12
w hf of ne, ne of nw	28	93	12
nw of sw, sw of se	29	93	12
se of ne, sw of se	30	93	12
nw of nw	32	93	12
n hf of ne, e hf of nw, n hf of sw, se of sw, ne of se	33	93	12
e hf of ne, se of nw, n hf of sw	34	93	12
s hf of sw	2	92	13
ne of sw	3	92	13
ne of nw	8	92	13
nw of nw, nw of sw, nw of se	9	92	13
w hf of sw, sw of sw	13	92	13
ne qr	14	92	13
e hf of ne	17	92	13
nw of ne, nw of se	21	92	13
e hf, ne of sw	24	92	13
ne qr, nw of se	25	92	13
se of nw, se of sw	27	92	13
w hf of nw, nw of sw	28	92	13
s hf of nw	29	92	13
e hf of ne	30	92	13
se of se	31	92	13
ne of sw	32	92	13
e hf of nw, e hf of sw	34	92	13
nw of ne, se of ne	35	92	13
w hf of ne, ne of se	36	92	13
sw of ne, nw of nw, se of nw, e hf of se	1	93	13
n hf of ne, se of nw, ne of sw, nw of se	2	93	13

BREMER COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.
n hf.	3	N. 93	W. 13
nw of ne, s hf of nw.	4	93	13
n hf of ne.	5	93	13
n hf of sw.	7	93	13
s hf of sw.	11	93	13
e hf of ne.	12	93	13
nw qr.	13	93	13
nw qr.	15	93	13
se of nw.	17	93	13
sw qr, e hf of se.	19	93	13
s hf of ne, w hf of nw, se of nw, sw qr.	20	93	13
w hf of ne, e hf of nw, ne of sw, w hf of sw, n hf of se	21	93	13
e hf of ne, e hf of se.	22	93	13
ne of nw.	24	93	13
ne of ne.	27	93	13
w hf of ne, se of ne.	29	93	13
e hf of nw.	31	93	13
w hf of sw.	33	93	13
se qr.	36	93	13

MITCHELL COUNTY.

nw of ne, n hf of nw, w hf of se.	4	N. 97	W. 15
ne of se.	5	97	15
se of sw.	7	97	15
se of se.	9	97	15
w hf of se.	11	97	15
se of nw, sw qr, se of se.	14	97	15
s hf of sw.	15	97	15
sw of sw.	18	97	15
ne of nw.	3	98	15
ne of ne.	4	98	15
nw of ne.	7	98	15
n hf of sw, sw of sw, n hf of se.	9	98	15
nw qr.	14	98	15
sw of ne, sw of sw.	16	98	15
ne of se.	17	98	15
se of nw.	18	98	15
e hf of ne, nw of ne, n hf of nw, n hf of se.	20	98	15
nw qr.	23	98	15
nw of nw, se of nw, sw qr, s hf of se.	28	98	15
sw of sw.	29	98	15
se of nw, ne of sw.	2	97	16
n hf of ne, sw of ne, se of nw.	3	97	16
nw of ne.	10	97	16
ne of ne.	11	97	16
e hf of nw, w hf of se.	12	97	16
nw of nw, s hf of nw, ne of sw.	14	97	16
ne of ne, sw of nw, w hf of sw.	15	97	16
n hf of sw, w hf of se, se of se.	17	97	16
nw of sw, se of sw.	8	98	16
n hf of sw, se of sw.	9	98	16
s hf of nw.	15	98	16
se of se.	19	98	16

MITCHELL COUNTY—CONTINUE.

PARTS OF SECTIONS.	Section.	Town.	Range.
s hf of sw.	20	N. 98	W. 16
nw qr, w hf of se, se of se.	21	98	16
e hf of ne, ne of nw.	23	98	16
nw of ne, e hf of nw, s hf.	26	98	16
n hf, n hf of se, se of se.	27	98	16
se qr, n hf of se, se of se.	34	98	16
w hf of ne, n hf of nw, se of nw, n hf sw.	35	98	16
e hf of ne.	4	97	17
ne of se, s hf of se.	5	97	17
n hf of sw, nw of se.	7	97	17
ne of ne, ne of se.	8	97	17
se qr.	9	97	17
e hf of ne.	24	98	17
se of ne, n hf of nw.	1	97	18
ne of nw, n hf of se.	8	98	18
ne of se.	12	98	18
se of se.	13	98	18
se of sw.	16	98	18
w hf of sw.	19	98	18
ne of sw.	22	98	18
nw of ne, se of nw, ne of sw, se of se.	23	98	18
n hf of nw, sw of nw.	27	98	18
w hf of nw.	30	98	18
sw of ne.	33	98	18
e hf of ne, w hf of nw, sw of sw.	7	100	18
nw of se, se of se.	17	100	18
n hf of ne, sw qr.	18	100	18

MONROE COUNTY.

se of se.	11	N. 72	W. 16
ne of se.	21	72	16
se of nw, sw of nw, sw of ne.	8	71	17
nw of ne, se of sw, sw of se.	21	71	17
sw of sw.	28	71	17
ne of nw, nw of sw.	31	71	17
ne of se.	8	72	17
ne of ne.	12	72	17
nw of sw.	20	72	17
se of sw.	24	72	17
se of sw, ne of se.	30	72	17
ne of sw.	6	73	17
sw of ne.	7	73	17
sw of ne.	17	73	17
nw of ne, sw of ne.	2	71	18
sw of nw.	4	71	18
e hf of sw.	12	71	18
nw of ne, ne of nw.	18	71	18
ne of sw.	21	71	18
sw of nw, nw of sw.	22	71	18
se of ne.	27	72	18
e hf of ne.	28	72	18

MONROE COUNTY—CONTINUED.

PARTS OF SECTIONS.

	Section.	Town.	Range.
s hf of sw.	33	72	18
ne of sw, ne of se.	34	72	18
sw of nw.	20	73	18
se of se.	34	73	18
n hf of sw, sw of sw.	35	73	18
se of sw.	1	71	19
se of se.	4	71	19
se of sw.	5	71	19
n hf of nw, se of sw.	11	71	19
nw of se.	23	71	19
ne of sw.	24	71	19
e hf of sw.	27	71	19
se of ne, ne of se.	29	71	19
sw of ne.	2	72	19
se of se.	4	72	19
ne of ne, sw of ne.	9	72	19
s hf of se, n hf of sw, se of sw.	11	72	19
ne of se.	12	72	19
nw of sw.	19	72	19
nw of nw.	36	72	19
s hf of ne.	6	73	19
nw of sw.	6	73	19
w hf of se.	12	73	19
n hf of sw.	17	73	19
w hf of ne, nw of se.	20	73	19
ne of ne, w hf of ne.	36	73	19

POWESHIEK COUNTY.

	N.	W.
nw of sw, n hf of se.	1	79
ne of se, lot 10.	2	79
Lots 5 and 6.	3	79
ne of sw.	4	79
Lots 6 and 7.	5	79
nw of ne, ne of sw.	19	78
sw of nw, n hf of sw, se of sw.	20	78
se of ne, s hf of nw.	27	78
se of se.	28	78
sw of nw, s hf of sw.	33	78
se of se.	34	78
sw of sw.	8	79
se of ne.	15	79
nw of sw, e hf of se.	17	79
nw of ne.	18	79
ne of ne.	19	79
n hf of ne, ne of nw.	21	79
s hf of ne, nw gr, n hf of se.	23	79
se of ne.	24	79
sw of sw.	31	79
s hf of sw.	4	80

POWESHIEK COUNTY—CONTINUED.

PARTS OF SECTIONS.

	Section.	Town.	Range.
se of ne, ne of se.	5	80	13
sw of se.	7	80	13
w hf of ne.	9	80	13
e hf of sw, w hf of se, se of se.	10	80	13
s hf of se.	13	80	13
w hf of sw.	14	80	13
w hf of ne.	15	80	13
n hf of ne.	17	80	13
ne of ne, se of sw.	18	80	13
nw of ne.	20	80	13
w hf of ne.	21	80	13
n hf of ne, se of ne, nw of nw.	22	80	13
se of ne, s hf of nw.	23	80	13
sw of nw, nw of sw.	1	81	13
sw of nw, se of se.	2	81	13
n hf of se, se of se.	8	81	13
w hf of nw, ne of sw, sw of sw.	6	81	13
se of nw, n hf of sw, sw of sw, ne of se.	7	81	13
w hf of se, se of se, nw of sw.	8	81	13
s hf of sw.	9	81	13
ne of nw.	10	81	13
s hf of sw.	20	78	14
nw of ne, se of ne.	29	78	14
ne of se.	34	78	14
ne of nw, nw of sw.	35	78	14
se of ne, n hf of sw.	36	78	14
s hf of ne, se of nw.	20	79	14
n hf.	21	79	14
n hf of nw.	22	79	14
n hf of ne, ne of nw.	23	79	14
s hf of ne.	7	80	14
sw of nw, n hf of sw, n hf of se, se of se.	9	80	14
nw of ne, ne of se, sw of sw.	10	80	14
sw of sw.	11	80	14
s hf of sw.	12	80	14
ne of ne.	13	80	14
e hf of nw.	15	80	14
se of se.	21	80	14
sw of sw, nw of se.	22	80	14
n hf of nw, sw of nw.	24	80	14
nw of ne, ne of nw.	28	80	14
sw of sw.	29	80	14
n hf of ne, n hf of nw, sw of nw.	1	81	14
s hf of ne, n hf of nw.	2	81	14
w hf of ne, se of nw.	13	81	14
ne gr, s hf of nw, n hf of sw, nw of se.	14	81	14
s hf of ne, w hf of nw, se of nw.	15	81	14
ne of se, w hf of se.	17	81	14
s hf of sw, s hf of se.	18	81	14
s hf of sw.	7	78	15
sw of sw.	11	78	15
e hf of se.	15	78	15
e hf of sw.	18	78	15
sw of sw.	23	78	15
ne of ne, sw of ne.	26	78	15
e hf of nw.	30	78	15

POWESHIEK COUNTY—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.
sw of sw.....	32	N. 7	15
s hf of sw.....	2	80	15
se of sw.....	3	80	15
ne of sw.....	4	80	15
s hf of ne, n hf of nw, se of nw, ne of se.....	5	80	15
s hf of ne.....	11	80	15
nw of ne, n hf of nw.....	19	80	15
sw of nw.....	20	80	15
s hf of sw.....	21	80	15
se of se.....	22	80	15
sw of ne, ne of se.....	27	80	15
sw of se.....	18	81	15
n hf of ne.....	19	81	15
nw of sw, s hf of se.....	21	81	15
s hf of sw.....	22	81	15
se of ne, ne of se.....	23	81	15
n hf of ne, n hf of nw.....	24	81	15
n hf of sw, w hf of se, se of se.....	31	81	15
Lot 7.....	3	78	16
Lots 6, 7, 11, and e hf of sw.....	4	78	16
sw of sw.....	5	78	16
Lots 8, 6, 7, 9 and 10.....	6	78	16
se of sw, ne of se.....	7	78	16
sw of nw, w hf of sw, se of sw.....	8	78	16
nw of ne.....	9	78	16
w hf of sw.....	10	78	16
se of ne, sw of nw.....	12	78	16
ne of sw, sw of se.....	15	78	16
ne of nw, sw of nw.....	17	78	16
n hf of se, ne of sw, sw of nw.....	18	78	16
s hf of ne, ne of nw, se of sw.....	19	78	16
se of ne, ne of se.....	22	78	16
e hf of ne, se of nw, ne of sw, nw of sw.....	27	78	16
ne of ne, ne of nw, sw of nw.....	28	78	16
ne of nw.....	35	78	16
nw of sw.....	36	78	16
s hf of nw, se of se.....	1	79	16
nw of nw, nw of sw.....	15	79	16
w hf of se, se of se.....	22	79	16
sw of sw.....	26	79	16
nw of ne.....	27	79	16
sw of ne, sw of nw, n hf of sw, se of sw.....	30	79	16
e hf of nw.....	31	79	16
ne of ne.....	34	79	16
sw of nw, w hf of sw.....	35	79	16
n hf of sw.....	13	80	16
sw of nw.....	8	81	16
sw of se.....	13	81	16
nw of nw, nw of se.....	14	81	16
se of sw, s hf of se.....	21	81	16
ne of sw, sw of se.....	26	81	16
ne of ne.....	29	81	16

SCOTT COUNTY.

PARTS OF SECTIONS.	Section.	Town.	Range.
ne of nw.....	1	79	1
sw of ne.....	6	80	1
sw of ne, ne of sw.....	13	80	1
ne of se.....	6	79	2
se of sw.....	8	79	2
nw of ne.....	17	79	2
Lot 6.....	6	80	2
Lot 3.....	12	80	2
n hf of sw, n hf of se.....	18	80	2
nw of nw.....	22	80	2
nw of nw.....	23	80	2
sw of sw.....	26	80	2
nw of ne, e hf of sw.....	29	80	2
se of sw.....	2	79	3
ne of se.....	31	79	3
sw of se.....	5	80	3
Lot 11.....	9	80	3
sw of sw.....	18	80	3
nw of nw.....	19	80	3
ne of ne.....	27	80	3
nw of nw.....	33	81	4
Lot south of river.....	4		

WAPELLO COUNTY.

ne of se.....	3	72	12
sw of ne, nw of se.....	4	72	12
sw of nw.....	9	72	12
e hf of se.....	3	73	12
w hf of ne.....	4	73	12
se of nw.....	5	73	12
se of ne.....	6	73	12
nw of sw, se of sw.....	20	73	12
ne of ne, nw of se.....	31	73	12
ne of ne.....	30	71	13
sw of nw.....	3	73	13
w hf of sw.....	3	73	13
s hf of se.....	4	73	13
nw of ne, n hf of nw, sw of nw, nw of sw.....	5	73	13
n hf of ne.....	6	73	13
ne of se.....	9	73	13
ne of sw, nw of se.....	10	73	13
n hf.....	13	73	13
e hf of se.....	14	73	13
se of ne.....	15	73	13
w hf of ne, se of ne, sw of se.....	18	73	13
se of nw.....	20	73	13
sw of sw.....	26	73	13
se of nw.....	27	73	13
nw of nw.....	31	71	14
nw of sw, e hf of se.....	22	71	14
ne of ne.....	3	71	15
se of se.....	14	71	15
nw of sw.....	26	71	15
ne of ne.....	6	72	15

WAPELLO COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.
ne of se.	28	72	15
nw of ne.	29	72	15
ne of ne.	30	72	15
nw of sw.	34	72	15

HOWARD COUNTY.

PARTS OF SECTIONS.	Section.	Town.	Range.
nw of nw.	4	98	11
sw of nw.	13	98	11
s hf of se.	18	98	11
ne of se.	21	98	11
se of nw, e hf of se, nw of se.	30	98	11
sw of sw.	33	98	11
ne of se.	3	97	12
ne of ne.	13	97	12
ne of ne, nw of se.	8	97	14
se of nw, ne of sw.	12	97	14
nw of nw.	15	97	14
ne of sw.	17	97	14
sw of sw.	21	98	14
e hf of se.	29	98	14
ne of nw.	12	100	14

WAYNE COUNTY.

PARTS OF SECTIONS.	Section.	Town.	Range.
w hf of nw.	1	67	20
e hf of ne, ne of se.	2	67	20
e hf nw, nw of nw, e hf of se.	12	67	20
e hf of sw.	13	67	20
nw of nw, se of nw, w hf of se.	15	67	20
w hf of ne.	17	67	20
w hf of ne.	20	67	20
w hf of se.	22	67	20
se of ne.	1	68	20
n hf of nw.	2	68	20
n hf of ne, se of ne, nw of se.	3	68	20
sw of nw.	5	68	20
w hf of ne, e hf of nw, w hf of se.	9	68	20
s hf of ne, e hf of sw, e hf of se.	10	68	20
w hf of sw.	11	68	20
n hf of sw.	13	68	20
e hf of se.	14	68	20
w hf of ne, ne of nw, se of sw.	15	68	20
sw of sw, s hf of se.	17	68	20
e hf of nw, e hf of sw.	18	68	20
sw of ne, nw of nw.	19	68	20
se of nw.	21	68	20
nw of ne.	22	68	20
n hf of sw, s hf of se.	23	68	20
sw of ne, se of se.	26	68	20
se of sw, s hf of se.	35	68	20
nw of sw.	4	69	20
nw of sw.	5	69	20

WAYNE COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.
s hf of nw, s hf of sw.	6	69	20
nw of ne.	8	69	20
sw of nw, w hf of se.	9	69	20
se of ne.	10	69	20
s hf of nw.	11	69	20
sw of sw.	19	69	20
e hf of ne.	2	70	20
s hf of ne.	7	70	20
w hf of sw, se of sw.	18	70	20
s hf of nw, ne of sw, w hf of sw.	19	70	20
sw of ne, se of nw, ne of sw, w hf of sw.	2	67	21
w hf of ne, se of ne, ne of nw.	3	67	21
ne of ne.	10	67	21
nw of nw, e hf of nw, sw of sw.	12	67	21
se of ne, e hf of se.	14	67	21
se of sw.	23	67	21
ne of nw.	5	68	21
ne of sw.	7	68	21
s hf of ne, w hf of nw, w hf of sw, e hf of se.	8	68	21
s hf of nw, ne of sw, nw of se, se of se.	10	68	21
sw of sw.	15	68	21
sw of nw, nw of se.	17	68	21
nw of nw.	18	68	21
w hf of ne, ne of nw.	19	68	21
s hf of ne.	24	68	21
n hf of ne, se of ne, se of nw, ne of sw.	25	68	21
sw of ne, e hf of nw.	26	68	21
sw of ne.	27	68	21
se of nw.	31	68	21
n hf of ne, sw of ne, sw of se.	34	68	21
nw of sw.	3	69	21
sw of ne, s hf of nw, n hf of sw, n hf of se.	6	69	21
se of ne.	12	69	21
n hf of ne.	15	69	21
sw of ne, ne of sw.	25	69	21
se of se.	26	69	21
w hf of ne.	35	69	21
se of nw, se of sw, sw of se.	9	70	21
ne of sw.	10	70	21
se of ne, e hf of se.	11	70	21
e hf of nw, sw of nw, ne of sw, w hf of se.	12	70	21
se of nw.	13	70	21
e hf of nw.	15	70	21
s hf of ne.	19	70	21
sw of ne, nw of se, ne of sw.	19	70	21
se of sw.	23	70	21
ne of ne.	24	70	21
ne of sw, sw of sw.	24	70	21
se of sw, s hf of se.	29	70	21
ne of ne.	32	70	21
nw of ne.	3	67	22
se of ne.	6	67	22
sw of sw.	9	67	22
nw of ne.	12	67	22
w hf of se.	13	67	22

WAYNE COUNTY—CONTINUED.

PARTS OF SECTION.	Section.	Town.		Range.
		N.	W.	
se of sw	14	67	22	32
n hf of nw, se of nw, ne of sw	18	67	22	32
nw of ne	23	67	22	32
nw of ne, s hf of sw	24	67	22	32
sw of se	1	68	22	32
s hf of sw	2	68	22	32
e hf of ne, sw of ne, e hf of sw, nw of sw	3	68	22	32
w hf of nw, se of nw	7	68	22	32
sw of ne, n hf of se	10	68	22	32
s hf of ne, n hf of nw, se of nw	15	68	22	32
s hf of nw	18	68	22	32
e hf of se	19	68	22	32
nw of sw	20	68	22	32
sw of sw	21	68	22	32
e hf of ne	29	68	22	32
ne of ne	3	69	22	32
e hf of nw	4	69	22	32
ne of ne	5	69	22	32
s hf of nw, w hf of sw	6	69	22	32
se of sw	14	69	22	32
sw of ne	17	69	22	32
e hf of sw	19	69	22	32
s hf of ne, s hf of nw	26	69	22	32
ne of ne	28	69	22	32
ne qr, ne of nw, w hf of nw	30	69	22	32
sw of ne, se of nw	35	69	22	32
nw of sw	36	69	22	32
s hf of sw, nw of sw	7	70	22	32
e hf of sw	9	70	22	32
se qr	19	70	22	32
ne of se, w hf of se	20	70	22	32
s hf of sw, w hf of se	21	70	22	32
se of sw, s hf of se	22	70	22	32
e hf of se, sw of se	23	70	22	32
nw of ne, n hf of nw	25	70	22	32
n hf of ne, ne of nw, w hf of nw	26	70	22	32
s hf of ne, se qr	27	70	22	32
ne of nw	28	70	22	32
sw of sw	31	70	22	32
se of se	32	70	22	32
sw of sw, n hf of se	33	70	22	32
n hf of se	34	70	22	32
ne of sw, sw of se	35	70	22	32
se of se	36	70	22	32
e hf of sw	6	67	23	33
w hf of se	33	68	23	33
s hf of ne, nw of sw, ne of se	1	69	23	33
se of nw	2	69	23	33
w hf of sw, se of sw, n hf of se, sw of se	9	69	23	33
e hf of ne	10	69	23	33
s hf of nw, ne of sw	12	69	23	33
e hf of se, sw of se	15	69	23	33
sw of ne, nw of nw	22	69	23	33
ne of sw	24	69	23	33
e hf of nw, sw of nw, nw of sw	25	69	23	33
n hf of sw	26	69	23	33

WAYNE COUNTY—CONTINUED.

PARTS OF SECTION.	Section.	Town.		Range.
		N.	W.	
sw of ne, e hf of se, nw of se	17	69	23	33
se of ne	23	69	23	33
ne of sw, s hf of sw	33	69	23	33
e hf of ne, e hf of se, sw of se	36	69	23	33
s hf of ne, se qr	3	70	23	33
w hf of sw, se of sw	9	70	23	33
s hf	10	70	23	33
nw of ne, se of nw, s hf	11	70	23	33
sw of ne, se of nw, sw of se	14	70	23	33
sw of ne	15	70	23	33
nw of nw	19	70	23	33
se qr	20	70	23	33
w hf	21	70	23	33
nw of nw, se of nw, w hf of sw, se of sw	22	70	23	33
ne of ne, sw of ne	23	70	23	33
s hf of ne, nw of nw, ne of se	24	70	23	33
nw of nw, ne of sw	27	70	23	33
w hf, sw of se	28	70	23	33
ne of ne, ne of sw	29	70	23	33
n hf, sw of se	33	70	23	33
w hf of nw	34	70	23	33

SWAMP TITLE VS. INDIAN TITLE.

It appears that in 1835 the general government set apart for the use of the Sioux Indians a large tract of land in the northern portion of Iowa, the boundaries of which I am unable accurately to define. The Indian title to this reservation, as it appears, was not extinguished until in the year 1853. The Land Department of the general government has raised the question as to whether lands within the limits of said reservation passed under the swamp grant of September 28, 1850. As there is a difference of opinion in regard to this question, and as it is now before the Secretary of the Interior on appeal, I merely present the facts relative thereto as I have them, without comment.

In November, 1886, the Governor received the following notice from the local government land office in Des Moines:

UNITED STATES LAND OFFICE, }
Des Moines, Iowa, Nov. 4, 1886. }

To his Excellency, the Governor of Iowa:

SIR—You are notified that the register and receiver at this office have this day heard and decided the contest of Knudt Johnson vs. Swamp claim, involving the se qr of se qr of section 25, township 99, range 23 w of the 5th p. m. Iowa, finding that the same is shown by the testimony to be swamp land. But said land does not in their opinion inure to the State of Iowa under the act of September 28, 1850, because the Indian title to said land was not extinguished at the date of the passage of said act.

You have thirty days in which to appeal from this decision.

Very respectfully,

M. D. McHENRY, Receiver.

The claimants under the swamp grant appealed from the decision of the Register and Receiver to the Commissioner of the General Land office. The Commissioner has sustained the decision of the local office as appears by the following communication received at said office:

DEPARTMENT OF THE INTERIOR, }
GENERAL LAND OFFICE, }
WASHINGTON, D. C., July 15, 1887. }

Register and Receiver, Des Moines, Iowa:

GENTLEMEN—In the case instituted in June, 1886, on the application of Kundt Johnson and Messrs. Callanan and Savery to prove the swampy character of the se qr of se qr of section 25, township 99, north of range 23, west, in Winnegabo county, proceedings reported to this office by the Register at Des Moines, Iowa, January 5, 1887, it has been ascertained that the Indian title to said tract had not been extinguished at the date of the swamp land grant.

The treaties by which such title was extinguished were made July 23 and August 5, 1851, and were proclaimed by the President of the United States February 24, 1853—see 10 Stats., pages 949 and 954—hence the land did not pass to the State of Iowa under the act of Congress, approved September 28, 1850, granting swamp lands to the States. Therefore the claim of the State of Iowa and its assignees under the swamp land grant to said tract is this day held for rejection.

Notify the State and county authorities, as well as the claimants under the swamp grant, of this action, and allow sixty (60) days for appeal, and at the expiration of that time make full report to this office, with proof of the service of notice.

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

The swamp land claimants have appealed the case to the Secretary of the Interior.

THE AGRICULTURAL COLLEGE LANDS.

I have given herewith a statement of the Agricultural College lands patented during the last two years, with name of patentee and date of patent in each case; also a separate statement of the several counties in which such lands lie, with the quantity in each county.

I have recently had some correspondence with parties who desired to know how and by what authority the Agricultural College lands, known as the "Cusey purchase," were acquired by the State. In regard thereto I will briefly say, that there was in the treasury of the Agricultural College, a large amount of money, which was the accumulation of interest arising from leasing the lands the State received under the Congressional grant. With this money the Board of Trustees of the College purchased Agricultural College scrip of other States. James C. Cusey was authorized by said Trustees to locate said scrip. He located the same upon lands in the Sioux City land district, in his own name, and patents for the lands were issued to him, and he conveyed the whole of them by deed to the State of Iowa.

The quantity of lands embraced in the "Cusey purchase," is 15,023.18 acres, situated in the counties of Buena Vista, Dickinson, Cherokee, Plymouth and Lyon.

The authority for such use of the College funds, as stated, came from the Board of Trustees of said College, and while there was, perhaps, no law at the time authorizing such an investment of this money, yet it was universally regarded as a safe and profitable investment, and no exceptions have ever been taken to it, but on the contrary, it has apparently been recognized and sanctioned by chapter 72 of the acts of the Twentieth General Assembly; for the fifth and sixth sections of said act provide for the leasing, selling and patenting of said lands, just as any other of the College lands.

A complete list of these College lands purchased by James C. Cusey, as aforesaid, is published on page 198 of State Land Office report, published November 1, 1871.

A list of the Agricultural College lands approved and certified to the State under act of Congress of July 2, 1862, is published on pages

367 to 377 of report of State Land Office, published under date of July 10, 1869.

There were 25,354.67 acres of the Agricultural College lands patented during the last biennial period, of which all but 790.00 acres belong to the Congressional grant. The following statement shows in what counties they are situated, with the quantity in each.

