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## REPORT

OF THE

## Secretary of State

TO THE

GOVERNOR OF IOWA

OF THE

TRANSACTIONS OF THE LAND  
DEPARTMENT

July 1, 1910, to June 30, 1912

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 W. C. HAYWARD, Secretary of State
 

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## REPORT

OFFICE OF SECRETARY OF STATE,  
Des Moines, Iowa.

*To His Excellency, B. F. Carroll, Governor of Iowa:*

SIR—In compliance with the provisions of section 122 of the Supplement to the code, I have the honor to submit the following report of the transactions of the Land Department during the biennial period ending June 30, 1912.

During this period the United States, through its proper officers, patented to the state forty (40) acres of swamp land located in Pocahontas county, which was in turn patented by the state to that county. The state received no other land during the past two years from the federal government.

The following table shows the number of acres of the various classes of lands patented by the state during the biennial period:

	Acres
Sixteenth section grant .....	362.50
Five hundred thousand acre grant.....	460.42
Mortgage school land .....	95.00 <sup>o</sup>
University land .....	40.00
Swamp land "in place".....	40.00
Meandered lakes and lake beds .....	55.49
Under acts quieting title.....	311.00 <sup>†</sup>
Total .....	1,364.41

The following table shows the number of acres which remained unpatented and unsold at the close of the biennial period:

<sup>o</sup>And several lots in Johnsonsport, Allamakee county; east  $\frac{1}{2}$  of two lots in H. J. Rowland's sub-division of nw ne sw sec. 2-99-23, in Winnebago county; and an undivided  $\frac{1}{3}$  of 35 acres in sec. 1-65-5 in Lee county.

<sup>†</sup>And lot 6, block 96, of Iowa City.

Character of Land	Unpatented acres	Unsold acres
Sixteenth section grant.....	12,643,735	
Five hundred thousand acre grant.....	6,369,260	
University land.....	754,670	553,310
University land (Soline grant).....	1,899,500	1,689,950
University land (donated and mortgage).....	569,000	569,000
Agricultural college land.....	239,480	229,480
Abandoned river channels, islands, etc.....	4,324,714	4,324,714
Swamp land.....		
Railroad land (number of acres unpatented cannot be estimated).....		
Total.....	26,091,849	6,777,434

There have been numerous requests made during the biennial period for certificates on the railroad lands originally granted under the act of Congress, approved May 15, 1856, to the Dubuque and Pacific Railroad Company and to the Iowa Central Air Line Railroad Company, in accordance with the provisions of section 82 of the code, 1897, in order to clear up the titles to lands which had been deeded by those companies. This section provides for issuance of certificates to those railroad companies, or to individuals claiming title through them, which complied with the terms of their respective grants. Neither of these two companies complied with the terms of their respective grants, though the Dubuque and Pacific Railroad Company partially did so and earned some lands, all of which were, according to the records of this department, certified to the company.

By the terms of the act of Congress, as construed by the United States supreme court, these companies were each entitled to select and own one hundred twenty sections of land outright, before entering upon the construction of their lines of road. It is as to these 120 sections that this department is unable to issue certificates. In the first place there appears to be no provision in the law for issuing such certificates; secondly, this department has no accurate list of the lands selected and claimed by either of these two companies, upon which certificates could be issued if there were a proper provision of the law.

We have received, without expense to the state, from the Iowa Railroad Land Company of Cedar Rapids, a list of the lands deeded by the Iowa Central Air Line Railroad Company, taken from the books of that company some years ago, which is un-

doubtedly a correct list of the lands claimed by that company, under the 120 section clause of the grant. This will have to be checked with the records of the counties in which the lands are situated, and with the records of the General Land Office at Washington, and properly certified, before it can be used as a basis for certificates. There is no appropriation out of which this expense can be met.

Because of the necessity of securing accurate lists of these lands before the titles can be perfected in the present owners, and believing that the state should make possible the perfecting of their titles, I would respectfully recommend that the general assembly should make such appropriation and pass such acts as may be applicable to that end.

There appears to have never been an index covering the patent records of the lots in the plat of Iowa City, and as there are frequent calls for certified copies of these patents, a tract index, giving reference to the names of patentees, dates of patents and the volume and page of the record, is now being prepared, which will be bound and filed in the Land Department with the other records.

The fees received by the land department during the biennial period were as follows:

For certificates and certified copies.....	\$ 976.15
From sale of meandered lakes and lake beds.....	2,774.50
From sale of school land under provisions of chapter 223, acts 34th G. A. ....	80.00
Total .....	\$3,830.65

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

Very respectfully,

*W. C. Hayward*

Secretary of State.

## SCHOOL LANDS

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

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

In the report of this department for the biennial period ending June 30, 1901, was contained a summary of the acts of congress and of the general assembly relative to the school lands. As there are no more copies of that report for distribution it has been thought best to republish a summary in this report, with such additions as may be thought of interest to the public.

### SIXTEENTH SECTION GRANT.

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

The first general assembly, by the act approved February 25, 1847, provided for the sale of the sixteenth section lands and placed them under the control of the school fund commissioners of the several counties in connection with the township trustees. The office of school-fund commissioner was abolished by an act of the seventh general assembly, approved March 23, 1858, and these lands were then placed under the control of

the county judge, in connection with the township trustees. The eighth general assembly, by an act approved April 3, 1860, gave the control and management of these lands to the boards of supervisors of the respective counties, and the township trustees, to be sold by the clerk of the district court. The office of county auditor was created by the act of the twelfth general assembly, approved April 7, 1868, and that officer was authorized to perform all the duties in respect to the school lands theretofore performed by the clerk of the district court. No changes of any importance have been made since this act relative to the control and management of the school lands.

About 1,014,331.05 acres of land were acquired by the state under the sixteenth section grant, of which there are still unpatented about 12,043,735 acres.

### FIVE HUNDRED THOUSAND ACRE GRANT.

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

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

The first general assembly of the state of Iowa, by the act approved February 25, 1847, (chapter 111), attempted to provide for the selection of these lands as follows: "Any person capable of contracting, having settled upon public lands, the quality whereof and the improvements thereon will, in the opinion of