COUNTY.	NO. OF ACRES.
Buena Vista.....	640.00
Calhoun.....	320.00
Cherokee.....	640.00
Clay.....	652.91
Dickinson.....	160.00
Emmet.....	1,730.00
Greene.....	270.69
Hamilton.....	320.00
Ida.....	2,004.23
Kossuth.....	11,160.94
Lyon.....	400.00
O'Brien.....	320.00
Palo Alto.....	2,241.97
Plymouth.....	500.00
Pocahontas.....	240.00
Sioux.....	160.00
Webster.....	350.86
Winnebago.....	405.63
Woodbury.....	1,710.71
Wright.....	986.13
Total.....	25,254.67

A STATEMENT

giving a description of the Agricultural College lands patented during the last two years, the name of the party to whom patent issued in each case, and the date of patents.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	TO WHOM PATENTED.	DATE OF PATENT.
nw.	21	95	37	160.00	Jacob Salter and Mathew Blair.	July 10, 1885.
se.	13	97	37	160.00	Kate Stryker Nevins.	July 10, 1885.
sw.	13	97	37	160.00	Mary Stryker.	July 10, 1885.
s hf of ne.	19	95	30	80.00	Michael Bonnsetter.	July 10, 1885.
ne.	30	95	30	160.00	Michael Bonnsetter.	July 10, 1885.
w hf of sw.	12	95	30	80.00	John Nugent.	July 10, 1885.
ne.	32	94	33	160.00	Harrison Vanderlip.	July 10, 1885.
sw.	36	97	34	160.00	John Coleman.	July 10, 1885.
n hf of sw.	26	99	34	80.00	J. W. Barker.	July 10, 1885.
nw.	26	99	34	160.00	Jarvis Barker.	July 10, 1885.
se.	26	99	34	160.00	James Pallen.	July 10, 1885.
sw.	10	96	36	160.00	Heirs of Charles Beardsley.	July 10, 1885.
sw.	30	90	41	160.00	Elyra C. Tanner.	July 10, 1885.
*ne.	34	90	41	160.00	James D. and Jacob P. Wilhelm.	July 10, 1885.
n hf.	24	88	41	320.00	S. M. Eldridge.	July 10, 1885.
sw.	12	88	41	160.00	Elias Bovey.	July 10, 1885.
se.	12	88	41	160.00	Elias Bovey.	July 10, 1885.
sw.	22	92	46	160.00	The Western Land Company of Iowa.	July 10, 1885.
ne.	14	95	28	160.00	Harry Walkley.	August 12, 1885.
sw.	29	98	28	160.00	Mary Ann Harrison.	August 12, 1885.
nw.	27	97	30	160.00	Herman Luedtke.	August 12, 1885.
se.	28	97	30	160.00	Herman Ohm.	August 12, 1885.
s hf of sw.	20	90	33	80.00	Simon P. Boyd.	August 12, 1885.
se.	14	90	37	160.00	John Carstner.	August 12, 1885.
s hf.	14	81	41	320.00	Alexander Johnson.	August 12, 1885.
w hf of ne.	6	99	23	88.34	Erick Olson.	September 7, 1885.

sw.	14	96	27	160.00	George J. Baker.	Sept. 7, 1885.
s hf of nw.	34	96	28	80.00	Albert H. Phillips.	Sept. 7, 1885.
n hf nw.	34	96	28	80.00	R. J. Hunt.	Sept. 7, 1885.
sw.	8	94	29	160.00	Mary Burke.	Sept. 7, 1885.
ne.	36	97	29	160.00	Henry J. Slyfield.	Sept. 7, 1885.
nw fr.	30	89	30	172.71	John C. White.	Sept. 7, 1885.
nw.	28	95	30	160.00	James R. Beardsley.	Sept. 7, 1885.
ne.	15	95	30	160.00	Frederick Behuke.	Sept. 7, 1885.
w hf.	25	96	30	320.00	Thayer Lumber.	Sept. 7, 1885.
nw.	14	89	31	160.00	Charles E. Whittlesey.	Sept. 7, 1885.
se.	12	96	31	320.00	John C. White.	Sept. 7, 1885.
se.	10	95	33	160.00	Whit M. Grant.	Sept. 7, 1885.
w hf of nw.	24	99	33	80.00	A. Gordan.	Sept. 7, 1885.
s hf of ne.	28	99	33	80.00	George C. Call.	Sept. 7, 1885.
se.	26	99	33	160.00	Charles E. Fuller.	Sept. 7, 1885.
se.	4	94	37	160.00	John J. Maurer.	Sept. 7, 1885.
nw fr.	4	88	41	226.55	D. C. Tyson.	Sept. 7, 1885.
se.	32	90	23	160.00	William H. Brooks.	October 8, 1885.
sw.	28	90	24	160.00	John Gunning.	October 8, 1885.
sw.	24	94	28	160.00	Daniel Benke.	October 8, 1885.
ne.	24	94	28	160.00	Frederick Hinz.	October 8, 1885.
ehf.	25	94	28	320.00	Michael Biging.	October 8, 1885.
se.	26	94	28	160.00	John Tieble.	October 8, 1885.
nw.	14	94	28	160.00	Darius Masten.	October 8, 1885.
s hf.	2	96	28	320.00	Walcott B. Pratt.	October 8, 1885.
sw.	36	97	29	160.00	Henry J. Slyfield.	October 8, 1885.
sw fr.	18	89	30	178.15	James M. Dougherty.	October 8, 1885.
sw.	4	94	30	160.00	Paul Dorweiler.	October 8, 1885.
w hf of ne.	9	95	30	80.00	John Goetsch.	October 8, 1885.
se.	10	95	31	160.00	George Bates.	October 8, 1885.
ne.	30	87	41	160.00	S. R. Streep.	October 8, 1885.
ne.	12	87	41	160.00	S. W. Dennis.	October 8, 1885.
sw.	36	88	41	160.00	Michael Brown.	October 8, 1885.
ne.	28	89	23	160.00	Caleb Benedict.	Nov. 11, 1885.
nw.	32	89	23	160.00	Thomas J. Hudders.	Nov. 11, 1885.
nw.	28	98	27	160.00	Peter Young.	Nov. 11, 1885.
sw.	29	98	27	160.00	Lewis Russ.	Nov. 11, 1885.
w hf of nw.	35	98	27	80.00	Oliver Howard.	Nov. 11, 1885.

A STATEMENT—CONTINUED.

100

REPORT OF THE SECRETARY OF STATE.

[A 5

1887.]

LAND DEPARTMENT.

101

PARTS OF SECTION.	Section.	Town.	Range.	Acres.	TO WHOM PATENTED.	DATE OF PATENT.
se	18	97	28	160.00	Edward F. Riley	Nov. 11, 1885.
nw	8	94	30	160.00	Michael Willo	Nov. 11, 1885.
se	14	96	30	160.00	John H. McLain	Nov. 11, 1885.
w hf of se	32	97	30	80.00	John H. Taylor	Nov. 11, 1885.
sw	20	98	30	160.00	Henry Jacobson	Nov. 11, 1885.
s hf of se	22	99	31	80.00	August Mullen	Nov. 11, 1885.
n hf of se	22	90	31	80.00	J. Dieckhoff	Nov. 11, 1885.
ne	14	95	31	160.00	D. E. Gardner	Nov. 11, 1885.
w hf of ne	34	100	34	80.00	E. B. Soper	Nov. 11, 1885.
e hf ne	34	100	34	80.00	Laura L. Wood	Nov. 11, 1885.
ne	20	93	36	160.00	Amelia Bennett	Nov. 11, 1885.
w hf	36	93	40	320.00	H. H. Beach & Co.	Nov. 11, 1885.
nw fr.	6	89	44	164.16	Melvin Twitchell	Nov. 11, 1885.
nw	8	97	48	160.00	Frederick P. Dean	Nov. 11, 1885.
nw	21	99	23	160.00	Ole Olson Tveton	Dec. 9, 1885.
w hf	26	96	27	320.00	L. Ruas, Trustee	Dec. 9, 1885.
e hf.	26	96	27	320.00	L. Ruas, Trustee	Dec. 9, 1885.
se	26	96	27	160.00	Myron W. Wood	Dec. 9, 1885.
e hf of nw	35	96	27	80.00	Myron W. Wood	Dec. 9, 1885.
ne fr.	6	94	29	162.85	William L. Franck	Dec. 9, 1885.
se	30	97	29	160.00	Francis W. Vaughn	Dec. 9, 1885.
ne fr.	6	84	30	190.99	John McCarthy	Dec. 9, 1885.
ne	29	96	30	160.00	Daniel M. Jones	Dec. 9, 1885.
ne	10	95	31	160.00	Georgiana Hoke	Dec. 9, 1885.
nw fr.	31	95	33	161.97	John Pagan	Dec. 9, 1885.
nw	12	98	34	160.00	Andrew L. Gunderson	Dec. 9, 1885.
s hf	22	99	34	320.00	John C. White	Dec. 9, 1885.
nw fr.	3	95	36	172.91	Albert R. Beardsley	Dec. 9, 1885.
nw	22	93	37	160.10	Canute Peterson	Dec. 9, 1885.
sw	13	96	27	160.00	Lewis Ross	January 16, 1886.
sw	35	97	27	160.00	Catherine Spragle	January 16, 1886.
nw	29	96	30	160.00	Stephen Booth	January 16, 1886.
sw	28	97	30	160.00	Frank Wolfgramm	January 16, 1886.
n hf of se	22	90	47	80.00	Leroy Hambert	January 16, 1886.
se	30	95	27	160.00	Phebe Mitchell	February 17, 1886.
All	25	97	27	640.00	James Carey	February 17, 1886.
e hf of nw	13	94	28	80.00	Henry B. Ogram	February 17, 1886.
nw	30	97	29	160.00	Lewis H. McChesney	April 7, 1886.
nw fr.	8	100	34	118.00	Martha Neffgar	April 7, 1886.
se	12	100	35	160.00	Andrew Everson	April 7, 1886.
*sw	20	90	40	160.00	William N. Palmer	April 7, 1886.
sw fr.	30	90	23	166.13	Fred Schroeder	May 13, 1886.
n hf.	34	97	32	320.00	J. L. Lang	May 13, 1886.
sw	36	87	45	160.00	Andrew R. Gardner and George R. Gardner	June 8, 1886.
ne, n hf of se.	18	87	40	240.00	Erwin A. King	June 8, 1886.
n hf.	12	96	32	320.00	Henry Trainer	July 7, 1886.
ne	32	90	30	160.00	Martin Jordan	July 7, 1886.
sw fr.	36	90	45	160.00	Gabriel Freuler	July 7, 1886.
se	6	99	23	162.69	Henry A. Hanson	August 11, 1886.
se	10	95	25	160.00	W. B. Hathaway	August 11, 1886.
se	15	97	30	160.00	John M. Moore	August 11, 1886.
se	34	99	36	160.00	Solon Philbrick	August 11, 1886.
ne	34	99	30	160.00	Mayo H. Philbrick	August 11, 1886.
e fr hf.	6	99	33	370.00	James C. Whitehill	August 11, 1886.
sw	15	89	43	160.00	Allen Harrod and T. C. Southam	August 11, 1886.
sw	10	86	44	160.00	Charles F. Taylor	August 11, 1886.
*s hf.	24	99	45	320.00	Henry G. Close	August 11, 1886.
sw	24	90	24	160.00	N. F. Weber	Sept. 16, 1886.
se	6	95	27	160.00	William Meyrahl and Wm. Schroder	Sept. 16, 1886.
nw fr.	2	86	41	164.23	Joseph Fisher	Sept. 16, 1886.
sw	27	96	30	160.00	Dexter H. Hutchins	October 9, 1886.
nw	9	94	36	160.00	Jonathan M Davis	Nov. 10, 1886.
sw	14	89	31	160.00	Thos. O. and P. J. Yates	Nov. 16, 1886.
*e hf of ne.	19	100	48	80.00	James S. Knowles	Dec. 13, 1887.
nw.	23	97	30	160.00	Jacob Zweifel	Jan. 13, 1887.
se.	14	89	43	160.00	A. G. Olson and A. G. Larson	Jan. 13, 1887.
e hf sw, e hf of nw	10	86	42	160.00	Clemens Funke	Feb. 2, 1887.
e hf.	21	96	27	320.00	J. M. Byrie	Feb. 7, 1887.

A STATEMENT—CONTINUED.

PARTS OF SECTION.			Range.	Acres.	TO WHOM PATENTED.	DATE OF PATENT.
Section.	Town.	Range.				
ne.	28	34	27	160.00	J. M. Byrie.	Feb. 7, 1887.
sw.	12	34	20	160.00	J. M. Byrie.	Feb. 7, 1887.
se.	6	39	47	160.00	Wm. H. Dent.	March 24, 1887.
ne.	34	33	36	160.00	Joseph R. Noel.	March 24, 1887.
ne.	13	34	28	160.00	Henry Marty.	April 7, 1887.
nw.	22	34	39	160.00	Wilhelm Horstmann.	April 7, 1887.
nw.	22	34	39	160.00	Henry Jaacks.	April 7, 1887.
sw.	9	39	44	160.00	Wm. W. Clements.	May 9, 1887.
sw.	35	35	44	160.00	John E. D. Taylor.	May 9, 1887.
se.	1	35	28	160.00	George W. Snyder.	May 9, 1887.
se.	29	36	30	160.00	Anthony Hinton.	June 7, 1887.
ne.	35	36	31	160.00	John Ernie.	June 7, 1887.
se.	14	39	43	160.00	Charles F. Taylor.	June 7, 1887.
se of ne.	36	37	45	40.00	R. C. Rice.	June 7, 1887.
Total				\$ 35,254.07		

NOTE.—Those tracts marked with a star are a portion of the lands purchased by James C. Cusey and deeded to the State for benefit of the Agricultural College.

The following table gives the quantity of lands the State acquired by grant and purchase, the amounts patented and unpatented:

CLASS.	Acres received.	Acres patented.	Acres unpatented.
Grant of July 2, 1862.....	204,309.30	108,095.99	101,213.81
Casey purchase.....	15,023.15	4,400.00	10,623.15
Five section grant, Jasper county.....	3,200.00	3,200.00	.....
Total.....	222,532.45	116,695.99	111,836.49

In addition to the above there were donated for the use of said Agricultural College 1,577.88 acres, about all of which have been disposed of by sale and patent, except those retained for the use of the College Farm.

The trustees of the College have also purchased for the use of the Farm an additional amount of about 240 acres, which are described in the list published in this report of lands acquired for the use of the State institutions.

RAILROAD LANDS.

The quantity of lands conveyed to the State for railroad purposes during the last two years is small; and the quantity already conveyed for such purposes is not likely to be materially increased by conveyances to be made in the future. There may be some tracts withheld by the general government on account of conflict with railroad grants that will ultimately be conveyed; but in all probability the total amount of such will be insignificant.

In making certified lists to the railroad companies, this office, under the law, has had to exclude many lands on account of existing litigation. These will have to be conveyed to the companies in all cases where the courts hold that the lands belong to them, upon furnishing this office with the proper evidence and application upon which to base our certificate.

The certificates of completion of the several land grant railroads in Iowa, which were made by the Governor to the Secretary of the Interior, as required in the several land grant acts, for the purpose of obtaining patents or certificates for lands granted, are, I presume, all on file in the General Land Office at Washington; but in many cases it seems that a copy or duplicate of such certificate was not preserved in any State office. Application has several times been made here for some of such certificates, but upon strict search in this office, as well as in the Executive Office, they were not to be found. It might be well to procure from the General Land Office copies of all such certificates which the State is not in possession of, for filing in this office. Questions often arise which make it necessary to show just when the railroad company had earned certain lands embraced in a grant, and these certificates of completion might be an aid in determining the fact.

BURLINGTON & MISSOURI RIVER RAILROAD.

The following tracts were approved and certified to the State of Iowa by the Interior Department, under act of May 15, 1856, for the benefit of the Burlington & Missouri River Railroad Company, and

1887.]

LAND DEPARTMENT.

105

were by the State certified to said company on February 11, 1886, under chapter 167, Eighteenth General Assembly:

PARTS OF SECTION.	Section. Town. Range.	Acres.	IN WHAT COUNTY SITUATED.	DATE OF APPROVAL.	Railroad limit.
n hf of nw, sw of nw	7 28 28	116.73	Union	Dec. 30, 1885	Six mile.
sw of nw	21 72 31	40.00	Union	Dec. 30, 1885	Six mile.
Total		156.73			

The following tracts were approved and certified by the Interior Department, under act of June 2, 1864, *directly* to the Burlington & Missouri River Railroad Company, as required by said act, as appears by certified copies of the original lists furnished the State by the Commissioner of the General Land Office:

PARTS OF SECTION.	Section. Town. Range.	Acres.	IN WHAT COUNTY SITUATED.	DATE OF APPROVAL.	Railroad limit.
ne of se	32 72 29	40.00	Union	Dec. 3, 1885	6 mile.
ne of se	20 72 31	40.00	Union	Feb. 17, 1886	6 mile.
ne of se	3 74 24	40.00	Warren	Feb. 17, 1886	20 mile.
Total		120.00			

DUBUQUE & SIOUX CITY RAILROAD.

The ne qr of ne qr of section 11, township 91 north, range 21 west, in Franklin county, was, on August 18, 1885, certified to the Dubuque & Sioux City Railroad Company, under the provisions of chapter 167, acts Eighteenth General Assembly, application for certificate having been made by a grantee of the railroad company under said act, as amended by chapter 123, acts of Nineteenth General Assembly.

CEDAR RAPIDS & MISSOURI RIVER RAILROAD.

The se qr of se qr of section 23, township 82 north of range 31 west, in Greene county, was, on June 10, 1886, certified to the Cedar Rapids & Missouri River Railroad Company, under chapter 167 of acts of Eighteenth General Assembly. Said tract had previously been withheld from conveyance to the railroad company on account of being in suit, but due notice was received of the dismissal of the suit.

CHICAGO, MILWAUKEE & ST. PAUL RAILROAD, AND SIOUX
CITY & ST. PAUL RAILROAD.

As both of these roads receive their lands under the same Congressional grant, and as the matters and things to be presented here, especially such as pertain to decisions and decrees of courts and actions thereunder relate to both roads, I have concluded to present them all under the same general heading.

The only lands patented to the State of Iowa, under act of Congress of May 12, 1864, during the last two years, are some that were selected by the agent of the State on October 11, 1884, under chapter 60, acts of the Twentieth General Assembly, in the interest of occupying claimants on the same. The State has patented all of said lands to said claimants, or their assigns, under section 8, chapter 21, acts of Seventeenth General Assembly, except those marked in the list with a *star*, which were patented to claimants April 27, 1870, under chapter 58, acts Twelfth General Assembly.

The following is a complete list of said lands, with date of United States patent, description of land, name of county in which each tract lies, and the name of patentee of the State. As may be inferred, these lands were patented to the State on account of the line of road built from McGregor in Clayton county to Sheldon in O'Brien county. They amount in all to 1,770.88 acres.

IN U. S. PATENT A.—DATED SEPTEMBER 24, 1885.

PARTS OF SECTION.			Range.	Acres.	IN WHAT COUNTY SITUATED.	NAME OF CLAIMANT AND PATENTEE.
Section.	Town.					
e hf of sw, sw of sw	5	93	37	120.00	Humboldt	Laasley Barton.
sw of nw, nw of sw, s hf of sw	11	93	27	160.00	Humboldt	Hiram L. Babbitt.
sw of sw	13	93	27	40.00	Humboldt	Peter Groshong.
ne of ne	18	93	27	40.00	Humboldt	Reuel Whittier.
sw of se	19	93	28	40.00	Humboldt	W. J. Kossuth.
sw of se	17	93	28	145.24	Humboldt	W. J. Kossuth.
s hf of ne	19	93	28	80.00	Humboldt	Christian A. Kossing.
sw of ne	19	93	28	40.00	Humboldt	Ole H. Gullixson.
ne of ne	25	93	28	40.00	Humboldt	Gulick H. Frydland.
*n hf of nw	1	97	29	34.90	Kossuth	John Jacobs.
*ne of nw	1	97	29	68.40	Kossuth	John C. Heckart.
*n hf of sw	1	97	29	40.00	Kossuth	James H. Warren.
s hf of ne, ne of ne	19	98	29	120.00	Kossuth	Nathan Hawkes.
n hf of ne, se of se	25	98	29	120.00	Kossuth	George O. Austin.
n hf of ne	25	98	29	40.00	Kossuth	Charles G. Emmerson.
s hf of se	13	93	30	80.00	Humboldt	William Emmerson.
se of ne	13	93	30	40.00	Humboldt	Harmon Seeley.
w hf of sw fr	7	92	31	72.64	Pocahontas	
Total				1,823.88		

NOTE.—Those tracts marked with a *star* were patented to the claimant prior to date of patent to the State, but the title the State acquired by issue of the U. S. patent inures to patentee of the State.

IN U. S. PATENT E.—DATED MAY 7, 1887.

PARTS OF SECTION.		Section.	Town.	Range.	Acres.	IN WHAT COUNTY SITUATED.	NAME OF CLAIMANT AND PATENTEE
W 1/2 of sw	17	98	29	180.00	Humboldt	John Smylie.	
sw 1/4	21	98	29	120.00	Kossuth	Almira J. Simpson.	
n 1/2 of ne, se of ne	27	98	29	80.00	Kossuth	H. S. Vaughn.	
ne 1/4 of w	27	98	29	80.00	Kossuth	David J. Wadsworth.	
se of ne, nw of ne, ne of nw	15	98	30	40.00	Humboldt	Mary E. Emerson.	
				120.00	Kossuth	Heirs of Mary C. Finch.	
Total				600.00			

NOTE.—Those tracts marked with a * were patented to the claimant prior to date of patent to the State, but the title the State acquired by issue of the U. S. patent inures to patentee of the State.

A portion of the lands selected by the State's agent in the interest of the claimants, as stated, have not yet been patented to the State by the United States, and until such patent is received the State cannot convey to the claimants.

In regard to the lands patented to the State of Iowa by the United States under act of Congress of May 12, 1864, usually known as the "over-lapping" lands, which were in dispute between the Sioux City & St. Paul Railroad Company and the Chicago, Milwaukee & St. Paul Railway Company, it will be remembered that the Circuit Court of the United States for the district of Iowa, decided that each road was entitled to an equal share of said lands. This has been all fully explained in previous reports of this office. An appeal was taken from the said decision to the Supreme Court of the United States, which court reversed, in some measure, the ruling of the Circuit Court. The decision of the Supreme Court, briefly stated, is that of the said lands in dispute each road is entitled to such lands as lie within its own ten mile, or granted limits, and outside of the ten mile or granted limits of the other road; and that of the balance of said lands in dispute within the ten mile or granted limits and within the twenty mile or indemnity limits, common to both roads, each shall have an equal share. The Circuit Court was directed to amend its decree in accordance with the Supreme Court decision, which order has been complied with. I have given herewith a copy of the said decision of the Supreme Court, the decree of the Circuit Court as amended, the partition of the commissioners appointed under the decree of court, Attorney-General Baker's opinion to Governor Larrabee relative to issuing patents for the lands referred to, and a list of the lands patented to the Chicago, Milwaukee & St. Paul Railway Company under the decision and decree aforesaid, with form of patent, etc. The decree of the Circuit Court designates the lands in dispute which had been patented by the State to the Sioux City & St. Paul Railroad Company from those which had not been patented; in like manner does the partition of the commissioners as to the lands it describes, for the partition only deals with the lands in the ten and twenty mile limits common to both roads which under the said decision and decree the companies were to share equally. The State has issued patents to the Chicago, Milwaukee & St. Paul Railway Company for the lands in dispute which were within the ten mile limits of its road and outside of the ten mile limits of the Sioux City & St. Paul Railroad Company's line of road, and has also issued patents to said

Chicago, Milwaukee & St. Paul Railway Company for its share of the lands in the common ten and twenty mile limits of both roads, which the commissioners in their partition set off to said company. But the State of Iowa has issued no patent or conveyance of any kind to the Sioux City & St. Paul Railroad Company for any of the lands shown in said decree to be unpatented. No conveyances of any kind having been issued to said company by the State for many years.

By reference to the partition it will be seen that there is a list of 27,702.33 acres of the lands in the joint ten mile or granted limits, and another list of 12,185.02 acres in the joint twenty mile or indemnity limits, making 39,887.35 acres, which the Commissioners have not divided between the two railroad companies, the reason for not doing so, assigned by said Commissioners being that said lands had been sold and conveyed by the Sioux City & St. Paul Railroad Company prior to the decree, and that the Chicago, Milwaukee & St. Paul Railway Company had assented thereto and had executed a conveyance ratifying and confirming said sales. These lands (the 39,837.35 acres), are all a part of the lands which the State had patented to the Sioux City & St. Paul Railroad Company, as will be seen, except 440 acres, being the following: Neqr of seqr and e hf of sw qr of section 35, township 97, range 41, and the s hf of section 29, township 97, range 42.

Now, whatever may have been the reason for not partitioning the lands in the two lists referred to, it will require further action than that already had to pass the title from the State of Iowa to either company, either by patent or certificate, to those 440 acres of unpatented lands just described.

DECISION OF SUPREME COURT OF UNITED STATES.

THE S. C. & ST. P. RAILWAY AND A. H. RICE
AND E. F. DRAKE, *Trustees, Appellants*,

v.

THE C. M. & ST. P. RAILWAY; and THE C.
M. & ST. P. RAILWAY, *Appellants*,

v.

THE S. C. & ST. P. RAILWAY, A. H. RICE, E.
F. DRAKE, JOHN H. GEAR ET AL., *appeals
from the Circuit Court of the United States for
the District of Iowa.*

Mr. Justice Miller delivered the opinion of the Court.
These are cross-appeals from a decree of the Circuit Court for the District of Iowa. In that court the Chicago, Milwaukee & St. Paul Railway

Company brought its bill in chancery on the 4th of March, 1879, against the Sioux City & St. Paul Railroad Company, which in due time was answered. The subject of contest in this suit was the right to certain lands granted by Congress to the State of Iowa, to aid in the building two railroads, which, however, named originally, their right to the land became vested in one or both of these companies. The grant of the lands was by a single statute, and was to the State as a trust for the construction of two roads which necessarily crossed each other, and by the act of Congress the place of crossing was to be in O'Brien county. The act granted for the aid of each road every alternate section of land designated by odd numbers for ten sections in width on each side of said roads, and in the event that any of these odd sections had, when the lines of the roads were definitely located, been sold and otherwise disposed of, the usual grant of lands in lieu of them should, by the Secretary of the Interior, be caused to be selected, provided they were in no case to be located more than twenty miles from the lines of the roads. The roads to be benefited by this grant have both been completed, and both companies are entitled to the odd sections within ten miles of their lines of road, and to the indemnity lands so far as they can be found of odd numbers within twenty miles. But as the roads cross each other, these limits also cross and overlap, and the claims to the odd sections within those limits necessarily conflict. This presents questions which, at the time the suit was brought, were important because the value of the land in controversy is large, and because many other land grants to railroad companies presented the same difficulty. But during the pendency of this suit in the Circuit Court, and on appeal here, all these questions have, it is believed, been decided by this Court, so that nothing remains but to apply the principles of these decisions to the admitted facts of this case.

1. It was claimed by the Chicago, Milwaukee & St. Paul Company, which for brevity will be called the Milwaukee Company, that by reason of the prior location of the line of its road through the lands where the crossing finally took place, they acquired a priority for the entire claim to the exclusion of the other company within the limits of the lap. That is that when their line was definitely located they became immediately entitled to every odd section within ten miles of the road and to the paramount right of selection in indemnity lands within twenty miles.

2. The Sioux City road asserted, by virtue of the fact of the prior construction of their road through the overlapping lines of the grant, that they had secured the permanent right which the other company claimed by reason of prior location. Both of these contentions are wrong. The title acquired from the United States relates back to the date of the grant, and neither company can obtain any superiority of title by any act done by it or by any omission to act by the other, provided there is no forfeiture of the grant. This principle is fully decided in the case of the *St. Paul Railroad v. the Winona Railroad*, 112 United States, 720. In such case the companies take the lands coming within the conflicting lines in equal undivided moieties. In the opinion above referred to it was held, that while this rule applied to what are called lands in place, that is, those odd sections found

within the ten mile limit of the road, as those ten miles conflicted with each other, it did not apply to lieu lands or indemnity lands which were to be selected outside of the ten-mile limit. The reason of this was said to be that with regard to the odd sections found with the original limits of the grant undisposed of when the line of the road was definitely located, that location ascertained, the sections which passed by the grant and fixed the right to such sections, whether it was the whole or the moiety of them. But no title to indemnity lands was vested until a selection was made by which they were pointed out and ascertained and the selection made approved by the Secretary of the Interior. In a case, therefore, where two companies had this right of selection within the same limits, priority of title might be created by priority of selection, or some other mode than location of the road or priority of construction. The Circuit Court in its decree, disregarded this distinction between lands found in place within ten miles of each road and those within the indemnity limits and applied the tenancy in common principle to the lands claimed as indemnity for others not found within the ten miles, as well as those found within those limits and not disposed of. It appears from the record in this case that there are within the twenty-mile limits of both roads, subject to the grants to these roads, both for lands in place and for lieu or indemnity lands, 189,595.98 acres which constituted the subject matter of this controversy.

1. Of these 63,796.24 acres are within the ten-mile limit of the Sioux City road, and not within the ten-mile limit of the Milwaukee road, though they are within its twenty-mile limit. The result of the rule on which the Circuit Court acted was to divide these lands equally between the two companies. But the principles we have stated, and which were fully considered in the *St. Paul Company v. the Winona Company* exclude the Milwaukee Company in this case from invading the ten-mile limit of the Sioux City road, to seek indemnity for losses by reason of lands within its own ten-mile limit previously disposed of. This 63,796.24 acres being the odd sections within the ten-mile limit of the Milwaukee road, belonged exclusively to the former, and the latter company had no interest in them. The decree is in that respect erroneous and must be reversed, and all these lands given to the Sioux City Company.

2. Of the lands in controversy there were 33,071.08 acres within the ten-mile limit of the Milwaukee road, and not within the ten-mile limit of the Sioux City road, but within its twenty-mile limit, which according to the ruling of the Circuit Court, were equally divided between the two companies. For the same reasons which governs with regard to the 63,796.24 acres just disposed of, this part of the decree must be reversed, and these 33,071.08 acres given to the Milwaukee company.

3. Of the lands in controversy there were 50,539.73 acres within the ten-mile limit of both roads. This the decree of the Circuit Court held to belong to the companies in equal undivided moieties, and appointed commissioners to make partition of them. This part of the decree was upon the principles we have stated correct, and must be affirmed.

4. There remains to be considered 42,188.93 acres found to be within the

twenty-mile or indemnity limit of both roads, and not within the ten-mile or absolute grant limit of either road. As these lands are within the category of those to which no title is accrued until a selection of them was made for one or the other, there might arise some difficulty about priority of right between the two companies.

But we are of opinion that circumstances in which the title to these lands have been placed by the action of the State of Iowa, which was a trustee in the matter for both parties, and of the Commissioner of the General Land Office, the decree of the court dividing these lands equally between the parties was just. So far as any selection was made of these lands, it was by the State of Iowa, and the legal title was conveyed to her. Though they were certified to her by the Secretary of the Interior for the benefit of the Sioux City company, and though the State conveyed them to that company, it is obvious that both the Secretary of the Interior and the Governor of Iowa acted under the mistaken idea that the earlier construction of its road or its earlier location by the Sioux City company gave it a priority of right in these indemnity lands, and as there was not enough to satisfy the demands of both companies, nor indeed, of either of them, they, for that reason, conveyed them all to the Sioux City company. We think the action of the Secretary of the Interior, and of the Governor of Iowa, the common trustee of both these companies, cannot have the effect of destroying the rights of the parties. There was in fact no selecting. All were wrongfully conveyed to the Sioux City company. That part of the decree, therefore, which divides these lands equally, and directs the commissioners to make partition of the same, is also affirmed. As both parties appealed from the decree of the Circuit Court, and as each of them has succeeded in obtaining a reversal of an important part of the decree, the costs of the appeal will be equally divided between them, and the case remanded to the Circuit Court, with instruction to render a decree in conformity with this opinion.

DECREE OF THE CIRCUIT COURT.

Circuit Court of the United States, District of Iowa, May term, 1886, Hon. James M. Love, presiding. Friday, May 21, 1886.

CHICAGO, MILWAUKEE & ST. PAUL
RAILWAY COMPANY

v.

SIoux CITY & ST. PAUL RAILROAD
COMPANY, ALEXANDER H. RICE
and ELIAS F. DRAKE, Trustees;
JOHN H. GEAR, Governor; and
JAMES K. POWERS, Register of the
State Land Office of the State of Iowa.

No. 1481, Equity. Decree.

This case came on to be further heard on the pleadings and proofs and the mandate and decision of the Supreme Court of the United States, John W. Cary appearing as counsel for the complainant, and J. H. Swan as counsel for the defendants. And, after hearing counsel and the said pleadings,

proofs, mandate and opinion of the Supreme Court having been duly considered, and it appearing to the said court that the said complainant had fully complied with all the conditions of the Act of Congress approved May 12, 1864, granting lands to the State of Iowa to aid in the construction of a railroad from the foot of Main street, South McGregor, in the State of Iowa, in a westerly direction by the most practicable route on or near the forty-third parallel of north latitude, until it should intersect the road running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State, and with the Act of the Legislature of the State of Iowa, approved February 27, 1878, conferring said grant upon the complainant, and had fully completed said railroad within the time specified in said Act of Congress and said Act of the Legislature, and is entitled to receive all the lands contained in said grant not heretofore granted by the State of Iowa. And it further appearing to said court that the said defendant, Sioux City & St. Paul Railroad Company, has fully complied with all the conditions of said Act of Congress, approved May 12, 1864, granting certain lands in the State of Iowa to aid 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 State of Iowa might select between the Big Sioux and the west fork of the Des Moines river; and with the Act of the Legislature conferring said grant upon the said Sioux City & St. Paul Railroad Company, and had fully completed said railroad within the time specified in the said Act of Congress and the said Act of the Legislature, from the said State line of the State of Minnesota, in a southerly direction, to Le Mars, in said State of Iowa, a distance of fifty-six and 25-100 miles, and that it is entitled to receive all the lands applicable to said grant, from said State line of the State of Minnesota to said Le Mars, to the extent of ten sections per mile of road completed.

And it further appearing to said court that the following described pieces and parcels of land marked Class No. One (1), to-wit:

CLASS NO. ONE (1.)

Lands within the Joint Ten-Mile Limits of both Companies.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented s hf.....	9 98 40			320.00
Patented all.....	29 98 40			840.00
Patented sw qr.....	31 99 40			137.88
Patented se qr and s hf of nw qr.....	33 98 40			240.00
Patented s hf of nw qr.....	7 96 41			40.00
Patented n hf, sw qr and n hf of se qr.....	17 98 41			500.00
Patented s hf of se qr.....	3 95 42			80.00
Patented all.....	3 98 40			841.98
Patented all.....	5 98 40			640.88
Patented all.....	7 98 40			601.32
Patented all.....	11 98 40			640.00
Patented all.....	17 98 40			640.00

CLASS NO. ONE (1)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented all.....	19 98 40			613.60
Patented all.....	21 98 40			640.00
Patented all.....	31 98 40			635.38
Patented se qr, s hf of ne qr and s hf of nw qr.....	31 99 40			308.90
Patented se qr and s hf of ne qr.....	33 99 40			240.00
Patented all.....	1 98 41			639.00
Patented all.....	8 98 41			646.84
Patented all.....	5 98 41			654.42
Patented all.....	7 98 41			612.42
Patented all.....	9 98 41			640.00
Patented all.....	11 98 41			640.00
Patented all.....	13 98 41			640.00
Patented all.....	15 98 41			640.00
Patented all.....	17 98 41			640.00
Patented all.....	19 98 41			612.00
Patented all.....	21 98 41			640.00
Patented all.....	23 98 41			640.00
Patented all.....	25 98 41			640.00
Patented s hf of se qr.....	27 98 41			80.00
Patented all.....	29 98 41			640.00
Patented all.....	31 98 41			635.26
Patented all.....	33 98 41			640.00
Patented all.....	35 98 41			640.00
Patented s hf, s hf of n hf.....	31 99 41			472.19
Patented s hf, s hf of n hf.....	33 99 41			480.00
Patented s hf, s hf of n hf.....	35 99 41			480.00
Patented all.....	1 98 42			662.18
Patented all.....	3 98 42			665.74
Patented all.....	5 98 42			669.72
Patented e hf of e hf.....	7 98 42			160.00
Patented all.....	13 98 42			640.00
Patented all.....	13 98 42			640.00
Patented all.....	17 98 42			640.00
Patented e hf of e hf.....	19 98 42			160.00
Patented all.....	21 98 42			640.00
Patented all.....	23 98 42			640.00
Patented all.....	25 98 42			640.00
Patented e hf.....	27 98 42			320.00
Patented n hf.....	29 98 42			320.00
Patented e hf of e hf.....	31 98 42			160.00
Patented all.....	33 98 42			640.00
Patented all.....	35 98 42			640.00
Patented e hf of se qr and se qr of ne qr.....	31 99 42			120.00
Patented s hf, and s hf of n hf.....	33 99 42			480.00
Patented s hf, and s hf of n hf.....	35 99 42			480.00
sw qr of nw qr.....	7 97 40			36.50
All.....	5 95 41			638.32
ne qr of nw qr.....	7 95 41			150.52
ne qr of nw qr.....	3 96 41			39.94
se qr of ne qr.....	7 96 41			40.00
ne qr of sw qr.....	15 96 41			40.00
sw qr of ne qr.....	17 96 41			40.00
ne qr of sw qr.....	5 97 41			35.48
sw qr of sw qr.....	11 97 41			40.00
sw qr of sw qr.....	13 97 41			40.00
nw qr of nw qr.....	17 97 41			40.00

CLASS NO. ONE (1)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
nw qr of sw qr.....	19 97 41			40.71
ne qr of se qr, and e hf of sw qr.....	35 97 41			120.00
All.....	1 95 42			642.28
n hf, sw qr, n hf of se qr.....	3 95 42			549.00
*sw qr of se qr, balance—all.....	5 95 42			630.82
ne qr of ne qr.....	7 95 42			40.00
n hf of n hf.....	9 95 42			160.00
All.....	11 95 42			160.00
All.....	1 96 42			641.96
All.....	3 96 42			648.16
All.....	5 96 42			644.94
e hf of e hf.....	7 96 42			160.00
All.....	9 96 42			640.00
All.....	11 96 42			640.00
All.....	13 96 42			640.00
All.....	15 96 42			640.00
e hf of e hf.....	17 96 42			160.00
All.....	19 96 42			640.00
All.....	21 96 42			640.00
All.....	23 96 42			640.00
All.....	25 96 42			640.00
All.....	27 96 42			640.00
All.....	29 96 42			640.00
e hf of e hf.....	31 96 42			160.00
All.....	33 96 42			640.00
All.....	35 96 42			640.00
All.....	1 97 42			807.20
All.....	3 97 42			695.60
All.....	5 97 42			640.00
e hf of e hf.....	7 97 42			160.00
All.....	9 97 42			640.00
All.....	13 97 42			640.00
e hf of e hf.....	17 97 42			640.00
All.....	19 97 42			160.00
All.....	23 97 42			640.00
All.....	25 97 42			640.00
All.....	27 97 42			640.00
s hf.....	29 97 42			320.00
e hf of e hf.....	31 97 42			160.00
All.....	33 97 42			640.00
All.....	35 97 42			640.00
				50,680.62

Are a part and portion of the grants so made by said act of Congress, and are within the overlapping limits of said grants, and are all situated within the granted limits: that is, within ten miles of the definitely located line of each of said railroads; and that said companies are jointly entitled to said lands, and that patents therefor should have been issued by the State of Iowa to the said companies jointly for all of said lands, but that, by mistake, all of said lands above marked as "patented" have been erroneously

*NOTE.—SW of SE, 5, 95, 42, not in grant: it is the section without said 40 acres, and the quantity is 690.95 acres.

and wrongfully patented by the State solely to the defendant, Sioux City & St. Paul Railroad Company; and that an undivided one half interest in the lands so patented should be released by said defendant Sioux City & St. Paul Railroad Company to said complainant, and that the balance of said lands not patented by the State should be patented to said complainant and said defendant Sioux City & St. Paul Railroad Company jointly.

And it further appearing that the following described lands, marked "Class No. 2," to-wit:

CLASS NO. TWO (2).

Lands within the ten-mile limits of the C. M. & St. P. R'y, but outside the ten-mile limits of the S. C. & St. P. R'y.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented all.....	7 98 39			599.32
Patented all.....	9 98 39			640.00
Patented all.....	13 98 39			640.00
Patented all.....	15 98 39			640.00
Patented all.....	23 98 39			640.00
Patented all.....	25 98 39			640.00
Patented all.....	27 98 39			640.00
Patented all.....	31 98 39			602.92
Patented all.....	33 98 39			640.00
Patented sw qr.....	35 98 39			160.00
Patented all.....	25 98 40			640.00
Patented all.....	27 98 40			640.00
Patented all.....	33 98 40			640.00
Patented all.....	35 98 40			640.00
Patented n hf and sw qr.....	8 98 39			643.12
Patented all.....	5 98 39			482.66
Patented w hf.....	11 98 39			640.00
Patented e hf.....	19 98 39			280.68
Patented s hf.....	21 98 39			320.00
Patented s hf and s hf of n hf.....	31 99 39			446.93
Patented se qr.....	33 99 39			160.00
Patented all.....	43 20 40			643.20
Patented n hf.....	13 98 40			320.00
Patented s hf.....	23 98 40			320.00
s hf.....	17 98 38			320.00
All.....	19 98 38			638.68
s hf.....	21 98 38			320.00
All.....	29 98 38			640.00
All w hf.....	31 98 38			638.70
w hf.....	33 98 39			638.39
ne qr of ne qr.....	7 97 39			40.00
All.....	1 95 40			698.23
All.....	3 95 40			675.28
All (n hf contracted for poor farm).....	5 95 40			651.60
n hf of n hf.....	7 95 40			161.22
e hf and n hf of nw qr.....	9 95 40			400.00
All.....	11 95 40			640.00
All.....	13 95 40			640.00
e hf.....	15 95 40			320.00
e hf.....	23 95 40			320.00

CLASS NO. TWO (2)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
All	1 96 40			599.88
All	3 96 40			612.00
All	5 96 40			626.34
All	7 96 40			635.08
All	9 96 40			640.00
All	11 96 40			640.00
All	13 96 40			640.00
All	15 96 40			640.00
All	17 96 40			640.00
All	19 96 40			636.48
All	21 96 40			640.00
All	23 96 40			640.00
All	25 96 40			640.00
All	27 96 40			640.00
All	29 96 40			640.00
All	31 96 40			641.82
All	33 96 40			640.00
n hf of ne qr.	35 96 40			640.00
sw qr of sw qr and se qr of se qr.	1 97 40			61.44
ne qr	21 97 40			80.00
nw qr of nw qr.	25 97 40			160.00
All	35 97 40			40.00
All	1 95 41			638.82
n hf of n hf.	3 95 41			641.48
nw qr of ne qr.	11 95 41			160.00
	25 97 41			40.00
				33,076.28

are a part and portion of said grants, so made by said Act of Congress to aid in the construction of a railroad from the foot of Main Street, South McGregor, in the State of Iowa, in a westerly direction, by the most practicable route on or near the forty-third parallel of north latitude, until it should intersect the road running from Sioux City to the Minnesota State line in the county of O'Brien in said State, and are situated wholly within the granted limits; that is, within ten miles of the definitely located line of said complainant, and not within the granted limits or within ten miles of the located line of the said defendant Sioux City & St. Paul Railroad Company, and that the complainant is entitled thereto and that patents should have been issued therefor to said complainant, but that by mistake all of said lands of said class 2, marked "patented," have been erroneously and wrongfully patented to the defendant Sioux City & St. Paul Railroad Company, and that said last named company should release said lands to said complainant, and that all the rest and residue of said lands of said class 2, not marked as patented, should be patented to the said complainant by said State of Iowa.

And it further appearing to said court that the following described lands, marked "Class No. Three (3)," to-wit:

CLASS NO. THREE (3).

Lands within the ten-mile limits of the S. C. & St. P. R'y, but outside the ten-mile limits of the C., M. & St. P. R'y.

DESCRIPTION.	Section.	Town.	Range.	ACRES.
Patented e hf, sw qr, and e hf of nw qr.	5	99 39		692.33
Patented all.	7	99 39		596.76
Patented w hf.	9	99 39		320.00
Patented all.	17	99 39		640.00
Patented all.	19	99 39		594.00
Patented s fr hf.	9	100 39		214.10
Patented e hf.	15	100 39		640.00
Patented e hf.	17	100 39		320.00
Patented se qr.	19	100 39		160.00
Patented se qr, s hf of ne qr, and n hf of nw qr.	29	100 39		320.00
Patented sw qr of ne qr, and lots No. 1 and 2.	31	100 39		107.60
Patented e hf, sw qr, and e hf of nw qr.	33	100 39		550.05
Patented all.	29	99 40		640.00
Patented n hf of nw qr.	33	99 40		80.00
Patented all frac.	7	100 40		387.39
Patented all.	9	100 40		442.16
Patented lots 1, 2, 3, 4, 5 and 6.	11	100 40		235.72
Patented se qr.	13	100 40		160.00
Patented nw qr.	15	100 40		160.00
Patented n hf and se qr.	17	100 40		480.00
Patented n hf, se qr, n hf of nw qr.	19	100 40		534.58
Patented nw qr.	21	100 40		160.00
Patented w hf.	27	100 40		320.00
Patented se qr.	29	100 40		160.00
Patented e hf, sw qr, w hf of nw.	31	100 40		535.20
Patented e hf.	33	100 40		320.00
e hf, and s hf of n hf.	7	95 41		451.49
e hf of se qr, se qr of ne qr.	7	95 42		120.00
s hf, and s hf of n hf.	9	95 42		480.00
s hf, and s hf of n hf.	11	95 42		480.00
All.	15	95 42		640.00
All.	17	95 42		640.00
e hf of e hf.	19	95 42		160.00
All.	21	95 42		640.00
Patented w hf of nw qr.	5	99 39		59.81
Patented e hf.	9	99 39		320.00
Patented s hf frac.	7	100 39		283.22
Patented w hf.	17	100 39		320.00
Patented n hf, and sw qr.	19	100 39		425.28
Patented all.	21	100 39		640.00
Patented all.	27	100 39		640.00
Patented n hf of ne qr, s hf of nw qr, and sw qr.	29	100 39		320.00
Patented s fr hf, e hf of ne qr, and nw qr of ne qr.	31	100 39		397.77
Patented w hf of nw (and right of way).	33	100 39		89.35
Patented all.	1	99 40		675.96
Patented all.	3	99 40		967.14
Patented all.	5	99 40		656.34
Patented all.	7	99 40		608.29
Patented all.	11	99 40		640.00
Patented all.	13	99 40		640.00
Patented all.	17	99 40		640.00
Patented all.	19	99 40		601.36
Patented all.	21	99 40		640.00

CLASS NO. THREE (3)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented all.....	27	99 40		640.00
Patented n hf of n hf.....	31	99 40		149.74
Patented n hf of ne.....	33	99 40		30.00
Patented lots 5, 6, 7, 10, 11 and 12.....	11	100 40		240.00
Patented n hf, and sw qr.....	13	100 40		480.00
Patented e hf, and sw.....	15	100 40		480.00
Patented sw qr.....	17	100 40		160.00
Patented s hf of sw qr.....	19	100 40		72.14
Patented e hf, and sw qr.....	21	100 40		480.00
Patented all.....	23	100 40		640.00
Patented all.....	25	100 40		640.00
Patented e hf.....	27	100 40		320.00
Patented n hf and sw qr.....	29	100 40		480.00
Patented e hf of nw qr.....	31	100 40		80.00
Patented w hf.....	33	100 40		320.00
Patented all.....	35	100 40		640.00
Patented all.....	1	99 41		641.80
Patented all.....	3	99 41		633.28
Patented all.....	5	99 41		621.36
Patented all.....	7	99 41		611.76
Patented all.....	9	99 41		640.00
Patented all.....	11	99 41		640.00
Patented all.....	13	99 41		640.00
Patented all.....	15	99 41		640.00
Patented all.....	17	99 41		640.00
Patented all.....	19	99 41		619.20
Patented all.....	21	99 41		640.00
Patented all.....	23	99 41		640.00
Patented all.....	25	99 41		640.00
Patented all.....	27	99 41		640.00
Patented all.....	29	99 41		640.00
Patented n hf of n hf.....	31	99 41		156.49
Patented n hf of n hf.....	33	99 41		160.00
Patented n hf of n hf.....	35	99 41		160.00
Patented all fr.....	7	100 41		384.14
Patented all fr.....	9	100 41		407.60
Patented all fr.....	11	100 41		406.72
Patented all.....	13	100 41		640.00
Patented all.....	15	100 41		640.00
Patented all.....	17	100 41		640.00
Patented all.....	19	100 41		598.00
Patented all.....	21	100 41		640.00
Patented all.....	23	100 41		640.00
Patented all.....	25	100 41		640.00
Patented all.....	27	100 41		640.00
Patented all.....	29	100 41		640.00
Patented all.....	31	100 41		607.16
Patented all.....	33	100 41		640.00
Patented all.....	35	100 41		640.00
Patented all.....	1	99 42		619.72
Patented all.....	3	99 42		628.48
Patented all.....	5	99 42		638.42
Patented e hf of e hf.....	7	99 42		160.00
Patented all.....	9	99 42		640.00
Patented all.....	11	99 42		640.00
Patented all.....	13	99 42		640.00
Patented all.....	15	99 42		640.00

CLASS NO. THREE (3)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented all.....	17	99 42		640.00
Patented e hf of e hf.....	19	99 42		160.00
Patented all.....	21	99 42		640.00
Patented all.....	23	99 42		640.00
Patented all.....	25	99 42		640.00
Patented all.....	27	99 42		640.00
Patented all.....	29	99 42		640.00
Patented all.....	31	99 42		40.00
Patented ne qr of ne qr.....	33	99 42		160.00
Patented n hf of n hf.....	35	99 42		160.00
Patented n hf fr.....	9	100 42		410.68
Patented all fr.....	11	100 42		409.78
Patented all fr.....	13	100 42		640.00
Patented all.....	15	100 42		640.00
Patented all.....	17	100 42		640.00
Patented all.....	19	100 42		160.00
Patented e hf of e hf.....	21	100 42		640.00
Patented all.....	23	100 42		640.00
Patented all.....	25	100 42		640.00
Patented all.....	27	100 42		640.00
Patented all.....	29	100 42		640.00
Patented all.....	31	100 42		160.00
Patented e hf of e hf.....	33	100 42		640.00
Patented all.....	35	100 42		640.00
Patented all.....				63,796.16

Are a part and portion of the grant made by the act of Congress to aid in the construction of a railroad from Sioux City to the State line, and are situated wholly within the granted limits, that is, within ten miles of the definitely located line of said defendant Sioux City & St. Paul Railroad Company, and not within the granted limits or within ten miles of the located line of said complainant, and that said Sioux City & St. Paul Railroad Company is entitled thereto, and that all of said lands in said class 3 marked "patented" have been patented by the State of Iowa to said defendant company, and that said defendant company is entitled to a patent for all the residue of said lands contained in said class 3.

And it further appearing to said court that the following described lands marked "class No. four (4)" to-wit:

CLASS NO. FOUR (4).

Joint Indemnity Lands.

DESCRIPTION.	Section.	Town.	Range.	Acres.
All.....	35	95 42		640.00
All.....	37	95 42		640.00
All.....	39	95 42		640.00
e hf of ne qr.....	31	95 42		80.00
Patented all.....	3	95 38		640.50
Patented all.....	5	95 38		641.55
Patented ne qr of nw qr.....	7	95 38		40.00
Patented all.....	9	95 38		640.00
Patented all.....	11	95 38		640.00
Patented s hf, ne qr of nw qr, s hf of nw qr, sw qr of ne qr.....	7	99 37		477.64
Patented nw qr of ne qr, nw qr of nw qr, s hf of n hf, and s hf.....	19	99 37		592.52
Patented s hf.....	31	100 37		317.17
Patented all.....	1	99 34		683.78
Patented e hf, w hf of nw qr, n hf of sw qr.....	3	97 38		513.78
Patented se qr of ne qr, nw qr of ne qr, and se qr.....	5	99 38		253.21
Patented all.....	9	99 38		640.00
Patented ne qr, sw qr, n hf of nw qr, n hf of se qr, and sw qr of se qr.....	11	99 38		520.00
Patented ne qr, s hf, e hf of nw qr, sw qr of nw qr.....	13	99 38		600.00
Patented all.....	15	99 38		640.00
se qr of ne qr, nw qr of nw qr, sw qr, s hf of nw, nw qr of se qr, and s hf of se qr.....	7	95 38		427.42
All.....	15	95 38		640.00
n hf.....	17	95 38		320.00
sw qr of ne qr, and nw qr.....	21	95 38		200.00
s hf, and s hf of n hf.....	7	95 40		483.96
s hf of nw qr, and sw qr.....	9	95 40		240.00
w hf.....	15	95 40		320.00
All.....	17	95 40		640.00
All.....	19	95 40		651.52
All.....	21	95 40		640.00
w hf.....	23	95 40		320.00
All.....	27	95 40		640.00
All.....	29	95 40		640.00
s hf and s hf of n hf.....	11	95 41		480.00
All.....	13	95 41		640.00
All.....	15	95 41		640.00
w hf.....	19	95 41		288.76
All.....	23	95 41		640.00
All.....	25	95 41		640.00
All.....	27	95 41		640.00
All.....	29	95 42		640.00
Patented s hf.....	19	99 38		311.85
Patented n hf, n hf of sw qr, se qr of sw qr.....	21	99 38		440.00
Patented n hf, sw qr, n hf of se qr, se qr of se qr.....	23	99 38		600.00
Patented all.....	25	99 38		640.00
Patented n hf.....	27	99 38		820.00
Patented nw qr of ne qr, w hf of w hf.....	29	99 38		200.00
Patented n hf, se qr, n hf of sw qr.....	31	99 38		545.21
Patented e hf and sw qr.....	33	99 38		480.00

CLASS NO. FOUR (4)—CONTINUED.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented n hf, sw qr, sw qr of se qr (less 1 acre).....	35	99 38		519.00
Patented ne qr, w hf of nw qr, ne qr of nw qr.....	19	100 38		281.58
Patented all.....	1	98 39		643.16
Patented w hf and se qr.....	1	99 39		506.25
Patented se qr.....	11	99 39		160.00
Patented nw qr.....	21	99 39		160.00
Patented all.....	23	99 39		640.00
Patented all.....	29	99 39		610.00
Patented n hf of n hf.....	31	99 39		148.79
Patented all.....	33	99 39		610.00
Patented all.....	23	100 39		640.00
Patented nw qr and sw qr (less right of way).....	25	100 39		313.75
Patented w hf.....	5	99 38		346.86
Patented all.....	7	9 38		612.72
Patented all.....	17	99 38		640.00
Patented n hf.....	19	99 38		310.81
Patented se qr.....	27	99 38		160.00
Patented s hf.....	29	99 38		320.00
Patented se qr and se qr of ne.....	33	99 38		160.00
Patented nw qr.....	35	99 38		1.00
Patented school lot in.....	17	100 38		160.00
Patented sw qr.....	19	100 38		304.74
Patented s hf.....	21	100 38		320.00
Patented e hf, e hf of w hf, sw qr of nw qr.....	27	100 38		520.00
Patented all.....	29	100 38		578.75
Patented all.....	31	100 38		600.82
Patented all.....	33	100 38		226.80
Patented all.....	35	100 38		600.00
Patented n hf, se qr, n hf of sw qr and sw qr of sw qr.....	1	99 39		186.39
Patented ne qr.....	3	99 39		689.52
Patented w hf and ne qr.....	11	99 39		480.00
Patented all.....	13	99 39		640.00
Patented all.....	15	99 39		640.00
Patented e hf and sw qr.....	21	99 39		480.00
Patented all.....	23	99 39		640.00
Patented all.....	25	99 39		640.00
Patented n hf.....	27	160 39		320.00
Patented s hf.....	29	100 39		320.00
Patented ne qr, sw qr, right of way in se qr of se qr.....	25	100 39		326.25
Patented all.....	35	100 39		640.00
Patented e hf of e hf.....	7	100 42		102.26

42,188.93

Are a part and portion of said grants so made by said act of Congress, and are within the overlapping limits of said grants, and are situated wholly within the indemnity limits of both of said railroads and not within the granted or ten-mile limits of either, and that said lands belong to said companies jointly, and should have been so patented to them, but that by mistake all of said lands above marked "patented" have been erroneously and wrongfully patented solely to the defendant Sioux City & St. Paul Railroad Company, and that an undivided one-half interest in the lands of Class No.

4, so patented should be released by the said Sioux City & St. Paul Railroad Company to said complainant, and that the balance of said lands in said class No. 4, should be patented by the State of Iowa to said companies jointly. And it further appearing to said court that a portion of the lands of classes numbered 1, 2 and 4, so as aforesaid patented to the Sioux City & St. Paul Railroad Company, have been sold and disposed of to *bona fide* purchasers by the said defendant Sioux City & St. Paul Railroad Company, and the purchase money therefor received by said company, and that said defendant Sioux City & St. Paul Railroad Company should account for the whole of the proceeds of class No. 2, and an undivided one-half of the proceeds of classes No. 1 and 4 to the said complainant.

Now, therefore, on motion of John W. Cary, of counsel for complainant, it is ordered, adjudged and decreed that all of said lands hereinbefore mentioned and described were by said act of Congress, approved May 12, 1864, granted to the said State of Iowa in trust to aid in the building of said railroads, and belong to said grants, that said complainant, Chicago, Milwaukee & St. Paul Railway Company has fully complied with all the terms and conditions of said act of Congress granting said lands, so far as said lands were given to aid in the construction of a railroad from the foot of Main street, South McGregor, in the State of Iowa, in a westerly direction by the most practicable route on or near the forty-third parallel of north latitude until it should intersect the road running from Sioux City to the Minnesota State line in the county of O'Brien, in said State, and with the act of the legislature of the State of Iowa, approved February 27, 1878, conferring said grant upon the complainant, and has fully completed said railroad within the time specified in said act of Congress and said act of the legislature, and thereby has become entitled to receive all lands contained in said grant not heretofore granted by the State of Iowa to other parties, and is now entitled to all said lands above described, as pertaining to said grant: And it is further ordered, adjudged and decreed that the said defendant, Sioux City & St. Paul Railroad Company has fully complied with all the conditions of said act of Congress, approved May 12, 1864, granting said lands in the State of Iowa, to aid 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 might select between the Big Sioux and the west fork of the Des Moines River, and with the act of legislature conferring said grant upon the said defendant, Sioux City & St. Paul Railroad Company, so far as relates to the lands in question, and fully completed the railroad within the time specified in the said act of Congress and said act of the legislature, from the State line of the said State of Minnesota, in a southerly direction to Le Mars in the State of Iowa, a distance of fifty-six and 25-100 miles, and is entitled to receive all the lands applicable to said grant from said State line of the State of Minnesota to the extent of ten sections per mile for each and every mile of road constructed, including all the lands hereinbefore described as belonging to that grant.

It is further ordered, adjudged and decreed, that the several pieces and parcels of land first above mentioned as Class No. 1, are a part and portion

of said grant so made by said Act of Congress, and are within the overlapping limits of said grant: that is, within ten miles of the definitely located line of each of said railroads; and that said companies are jointly entitled to said lands, and that said State of Iowa, or the proper officers thereof, should of right make, execute and deliver to the said complainant and the said defendant Sioux City & St. Paul Railroad Company, jointly, patents for all of said lands in Class No. 1 not heretofore patented.

And it is ordered, adjudged and decreed, and this court, by virtue of the power therein vested, doth order, adjudge and decree, that the complainant, the Chicago, Milwaukee & St. Paul Railway Company, and the defendant, the Sioux City & St. Paul Railroad Company, are each of them the owner of and entitled to, and are hereby invested with, the title in fee to an equal, undivided one half of all the lands described above in Class No. one, save and except the right-of-way as excepted in said act of the General Assembly of the State of Iowa, approved February 27, 1878.

And it is further ordered, adjudged and decreed, that the said defendant Sioux City & St. Paul Railroad Company do release and convey to said complainant one equal, undivided half of all of said lands mentioned in Class No. 1, which have heretofore been patented to said defendant company by the State of Iowa, and the title to which is now held by said defendant company, with covenants against their own acts, and free, released and discharged from the lien of the mortgage deed of trust executed by said Sioux City & St. Paul Railroad Company to Elias F. Drake and Alexander H. Rice, as trustees.

And it is further ordered, adjudged and decreed, that the lien of said mortgage be, and the same hereby is, vacated, released and set aside as to the said one equal, undivided half of said lands mentioned and described in said Class No. 1.

It is further ordered, adjudged and decreed, that all the lands mentioned and described in Class No. 2, above mentioned, are a part and portion of said grants so made by said act of Congress, and are situated wholly within the granted limits; that is, within ten miles of the definitely located line of said complainant, and not within the granted limits or within ten miles of the located line of the said defendant Sioux City & St. Paul Railroad Company, and that the complainant is entitled thereto, and that the State of Iowa, or the proper officers of said State, should of right make, execute and deliver to the said complainant patents for all of said lands mentioned and described in said Class No. 2, not heretofore patented.

And it is further ordered, adjudged and decreed, and this court, by virtue of the power herein vested, doth order, adjudge and decree that the complainant herein, the Chicago, Milwaukee & St. Paul Railway Company, is the owner of and entitled to, and is hereby invested with, the title in fee to the whole of the lands above mentioned and described as Class No. 2, free and clear of all incumbrances made or placed thereon by the defendants, or any or either of them.

And it is further ordered, adjudged and decreed, that the said defendant Sioux City & St. Paul Railroad Company release and convey to said plaintiff

all said lands mentioned in Class No. 2, which have heretofore been patented to said defendant by the State of Iowa, the title to which is now held by said defendant company, with covenants against their own acts, and free, released and discharged from the lien of the mortgage deed of trust executed by said Sioux City & St. Paul Railroad Company to Elias F. Drake and Alexander H. Rice as trustees. And it is further ordered, adjudged and decreed, that the lien of said mortgage be, and the same hereby is, vacated, released and set aside as to all of said lands mentioned and described in said Class No. 2.

It is further ordered, adjudged and decreed that the several pieces and parcels of land mentioned and described in class No. 3 above mentioned, are a part and portion of said grant made by said act of Congress and are situated wholly within the granted limits, that is, within ten miles of the definitely located line of said defendant, Sioux City & St. Paul Railroad Company, and not within the granted limits or within ten miles of the located line of said complainant, and that the defendant, Sioux City & St. Paul Railroad Company is entitled thereto, and that the State of Iowa, or the proper officers of said State should of right make, execute and deliver patents therefor to the said defendant, Sioux City & St. Paul Railroad Company. And it is further ordered, adjudged and decreed, and this court by virtue of the power therein vested doth order, adjudge and decree that the defendant, Sioux City & St. Paul Railroad Company is the owner of and entitled to, and is hereby invested with the title in fee to all of the lands above mentioned and described as class No. 3.

It is further ordered, adjudged and decreed that the several pieces and parcels of land mentioned and described in class No. 4, above mentioned, are a part and portion of said grant, made by said act of Congress, and are within the over-lapping limits of said grant, and are all situated within the indemnity limits, that is, within twenty miles of the definitely located line of each of said railroads, and not within the ten-mile limits of either, and that companies are jointly entitled to said lands, and that said State of Iowa, or the proper officers thereof should of right make, execute and deliver to the said complainant and the said defendant, Sioux City & St. Paul Railroad Company jointly, patents for all of said lands in class No. 4 not heretofore patented. And it is further ordered, adjudged and decreed and this court by virtue of the power therein vested doth order, adjudge and decree that the complainant herein, the Chicago, Milwaukee & St. Paul Railway Company, and the defendant, the Sioux City & St. Paul Railroad Company are jointly the owners of and entitled to and are each hereby invested with the title in fee to all of the lands above described as class No. 4. And it is further ordered, adjudged and decreed that the said defendant, Sioux City & St. Paul Railroad Company do release and convey to said complainant one equal undivided half of all of said lands mentioned in class No. 4 which have heretofore been patented to said defendant, Sioux City & St. Paul Railroad Company, by the State of Iowa, the title to which is now held by said defendant company, with covenants against their own acts, and free, released and discharged from the lien of the mortgage deed of trust execu-

ted by said defendant, Sioux City & St. Paul Railroad Company to Elias F. Drake and Alexander H. Rice as trustees. And it is further ordered, adjudged and decreed that the lien of said mortgage be and the same hereby is vacated, released and set aside as to the said one equal undivided half of said lands mentioned and described in said class No. 4.

It is further ordered, adjudged and decreed that the said defendant, Sioux City & St. Paul Railroad Company, do account with the said complainant as to all the lands mentioned and described in classes No. 1, 2 and 4 heretofore patented to said company by the State of Iowa, the title to which is not now in said defendant, Sioux City & St. Paul Railroad Company for the proceeds of such lands, and on such accounting being perfected that the said defendant, Sioux City & St. Paul Railroad Company pay to the complainant the whole amount of the proceeds of said lands in class No. 2, and one-half of the proceeds of all of said lands in classes No. 1 and 4.

And it appearing to the court that W. C. Hillis, Commissioner, heretofore appointed to make partition of said lands, is absent from the State, and may continue so to an indefinite period of time. It is hereby ordered that P. T. Lomax be substituted in his stead; and it is further ordered, adjudged and decreed that it be referred to P. T. Lomax, John A. Elliott and Ed. R. Mason, as Commissioners, to state said account and make report of their doings to this court; and it is further ordered, adjudged and decreed that they also make partition of all of said lands jointly held by said companies. The opinion of a majority of said Commissioners to prevail on all disputed matters properly arising before them.

(Signed)

J. M. LOVE, Judge.

Indorsement.

1481 Eq., Chi., Mil. & St. Paul R'y Co. v. Sioux City & St. Paul R. R. Co. Decree.

Filed May 21, 1888.

ED. R. MASON, Clerk.

In the Circuit Court of the United States, for the Southern District of Iowa, Central Division.

I, E. R. Mason, Clerk of the said Court for said district, do hereby certify that the foregoing transcript contains a full, true and complete copy of the decree in a certain cause depending in said court wherein the Chicago, Milwaukee & St. Paul Railway Company is complainant, and the Sioux City & St. Paul Railroad Company et al., are defendants, as full, true, and complete as the original of the same now remains on file and of record in my office.

In testimony whereof I hereunto subscribe my name and affix [SEAL.] the seal of said court at my office in Des Moines, in said district this 28th day of May, A. D. 1888.

E. R. MASON,

Clerk U. S. C. C., Southern District of Iowa.

PARTITION.

*In the Circuit Court of the United States, for the Southern District of Iowa
Central Division.*

I, E. R. Mason, Clerk of the said Court for said district, do hereby certify that the transcript hereto attached contains full, true and complete copies of the commissioners' report of partition and order of confirmation in a certain cause in said court wherein the Chicago, Milwaukee and St. Paul Railway Company is complainant, and the Sioux City & St. Paul Railroad Company is defendant as full, true and complete, as the originals of the same now remain on file and of record in my office.

In testimony whereof I hereunto subscribe my name and
[SEAL.] affix the seal of said court at my office, in Des Moines, in
said District, this 29th day of October, A. D., 1886.

E. R. MASON,

Clerk U. S. C. C. Southern District of Iowa.

Circuit Court of the United States, District of Iowa.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO. }

VS.

THE SIOUX CITY & ST. PAUL RAILROAD CO., AND
OTHERS. }

In Equity.

To the Judges of said Court:

In pursuance of and in obedience to a decretal order in the above entitled cause, dated on the 19th day of May, 1882, as modified by a subsequent decretal order made on the 21st day of May, 1886, by which the undersigned, P. T. Lomax, John A. Elliott and Edward R. Mason were appointed Commissioners, among other things to make partition between the said complainant, Chicago, Milwaukee & St. Paul Railway Company and the Sioux City & St. Paul Railroad Company of all the lands mentioned and described in said last named decretal order as class No. 1, and as class No. 4, awarding to each of said companies an equal half thereof, we, the said Commissioners, do hereby respectfully report and return:

That, having been first duly sworn, and having severally taken the oath hereto annexed, and having been attended by counsel of the respective parties, John W. Cary, Esq., appearing for the complainant and J. H. Swan, Esq., appearing for the defendant, the Sioux City & St. Paul Railroad Company, we have carefully considered the matters referred to us in said commission, and have satisfied ourselves of the condition and situation thereof.

1. We find and report that all the following pieces and parcels of land of said classes 1 and 4 of said decree herein particularly described in schedule A, had prior to the making of said decree, on the 21st day of May, 1886, been sold and disposed of by the defendant, the Sioux City & St. Paul Railroad Com-

pany, and conveyances thereof made to actual purchasers, and that the complainant, Chicago, Milwaukee & St. Paul Railway Company had assented thereto, and had executed a conveyance ratifying and confirming said sales, and for that reason no partition of said lands in schedule A, has been made, to wit:

List of lands in Class No. One (1), Schedule "A."

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented all.....	3	98 40		841.98
Patented all.....	5	98 40		840.98
Patented all.....	7	98 40		601.82
Patented all.....	11	98 40		640.00
Patented all.....	17	98 40		640.00
Patented all.....	19	98 40		613.60
Patented all.....	21	98 40		640.00
Patented all.....	31	98 40		625.28
Patented se qr, s hf of ne, s hf of nw qr.....	31	98 40		308.90
Patented se qr and s hf of ne qr.....	33	99 40		240.00
Patented all.....	3	98 41		639.00
Patented all.....	3	98 41		646.34
Patented all.....	6	98 41		654.42
Patented all.....	7	98 41		612.42
Patented all.....	9	98 41		640.00
Patented all.....	11	98 41		640.00
Patented all.....	13	98 41		640.00
Patented all.....	15	98 41		640.00
Patented all.....	17	98 41		640.00
Patented all.....	19	98 41		612.00
Patented all.....	21	98 41		640.00
Patented all.....	23	98 41		640.00
Patented all.....	25	98 41		640.00
Patented shf of se qr.....	25	98 41		80.00
Patented all.....	29	98 41		640.00
Patented all.....	31	98 41		635.26
Patented all.....	33	98 41		640.00
Patented all.....	35	98 41		640.00
Patented s hf and s hf of n hf.....	31	99 41		472.19
Patented s hf and s hf of n hf.....	33	99 41		480.00
Patented s hf and s hf of n hf.....	35	99 41		480.00
Patented all.....	1	98 42		662.18
Patented all.....	3	98 42		665.74
Patented all.....	5	98 42		669.72
Patented e hf of e hf.....	7	98 42		160.00
Patented all.....	9	98 42		640.00
Patented all.....	13	98 42		640.00
Patented all.....	17	98 42		640.00
Patented e hf of e hf.....	19	98 42		160.00
Patented all.....	21	98 42		640.00
Patented all.....	23	98 42		640.00
Patented all.....	25	98 42		640.00
Patented e hf.....	27	98 42		320.00
Patented n hf.....	29	98 42		320.00
Patented e hf of e hf.....	31	98 42		160.00
Patented all.....	33	98 42		640.00
Patented all.....	35	98 42		640.00
Patented e hf of se qr, se qr of ne qr.....	31	99 42		120.00
Patented s hf and s hf of n hf.....	33	99 42		480.00

List of lands in Class No. One (1), Schedule "A"—Continued.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented s hf and s hf of n hf.....	35	99 42		480.00
ne qr of se qr, e hf of sw.....	35	97 41		120.00
s hf.....	35	97 42		320.00
Class one (1), schedule A.....				27,702 33

List of lands in Class No. Four (4), Schedule "A."

Patented w hf.....	5	99 38	348 36
Patented all.....	7	99 38	612 72
Patented all.....	17	99 38	640.00
Patented n hf.....	19	99 38	310 91
Patented se qr.....	21	99 38	100 00
Patented s hf.....	27	99 38	320 00
Patented se qr and se qr of ne qr.....	29	99 38	200 00
Patented nw qr.....	33	99 38	160 00
Patented school lot in.....	35	99 38	1.00
Patented sw qr.....	17	100 38	160 00
Patented s hf.....	19	100 38	304 74
Patented s hf.....	21	100 38	320 00
Patented e hf, e hf of w hf, sw qr of nw qr.....	27	100 38	520.00
Patented all.....	29	100 38	578.75
Patented all.....	31	100 38	609 32
Patented all.....	33	100 38	236 80
Patented n hf, se qr, n hf of sw qr, sw qr of sw.....	35	100 38	600 00
Patented ne qr.....	1	99 39	186 39
Patented all.....	3	99 39	689 52
Patented w hf, and ne qr.....	11	99 39	480 00
Patented all.....	13	99 39	640.00
Patented all.....	15	99 39	640.00
Patented e hf, and sw qr.....	21	99 39	480 00
Patented all.....	25	99 39	640.00
Patented all.....	27	99 39	640.00
Patented n hf.....	33	99 39	320 00
Patented s hf.....	19	100 39	320.00
Patented ne qr, sw qr, right of way in ne qr of se qr.....	25	100 39	338 35
Patented all.....	35	100 39	640 00
Patented e hf of e hf.....	7	100 42	102 28
Class No. Four (4), Schedule "A".....			12,185 02

List of Lands in Class No. One (1), Schedule "B."

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented s hf.....	9	98 40		339 40
Patented s hf of nw qr.....	33	99 40		80.00
Patented sw qr.....	31	99 40		137 88
Patented sw qr.....	33	99 40		160.00
Patented ne qr, n hf of se qr.....	27	98 41		240.00
Patented s hf of se qr.....	3	95 42		80.00
e hf.....	5	95 41		819 98
(ne qr of nw qr).....	7	96 41		40.00
ne qr of sw qr.....	17	96 41		40.00
nw qr of ne qr.....	5	97 41		35 48
ne qr of sw qr.....	11	97 41		40.00
nw qr of nw qr.....	17	97 41		46.00
nw qr of sw qr.....	19	97 41		40 71
n hf, sw qr, n hf of se qr.....	3	95 42		549 60
n hf of n hf.....	11	95 42		160 00
All.....	1	96 42		641 96
n hf.....	5	96 42		334 94
e hf of ne qr.....	7	96 42		80.00
All.....	9	96 42		640.00
All.....	13	96 42		640.00
e hf of e hf.....	17	96 42		320.00
All.....	19	96 42		160.00
All.....	21	96 42		640 00
All.....	25	96 42		640.00
All.....	27	96 42		640.00
e hf of ne qr.....	31	96 42		80.00
All.....	35	96 42		640.00
All.....	1	97 42		607 20
All.....	5	97 42		590 40
e hf of e hf.....	7	97 42		160 00
All.....	15	97 42		640.00
All.....	23	97 42		640 00
All.....	27	97 42		640.00
ne qr of ne qr, se qr of se qr.....	31	97 42		80.00
n hf.....	33	97 42		320.00
				11,417 85

2nd. We further report that we have made partition of all the rest and residue of said lands described in Classes No. 1 and No. 4 of said decree, between said parties according to their respective rights and interests therein, as the same have been ascertained, declared and determined by the said court, as we were by the said decretal order commanded; we divided the whole of said last named premises into two lots, each of which allotment is, in our opinion, of equal value, and submitted said allotments to the respective counsel, who stated that they did not care to be further heard thereon, and that we have set off in severalty to the said complainant, Chicago, Milwaukee & St. Paul Railway company, all those certain pieces and parcels of said premises designated and described as Schedule B, as follows, to-wit:

List of Lands in Class No. Four (4), Schedule "B."

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented s hf, sw qr of ne, s hf of nw qr and ne qr of nw qr	7	99 37		477.64
Patented nw qr of ne qr, s hf of ne qr, nw qr of nw qr and a s hf of nw qr	19	99 37		226 79
Patented s hf	19	99 37		305 73
Patented all	3	98 38		640 50
Patented all	9	98 38		640 00
Patented all	1	99 38		883.78
Patented nw qr of ne qr	5	99 38		53.21
Patented ne qr, n hf of nw qr, sw qr, w hf of se qr, ne qr of se qr	11	99 38		520.00
Patented s hf, ne qr, s hf of nw qr, ne qr of nw qr	13	99 38		600.00
Patented s hf	19	99 38		311.35
Patented n hf, n hf of sw, se qr of sw qr	21	99 38		440.00
Patented all	25	99 38		640.00
Patented nw qr of ne qr	29	99 38		548.21
Patented se qr, n hf, n hf of sw qr	31	99 38		40.00
Patented ne qr, e hf of sw qr	33	99 38		240.00
Patented e hf	1	98 39		321.47
Patented nw qr	21	99 39		160.00
Patented n hf	23	99 39		320.00
Patented n hf	29	99 39		320.00
Patented all	35	99 39		640.00
Patented nw qr	25	100 39		160.00
Class No. Four (4), Schedule "B"				8,288.68

List of Lands in Class No. Four (4), Schedule "B."

DESCRIPTION.	Section.	Town.	Range.	Acres.
sw qr, nw qr of nw, s hf of nw, se of ne, nw qr of se, s hf of se qr	7	98 38		427.42
ne qr	17	98 38		160.00
nw qr and sw qr of ne qr	21	98 38		200.00
s hf of n hf and s hf	7	95 40		483.96
w hf	15	95 40		320.00
All	17	95 40		640.00
All	19	95 40		651.52
All	21	95 40		640.00
w hf	23	95 40		320.00
All	27	95 40		640.00
All	29	95 40		640.00
All	13	95 42		640.00
All	25	95 42		640.00
All	29	95 42		320.00
Class No. Four (4), Schedule "B"				15,011.58

And we have also set off in severalty to the said Sioux City & St. Paul Railroad Company all those certain pieces and parcels of said premises designated and described as Schedule "C," as follows, to wit:

List of Lands in Class No. One (1), Schedule "C."

DESCRIPTION.	Section.	Town.	Range.	Acres.
sw qr nw qr	7	97 40		36.50
w hf	5	95 41		518.64
? (n hf of n hf)	7	95 41		150.52
ne qr of nw qr	3	98 41		39.94
se qr of ne qr	15	98 41		40.00
sw qr of sw qr	13	97 41		40.00
All	1	95 42		642.28
All	5	95 42		630.82
ne qr ne qr	7	96 42		40.00
n hf of n hf	9	95 42		160.00
All	3	98 42		646.16
s hf	5	98 42		320.00
e hf of se	17	98 42		80.00
All	15	98 42		640.00
All	17	96 42		320.00
w hf	23	96 42		640.00
All	29	96 42		640.00
e hf of se qr	31	96 42		80.00
All	33	96 42		640.00
All	3	97 42		595.60
(Right of way 1.08 acres) all	9	97 42		638.92
(Right of way 19.71 acres) all	17	97 42		630.28
(Right of way 10.53 acres) e hf of e hf	19	97 42		149.47
All	25	97 42		640.00
se qr of ne qr, ne qr of se qr	31	97 42		80.00
s hf	33	97 42		820.00
All	35	97 42		640.00
(Patented) all	29	98 40		640.00
(Patented) se qr of nw qr	7	98 41		40.00
(Patented w hf)	27	98 41		32.00
Total				11,429.12
Class No. One, Schedule C				

List of lands in Class No. Four (4), Schedule "C."

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented s hf	31	100 37		317.17
Patented all	5	98 38		641.56
Patented ne qr of nw qr	7	98 38		40.00
Patented all	11	98 38		640.00
Patented ne qr, w hf of nw, n hf of sw, se qr	3	99 38		513.78
Patented se qr of ne qr	5	99 38		40.00
Patented se qr	7	99 38		160.00
Patented all	9	99 38		640.00
Patented all	15	99 38		640.00
Patented n hf, sw qr, n hf of se, se qr of se qr	23	99 38		600.00
Patented n hf	37	99 38		320.00
Patented w hf of w hf	29	99 38		160.00
Patented se qr and w hf of sw qr	33	99 38		240.00

List of lands in Class No. Four (4), Schedule "C"—Continued.

DESCRIPTION.	Section.	Town.	Range.	Acres.
Patented n hf, sw qr, sw qr of se qr.	35	99 38		518.00
Patented ne qr, n hf of nw qr, sw qr of nw qr.	19	100 38		281.58
Patented w hf.	1	98 39		321.89
Patented nw qr and s hf.	1	99 39		506.25
Patented se qr.	11	99 39		160.00
Patented s hf.	23	99 39		320.00
Patented n hf of n hf.	29	99 39		320.00
Patented all.	31	99 39		148.79
Patented se qr.	23	100 39		640.00
	25	100 39		153.75
				8,302.57

List of lands in Class No. Four (4), Schedule "C."

DESCRIPTION.	Section.	Town.	Range.	Acres.
All.	15	95 38		640.00
nw qr.	17	98 38		160.00
s hf of nw qr, sw qr.	9	95 40		240.00
s hf of n hf and s hf.	11	95 41		480.00
All.	13	95 41		640.00
All.	15	95 41		640.00
w hf.	19	95 41		288.75
All.	23	95 41		640.00
All.	25	95 41		640.00
All.	27	95 41		640.00
All.	29	95 42		640.00
All.	27	95 42		640.00
s hf.	29	95 42		320.00
s hf of ne qr.	31	95 42		80.00
Total.				6,888.75
Class No. Four (4), Schedule C.				14,991.33

And we further certify and report that the items of the various expenses attending the execution of the said order, including our fees as Commissioners, are contained in the schedule hereto annexed, marked "D," and forming a part of this report.

In witness whereof, we, the said Commissioners, have set our hands to this, our report, this 25th day of October, in the year of our Lord one thousand eight hundred and eighty-six.

(Signed)

P. T. LOMAX,
JOHN A. ELLIOTT,
E. R. MASON,
Commissioners.

STATE OF IOWA. } ss.
County of Polk. }

Be it remembered, that on this 25th day of October, 1886, P. T. Lomax, John A. Elliott and Edward R. Mason, to me known to be the persons who subscribed the foregoing report, appeared before me, the undersigned, and acknowledged the execution of the foregoing report, and that the same was their free act and deed, for the uses and purposes therein mentioned.

(Signed) JOHN D. JORDAN,
[NOTARIAL SEAL.] Notary Public, Polk county, Iowa.

United States Circuit Court, Southern District of Iowa, Central Division.
October Term. Thursday, October 28, 1886.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO., } No. 1481. Equity.
v. }
SIOUX CITY & ST. PAUL RAILROAD COMPANY. }

This cause came on this day for hearing; the complainant appears by Geo. E. Clarke, and defendant appearing by J. H. Swan, and consenting thereto it is now ordered that the report of Commissioners of partition, made under and in pursuance of the decree entered in this cause at the May term, 1886, be and the same is hereby, in all respects, ratified, approved and confirmed.

OPINION OF THE ATTORNEY-GENERAL.

OFFICE OF ATTORNEY-GENERAL, }
DES MOINES, IOWA, May 14, 1886. }

HON. WILLIAM LARRABEE, Governor:

Sir—You desire my official opinion in regard to your right and duty to issue patents or certificates to the Chicago, Milwaukee & St. Paul Railway Company and the Sioux City & St. Paul Railroad Company, to certain lands claimed by these companies, which I understand to be the lands granted by Congress "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, also to said State for the benefit of the McGregor & Western Railroad Company, for the purpose of aiding in the construction of a railroad from McGregor in a westerly direction, by the most practicable route, on or near the 43d parallel of north latitude, to an intersection of said road running from Sioux City to State line at some point in O'Brien county."

This grant was made by act of Congress approved May 12, 1864. By the terms of the grant it was provided as follows:

"Sec. 4. And be it further enacted: That the lands hereby granted shall be disposed of by said State for the purpose 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 road, 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 the 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 for 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."

The terms of this grant, in so far as the same applied to the railroad to be constructed from Sioux City to the south boundary line of the State of Minnesota, was accepted by the Sioux City & St. Paul Railroad Company in writing, filed in the office of the Secretary of State of the State of Iowa, on September 20th, 1889.

By the terms of the grants as contained in the act of Congress, approved May 12, 1864, the said Sioux City & St. Paul Railroad Company, were required to have their railroad completed and in operation from Sioux City to the said Minnesota State line on or before September 20th, 1876. A failure to do so would therefore cause all the lands so granted by Congress, and *not theretofore patented* to said company, to revert to the State of Iowa.

Thereafter the State of Iowa would have the right to dispose of said lands upon such terms as it might desire, for the purpose of securing the completion of the road, as required in the grant. If such completion should not be had within five years from the said 20th of September, 1876, then the "lands undisposed of as aforesaid" were to revert to the United States—*i. e.*, all lands *not then patented* should revert to the United States.

I find that, by an act of the General Assembly, approved April 6th, 1886, the State of Iowa accepted the tender tendered by said act of Congress granting said lands; and by the same act so much of said lands as was by Congress granted to aid in the construction of a railroad from Sioux City to the

south line of the State of Minnesota, etc., were "disposed of, granted and conferred upon the Sioux City & St. Paul Railroad Company," upon certain terms and conditions as provided in this last named act.

I find that thereafter the General Assembly of the State of Iowa, by an act approved March 16, 1882, resumed "all lands and all rights to lands granted or intended to be granted to the Sioux City & St. Paul Railroad Company, by said act 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."

The reasons for this act of resumption are set out in a preamble consisting of several clauses, the fourth of which is as follows:

"WHEREAS, Said Sioux City & St. Paul Company, duly accepted said grant on the 20th day of September, 1866, but has failed to complete any road of the line adopted therefor from Sioux City to Le Mars in said State of Iowa, or any road in lieu thereof. Be it enacted," etc. See chapter 107, acts 19th G. A.

I find that thereafter the 20th General Assembly, by an act approved March 27th, 1884, relinquished and conveyed to the United States all the lands so resumed by the provisions of chapter 107 of laws of 19th General Assembly, *except the lands in O'Brien and Dickinson counties*, reciting again in the preamble of this last act that "said railroad company duly accepted said grant, but failed to complete said railroad as required by the terms of said grant."

These statutes are legislative declarations that the said railroad company has failed to comply with the terms of the grant. This declaration is conceded by the executive department to be true, as evidenced by the approval of said law by the Governor, and in my opinion it is conclusive upon the subject, in so far as executive action is concerned. It is in effect a declaration that the Governor shall certify *no more* lands to that company. It is a declaration that *all those lands* now belong to the United States, and are a part of the public domain.

The provision of the act of Congress granting the lands, *i. e.*, "that if said railroad is not completed within ten years from the acceptance of this grant then said lands hereby granted and not patented shall revert to the State of Iowa." If, then, the legislative declaration, as contained in said several acts are true, the lands not patented to the Sioux City & St. Paul Railroad Company did on the 21st of September, 1876, revert to the State of Iowa. And inasmuch as the State of Iowa never completed said road, it follows that on the 21st of September, 1881, all of said lands not so patented reverted to the United States, and from that time forward the State of Iowa had no control over them.

It is claimed, however, that the Circuit Court of the United States has decided that the Sioux City road did comply with the terms of the grant, and is entitled to a portion of said lands, as ascertained and decided by the Supreme Court of the United States, upon appeal thereto. It therefore be-

comes necessary to examine said case in order to determine what effect it may have upon your executive action.

In March, 1879, the Chicago, Milwaukee & St. Paul Company filed a bill in equity in the United States Circuit Court for the district of Iowa, against the Sioux City & St. Paul Railroad Company et al., to have determined the respective rights of those two companies to the lands in what are known as the over-lapping district.

In this suit, Hon. John H. Gear, Governor, and Hon. J. K. Powers, Register of the State Land Office, were made parties defendant. The relief, and the only relief prayed against these officers was, viz.: "That the certificate or certificates heretofore issued by the Governor of said State of Iowa, and Register of the State Land Office of said State, to the Sioux City & St. Paul Railroad Company for the lands, or any part thereof heretofore described, may be annulled, vacated, and set aside; and that said Governor, etc., may be directed to issue a certificate, etc.," to the said Milwaukee Company.

The question of the title of the State, or of the United States, to the lands in question was not involved, except collaterally, as the same arose in the determination of the rights of these two contending companies between themselves. Nor could the State, or the United States have been made parties thereto, so as to bar them, or form any rights they might have to such lands.

The Governor and Register of Lands answered, averring that they had no knowledge, information, or belief sufficient to enable them to determine which, if either of said claimants were entitled to said lands.

It will be observed that the acts of the General Assembly, declaring that the Sioux City & St. Paul Railroad Company had not built its road as required by the act of Congress, and enacting that the State resume the lands, was passed subsequent to the beginning of this suit.

In the answer of the Sioux City & St. Paul Company, and in the 10th paragraph thereof, it is admitted that it had only constructed its road from the Minnesota line to Le Mars, and that between Le Mars and Sioux City there is a gap of twenty-four miles over which it had constructed no road.

There is no mention made in said answer of the State of Iowa as a party, nor is there any claim made by this defendant against the State, or against the co-defendants, the Governor, and Register of Lands. Nor are the Governor or Register mentioned in the decree.

I am therefore of opinion that neither the State or the United States is in any manner barred from asserting any claims either may have to any of such lands, by reason of any decision, or order or decree of the courts in said cause; nor does it in any way confer upon you an authority or power to transfer to said company the lands which the Legislature has declared has not been earned. Having been divested of this power by the acts in question, you can only act after the power has been again conferred upon you by law.

It may be claimed that by the act approved March 27, 1884, the lands in the overlapping districts, to-wit: in O'Brien and Dickinson counties, are ex-

cepted from the provisions of said law. This could confer no power upon you; because the act in question is founded upon the same legislative declaration as the former act, viz.: That the said company failed to complete the road as required by the terms and conditions of the grant. This being true, the lands have all reverted to the United States, and the legislative exceptions of lands in O'Brien and Dickinson counties can have no effect to prevent such reversion.

Recurring to the congressional grant, as it applies to the McGregor & Western Railroad Company, it will be observed that is 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 from the date of its acceptance of the 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 upon such terms, and within such time, as the State may determine."

By an act of the General Assembly, approved February 27, 1863, the legislature declared that the McGregor & Western Company had wholly failed to build the road as required, and to perform the conditions of the grant, and enacted that the lands so granted be resumed by the State.

This was followed by an act, approved March 31, 1868, granting said lands to the McGregor & Sioux City Railroad Company, upon certain terms and conditions specified in the act. Thereafter the McGregor & Sioux City Railroad Company changed its name to the McGregor & Missouri River Railroad Company; and in 1876, by an act approved March 15th of that year, the General Assembly declared that the company had failed to comply with the terms of the act of February 27, 1863, and again resumed the lands to the State: The same act, however, again granted the lands to the same company, upon other conditions, among which was the condition that the connection with the Sioux City & St. Paul Railroad should be made within one half mile of the town of Sheldon, in O'Brien county, on or before December 1, 1877. The company failed to so complete the road within the time limited in the last named act.

In the meantime the Chicago, Milwaukee & St. Paul Railway Company had acquired so much of the McGregor road as had been completed, and by an act of the General Assembly, approved February 27, 1878, the State again resumed the lands, and again regranted them to the said last named company, upon other terms and conditions, among which were that the said road should be built to a connection with the Sioux City and St. Paul road, within one half mile of the corporate limits of Sheldon, in O'Brien county, on or before the 1st day of January, 1880.

This is all the legislation I find in regard to the lands granted by Congress to aid in constructing the McGregor & Western Railroad, now the Chicago, Milwaukee & St. Paul Railway.

There having been no legislation declaring said lands forfeited or declaring that the Milwaukee & St. Paul Railway Company have not complied with the terms of the grant vesting in the State the right to cause said railroad to be completed within the five years after the first ten year limitation,

I am of opinion that it still remains your duty to investigate the facts in connection with such compliance: And if you find that the said company has completed its road in compliance with the terms of the act of the General Assembly, approved February 27, 1878, that then you would be authorized to issue to said company the necessary certificates to enable them to obtain patents for such portions of such lands as by the final decision of the Supreme Court of the United States the company is found to be entitled to.

I am, with respect, yours truly,

A. J. BAKER,
Attorney-General.

UNPATENTED LANDS.

The following is a list of the lands that have been patented to the State of Iowa by the United States under the grant of May 12, 1894, but which have not been conveyed by the State.

Lands described in the decree of the Circuit Court as being in the ten and twenty mile limits common to both railroads, and which have been partitioned by the Commissioners to the Sioux City & St. Paul Railroad Company:

PARTS OF SECTION.	Section.	Town.	Range.	Acres.
All	15	98	38	640.00
nw qr.	17	98	38	160.00
s hf of nw, sw qr	9	95	40	240.00
sw of nw	7	97	40	36.50
w hf.	5	95	41	314.64
n hf of n hf.	7	95	41	160.51
s hf of n hf, s hf.	11	95	41	480.00
All	13	95	41	640.00
All	15	95	41	640.00
w hf.	19	95	41	288.75
All	23	95	41	640.00
All	25	95	41	640.00
All	27	95	41	640.00
ne of nw	3	96	41	39.94
se of ne	15	96	41	40.00
sw of sw	13	97	41	40.00
All	1	95	42	641.56
All (except sw of se, not in grant)	5	95	42	590.52
ne of ne	7	95	42	40.00
n hf of n hf.	9	95	42	160.00
All	23	95	42	640.00
All	27	95	42	640.00
s hf.	29	95	42	320.00
e hf of ne	31	95	42	80.00
All	3	96	42	646.16
s hf.	5	96	42	320.00
e hf of se.	7	96	42	80.00
All	11	96	42	640.00
All	15	96	42	640.00
w hf	17	96	42	320.00

UNPATENTED LANDS—CONTINUED.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.
All	29	96	42	640.00
All	31	96	42	50.00
e hf of se	33	96	42	640.00
All	3	97	42	585.50
All	5	97	42	640.00
All	17	97	42	640.00
All	19	97	42	160.00
e hf of e hf	25	97	42	640.00
All	31	97	42	80.00
se of ne, ne of se	33	97	42	320.00
s hf.	35	97	42	640.00
All				17,104.29
Total				

Lands described in decree of Circuit Court as being within the limits common to both railroads, but which were not partitioned by the Commissioners for reasons given in the partition.

PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.
e hf of sw, ne of se	35	97	41	120.00
s hf.	29	97	42	320.00
Total				440.00

Lands described in the decree of the Circuit Court as lying within the ten-mile limits of the Sioux City & St. Paul Railroad, and outside of the ten-mile limits of the Chicago, Milwaukee & St. Paul Railroad, and which were by said decree set off to the Sioux City & St. Paul R. R. Co.

PARTS OF SECTION.	Section.	Town.	Range.	Acres.
s hf of n hf, s hf.	7	95	41	451.49
se of ne, e hf of se	7	95	42	120.00
s hf of n hf, s hf.	9	95	42	480.00
s hf of n hf, s hf.	11	95	42	480.00
All	15	95	42	640.00
All	17	95	42	640.00
e hf of e hf	19	95	42	160.00
All	21	95	42	640.00
Total				3,611.49

Lands that were patented to the State to aid in the construction of the Sioux City & St. Paul Railroad, which lie west of the western limit of the Chicago, Milwaukee & St. Paul Railroad, and which were not in dispute between the two companies, hence are not noticed in decree.

PARTS OF SECTION.			
	Section.	Town.	Range.
nw of ne, w hf of nw, se of nw, w hf of se.....	7 96 42	230.41	
w hf of sw, se of sw, w hf of se.....	19 95 42	193.49	
se of nw.....	31 95 42	40.00	
nw of ne.....	7 96 42	40.00	
sw of se, se of nw, nw of nw.....	19 96 42	116.17	
sw of ne, ne of nw, nw of se.....	7 97 42	120.00	
Total.....		740.07	

Lands that were patented to the State to aid in the construction of the road from McGregor to Sheldon, and which were withheld from patent to the Chicago, Milwaukee & St. Paul Railroad Company, because they were presumed to be within the conflicting limits of the two roads, but apparently not in dispute, as they are not noticed in decree of Circuit Court.

PARTS OF SECTION.			
	Section.	Town.	Range.
ne of nw, se of sw.....	23 99 38	80.00	
se of se.....	35 99 38	40.00	
Total.....		120.00	

Aggregate number of acres as aforesaid, not conveyed by the State. 22,015 85

LANDS PATENTED TO CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY BY THE STATE.

The following is a list of the lands in the so-called over-lapping limits which were patented by the State of Iowa to the Chicago, Milwaukee & St. Paul Railway Company under the decree and partition of the United States courts, heretofore given.

In the ten-mile or granted limits of the Chicago, Milwaukee & St. Paul Railway and outside of the ten-mile or granted limits of the Sioux City & St. Paul Railroad. Date of patents September 27, 1887.

IN DICKINSON COUNTY.

PARTS OF SECTIONS.			
	Section.	Town.	Range.
s hf.....	17	98 38	320.00
All.....	19	98 38	696.68
s hf.....	21	98 38	320.00
All.....	23	98 38	640.00
All.....	31	98 38	638.76
Total.....			2,555.44

IN O'BRIEN COUNTY.

PARTS OF SECTIONS.			
	Section.	Town.	Range.
w hf of sw.....	7	96 39	62.25
ne of ne.....	7	97 39	40.00
All.....	1	95 40	608.22
All.....	3	95 40	675.28
All.....	5	95 40	651.60
n hf of n hf.....	7	95 40	161.22
e hf and n hf of nw.....	9	95 40	400.00
All.....	11	95 40	640.00
All.....	13	95 40	640.00
e hf.....	15	95 40	320.00
e hf.....	23	95 40	320.00
All.....	1	96 40	599.88
All.....	3	96 40	612.00
All.....	5	96 40	626.24
All.....	7	96 40	635.08
All.....	9	96 40	640.00
All.....	11	96 40	640.00
All.....	13	96 40	640.00
All.....	15	96 40	640.00
All.....	17	96 40	640.00
All.....	19	96 40	636.48
All.....	21	96 40	640.00
All.....	23	96 40	640.00
All.....	25	96 40	640.00
All.....	27	96 40	640.00
All.....	29	96 40	640.00
All.....	31	96 40	641.82
All.....	33	96 40	640.00
All.....	35	96 40	640.00
n hf of ne.....	1	97 40	61.44
sw of sw and se of se.....	21	97 40	80.00
ne of nw.....	25	97 40	160.00
All.....	35	97 40	40.00
All.....	1	95 41	638.82
All.....	3	95 41	641.48

IN O'BRIEN COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.
n hf of n hf.....	11	95 41		160.00
nw of ne.....	25	97 41		40.00
Total.....				17,861 81

In the ten and twenty mile limits common to both of said railroads. Date of patents November 30, 1886.

IN DICKINSON COUNTY.

(In twenty-mile or indemnity limits.)

PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.
se of ne, w fr hf of nw, se of nw, sw fr qr, nw of se, s hf of se.....	7	98 38		427.42
ne qr.....	17	98 38		160.00
nw qr and sw of ne.....	21	98 38		500.00
Total.....				787.42

IN O'BRIEN COUNTY.

Partly within the ten-mile or granted limits and partly within the twenty-mile or indemnity limits.

PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.
s hf of ne, s fr hf of nw, s fr hf.....	7	95 40		483.96
w hf.....	15	95 40		320.00
All.....	17	95 40		640.00
All.....	19	95 40		651.62
All.....	21	95 49		640.00
w hf.....	23	95 40		320.00
All.....	27	95 40		640.00
All.....	29	95 40		640.00
e fr hf.....	3	95 41		319.68
ne of nw.....	7	96 41		40.00
ne of sw.....	17	96 41		40.00
nw fr qr of ne.....	5	97 41		35.48
ne of sw.....	11	97 41		48.00
nw of nw.....	17	97 41		40.00
nw fr qr of sw.....	19	97 41		40.71
n fr hf, sw qr, n hf of se.....	3	95 42		549.60
n hf of ne, n hf of nw.....	11	95 42		160.00

IN O'BRIEN COUNTY—CONTINUED.

PARTS OF SECTIONS.	Section.	Town.	Range.	Acres.
All.....	13	95 42		640.00
All.....	25	95 42		640.00
n hf.....	29	95 42		320.00
All fr.....	1	96 42		641.96
n fr hf.....	5	96 42		334.94
e hf of ne.....	7	96 42		80.00
All.....	9	96 42		640.00
All.....	13	96 42		640.00
e hf.....	17	96 42		320.00
e hf of ne, e hf of se.....	19	96 42		160.00
All.....	21	96 42		640.00
All.....	25	96 42		640.00
All.....	27	96 42		640.00
e hf of ne.....	31	96 42		80.00
All.....	35	96 42		640.00
All fr.....	1	97 42		607.30
All fr.....	7	97 42		300.40
e hf of ne, e hf of se.....	13	97 42		160.00
All.....	19	97 42		640.00
All.....	23	97 42		640.00
All.....	27	97 42		640.00
ne of ne, se of se.....	31	97 42		80.00
n hf.....	33	97 42		320.00
Total.....				16,835.55

Aggregate quantity in the four patents 37,540.22 acres.

In issuing patents for these lands, the authority given by statute and by the decision and decree of the court is quoted and referred to. A provision is inserted in each patent reserving all rights of settlers to any of the lands described in the same, from the operation of the patent.

As the form of each patent is similar, I give a copy of one of them complete, omitting the lands described:

THE STATE OF IOWA.

To all to whom these presents shall come, greeting:

WHEREAS, By act of Congress, approved May 12, 1864, a grant was made 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 direc-

tion 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";

And, whereas, The grant thus made to the said State for the use and benefit of the McGregor Western Railroad Company was resumed by act of the Twelfth General Assembly of Iowa, approved February 27, 1868, and was, by act of the same General Assembly, approved March 31, 1869, granted to the McGregor & Sioux City Railway Company;

And, whereas, This grant was again resumed by act of Seventeenth General Assembly, approved February 27, 1878, and was by the same act granted to and conferred upon the Chicago, Milwaukee & St. Paul Railway Company upon certain terms and conditions set forth in the said act, which terms and conditions have been complied with by the said railway company; and,

And, whereas, The lands hereinafter described situated in the county of O'Brien, Iowa, lying partly within the ten-mile or granted limits, and partly within the twenty-mile or indemnity limits, common to both of the railroads, for the benefit of which the aforesaid Congressional grant was made, have heretofore been patented by the United States to the State of Iowa under said railroad grant of May 12, 1861, to aid in the construction of the railroad from Sioux City to the northern boundary of the State; but have been withheld by the State from patent to the railroad company that was by act of the General Assembly of the State made the beneficiary of the grant for building said road;

And, whereas, The Circuit Court of the United States for the District of Iowa, at the May term, 1886, in a case entitled, "Chicago, Milwaukee & St. Paul Railway vs. Sioux City & St. Paul Railroad Company, Alexander H. Rice and Elias F. Drake, Trustees; John H. Gear, Governor; and James K. Powers, Register of the State Land Office of the State of Iowa," in accordance with an opinion of the Supreme Court of the United States, given in March, 1886, and under instructions from said court rendered a decree, in which it is held, among other things, as follows: "That said complainant, Chicago, Milwaukee & St. Paul Railway Company, has fully complied with all the terms and conditions of said act of Congress granting said lands, so far as said lands were given to aid in the construction of a railroad from the foot of Main street, South McGregor, in the State of Iowa, in a westerly direction by the most practicable route on or near the forty-third parallel of north latitude, until it should intersect the road running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State, and with the act of the Legislature of the State of Iowa, approved February 27, 1878, conferring said grant upon the complainant, and has fully completed said railroad within the time specified in said act of Congress and said act of the Legislature, and thereby has become entitled to receive all lands contained in said grant not heretofore granted by the State of Iowa to other parties, and is now entitled to all said lands above described as pertaining to said grant."

Also: "It is further ordered, adjudged and decreed, that the several pieces and parcels of land first above mentioned as Class No. 1, are a part and por-

tion of said grant so made by said act of Congress, and are within the overlapping limits of said grant, that is, within ten miles of the definitely located line of each of said railroads, and that said companies are jointly entitled to said lands, and that said State of Iowa, or the proper officers thereof, should of right make, execute and deliver to the said complainant and the said defendant, Sioux City & St. Paul Railroad Company, jointly, patents for all of said lands in Class No. 1 not heretofore patented.

And it is ordered, adjudged and decreed, and this Court, by virtue of the power therein vested, doth order, adjudge and decree that the complainant, the Chicago, Milwaukee & St. Paul Railway Company, and the defendant, the Sioux City & St. Paul Railroad Company, are each of them the owner of and entitled to, and are hereby invested with the title in fee to an equal undivided one-half of all the lands described in Class No. 1, save and except the right of way as excepted in said act of the General Assembly of the State of Iowa, approved February 27, 1878;" Also, "It is further ordered, adjudged and decreed that the several pieces and parcels of land mentioned and described in Class No. 4, above mentioned, are a part and portion of said grant made by said act of Congress, and are within the overlapping limits of said grant, and are all situated within the indemnity, that is, within twenty miles of the definitely located line of each of said railroads, and not within the ten-mile limits of either, and that companies are jointly entitled to said lands, and that said State of Iowa, or the proper officers thereof, should of right, make, execute and deliver to the said complainant and the said defendant, Sioux City & St. Paul Railroad Company, jointly, patents for all of said lands in Class No. 4, not heretofore patented. And it is further ordered, adjudged and decreed, and this Court, by virtue of the power therein vested, doth order, adjudge and decree that the complainant herein, the Chicago, Milwaukee & St. Paul Railway Company, and the defendant, the Sioux City & St. Paul Railroad Company, are jointly the owners of and entitled to, and are each hereby invested with the title in fee to all of the lands above described as Class No. 4;"

And, whereas, the lands included in Class No. 1 and in Class No. 4 as aforesaid, were on the 25th day of October, 1886, partitioned between the two railroad companies aforesaid by Commissioners appointed under an order of Court dated May 21, 1886, which partition was, by the Court, on the 28th day of October, 1886, at the October term of said Court, ratified, approved and confirmed. The two companies assenting to said partition.

And, whereas, the lands hereinafter described, lying in O'Brien county, as aforesaid, are the lands in said county which, in the partition of the Commissioners referred to, were set off to the Chicago, Milwaukee & St. Paul Railway Company, the same being included partly in Class No. 1 and partly in Class No. 4 aforesaid, to-wit: (Here follows a description of the lands.)

Now, therefore, I, William Larrabee, Governor of the State of Iowa, in consideration of the premises and in conformity with law, do hereby convey unto the said Chicago, Milwaukee & St. Paul Railway Company and to its assigns the tracts of land heretofore particularly described, to have and to hold the same together with all the rights, privileges, immunities and appur-

tenances, of whatsoever nature, thereunto belonging, unto the said Chicago, Milwaukee & St. Paul Railway Company and to its assigns forever; Reserving, however, all rights of the settlers upon these lands.

In testimony whereof I have caused these letters to be made patent and the great seal of the State of Iowa to be hereunto affixed.

Given under my hand at Des Moines the 30th day of November, in the year of our Lord one thousand eight hundred and eighty-six, and of the State of Iowa the fortieth.

[L. S.]

By the Governor:

FRANK D. JACKSON,

Secretary of State.

WILLIAM LARRABEE.

I hereby certify that the foregoing deed is recorded in volume 2, pages 545 to 550, inclusive.

FRANK D. JACKSON,
Secretary of State.

Certain settlers on the disputed railroad lands in O'Brien county made application to the Secretary of the Interior to have suit brought with a view of having the title to such lands declared to be in the United States. I wrote to the Secretary of the Interior for the purpose of obtaining correct information as to what had been done in the matter, and received the following reply:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 23, 1887. }

HON. FRANK D. JACKSON, *Secretary of State, Des Moines, Iowa:*

Sir—Replying to your inquiry by letter of 18th instant, relative to a hearing recently had before this Department, in regard to title to some lands which were patented to the State of Iowa several years ago, under the act of May 12, 1864. I assume that you refer to the application of settlers on certain lands in O'Brien county, to have suit brought by the Attorney-General to have the title to said lands declared in the United States. With regard to that, I have to say that an oral hearing has been had, and the matter is still pending and undetermined. The case awaits certain information which has been called for, and upon the receipt of which action will be had as promptly as may be consistent with that deliberation which questions of so grave importance demand.

Briefs and arguments have been filed by counsel for the settlers and the railroads respectively, and should you desire them, I have no doubt counsel would, on your request, take pleasure in furnishing you with printed copies.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Since the receipt of the foregoing communication, the Secretary of the Interior has made his decision, and the Commissioner of the General Land Office has transmitted to the Governor a copy of it.

The following is a copy of the decision and letter of transmittal:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., August 11, 1887. }

HON. WM. LARRABEE, *Governor of Iowa:*

SIR—I enclose herewith a copy of the decision of the Secretary of the Interior of July 26th ult., upon an application in behalf of certain settlers in O'Brien county, Iowa, for the institution of suit by the United States to recover title to some 55,297.21 acres of land in said county, which had been patented to said State for the Sioux City & St. Paul Railroad Company, and claimed by said company, and the Chicago, Milwaukee & St. Paul Railway Company, under the act of Congress approved May 12, 1864 (13 Stat., 72).

With reference to the Chicago, Milwaukee & St. Paul Company, the Secretary finds that said company is entitled to all the lands in O'Brien county decreed and partitioned to it by decision of the Supreme Court of the United States (117 U. S., 406), and declines to request the institution of suit to recover title to any of said lands.

With reference to the Sioux City & St. Paul Company, the Secretary decided that the grant by act of May 12, 1864, was a grant in place, and that while the company constructed fifty-six and one fourth miles of road, that it is entitled to lands for five full sections of ten miles each, or fifty miles only of road, and that it is not entitled to indemnity for the moiety in the common ten mile granted limits awarded to the Chicago, Milwaukee & St. Paul Company by the Supreme Court, and directs the adjustment of the grant accordingly.

It is found upon examination of the grant that the gross area of the odd-numbered sections within the ten-mile granted limits for fifty miles of road is 314,346.54 acres. The area within the common ten-mile granted limits is 69,818.76 acres and a moiety of this 34,909.33 deducted from the gross area within the granted limits leaves 279,437.16 as the greatest possible amount that could be earned by the Sioux City & St. Paul Company.

The records show that there have been patented to the State for the company (less 40 acres patented twice), 407,870.21 acres. Of this amount the State withheld from the company because of its failure to complete the construction of its road, 85,457.40 acres, leaving 322,412.81 acres patented to the company. Of this quantity the Supreme Court in the decision above cited awarded to the Chicago, Milwaukee & St. Paul Company, 41,687.52 which, deducted from the 322,412.81 acres, leaves 280,725.29 acres actually held by the company by patent from the State. As the greatest amount possible for the company to earn by the construction of fifty miles of road is 279,437.16, there is a clear excess of 788.13 acres patented to the company.

Upon a complete and final adjustment of the grant, which cannot be made until certain questions affecting the right of indemnity selection are determined, a further excess may be found, and if so, the proper steps will be taken to recover it.

Of the 85,457.40 acres patented to the State, but withheld from the company, 26,017.33 acres have been reconveyed to the United States and ordered restored to market, and 37,747.89 acres have been awarded to the Chicago, Milwaukee & St. Paul Company by decision of the Supreme Court (*supra*) leaving 21,692.18 acres still withheld by the State.

As directed by the Secretary of the Interior, you are hereby requested to reconvey to the United States this 21,692.18 acres. The Secretary further directs that in the event of neglect or failure to make the reconveyance within ninety days from the receipt of this demand, that the fact be promptly reported to him and the record returned, in order that the Attorney-General may be requested to institute suit for the recovery of the land. Please acknowledge the receipt of this letter.

Very respectfully,

S. M. STOCKSLAGER, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., July 26, 1887. }

The Commissioner of the General Land Office:

Sir—In January last an application was filed in this department in behalf of certain settlers in O'Brien county, Iowa, asking that suit be commenced and prosecuted in the name of the United States to assert title to about 55,207.21 acres of land in said O'Brien county, claimed by the Sioux City & St. Paul Railroad Company, and the Chicago, Milwaukee & St. Paul Railway Company respectively, under and by virtue of the grant to the State of Iowa by act of Congress approved May 12, 1864, (13 stat., 72).

Applicants aver that neither of the companies mentioned has earned the lands in question, nor any of them; that they, the said applicants, are settlers upon said lands, and that they are seeking to acquire titles to the same under the settlement laws of the United States.

Section one of said act of 1864, enacts, "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 lands 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 operation 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."

Section four enacts:

"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 lands 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 encumbered, 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."

The State of Iowa, by act of its legislature, approved April 3, 1866 (session laws, 1866, chapter 184), accepted the grant of 1864, and conferred upon the Sioux City & St. Paul Railroad Company, a body corporate existing under and by virtue of the State of Iowa, so much of the grant by Congress as related to a line of road from Sioux City to the south line of the State of Minnesota. April 20, 1866, another act of the legislature was approved, reiterating the acceptance by the State of the grant of Congress, and announcing that any lands patented to the State under the provisions of the act of Congress would be held by it in trust for the benefit of the railroad company entitled thereto, and should be passed to such company "as shall be ordered by the legislature." (Session laws, 1866, chapter 144.)

September 19, 1863, the Sioux City & St. Paul Railroad Company accepted the grant, and in July, 1867, filed in this department a map showing the line of its road as definitely located from Sioux City to a point in Sec. 12, T. 100 N., R. 41 W., on the south line of Minnesota. Said line of road as located is eighty-three miles and fifty-two rods in length. The map thus filed was accepted by this department as "the basis for the adjustment of the land grant." August 26, 1867, the Commissioner of the General Land Office withdrew from market the odd numbered sections within the ten and twenty-miles limits of the line of the road.

The Sioux City company began at the Minnesota State line to construct its road, and built south toward Sioux City.

July 20, 1872, the Governor of the State of Iowa certified, as provided in the fourth section of the act of Congress making the grant, that two sections of ten miles each of the road had been constructed as required by said act.

August 10, 1872, he certified in like manner to the completion of another section of ten miles; and on February 4, 1873, he certified to the completion of two more sections of ten miles each, making in all fifty miles of road completed and certified as required.

Prior to January 1, 1873, the company had constructed a continuous line of road from the Minnesota State line to LeMars, a distance of fifty-six and a quarter miles, and a map of constructed road for the distance named was certified by the Governor, February 4, 1873, and filed in this Department July 10, 1873. Patents were issued to the State for the benefit of the Sioux City & St. Paul Railroad Company as follows:

October 1, 1872, for list embracing.....	191,464.04 acres
June 17, 1873, for list embracing.....	205,374.76 acres
January 25, 1875, for list embracing.....	10,911.41 acres
June 4, 1877, for list embracing.....	160.00 acres
Total.....	407,910.21 acres

Of this amount it appears that forty acres were patented twice. The quantity actually patented to the State was therefore forty acres less than the above footing makes it appear, or 407,870.21 acres. Of the land so patented, it appears 212,067.66 acres are within the ten miles, or granted limits, and 195,842.55 were patented as indemnity.

As only five sections of ten miles each of the road had been certified by the Governor as completed, the maximum amount for which, under section four of the granting act, authority was given to issue patents to the State, was 320,000 acres; 407,910.21 less 320,000 leaves 87,910.21, patented inadvertently and without authority of law.

March 13, 1874, the Iowa Legislature passed an act authorizing the Governor to certify to the Sioux City Company all the lands then held in trust for the benefit of said company (Laws of Iowa, 1874, Chapter 84).

The State passed title to the railroad company for all of the 407,910.21 acres, except 85,457.40 acres, which it withheld, and which have never been certified to the company, though it still claims title to them, or to such of them, as have not, by the decision of the Supreme Court of the United States (117 U. S., 406,) been awarded to the Chicago, Milwaukee & St. Paul Railway Company.

The Chicago, Milwaukee & St. Paul Railway Company having by legislation of the State of Iowa become the successor of the McGregor Western Railroad Company as beneficiary under the grant of Congress, made by the act of 1864 (the same act under which the Sioux City Company claims), completed its line of road to the point of intersection with the line of the Sioux City Company at Sheldon, in O'Brien county.

The act of 1864 required that the point of intersection of the two roads named therein should be in O'Brien county.

For the sake of brevity, the Sioux City & St. Paul Railroad Company will be referred to in the further discussion of this case as the Sioux City Company, and the Chicago, Milwaukee & St. Paul Railway Company as the Milwaukee Company.

The limits of the two lines were thus made to overlap for a considerable distance. The lands in said overlapping limits became the subject of controversy between the Milwaukee Company, and the Sioux City Company, the first named claiming that there were in the overlapping limits of the two roads, 189,184.50 acres, which had been mistakenly patented to the State of Iowa for the benefit of the Sioux City Company, and which should have been patented for the benefit of the Milwaukee Company. That of the said 189,184.50 acres thus wrongfully and mistakenly patented to the State, 112,290.08 acres had been wrongfully and mistakenly certified by the Governor of Iowa to the Sioux City Company.

The Milwaukee Company, complainant, asked that this patent from the United States and the conveyance from the State to the Sioux City Company to be canceled and set aside, so far as the same conveyed any title to the defendant company, and that it (the complainant) should recover the lands. The case finally came before the Supreme Court of the United States on cross appeals, neither company being satisfied with the decree of the Circuit Court, which had awarded to each one undivided half of the lands in dispute.

The Supreme Court, under date of March 29, 1896 (117 U. S., 406), after stating that the quantity of lands within the overlapping limits of the two roads was, as shown by the record, 189,595.24 acres, decided that they should be awarded as follows:

Lands within the common granted, and common indemnity limits, to each company an undivided half; lands within the granted limits of the Milwaukee road and within the indemnity limits of the Sioux City road, all to the Milwaukee Company; lands within the granted limits of the Sioux City road and within the indemnity limits of the Milwaukee road, all to the Sioux City Company.

The Circuit Court was instructed to render a decree accordingly, which it subsequently did. The effect of the decree was to dispose of the 189,595.24 acres by awarding to the Sioux City Company 110,159.94 acres and to the Milwaukee Company 79,435.41 acres.

In the mean time, while the suit was pending in the courts, the Iowa legislature passed an act, approved March 16, 1892, resuming all the lands and rights conferred upon the Sioux City Company by the Act of Congress of May 12, 1864, which had not theretofore been earned by said company (Laws of 1892, Chap. 107).

March 27, 1894, another act of the legislature was approved, which by its first section relinquished and conveyed to the United States the lands resumed and intended to be resumed by the act of 1892 (*supra*), and by its second section it provided for the certification by the Governor to the Secretary of the Interior of all lands which had been patented to the State, but which had not by the State been patented to the Sioux City Company; but nothing in said act was to be construed as applying to lands situated in the counties of Dickinson and O'Brien. Said act also provided that the list of lands so certified by the Governor should be presumed to be the lands relinquished and conveyed by the first section thereof. (Iowa Laws of 1894, Chapter 71).

January 12, 1887, the Governor of Iowa duly certified to this Department, in accordance with the act of the legislature above mentioned, a list of lands which had been patented to the State, but which had not by the State been transferred to the Sioux City Company. Said list embraces 26,017.33 acres in the counties of Plymouth, Sioux and Woodbury, and is now before me for consideration and action, but is not involved in the matter now being considered.

The Iowa legislature, authorizing the certification as above, followed and apparently was the result of a suggestion made by my predecessor, Secretary Teller, in a communication, addressed by him to the Governor of Iowa,

under date of February 6, 1883. In that letter, after reciting certain facts relative to the granting act of 1864, and to the lands patented to the State thereunder, he used the following language:

"If there is no authority vested in you or any of the officers of the State to revest the United States with the legal title to the unearned lands, I urge upon you the propriety of obtaining authority from the General Assembly, as early as possible, in order that such lands may be restored to the public domain.

"Unless some early action is taken, looking to that end, it would become the duty of this Department to recommend a resort to legal proceedings for the restoration of such lands to the general government."

As has already been stated, the amount of land patented by the United States to the State for the benefit of the Sioux City Company was, 407,910.21 acres, all of which was by the State certified to the Sioux City Company, except 85,457.40 acres which the State withheld, deducting from the last named amount the 26,017.33 acres certified by the Governor back to the United States, and we have left 59,440.07 acres not certified or patented to the Sioux City Company, the beneficiary named in the patent to the State. Of the last named quantity, 37,747.89 acres were awarded to the Milwaukee Company under the Supreme Court decision (*supra*), but are nevertheless embraced in this application for suit. It here becomes necessary to inquire how many acres of the 322,452.81 acres certified to the Sioux City Company by the State were, by said Supreme Court decision and the decree of the Circuit Court made pursuant thereto, taken from said company and given to the Milwaukee Company by the partition made under said decree. Within the common ten miles limits of the two roads were 50,559.73 acres, patented to the State for the Sioux City Company.

Of this quantity there had been patented to the company.....	29,280.13 acres
Withheld by the State.....	21,259.60 acres

As the Milwaukee Company was awarded one-half of each of these quantities, it received of lands patented to Sioux City Company.....	14,640.06 acres
Of lands not patented to Sioux City Company.....	10,529.80 acres
Total.....	25,269.86 acres

Within the common indemnity limits of the two roads were 42,188.93 acres, which had been patented to the State for the Sioux City Company. Of this there had been patented to the company.....	28,777.27 acres
Withheld by the State.....	13,411.66 acres

As the Milwaukee Company was awarded one-half of each of these quantities, it received of lands patented to Sioux City Company.....	14,388.63 acres
Of lands not patented to Sioux City Company.....	6,705.53 acres
Total.....	21,094.46 acres

Within the ten miles limits of the Milwaukee road, but within the indemnity limits of the Sioux City road, were 33,071.08 acres, which had been patented to the State for the Sioux City Company. Of this there had been patented to the company.....12,658.83 acres
 Withheld by the State.....20,412.25 acres

These added make.....33,071.08 acres
 All of which was awarded to the Milwaukee Company.

Within the ten miles limits of the Sioux City road, but within the indemnity limits of the Milwaukee road, were 63,796.24 acres, which had been patented to the State for the Sioux City Company. Of this there had been patented to the company.....60,184.75 acres
 Withheld by the State.....3,611.40 acres

These added make.....63,796.24 acres
 All of which was awarded to the Sioux City Company.

From the foregoing figures it appears that of lands which had been patented to the Sioux City Company there were awarded, under the decision of the Supreme Court to the Milwaukee Company:

Lands in granted limits of Sioux City road... 14,640.06 acres
 Lands in indemnity limits of Sioux City road.....14,388.63
 12,658.83
 27,047.46 acres
 Total.....41,687.52 acres

The total award to the Milwaukee Company, under the Supreme Court decision, was 79,435.41 acres, 41,687.52 acres of which, as above shown, had been patented to the Sioux City Company. Deducting the last named amount from the total award, we have left, as the amount of land patented to the State for the Sioux City Company, but *not* by the State patented to the company, 37,747.89 acres. The quantity of land which the Sioux City Company, since the Supreme Court decision referred to, holds under patents from the State, may now be readily ascertained.

There were patented to the State for the benefit of the company, deducting 40 acres twice patented.....407,870.21 acres.
 Of this the State withheld.....85,457.40 acres.
 Amount patented to company.....322,412.81 acres.
 Of this awarded to Milwaukee Company, as above shown... 41,687.52 acres.
 Still held by company, under patents from State.....280,725.29 acres.

The next question suggested is, to what amount of land is the Sioux City Company entitled under the grant of Congress? Is it entitled to patents for any portion of the 85,457.40 acres withheld from it by the State? As I understand it, the applicants for suit are asking the United States to re-

cover 53,297.21 acres in O'Brien county, which amount constitutes a part of the 85,437.40 acres above mentioned, as withheld by the State.

It is claimed generally in behalf of applicants, that so far as the Sioux City Company is concerned, it has already received more lands than it has earned, and that, if this were not true, the line of constructed road so deflects from the line of definite location that the company cannot lawfully assert a right to patent for the lands in question; also, that the company having failed to complete its entire line of road, has no legal or equitable title to these lands as against the United States or the settlers.

The company claims that it has earned and is entitled under the grant to 6,400 acres per mile for the fifty-six and a quarter miles of road constructed, which would be 390,000 acres, and that after deducting from the lands patented for its benefit the amount decreed by the Supreme Court to the Milwaukee Company, there would remain a deficit of 31,525.20 acres which it has earned but which it cannot get out of all the lands patented to the State for its benefit.

As to the charge of deflection from the line of location, the Department, with the facts before it, and in the exercise of its discretion, passed upon the question years ago. By accepting the road, adjusting the grant and issuing patents on account thereof, it then determined that the line of constructed road was substantially upon the line of definite location. The question could not then be avoided. It belonged solely to the Secretary of the Interior to determine said question, which was one largely within the discretion of the Secretary (16 Op., 457).

I find in the case no sufficient reason for re-opening and further considering that question. As to the charge that the company failed to complete the entire line of road, and the claim that it therefore has no legal or equitable title to these lands, there can, I think, be no doubt that the company has earned and is entitled to its grant for the fifty miles of road constructed and certified in accordance with section four of the granting act. *Railroad v. Courtwright* (21 Wall., 310); *Van Wyck v. Knevals* (106 U. S., 369, 385). It was entitled, under section four of the granting act, to patents for every ten miles completed and properly certified as soon as such section of ten miles was so completed and certified.

This brings me to the question, how much land has the company earned, and is it entitled, under the grant, to the lands in question, or any of them? The records of the General Land Office show that there are, within the common granted limits of the two roads, 70,345.67 acres, one half of which, as grant in place, would go to each company. That would give to each company 35,172.83 acres within the common ten miles or granted limits.

It is strenuously urged, however, by both companies that they are each entitled to indemnity for the lands thus lost by grant to the other.

I am unable to conclude that such was the intention of Congress in making the grant. To say that it was would be to say in effect that in so far as the ten miles limits of the two grants overlap, the purpose of the granting act was to make what would amount to a double grant. Each company got a moiety of the lands in odd numbered sections within the common

granted limits. Now should there be allowed to each company indemnity for the moiety lost by grant to the other, a quantity of land equivalent to all the odd and even numbered sections in said common granted limits would be passed under the granting act.

This, I think, could not be justified by any proper construction of the act, nor can I conceive it to have been intended by Congress.

The grant was of a moiety for each road within the common granted limits of both roads. This accords with the view expressed by the Supreme Court in the case of *St. Paul & Sioux City R. R. Co. vs. Winona & St. Peter R. R. Co.* (112 U. S., 730).

Either this is true or Congress by the same act twice granted the same lands. To say that it did, or intended to do this, would be to say that it acted unreasonably or without a proper understanding of what it was doing. Now, since indemnity is allowed only for lands granted and lost from the grant, and since in the common ten miles limits of these two roads only a moiety was granted, it follows that neither company has any legal claim for indemnity on account of the moiety granted to the other. Again it is argued in behalf of the Sioux City Company that it has earned and is entitled to its grant for the full fifty-six and a quarter miles of road constructed, that is, for the six and a quarter miles as well as for the five sections of ten miles each.

After a careful consideration of the granting act, I cannot concede the correctness of this proposition. Under the provisions of the fourth section of the act (which section has been quoted in full herein) it is clear that there is no authority for patenting lands under this grant, except upon certificate of the Governor of the State to this Department, that ten consecutive miles of road have been "completed in a good substantial and workmanlike manner." The only exception to the manner of disposing of the lands, as above indicated, is that which may apply when the road is completed. The statute would seem to provide for the disposition of the lands for a fractional part of ten miles in that case, for it says that the whole of the lands granted shall then be patented.

This road has not been completed, but stops at LeMars, about twenty-six miles short of the point (Sioux City) to which under the grant it should have been constructed. The reasons given for not completing the road, certainly furnish no reason for disposing of the public lands otherwise than in conformity with the law.

The company stopped the building of its uncompleted road with a full knowledge of the requirements of the granting act as to the conditions on which could get the lands. It is not therefore in position to complain because it can not get lands for the six and a quarter miles of road in question, and must accept the legal consequences of its own act. The company has heretofore practically conceded its want of title or valid claim to lands on account of the six and a quarter miles of road, for it has been to Congress asking for legislation which would give it the lands for said six and a quarter miles, and it opposed a bill which proposed to refer the questions relative to the status of said lands to the courts for judicial determination. See re-

port No. 45, Senate Committee on Public Lands, Forty-ninth Congress, first session; copy in the record.

From the foregoing the following conclusions result as to the grant for the benefit of the Sioux City Company:

A full grant to it for the five sections of ten miles each, or fifty miles of road in a direct line would be 330,000 acres. Deducting from this the one-half of the land in the common granted limits, granted for the benefit of the Milwaukee Company, viz.: 85,172.83 acres, and there remain as enuring to the Sioux City Company under the grant, at the most, 244,827.17 acres. It has already been shown that said company now holds by patent under the grant 280,725.29 acres.

The most that it can be said to be yet entitled to is 244,827.17 acres, less 280,725.29 acres, or 4,101.88 acres, to be gotten out of the 85,457.40 acres withheld by the State. But of this 85,457.40 acres the State has re-conveyed to the United States 26,017.33 acres, and the Supreme Court has awarded to the Milwaukee Company 37,747.89 acres. After deducting these quantities there remain in the State by patent from the United States 21,692.18 acres, from which to get the 4,101.88 acres, which appear to be still due the company as earned lands under the grant. The difference between these two quantities is 17,590.30 acres, which amount of land the State holds by patent for the company, to which the company is not entitled, and for the recovery of which, in my judgment, suit should be brought.

Thus much with reference to the application in so far as it affects the Sioux City Company.

The next inquiry is with reference to the Milwaukee Company, and its claims and holdings.

The act of 1864 made a grant 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 South McGregor in said State in a westerly direction, by the most practicable route, in or near the forty-third parallel of north latitude, until it should intersect the Sioux City road in O'Brien county. Said grant, like that for the Sioux City Company, was of every alternate section of land designated by odd numbers for ten sections in width on each side of the road, with provision for indemnity for lands lost as specified in the act.

August 26, 1864, the McGregor Western Railroad Company filed in the General Land Office a map showing the location of its line of road from McGregor to a point not far from the center of O'Brien county. September 8, 1864, this Department directed the General Land Office to withdraw from market the odd numbered sections within twenty miles of the line as shown by said map.

September 12, 1861, the General Land Office, by letters to the proper district land offices, ordered said lands withdrawn.

November 13, 1865, the Governor of Iowa certified to the completion of forty miles (four sections of ten miles each) of said road, extending from McGregor to Calmar.

February 27, 1868, the State of Iowa, by act of its Legislature, and under

authority vested in it by the act of Congress, resumed the grant to the McGregor Western Railroad Company on account of said company's failure to build its road as required (Laws of Iowa, 1868, Chap. 16), and by act approved March 31, 1868, conferred the same upon the McGregor & Sioux City Railway Company (Laws of Iowa, 1868, Chap. 58). Said act provided, by the ninth section thereof, that the McGregor & Sioux City Company should in the manner therein specified accept the grant as made by said act within sixty days after its passage. It also required as a further condition that said company should procure and file with the Secretary of State a full and effectual release and surrender of all claim, right or interest of the McGregor Western Railroad Company, its successors or assigns, in or to any of the lands granted by the act of May 12, 1864.

April 28, 1868, the McGregor Western Company assigned to the McGregor & Sioux City Company, and on the same day the latter company accepted the grant, at the same time protesting against certain restrictions therein. The release required by the act of the legislature was at the same time duly executed.

In the meantime the Sioux City & St. Paul Company had, in July, 1867, filed its map of definite location of the line north and south from the Minnesota State line to Sioux City, and it became apparent that the line of the McGregor & Sioux City road as it had been located by its predecessor, the McGregor Western Company, would not intersect the north and south road, nor would it, if extended westward, intersect said road in O'Brien county, as required by the granting act of 1864, for the reason that the north and south road only crossed the county of O'Brien at its northwest corner. Accordingly the General Land Office, on May 13, 1868, addressed a letter to the Governor of Iowa, which, after making reference to the line of road to Sec. 19, T. 95, N. R. 40, W., near the center of O'Brien county, requested, in view of the adjustment of the grant, that the McGregor Western Company be caused, at an early day, to file a properly authenticated map, showing the true location of its line through Clay and O'Brien counties to the point of intersection with the Sioux City & St. Paul Railroad.

November 13, 1868, replying to a letter from D. C. Shepherd, Chief Engineer of the McGregor & Sioux City Company, proposing delay until the following spring of the survey and location to be made under the requirement above referred to, the General Land Office insisted that the work be commenced immediately in order that the grant might be adjusted and the limits of the lands to be held as double minimum fixed.

In January, 1869, the McGregor & Sioux City Company filed in the General Land Office a map showing the definite location of its road through Clay county.

February 4, 1869, the lands within the twenty miles of the line as shown by said map were ordered withdrawn.

March 18, 1869, the McGregor & Sioux City Company, by its President, applied to the General Land Office for permission to withdraw the maps theretofore filed by said company and its predecessor, and to relocate its road westward from a point near Algona in Kossuth county.

Said application was denied by the General Land Office, and by the Secretary on appeal (May 10, 1869), for the reason that after a road has been definitely located, the map thereof filed and accepted, and the lands withdrawn, no specific authority is given for accepting another location.

September 2, 1869, a map showing the definite location of the McGregor & Sioux City Road from the west line of Clay county to the point of intersection with the Sioux City & St. Paul road in sec. 19, T. 97 N., R. 42 W., O'Brien county, was filed in the General Land Office, and on March 15, 1870, the lands within twenty miles of the line as shown by said map were ordered withdrawn.

In October, 1869, the name of the McGregor & Sioux City Railway Company was changed to McGregor & Missouri River Railway Company, said change being duly certified by the Secretary of State.

December 5, 1870, the Governor of Iowa certified to the completion of the road to Algona, a distance of 182.2 miles from McGregor.

March 15, 1870, the State by act of its legislature resumed the grant, the McGregor & Missouri River Company having failed to construct its road west of Algona, but by the same act again conferred the grant upon the same company, subject to certain conditions.

Said company having failed to accept the grant made as above mentioned, the State by act of its legislature, approved February 27, 1878, again resumed the grant and conferred the same upon the Chicago, Milwaukee & St. Paul Railway Company. This company accepted the grant and completed the road from Algona westward to point of intersection with the Sioux City road, at Sheldon, in O'Brien county. November 30, 1878, the Governor of Iowa certified to the completion of the road from Algona in a westerly direction to the town of Sheldon, in the county of O'Brien, which town is on the line of the Sioux City road. He, at the same time, certified that the railroad thus constructed "is part of a railroad from a point at or near the foot of Main street, South McGregor, in the State of Iowa, in a westerly direction by the most practicable route, on or near the forty-third parallel of north latitude, to a point of intersection with a road running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State, as contemplated in said act of Congress, approved May 12, 1864." He further certified "that the whole of said last mentioned railroad is now completed and in running order."

The question was then raised as to whether the road had been constructed on the line of definite location, and whether, if it had not been so constructed, the grant should be adjusted on the line of definite location, or on the line of constructed road. The question as then presented seems to have had reference particularly to that portion of the road in Clay and O'Brien counties, the line of which was located in 1869, notwithstanding there had been what purported to be a location in 1864. The question was raised not because of the new location, but because there appeared to be some deviation of the line of road as constructed from the line of definite location by the maps filed in 1869.

The question thus presented was by this Department submitted to the Attorney General for his opinion. That officer, under date of February 2, 1890 (16 Op., 457), held that in contemplation of the statute the road was to be constructed upon the line of definite location, and therefore whatever adjustment of the grant is made must be made according to the line of definite location of the road; that whether the road has been constructed on the line of definite location is a matter for the Interior Department to determine.

Concurring in this opinion, my predecessor, Secretary Schurz, by his decision of April 9, 1890 (2 C. L. L., 793), held that in view of all the circumstances, the identity of the road was not destroyed by the deviations in construction from the located line, and that the State was entitled to patents for the granted lands. In other words, his decision was that the construction was in substantial compliance with the law, and that the State was entitled to patents for the granted lands. The entire length of road from McGregor to Sheldon is about two hundred and sixty-eight miles. Deducting from this, forty-three miles, the length of that portion of the road between McGregor and Calmar, on account of which there was a waiver of the benefits conferred by the grant, there remained two hundred and twenty-five miles of road conceded to be land grant road, and on account of which lands were earned and the grant became effective, provided it be held that the law was complied with in the matter of location and construction.

A full grant for 235 miles would be 1,440,000 acres, but it appears that not nearly that amount of land was found available—in fact that the company did not get more than one fourth the quantity named.

There can, therefore, be no question here relative to excess in the case of this company, as there has been shown to be in the case of the Sioux City Company.

So far as the application under consideration is concerned, it has special reference to such of the 85,457.40 acres patented to the State for the benefit of the Sioux City Company, and by the State withheld from the company as are within the conflicting limits of the two grants in O'Brien county, and which have, under the decision of the Supreme Court (117 U. S., 406), been awarded to the Milwaukee Company. It embraces none of the 26,017.33, which are also a part of the said 85,457.40 acres, and which have been by the Governor reconveyed to the United States.

The claim of counsel for the applicants is that suit should be brought in the name of the United States to recover the legal title to the lands in said conflicting limits in O'Brien county held or claimed by the Milwaukee Company, because—

1. Its line of constructed road defects from both lines of 1864 and 1869.
2. It unlawfully abandoned the line of 1864, and without authority made a new location in 1869, on which it could not earn any lands.
3. It failed and refused to make its entire line as required by law, on the location of 1864, thence to Sheldon.
4. It has forfeited whatever right it may have had to the lands in contro-

versy, by the failure to construct and maintain as a land grant road that portion of the line from McGregor to Calmar.

The foregoing cover substantially the reasons assigned by counsel for applicants why a judicial forfeiture should be declared.

As to the first proposition, viz., that the lands should be forfeited because of deflection from the line of location, it seems sufficient to say that, as has been indicated, the whole matter, with reference to deflection, was before this Department and was passed upon by my predecessor, Secretary Schurz, in April, 1890 (2 C. L. L., 793). He took the opinion of the Attorney General (16 Op., 457), who said that slight deviations, "if made for the purpose of avoiding engineering obstacles which could not otherwise be avoided without exaggerated expense, or to remedy defects in the original location—that such deflections would not destroy the identity of the road constructed with the road of definite location;" also that "the question as to whether the road constructed is or is not the road as definitely located, is a question for the Interior Department to determine—and one which must largely be within the discretion of the Secretary."

Concurring in this view, the Secretary decided (2 C. L. L., 793.) that the road had been constructed substantially on the line of definite location. All the facts now here were then before the Secretary, and, as his decision indicates, were by him fully understood and considered. There is no evidence of fraud or mistake.

I must therefore regard the question as *res judicata* and must decline to reopen the same.

The second charge is, that the company unlawfully abandoned the line of 1864, and without authority made a new location in 1869, on which it could not earn any lands. This charge is made because, notwithstanding a map was filed in 1864 showing the line to a point near the center of O'Brien county, a new and different location was made in 1869 westward from the east line of Clay county, upon which it is claimed by the company the road was built. The claim of applicants for suit is that there was no authority for this new location; that consequently the road built thereon was not constructed in accordance with the law, and no lands were earned on account of said construction.

I do not think, under the circumstances, that this objection is well founded. At the date of the location in 1864, the line of the Sioux City road, with which this road was to make intersection in O'Brien county, had not been located. Hence, it was then impossible to fix absolutely and definitely the line of the Milwaukee road through said counties to the point of junction, so as to conform to the act of Congress.

The line of 1864, in said counties, must therefore be regarded as a preliminary one, open and indefinite until the line of the Sioux City road should be established with which it was, under the requirements of the statute, to make a junction in O'Brien county. This seems to have been the view of the Land Department when the location of 1869 was made, for it authorized, if it did not direct, that location.

Under date of May 13, 1893, Commissioner Wilson, in a letter to the Gov-

error of Iowa, said that, "in view of adjusting the grants respectively, it is desirable to have the true point of intersection in O'Brien county in accordance with the statute." In the same letter he requested that at an early day a map, properly authenticated, showing the true location of the line through Clay and O'Brien counties, to the point of intersection with the Sioux City road, be filed.

In October, 1868, the Commissioner addressed a letter to D. C. Shephard, Civil Engineer, in charge of the relocation, calling his attention to the requirement of the act of 1864, relative to intersection with the Sioux City road in O'Brien county, and furnishing him a diagram of the located line to the east line of Clay county. On November 3, 1868, in reply to a request from Mr. Shephard, for further instructions, and to a suggestion that the further survey of the line be delayed till the following spring, the Commissioner again wrote him, calling attention to the requirements of the granting act as to the point of intersection, and declining to consent to a delay of the survey until spring. When the controversy between the two railroads was before the courts, the exact point here presented was in issue, and Judge Love held that the location of 1869 was in accordance with the law. When the case came before the Supreme Court, the decision below was modified in some particulars, but as to this point it was left undisturbed.

As the line of the Sioux City road only crossed the northwest corner of O'Brien county, and then ran in a southerly direction through the adjoining county on the west, the location of 1869 was clearly a necessity in order to make the junction of the two roads in O'Brien county, as required by the statute, and I can see no good reason for the conclusion that it was not made in accordance with law. The third objection is that the company failed and refused to make its entire line as required by law on the location of 1864, thence to Sheldon. This objection has been practically disposed of in the consideration of the preceding propositions, and need not here be further discussed, except to say that had the company at any time after 1864, made a location from the terminus of the line of 1864, to the point of junction at Sheldon, the argument as presented by counsel would have been just as applicable as it is to the present condition of affairs, and would have amounted to an objection to any claim of title to the lands by the company. Such location could not have been made in 1864, for the reason that it was not then known, nor could it be that Sheldon would be a point of junction.

The last proposition to be considered is, that the company has forfeited whatever right it may have had to the lands in controversy by the failure to construct and maintain as a land grant road that portion of the line between McGregor and Calmar. It has already been stated that the State of Iowa, by act of its legislature, approved March 31, 1863, required that the McGregor Western Company, for itself and its successors and assigns, should release and waive all claim to any lands on account of the road then constructed, which was the road from McGregor to Calmar, a distance of about forty-three miles. The claim is, that because of this waiver, that portion

of the Milwaukee road between McGregor and Calmar is not a land grant road; that therefore a land grant road has not been constructed and maintained from McGregor to a point of intersection with the Sioux City road in O'Brien county, as required by the granting act, and consequently the company is not entitled to the lands in question.

The proposition that this section of forty-three miles of road is not land grant road finds support in an opinion of the Attorney-General, rendered in 1871, to that effect (13 Op., 445,) the question having been referred to that officer by the Secretary of War, on the refusal of the Milwaukee Company to make an abatement for the transportation over the section of road mentioned of certain quartermaster's stores. I am not without doubt as to the correctness of said holding by the Attorney-General, but in no view of the question raised do I see that it affects the lands in dispute in O'Brien county. Those lands are claimed by the company on account of a portion of its road which it is not denied was constructed and is maintained as a land grant road with strict observance of the obligations relative to transportation. Having determined that the portion of the road in O'Brien county was constructed in compliance with the law, I must conclude, leaving out of view the forty-three miles of road between McGregor and Calmar, that the lands in question, in so far as they are now claimed by the Milwaukee Company, have been earned by it. They have been awarded to it under the decision of the Supreme Court (117 U. S., 406), and most of them have, under the decree of the court, been patented to the company by the State.

If, as was thought by the Attorney-General, the forty-three miles at the east end of the line is not land grant road, the fact remains that the remaining two hundred and twenty-five miles of the road was constructed and is maintained as a land grant road, and it is on account of the last mentioned portion of the road that these lands are claimed. The case would then be that the company had failed to complete and operate as land grant road the entire line of road from McGregor to Sheldon, the point of junction with the Sioux City road.

In other words, it had only built as land grant road two hundred and twenty-five miles on a total line of two hundred and sixty-eight miles. In this view it is in the same position as the Sioux City company, which built its road only to Le Mars, whereas the full line of grant was to Sioux City. It has already been held herein that, under the Supreme Court decision in *Railroad vs. Courtwright* (21 Wall., 310), and *Van Wyck vs. Knevals* (106 U. S., 390), said company has earned and is entitled to its grant for the road constructed and certified in accordance with the terms of the granting act. For the same reasons the grant must be regarded as earned along that portion of the Milwaukee road, constructed, certified and operated as a land grant road. The company is therefore entitled to the lands in question claimed by it and awarded to it under the decision of the Supreme Court (*supra*). It may be here remarked that counsel claims that the patents issued by the State to the Milwaukee Company were without authority, and are void, because they had been patented to the State for the Sioux City Company, and not for the

Milwaukee company. On this it is sufficient to say that the conclusion of the Supreme Court was that the patents to the State named the wrong beneficiary as to those lands, and the court corrected that error by declaring the Milwaukee Company the beneficiary and entitled to the lands in question, which the State held by patent for the Sioux City Company. The mandate of the highest court in the country, followed by a decree of the Circuit Court made pursuant thereto, I take it, furnished to the Governor ample authority for passing the evidence of title.

Finding, for the reasons herein given, that the Milwaukee Company has earned and is entitled to all the lands in O'Brien county, which have been decreed and partitioned to it under the decision of the Supreme Court (supra), I must decline to request the institution of suit for the recovery of title to any of said lands.

With reference to the Sioux City Company and its claims and rights, I have, for the reasons assigned in the first part of this paper, concluded to request that suit be instituted, in the name of the United States, with a view to having declared in the United States the title to 17,590.30 acres of land in odd numbered sections in O'Brien county, Iowa, claimed by the Sioux City company, under the grant of 1864.

You will please complete the adjustment of the grant in accordance with the views herein expressed, and make demand in compliance with the requirements of section two of the act of March 3, 1887 (24 Stat., 556), upon the St. Paul & Sioux City Railroad Company, and upon the State of Iowa, for the relinquishment and reconveyance to the United States of the 17,590.30 acres, above referred to, or such quantity as the completed adjustment, in accordance with the principles herein enunciated, may show to be wrongly held by the State under patents from the United States.

If relinquishment and reconveyance be made, you will return the case to this Department, with your report thereon, for further action; if there be neglect or failure to so reconvey within ninety days after demand as aforesaid, you will promptly report the fact to this Department and return the record, in order that the Attorney-General may be requested to institute suit for the recovery of the lands in question.

I transmit herewith the application for suit, filed in behalf of settlers upon the lands in question, together with briefs filed by counsel for the respective railroad companies, and by counsel for the Western Land Company, assignee of the Milwaukee Railway Company; also other papers and records applicable to the case.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

RELINQUISHMENT OF THE 26,017.33 ACRES, PATENTED AS RAILROAD LANDS.

The Twentieth General Assembly, by act approved April 2, 1864, relinquished and conveyed to the United States 26,017.33 acres of lands that had been patented to the State of Iowa under act of Congress of May 12, 1864, to aid in the construction of a railroad from Sioux City to the southern boundary of Minnesota, and which lands had been withheld from the Sioux City & St. Paul Railroad Company because of the non-completion of the railroad, and the Governor was authorized and directed by said act to certify the said lands to the Secretary of the Interior, but he was prevented by an injunction of the court from making such certificate. In the latter part of the year 1886 the Governor received official notice that the injunction had been dissolved, and soon thereafter he executed and transmitted the required certificate, which as per record of the same in this office is as follows:

STATE OF IOWA, }
EXECUTIVE DEPARTMENT. }

To the Secretary of the Interior, Washington, D. C.:

WHEREAS, The following act was passed by the Twentieth General Assembly of the State of Iowa, viz.:

CHAPTER 71.

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. 1896, 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 & 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 27th, 1884.

AND, WHEREAS, Soon after the passage of said act of the General Assembly the Governor was restrained by an injunction of the Court from making the certificate to the Secretary of the Interior as provided by said act; and

WHEREAS, Said injunction has been dissolved, as appears by official notice received by me:

Now, therefore, I, William Larrabee, Governor of the State of Iowa, do hereby certify that the following is a complete and accurate list of the lands relinquished and conveyed to the United States by the aforesaid act of the General Assembly of said State, viz:

PARTS OF SECTION.	Section. Town. Range.	Acres.	IN WHAT COUNTY SITUATED.
All of	5:89:43	596.64	Woodbury.
All of	7:89:43	672.88	Woodbury.
All of	9:89:43	640.00	Woodbury.
All of	17:89:43	640.00	Woodbury.
All of	19:89:43	632.40	Woodbury.
All of	21:89:43	640.00	Woodbury.
All of	29:89:43	640.00	Woodbury.
All of	31:89:43	673.08	Woodbury.
n hf of nw qr, s hf of se qr, ne qr of se qr and se qr of ne qr	5:88:44	287.65	Woodbury.
w hf of nw qr, w hf of sw qr, e hf of se qr and sw qr of se qr	7:88:44	258.76	Woodbury.
sw qr and e hf of sec	9:88:44	480.00	Woodbury.
All of	17:88:44	640.00	Woodbury.
w hf of nw qr and s hf of sec	19:88:44	372.96	Woodbury.
All of	11:89:44	640.00	Woodbury.
e hf of ne qr and se qr	13:89:44	240.00	Woodbury.
se qr of sw qr	23:89:44	40.00	Woodbury.
e hf of sw qr, se qr and n hf of sec	25:89:44	560.00	Woodbury.
se qr of nw qr and e hf of sec	27:89:44	860.00	Woodbury.
se qr of se qr, sw qr and n hf of sec	33:89:44	520.00	Woodbury.
s hf of ne qr, s hf of nw qr and s hf of sec	35:89:44	490.00	Woodbury.
All of	1:88:45	734.88	Woodbury.
w hf of sec	11:88:45	320.00	Woodbury.
se qr	15:88:45	160.00	Woodbury.
w hf of nw qr and sw qr	21:88:45	240.00	Woodbury.
sw qr, w hf of nw qr and ne qr of nw qr ne qr, e hf of nw qr and n hf of se qr	23:88:45	280.00	Woodbury.
e hf of sec	25:88:45	320.00	Woodbury.
All of	27:88:45	320.00	Woodbury.
e hf of nw qr, e hf of sw qr and e hf of sec	29:88:45	640.00	Woodbury.
s hf of sw qr and nw qr of sw	31:88:45	490.00	Woodbury.
sw qr of ne qr, se qr and w hf of sec	33:88:45	120.00	Woodbury.
ne qr of se qr	35:88:45	520.00	Woodbury.
s hf of sec	15:97:46	40.00	Sioux.
All of	33:90:43	320.00	Plymouth.
All of	5:93:47	651.74	Plymouth.
All of	7:93:47	638.12	Plymouth.
All of	9:92:48	619.62	Plymouth.
All of	7:2:48	641.22	Plymouth.
All of	9:92:48	616.00	Plymouth.
ne qr and s hf of sec	17:92:48	480.00	Plymouth.
sw of nw qr and s hf of sec	19:92:48	362.25	Plymouth.
All of	11:92:48	617.20	Plymouth.
All of	1:93:48	637.15	Plymouth.
n hf of nw qr and e hf of sec	3:93:48	393.03	Plymouth.
ne qr of sw qr and se qr	9:93:48	200.00	Plymouth.
s hf of sw qr	11:93:48	80.00	Plymouth.

PARTS OF SECTION.	Section. Range. Town.	Acres.	IN WHAT COUNTY SITUATED.
All of	13:93:48	640.00	Plymouth.
e hf of sec.	15:93:48	320.00	Plymouth.
Lot 4 and ne qr of sw qr	17:93:48	78.97	Plymouth.
All of	21:93:48	640.00	Plymouth.
All of	23:93:48	640.00	Plymouth.
ne qr of ne qr and a hf of sec.	27:93:48	360.00	Plymouth.
ne qr of ne qr	29:93:48	40.00	Plymouth.
Lots 1 and 4, se qr of ne qr and e hf of se qr	31:93:48	194.38	Plymouth.
All of	33:93:48	640.00	Plymouth.
All of	1:91:49	638.28	Plymouth.
ne qr of ne qr	3:91:49	38.6	Plymouth.
ne qr, n hf of se qr and se qr of se qr ..	11:91:49	280.00	Plymouth.
ne qr, n hf of nw qr, se qr of nw qr and nw qr of se qr	13:91:49	320.00	Plymouth.
Lot 1	11:92:49	38.22	Plymouth.
n hf of se qr and n hf of sw qr ..	13:92:49	160.00	Plymouth.
Lot 1	15:92:49	1.30	Plymouth.
e hf of se qr and sw qr of se qr.	25:92:49	120.00	Plymouth.
e hf sec	35:92:49	320.00	Plymouth.
Total		26,017.33	

And the said lands heretofore described, are hereby certified, as authorized and directed by the second section of the act of the General Assembly aforesaid.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa.

Done at Des Moines this 12th day of January, A. D., 1887, and of

[L. s.] the State of Iowa the forty-first.

By the Governor:

WM. LARRABEE.

FRANK D. JACKSON,

Secretary of State.

On June 28, 1887, I addressed a communication to the Commissioner of the General Land Office inquiring what action had been taken in regard to the 26,017.33 acres relinquished to the United States by act of the Twentieth General Assembly, and received from said official the following reply:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., July 7, 1887.

HON. FRANK D. JACKSON, Secretary of State of Iowa, Des Moines, Iowa:

SIR—I have to acknowledge the receipt of your letter of the 28th ult., and in reply to advise you that this office on February 17th, last, in a letter addressed to the Secretary of the Interior recommended the restoration to entry of the 26,017.33 acres of land which had been patented to the State of Iowa for the Sioux City & St. Paul Railroad Company under the act of May 12, 1864, but were re-conveyed to the United States in January last by Governor Larrabee.

The Secretary has not yet passed upon my recommendation.

Very respectfully,

WM. A. J. SPARKS,

Commissioner.

Since the foregoing was written the local government land office in this city has received the following notice:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., Aug. 4, 1887.

Register and Receiver, Des Moines, Iowa:

GENTLEMEN—I enclose herewith a copy of the decision of the Hon. Secretary of the Interior, of July 28th, ult., wherein he affirms the decision of this office, that the 26,017.33 acres of land which had been patented to the State of Iowa for the Sioux City & St. Paul Railroad Company, but were re-conveyed to the United States by the Governor of said State in January last, were erroneously patented, not having been earned by the company and directs their restoration to entry, under the settlement laws of the United States.

You will accordingly cause a notice to be published in the newspaper having the largest circulation in the vicinity of said lands, that upon a certain day to be fixed by you, not less than thirty days from the date of the notice, said lands will be restored to entry under the settlement laws of the United States, i. e.: the preemption, homestead and timber culture laws.

No entries at private sale are authorized under this restoration.

Actual settlers residing on any part of said lands whose settlements, etc., were made in good faith will have preference rights of entry, and this fact should appear in the published notice of the restoration.

A list of the lands to be restored is also enclosed. A copy of the paper containing the notice of the restoration should be promptly forwarded for the information of this office.

The receiver, as disbursing officer, will pay the cost of the publication and will forward a copy of the notice with proof of publication, with his returns as a voucher for the disbursement. Report promptly the receipt of this order.

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

MISCELLANEOUS.

In this sub-division of my report I have included a tabular statement of the quantity of lands the State has received under the several congressional grants; a statement of the realty acquired by the State for public uses and purposes; a statement of the real estate taken on account of debts due the State, and the disposition of the same, also some information under the head of "Surveys."

LANDS CONVEYED TO THE STATE BY THE UNITED STATES.

A tabular statement of the quantity of lands the State has received under the various congressional grants, as appears by the original conveyances and records in this office:

DATE OF GRANT.	GRANT.	ACRES.
Sept. 4, 1841	500,000 acre.....	535,473.54
March 8, 1845	16th section.....	1,013,614.21
July 20, 1846	State University.....	45,924.84
May 27, 1852	Saline.....	46,292.53
July 2, 1862	Agricultural College.....	204,309.80
May 15, 1856	Burlington & Missouri River Railroad.....	292,963.14
May 15, 1856	Mississippi & Missouri, now Chicago, Rock Island & Pacific Railroad.....	482,374.38
May 15, 1856	Iowa Central Air Line, now Cedar Rapids & Missouri River Railroad.....	789,096.53
May 15, 1856	Dubuque & Sioux City, Iowa Falls & Sioux City, and Tete des Morts Branch Railroads.....	1,239,481.70
May 12, 1864	McGregor & Missouri River, Chicago, Milwaukee & St. Paul, and Sioux City & St. Paul Railroads.....	781,255.35
Aug. 8, 1846	Des Moines River.....	592,760.67
July 12, 1862	Des Moines River.....	513,588.18
March 3, 1845	Five section grant in Jasper county.....	3,200.00
Sept. 28, 1850	Swamp lands (in place).....	883,676.38
Sept. 28, 1850	Indemnity in cash awarded, Act March 2, 1855, on account of swamp lands entered with cash.....	395,332.39
Sept. 28, 1850	Indemnity in land awarded, Act March 2, 1855, on account of swamp lands located with warrants, or scrip.....	350,100.50
Total.....		8,107,367.52

From this total should be deducted the following:

	ACRES.
Certified under Act of May 15, 1856; certification annulled by the courts; adjudged to be Des Moines River lands	223,142.17
Patented under Act May 12, 1864, for building railroad from Sioux City to north boundary; relinquished by State to the United States	26,017.33
Approval as Saline lands canceled by Secretary of the Interior	450.00
Swamp land indemnity awarded but not paid	27,883.28
Total to be deducted	277,576.78
Leaving a balance of	7,829,824.74

In addition to the quantity of lands as expressed in the foregoing statement, there have been certified by the Interior Department, for railroad purposes, under act of June 2, 1864, lands as follows:

To the Cedar Rapids & Missouri River Railroad Company, acres	347,317.64
To the Chicago, Rock Island & Pacific Railroad Company, acres	161,372.81
To the Burlington & Missouri River Railroad Company, acres..	97,148.67
Total, acres.....	605,839.12

An required by the said act of Congress, these lands were certified directly to the railroad companies by the Secretary of the Interior, and not to the State in trust, as were the lands under the act of May 15, 1856. The figures here given were obtained from certified copies furnished the State by the Commissioner of the General Land Office of the original list certified to the railroad companies.

REALTY ACQUIRED BY THE STATE FOR PUBLIC USES AND PURPOSES.

a statement of the real estate acquired by the State of Iowa for the use of its public institutions, giving name of each institution, description of real estate acquired for the same, quantity, name of grantor, nature of deed, date of deed, and date of filing deed for record, as completely as such information could be obtained.

[illegible]

REALTY ACQUIRED BY THE STATE FOR PUBLIC USES AND PURPOSES—CONTINUED.

176

REPORT OF THE SECRETARY OF STATE.

[A. 5]

1887.]

LAND DEPARTMENT.

177

INSTITUTION.	DESCRIPTION.	Section.	N. Town.	Range.	Acres.	GRANTOR.	Nature of deed.	Date of deed.	When filed for record.
Agricultural Society—State	North half of the east thirty-four and 83-100 acres of official plat of lot fifteen (15), the north half of Sec. 8, Town 75, N. range 23 W., except one acre of the east end of the above described lands; also, the south three acres of lots 10 and 11 of the official plat of the north half of section 6, in the township and range aforesaid; also, commencing at a point thirteen and 37½-100 chains north of the quarter post on the west line of section six, township 75, range 23, thence easterly parallel with the center line of said section six, thirty-seven 10½-100 chains, thence north 27½ links, thence east, same variation, twenty-one and 49½-100 chains, thence south thirteen and 65-100 chains, thence east 25 links, thence north ten chains, thence east nine 75-100 chains, thence north five 60-100 chains, thence east, same variation, sixteen and 41-100 chains, thence north three and 71-100 chains, thence east eight and 99-100 chains, thence north twenty-four and 17-100 chains, thence west fifteen and 40-100 chains, thence south one and 37½-100 chains, thence west seventy-eight and 82-100 chains, thence south to place of beginning. This embraces official plat lots 12 and 13 and 14 65-100 acres of lot eight of said section six; also, official plat lots 25 and 26, and west part of lots 24 and 26, and 2 75-100 acres of the Dean and Barlow estates in section five, town and range above mentioned, containing two hundred and sixty-five 91-100 acres, according to former and recent surveys .....	.....	.....	.....	.....	Wesley Redhead and Annie S. Redhead ..	Warra'ty	June 26, 1886	June 27, 1883
Blind, College for at Vinton	sw of ne	20	80	10	40.00	John W. O. Webb and Elizabeth C. Webb, John Cisma and Catharine Cisma	Warra'ty	June 2, 1886	June 10, 1858
	Lot 8, block 6, Griffin's addition to Vinton .....	.....	.....	.....	.....	James Chapin and Mary D. Chapin	Warra'ty	Sept. 6, 1873	Sept. 8, 1873
	Lot 7, block 6, Griffin's addition to Vinton .....	.....	.....	.....	.....	.....	Warra'ty	May 18, 1873	May 18, 1875
Deaf and Dumb, Institution for, at Council Bluffs	No report received from said Institution. Deeds not on file in State Auditor's office, where the law requires them to be kept.	.....	.....	.....	.....	.....	.....	.....	.....
Fish Hatchery, at Anamosa	Twenty acres off of west end of lot 4	9	84	4	20.00	Wm. T. Shaw and wife	Warra'ty	June 9, 1876	.....
Fish Hatchery, at Spirit Lake	Lots F and G, lying on east side of the outlet of Spirit Lake, in the town of Minne Waukon Beach, in Dickinson county, Iowa .....	.....	.....	.....	.....	Cedar Rapids, Iowa Falls & Northwestern Land & Town Lot Co., of Linn Co., Iowa	Q. C.	Aug. 21, 1886	Sept. 27, 1886
	Right of way to lay water pipes across block E, town of Minne Waukon Beach, Dickinson county, Iowa, from north to south .....	.....	.....	.....	.....	Spirit Lake Hotel and Transportation Co. ....	.....	Aug. 28, 1886	Sept. 27, 1886
	Commencing at a point on section line 779 feet west of ne or of Sec. 28, Tp. 106, R. 36; thence S. 8° E. 390½ feet to shore of East Okoboji lake; thence west along the shore of said lake 284 feet to canal or inlet of said lake; thence N. 8° E. along the east bank of said inlet or canal 86½ feet; thence east on var. of N. 81° 30' E. 264 feet; thence S. 8° E. 169½ feet to place of beginning, containing 34-16 acres more or less .....	.....	.....	.....	.....	Spirit Lake Hotel and Transportation Co.	Warra'ty	Aug. 28, 1886	Sept. 27, 1886
	Commencing at a point on the section line 779 feet west of se corner of Sec. 28, Tp. 106, R. 36; thence S. 8° E. 390½ feet to shore of East Okoboji lake; thence west along the shore of said lake 284 feet to canal or inlet of said lake; thence north var. 8° E. along the east bank of said inlet or canal 56½ feet; thence east on a var. of N. 81° 30' E. 264 feet; thence S. 8° E. 169½ feet to place of beginning, containing 34-16 acres more or less. (This deed is made for the purpose of correcting an alleged defect in the description of a deed conveying the same property.) (The preceding one.) .....	.....	.....	.....	.....	Spirit Lake Hotel and Transportation Co.	Warra'ty	April 1, 1887	April 7, 1887
Feeble-Minded, Institution for, at Glenwood	Block 45, Glenwood City .....	.....	.....	.....	.....	F. Nutt and wife	Q. C.	May 9, 1882	July 19, 1883
	Block 45, Glenwood City .....	.....	.....	.....	.....	H. C. Ott and wife	Q. C.	May 9, 1882	July 19, 1883
	Lots 1, 2, 3, 4, block 45, city of Glenwood .....	.....	.....	.....	.....	Sheriff of Mills county ..	.....	Feb. 17, 1883	Feb. 17, 1883

NOTE.—The Fish Hatchery at Anamosa was vacated and the real estate sold and patented to Wm. T. Shaw, under Sec. 4, Chap. 155, Acts of Twenty-first General Assembly. Date of patent, June 12, 1887.

REALTY ACQUIRED BY THE STATE FOR PUBLIC USES AND PURPOSES—CONTINUED

178

REPORT OF THE SECRETARY OF STATE

[A 5

INSTITUTION.	DESCRIPTION.	Section.	Town.	Range.	Acres.	GRANTOR.	Nature of deed.	Date of deed.	When filed for record.
Feeble minded, Institution for, at Glenwood—Contd..	Commencing at a point 6.33 chains east of nw corner of sw of ne of sec. 13, town. 72, range 43; thence east 3.70 chains; thence south 6.12 chains; thence west 3.70 chains; thence north 6.12 chains to place of beginning.....					E. C. Bosbyshell and wife.....	Warra'ty	June 15, 1882	July 19, 1882
	w hf of out lot No. 16 in city of Glenwood.....					William Kempton and wife.....	Warra'ty	April 24, 1882	July 19, 1882
	Commencing at sw corner of n hf of ne of sec. 13, town. 72, range 43 west; thence east 12 rods and 9 feet; thence due north 12 rods and 11 1/4 feet; thence due west 12 rods and 9 feet; and thence due south 12 rods and 11 1/4 feet, to place of beginning.....				1.00	George Hall and wife.....	Warra'ty	April 27, 1882	July 19, 1882
	Sixty acres off of west side of w hf of se, except north 12 acres.....	13	72	43	48.00	Martin Farrar, batchelor.....	Warra'ty	April 22, 1882	July 19, 1882
	Also same tract.....	13	72	43	48.00	Julia and Josiah Farrar.....	Q. C.	June 17, 1882	July 19, 1882
	Commencing at nw corner of w hf of se of sec. 13, town. 72, range 43; thence east 60 rods; thence south 32 rods; thence west 60 rods; and thence north 32 rods, to place of beginning.....				12.00	George A. Davis and wife.....	Warra'ty	Mar. 20, 1882	July 19, 1882
	e hf of sw.....	13	72	43	80.00	D. B. Lufkin and wife.....	Warra'ty	April 20, 1882	July 19, 1882
	Four acres off of nw corner of s hf of ne of sec. 13, town. 72, range 43, commencing at said corner and thence south 25 rods and 8 links; thence east 25 rods and 8 links; thence north 25 rods and 8 links; thence west to place of beginning.....					O. W. Archibald and wife.....	Warra'ty	May 24, 1882	July 19, 1882
	Lot 2, block 46, city of Glenwood.....					George Linville and wife.....	Warra'ty	April 15, 1882	July 19, 1882
	e hf of out lot 16, city of Glenwood.....					Eliza Askern, formerly Eliza Gilpin, and George Askern, husband and wife.....	Warra'ty	June 16, 1882	July 19, 1882
	Lot 1, block 46, city of Glenwood.....					L. W. Russell and wife.....	Warra'ty	April 26, 1882	July 19, 1882
	Lot 1, block 47, city of Glenwood.....					Samuel Mershon and wife.....	Warra'ty	May 1, 1882	July 19, 1882
	Lot 2, block 47, city of Glenwood.....					Charles W. Lufkin, unmarried.....	Warra'ty	April 26, 1882	July 19, 1882
Insane, Hospital at Clarinda.....	n hf of sw.....	19	69	36	79.92	William Butler and wife.....	Warra'ty	Oct. 18, 1884	Nov. 14, 1884
	s 1/4 of n hf of se.....	24	69	36	60.00	Elen D. Butler.....	Warra'ty	Oct. 18, 1884	Nov. 14, 1884
	s hf ne and n qr of n hf of se.....	24	69	37	100.00	Geo. O. Turner and Lillie Turner.....	Warra'ty	Oct. 8, 1884	Nov. 4, 1884
	s hf of se, se of sw.....	24	69	37	120.00	Frederick Fisher and Elizabeth Fisher.....	Warra'ty	Oct. 8, 1884	Nov. 14, 1884
	n 30 acres of ne of ne, and n 20 acres of nw of ne.....	25	69	37	120.00	Cary P. Wise and Elizabeth E. Wise.....	Warra'ty	Oct. 8, 1884	Nov. 14, 1884
	s hf of sw.....	19	69	36	80.00	Not known.....	Warra'ty	Oct. 8, 1884	Nov. 14, 1884
	n 20 acres of nw.....	30	69	36	80.00	Not known.....	Warra'ty	Oct. 8, 1884	Nov. 14, 1884
	s 3 acres of n 13 acres of ne of nw.....	30	69	36	80.00	Not known.....	Warra'ty	Oct. 8, 1884	Nov. 14, 1884
Insane, Hospital at Independence.....	s hf of sw.....	5	88	9	80.00	Not known.....	Warra'ty	Apr. 3, 1884	Apr. 5, 1884
	n hf of ne.....	7	88	9	80.00	Not known.....	Warra'ty	Apr. 3, 1884	Apr. 5, 1884
	n hf of ne and n hf of nw.....	8	88	9	120.00	Not known.....	Warra'ty	Apr. 3, 1884	Apr. 5, 1884
	s hf of se.....	6	88	9	80.00	Gershon H. Hill and Louisa B. Hill.....	Warra'ty	Apr. 3, 1884	Apr. 5, 1884
Insane, Hospital at Mt. Pleasant.....	w hf of ne, e hf nw.....	15	71	6	160.00	Hulda Evans.....	Mar. 17, 1855	Mar. 17, 1855	
	Also a tract commencing at center of sec. 15, town. 71, range 4 w; thence s 3.31 chains; thence s 3 1/2 w 4 chains; thence s 7 1/4 w 3 chains; thence w 13.81 chains; thence n 6.93 chains to place of beginning.....				13.00	Hulda Evans.....	Mar. 17, 1855	Mar. 17, 1855	
	Part of e hf of sw, sec. 10, town. 71, range 4, as follows: commencing at se cor. of said half quarter; thence west 100 feet; thence n 23.63 chains to a line of road from Mt. Pleasant to Burlington; thence easterly on said north line of above half quarter; thence south on said line about 23.63 chains to place of beginning; se of nw of nw.....				10.00	Ford Barnes and wife.....	June 1, 1868	June 1, 1868	
	All of that portion known as "Forest Home" of nw of sw, comprised in blocks 1, 12, 13, 24, 25 and 36, on e side of said parcel of land.....				6.00	James Harlan and wife.....	July 22, 1855	July 22, 1855	
	Beginning at the nw cor. of the sw qr of nw qr of sec. 15, town. 71, range 4 w; thence s 504.80 feet; thence s 83° e 665 feet; thence s 1/4 w 1/2 feet; thence s 620 feet; thence n 728 feet; thence w 1320 feet to place of beginning.....				30.00	Lemuel Hairgraves.....	June 1, 1868	June 1, 1868	
	ne of nw of nw.....				10.00	John Guylen and Eliza Guylen.....	June 1, 1868	June 1, 1868	
	Part of e hf of sw qr.....				10.00	Ford Barnes and wife.....	Feb. 25, 1870	Feb. 25, 1870	
	(This place is adjoining Hospital avenue on the west and is described at great length in deed.)								

1882]

LAND DEPARTMENT.

179

REALTY ACQUIRED BY THE STATE FOR PUBLIC USES AND PURPOSES—CONTINUED.

INSTITUTION.	DESCRIPTION.	Section.	Town.	Range.	Acres.	GRANTOR.	Nature of deed.	Date of deed.	When filed for record.
Insane Hospital at Mt. Pleasant—Continued.....	w hf of se..... A part of the e hf of sw Sec. 15, Tp. 71, R. 4 W., commencing at a point 3.91 chains south from center of Sec. 15, thence to meanderings of Bowers' Branch, S. 25° W. 4 chains, S. 77° W. 3 chains, S. 80° W. 4½ chains, S. 41½° W. 3 chains, S. 15½° E. 2½ chains, S. 30½° W. 3.10 chains, S. 48½° E. .61 chains; east 12.91 chains, with Willford's branch, thence N. 11.63 chains to place of beginning..... A part of the e hf of sw of Sec. 15, Tp. 71, R. 4 W., commencing at a point on the west line of said tract 2.35 chains south of nw corner of said tract, thence e 13.81 chains to the Heath tract, S. 80° W. 4½ chains, S. 41½° W. 3 chains, S. 30½° W. 3.10 chains, S. 48½° E. .61 chains, E. 12.91 chains to E. line of said half quarter Sec., south 14.29 chains to the Hemenway tract, N. 27½° W. 11.53 chains, N. 69½° W. 7.83 chains, N. 84° W. 2.64 chains to the west line of said half section, and 15.22 chains to the place of beginning.....	15	71	6	80.00	Thos. Knox and wife.....	.....	.....	Oct. 12, 1866.
					10.76	Patrick Muldowney and wife.....	.....	.....	June 26, 1870.
					27.35	Chas. H. Phelps and wife.....	.....	.....	June 25, 1870.
Industrial School at Mitchellville.....	Lots 17 and 18, Sage's sub-division of sw qr. Sec. 12, Tp. 79, R. 22..... Lots 19 and 20, Sage's sub-division of sw qr. Sec. 12, Tp. 79, R. 22..... Lots 21 and 22, Sage's sub-division of sw qr. Sec. 12, Tp. 79, R. 22.....					Thos. Mitchell, President Board Trustees Mitchell Seminary..	.....	April 22, 1880	April 22, 1880
						Thomas Mitchell and wife.....	.....	April 22, 1880	April 28, 1880
Industrial School at Eldora.....	n hf of nw (except 1 acre).....	12	87	20	79.00	C. B. Davis and Addie E. Davis.....	Warra'ty	April 21, 1884	April 21, 1884

Penitentiary at Anamosa.....	Lots 1, 2, 3, 4 and 5, and north 12 feet of lots 6, 7, 8 and 9, block 1. All of block 2. Lots 6, 7, 8, 9 and 10, block 3. Lots 6, 7, 8, 9 and 10, block 6. All block 7. Lots 1, 2, 3, 4, 5, 6 and 7, and north 12 feet of lots 8, 9 and 10, block 8, of Gibbs' Addition to Town of Anamosa, with streets and alleys lying in said portion of said town, and Vine street lying west of same. Also 5 acres off of the east side of the following: Commencing at southeast corner of nw of se, Sec. 3, Tp. 84, R. 4 W.; thence west 330 feet; thence south 158 feet; thence north 65° E. to place of beginning. Also another tract, commencing 12.27 chains north of southeast corner of nw of se, Sec. 3, Tp. 84, R. 4 W.; thence west 330 feet; thence south 158 feet; thence north 65° E. to place of beginning. E hf of sw (stone quarry).....	23	85	4	80.00				
Penitentiary at Fort Madison.....	Lots 1115 and 1116 and 202 feet from the south side of lot 1117..... Another deed is as follows: Commencing at southeast corner of lot No. 1117 and running north on the east line of said lot 202 feet; thence west running parallel with the south line of said lot to the west line thereof; thence south on said west line 202 feet, to the southwest corner of lot; and thence east on the south line to the place of beginning. And also lots No. 1115 and 1116 in said town.....				10.00	President and Trustees of Town of Ft. Madison.....	.....	April 24, 1830	April 24, 1830
						Mayor and Aldermen of Town of Ft. Madison.....	.....	June 6, 1851	June 9, 1851.
Soldiers' Home at Marshalltown.....	nw of se..... se of nw, ne of sw, and east 5 acres of sw of nw, and east 5 acres of nw of sw.....	27	84	18	40.00	Emily A. Sleigh and E. G. Sleigh.....	W'r'ranty	June 3, 1886	Dec. 10, 1886.
Soldiers' Orphans' Home at Davenport.....	(Property only leased or rented.).....	27	84	18	90.00	Geo. Glick and Jane Glick.....	W'r'ranty	June 5, 1886	Oct. 12, 1886.
State Normal School at Cedar Falls.....	se of se.....	14	89	14	40.00	Not known.....	.....	.....	.....

NOTE.—The descriptions of the Anamosa Penitentiary grounds were obtained from an abstract and diagram, and no attempt made to ascertain names of grantors, etc.
State Normal School at Cedar Falls has the grounds formerly used for Soldiers' Orphans' Home.

REALTY ACQUIRED BY THE STATE FOR PUBLIC USES AND PURPOSES—CONTINUED.

INSTITUTION.	DESCRIPTION.	Section.	Town.	Range.	Acres.	GRANTOR.	Nature of deed.	Date of deed.	When filed for record.
State University, at Iowa City.....	Formerly State Capitol. Designated on official plat of Iowa City as "Capitol Square." Is in Sec. 10, Tp. 79, range 6 west. This site was selected May 4, 1859, as the Territorial Capitol, by Chauncey Swan, John Ronalds and Robert Ralston, Commissioners appointed by act of Territorial Legislature to locate Capital.		N. W.						
PUBLIC GROUNDS IN DES MOINES.									
Capitol Square.....	Commencing at a point N. 68° E. 2.86½ chains from the center corner of Sec. 3, Tp. 78, range 24; thence N. 74° 30' E. 640 feet to a stone at the ne corner of Capitol Square; thence S. 15° 30' E. 682 feet to a stone at se corner of said Square; thence S. 74° 30' W. 640 feet to a stone at the sw corner of said Square; thence N. 15° 30' W. 682 feet to a stone at the nw corner of said Square, or place of beginning, containing 10.02 acres more or less; run at a variation 10° east.					W. A. Scott and Harrison Lyon.....	Warra'ty	April 28, 1856	April 29, 1856
Governor's Square...	Commencing at a point S. 32° 30' W. 1.65 chains from nw corner of sw qr of Sec. 2, Tp. 78, range 24, thence N. 74° 30' E. 680 feet to a stone; thence S. 15° 30' E. 360 feet to a stone; thence S. 74° 30' W. 680 feet to a stone; thence N. 15° 30' W. 360 feet to the place of beginning, containing 5.61 acres more or less.					T. K. Brooks and W. A. Scotts.....	Warra'ty	April 29, 1856	April 29, 1856
Asylum Square, or State Square.....	Lot A Stewart's Add. to Des Moines, according to plat. Said lot situated south of Walnut street and west of 15th street, and adjoining the north boundary line of sw qr of Sec. 2, Tp. 78, range 24, containing about a half of an acre, more or less.					Joseph B. Stewart...	Warra'ty	March 5, 1858	March 6, 1858
Old Capitol.	Block 27 Stewart's addition, designated on plat as "State Square," contains about 2.25 acres					Joseph B. Stewart....	Warra'ty	Jan. 9, 1858	March 6, 1858
	Lots 11 and 12, Block 6, Scott's Add to Town of De Moines and all buildings thereon.....					Capitol Building Association.....	Warra'ty	Oct. 24, 1864	Feb. 7, 1865
State Arsenal	Lots 7 and 8, block 23, original town of Ft. Des Moines, now included within the corporate limits of the city of Des Moines. The consideration, \$3,500, paid by the city of Des Moines					F. M. Hubbell and Frances E. Hubbell, his wife,	Warra'ty	June 25, 1880	July 6, 1886
State Heating House	Lot 3, block 4, H. Lyon's add. to the town of De Moines. Lot 4, block 4, H. Lyon's addition to the city of Des Moines					Ed Wright, widower..	Warra'ty	April 3, 1878	April 6, 1878
						John M. Day and Jennie E. Day, his wife.	Warra'ty	June 17, 1880	June 19, 1880

The s hf of se qr of section 6, township 88, range 9 w, deeded to the State by Gershom H. Hill, for the Hospital for the Insane at Independence, was originally located, as it appears, by Silas Sawyer, July 2, 1853, with two military bounty land warrants. It further appears that these locations had been canceled about August 28, 1860, by the Department at Washington, because, as was alleged, the warrants with which the location was made had been issued upon false and fraudulent papers.

This cancellation was unknown to the grantees of Sawyer or those claiming title under him, as there was nothing upon the county recorder's records relative thereto. On March 2, 1887, one Thomas J. Felling was permitted by the local government land office in Des Moines to enter said tract as a homestead. When Gershom H. Hill received notice of the cancellation of Sawyer's entry (which was not until after the date of Felling's entry), he applied to make cash substitution in name of Silas Sawyer, but his application was denied by the Register and Receiver of the local office in Des Moines, because of the entry by Felling as aforesaid, etc. Mr. Hill appealed to the Commissioner of the General Land Office at Washington, who reversed the holding of the local office and directed the Register and Receiver to allow Gershom H. Hill to make cash substitution in name of Silas Sawyer for said land, and to notify Felling that his homestead entry is illegal, and that the same is held for cancellation, giving him the usual time for appeal. Thomas J. Felling has appealed from the Commissioner's decision to the Secretary of the Interior.

REAL ESTATE TAKEN ON ACCOUNT OF DEETS DUE THE STATE.

A statement giving a description of real estate acquired by the State of Iowa on account of indebtedness to the State, on what account taken, the portions sold and patented, name of patentee, and date of patent, as shown by the records of this office. The Executive Council of the State has the disposition of those portions unsold.

Taken on loans of school fund by James D. Eads, Superintendent of Public Instruction.

REAL ESTATE TAKEN.		PORTION PATENTED.		PATENTEE.	Date of patent.
LOT OR PART OF BLOCK.	CITY.				
	Block.				
5, 4, 7, 8, 13, 14, 15, 16	6 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	7 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	8 Nassau add. to Keokuk.	Lots 1, 2, 3, 4, 5, 15, 16, 17, 18.	Charles F. Birge.	Dec. 30, 1886	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	9 Nassau add. to Keokuk.	None	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	10 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	11 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	12 Nassau add. to Keokuk.	None	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	13 Nassau add. to Keokuk.	None	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	14 Nassau add. to Keokuk.	None	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	15 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	16 Nassau add. to Keokuk.	None	Bernard A. Dolan.	May 23, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	17 Nassau add. to Keokuk.	None	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	18 Nassau add. to Keokuk.	All	Charles F. Birge.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	19 Nassau add. to Keokuk.	All	Henry Banks.	May 7, 1879	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	20 Nassau add. to Keokuk.	All	Richard Carroll.	May 7, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	21 Nassau add. to Keokuk.	All	Bernard A. Dolan.	Dec. 30, 1886	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	22 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	23 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	24 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	25 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	26 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	27 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	28 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	29 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	30 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	31 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	32 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	33 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	34 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	35 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	36 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	37 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	38 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	39 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	40 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	41 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	42 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	43 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	44 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	45 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	46 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	47 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	48 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	49 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	50 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	51 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	52 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	53 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	54 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	55 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	56 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	57 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	58 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	59 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	60 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	61 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	62 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	63 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	64 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	65 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	66 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	67 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	68 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	69 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	70 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	71 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	72 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	73 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	74 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	75 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	76 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	77 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	78 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	79 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	80 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	81 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	82 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	83 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	84 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	85 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	86 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	87 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	88 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	89 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	90 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	91 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	92 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	93 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	94 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	95 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	96 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	97 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	98 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	99 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	
1, 2, 3, 5, 6, 11, 12, 15, 16, 17, 18.	100 Party in Mason's lower add. to Keokuk.	All	Bernard A. Dolan.	May 28, 1884	

REAL ESTATE TAKEN ON ACCOUNT OF DEBTS DUE THE STATE—CONTINUED.

REAL ESTATE TAKEN.			PORTION PATENTED.		PATENTEE.	Date of patent.
LOT OR PART OF BLOCK.	Block.	CITY.				
7, 8	3	Scott's Addition to Des Moines	Lot 8	J. W. Murphy	Jan. 9, 1880	
all of	4	Scott's Addition to Des Moines	Lot 7	Alfred T. Nichols	Nov. 18, 1882	
			east 200 feet of s hf	John M. Davis	July 30, 1874	
			west 50 feet of east 200 feet of s hf	Wesley Juvenal	Dec. 29, 1874	
			west 44 feet of the east 96 feet, 8 1/2 inches, of s hf, except south 50 feet of same	W. W. Moore	April 12, 1875	
			s hf, except east 200 feet	Lycurgus E. Ayers	June 26, 1876	
			east 22 feet, 8 1/2 inches, of n hf et, except south 50 feet	W. W. Moore	Jan. 2, 1878	
			west 50 feet of east 250 feet of s hf	Henry Furlong	Jan. 23, 1880	
			south 50 feet of east 96 feet 8 1/2 inches of n hf	Ell Smith	Oct. 13, 1880	
			west 30 feet of east 300 feet of s hf	M. C. Lewis	Feb. 15, 1882	
			north 170 feet, except east 213 feet 8 1/2 inches	W. S. Bennett	Sept. 19, 1883	
			That part of the n hf lying south of north 170 feet, and west of east 96 feet 8 1/2 inches, supposed to be 11 feet wide	City of Des Moines	Sept. 19, 1883	
			west 46 feet of east 167 feet 8 1/2 inches of north 170 feet	Wm. Burzaocott	Sept. 19, 1883	
			west 25 feet of east 121 feet 8 1/2 inches of north 170 feet	Sarah Morrison Moore	Mar. 6, 1884	
			(Unpatented west 46 feet of east 213 feet 8 1/2 inches of north 170 feet)			
1	2	East Pl. Des Moines, in city of Des Moines	all	John A. Swanson	April 19, 1879	
2	2	East Pl. Des Moines, in city of Des Moines	n hf of s hf	Swan A. Swanson	Jan. 5, 1878	
			n hf and s hf of s hf	N. J. Landfars	Jan. 4, 1878	

One third of 35 acres described as follows: Commencing at SE. cor. of sw qr of sec. 1, tp. 65, R. 5, W.; thence W. on S. line of said quarter sec. to the SW. corner of said quarter sec.; thence N. on the W. line of said quarter sec. 11.42 chains to a stone; thence E. parallel to the S. line of said quarter sec. 30.50 chains to a post; thence S. 10 92 chains to a post; thence E. parallel to the south line of said quarter sec. 2.50 chains to a post; thence S. 70 links to place of beginning, in Lee county, Iowa.

This tract is unpatented, except a small fraction (the length of which it is difficult to determine) of the strip 50 links wide, commencing at the SE. cor. of sw qr of sec. 1, tp. 65, R. 5, W., and running west; an undivided 1/2 of this strip running west from said corner, perhaps 300 feet, is included in a quit claim from the State to Wm. W. Belknap, dated December 10, 1868.

REAL ESTATE TAKEN ON ACCOUNT OF DEBTS DUE THE STATE—CONTINUED.

REAL ESTATE TAKEN.				PORTION PATENTED.		PATENTEE.	Date of patent.
PARTS OF SECTION.	Section.	Town.	Range.	Acres.			
e hf of se	1	86	R. 5	80.00	All	John McQueen	May 3, 1882.
e hf	2	87	W. 10	320.82	n hf of ne	Jas. and Jno. Douglass	Aug. 2, 1875.
					s hf of ne	Thomas L. Maxwell	Nov. 14, 1879.
					n hf of se	Albert Marwell	Nov. 14, 1879.
					s hf of se	Frene Harris	Jan. 5, 1882.
se qr	36	85	17	160.00	s hf of se and nw of se	Albert F. Hill	Sept. 26, 1873.
n hf of nw, s hf of nw	20	71	21	160.00	se of se	Frederick Ruste	Oct. 16, 1874.
w hf of nw, w hf of ne, se of se	25	84	23	240.00	se of nw	Charles F. Gartin	Feb. 25, 1882.
ne fr qr	3	70	24	128.13	w hf of nw	Mary S. Scott	Sept. 18, 1883.
n hf of sw	29	80	24	80.00	All	Abby M. Greene	May 10, 1876.
w hf of se	31	71	25	80.00	n hf of nw	Charles Fell	June 24, 1874.
nw of nw, e hf nw	10	70	35		sw of se	John Miller	June 24, 1874.
sw qr	4	77	25	160.00	se of nw	George Marshall	Dec. 29, 1874.
w hf fr	1	77	35	348.18	n hf of nw	Hets of Louisa Schulte	Feb. 26, 1874.
					n hf of sw fr	Edmond Maguire	May 3, 1872.
					s hf of sw fr	Edward Collins	Nov. 30, 1872.
sw qr	15	77	35	160.00	sw fr qr	Ransom G. and Jno. D. Arnold	July 21, 1886.
n hf of nw	16	77	35	87.37	All	H. M. Close	Dec. 22, 1876.
w hf of nw	30	77	35	80.00	All	James Embree	Aug. 26, 1870.
n hf sw	3	91	24	80.00	None	Geo. W. Jones	Feb. 2, 1869.

REAL ESTATE TAKEN ON ACCOUNT OF DEBTS DUE THE STATE—CONTINUED.

Taken as the property of Samuel E. Rankin, on account of indebtedness to Agricultural College fund.

REAL ESTATE TAKEN.				ACRES.	PORTION PATENTED.	PATENTER.	Date of patent.
PARTS OF SECTION.	Section.	Town.	Range.				
w hf of sw	11	N. 74	W. 6	80.00	All	J. W. Harper	Jan. 16, 1878
w hf of nw	14	74	6	80.00	Commencing 24 rods s of ne corner of nw of nw of section 14, thence n 34 rods, thence w 80 rods, thence s 80 rods to sw cor. of nw of nw section 14, thence northeasterly to place of beginning. All in Tp. 14, R. 6, W. 26 acres	J. W. Harper	Jan. 16, 1878
					sw of nw	J. W. Crawford	Mar. 27, 1880
					Commencing at sw cor. of nw of nw, Sec. 14, Tp. 14, R. 6, W. thence e 80 rods to se cor. of said nw of nw, thence n 50 rods, thence in a southwest direction to place of beginning, about 14 acres	J. W. Crawford	Mar. 27, 1880
s 30 acres of nw of ne and n 10 acres of sw of ne	27	74	6	40.00	All	H. C. Russell	Oct. 16, 1876
e hf of se	28	88	22	80.00	All	William Luttichwager	Jan. 8, 1885
† s hf	30	79	23	280.00	e hf of se, nw of se	L. G. Coughlan	July 27, 1874
					(Unpatented, sw qr and sw of se.)	E. Mills	June 20, 1874
nw qr	35	73	29	160.00	All		
* sw qr	1	97	40	160.00	None		
ne qr	21	100	48	160.00	None		
All	28	100	48	640.00	None		
se qr	29	100	48	640.00	None		
se qr	30	100	48	160.00	None		

Also, lots 9 and 10, block C, Griffiths' add. to East Ft. Des Moines, patented to J. B. Duff, April 7, 1874.

* Rankin owned the sw qr, 1, 97, 40, but only deeded to the College Committee the s hf of it—80 acres; the said committee deeded the whole quarter section to the State. In view of the fact that Rankin only deeded the s hf of sw, I presume the State's title would not be perfect to the s hf of sw.

† The s hf of 20, 79, 23, except the nw of se was deeded to the State by the College Committee, to whom Rankin had conveyed the same for the benefit of the College fund; the nw of se was deeded to the State by the sheriff. I understand there is an interference with the State's claim to the sw qr and sw of se.

Taken on account of loan by State Treasurer to the Medical College at Keokuk, under Chap. 60, Acts 1868.

REAL ESTATE TAKEN.			PORTION PATENTED.	PATENTER.	Date of patent.
LOT OR PART OF BLOCK.	Block.	CITY.			
1, 2, 5, 6, 7, 8, 9, 10, 11, 12	20	Keokuk	All	S. C. and S. Carter	Mar. 26, 1884

Taken on account of indebtedness of Samuel M. Dyer, Ex-County Treasurer of Polk county, to State revenue.

5, 6	H.	Griffiths' add. to East Ft. Des Moines, city of Des Moines	w 60 feet	Arthur Nowlen	Jan. 4, 1879
			That portion lying between the w 60 ft and e 50 ft, supposed to be 40 ft wide	Wm. H. Shaw	May 23, 1879
			East 25 feet, except north 10 ft thereof	Lydia H. Ellison	Aug. 18, 1893
			(Unpatented—w 25 ft of e 50 ft and e 10 ft of e 25 ft)		

Taken as the property of R. G. Orwig, under judgments obtained against him.

30 and s hf of 31		Mumma & Jacoby's add. to the town of Des Moines	All	J. M. Forney and S. Mellinger	Mar. 28, 1879
4	27	Campbell & McMullen's add. to original town of Ft. Des Moines	All	G. W. Savery	Aug. 29, 1869
w ½ of 5, except 23 ft, 5 inches off of n end	24	Original town of Ft. Des Moines	All	Hawkeye Ins. Co. of Des Moines	Feb. 3, 1874
Commencing at ne corner of nw qr of sec. 8, Tp. 78, R. 24; thence w 673 chs; thence s 16° 30' e 11 chs; thence n 68° e 430 chs; thence n 934 chs to place of beginning; understood to be lot 1 of official plat of said section 8, 78, 24, 5 and 6—16 acres			All	Maria S. Orwig	Dec. 29, 1878

J. B. Duff Property.

The State acquired title by deed from J. B. Duff to lots 1, 2 and 3, block 7, W. A. Scott's addition or sub-division to the city of Des Moines, and sold the same to Jackson Wisheart, giving a deed dated November 1, 1875, and taking a mortgage to secure an unpaid balance of the purchase money. The mortgage was foreclosed, and the State bid in the property. Subsequently, said Wisheart, under an agreement with the Executive Council, paid the State for said property and received another deed dated November 28, 1885, conveying to him all of the State's right, title and interest in and to said property.

SURVEYS.

The Commissioner of the General Land Office has recently furnished this office, for the use of the State of Iowa, with a complete set of photo-lithographic plats of all the congressional townships in the State, which were made from plats of the United States surveys in his office. These plats I intend, as early as practicable, to have mounted with cloth, properly arranged, and bound in volumes of convenient size for reference; there will then be a less necessity for handling the *original* plats of government surveys in the office, which necessarily will become worn by much use, and which it is desirable to preserve *intact* as long as possible.

I have also recently received from said Commissioner the plats and field notes of a survey made under his instructions, on the Missouri river, in townships 82, ranges 45 and 46, Monona county, in the months of February and March, 1886. This is denominated on the plats of such survey a "cut-off." The land surveyed amounts to 1,141.03 acres, 636.56 acres being in township 82, range 45, and 504.47 acres being in township 82, range 46. The major portion of this land, at the date of the original government surveys, was in Nebraska, but now, as it is all on the left bank of the Missouri river, the area of the State of Iowa appears to have been increased.

All of which is respectfully submitted.

FRANK D. JACKSON,

Secretary of State.

CONTENTS OF REPORT.

	PAGE.
The School lands.....	6-10
The University lands	11-15
The Des Moines river lands.....	16-65
The Swamp lands.....	66-95
The Agricultural College lands	96-108
The Railroad lands.....	104-172
Miscellaneous.....	173-190

ERRATA.

On page 94, 7th line, read "September 28, 1850," instead of "September 28, 1859."

On page 136, in 4th line from bottom of page, a date is given, "April 6, 1886," and in 17th line from bottom of page a date is given as "September 20, 1886;" these are same as in original opinion, but the first named date should be "April 3, 1866," and the second date should be "September 20, 1866."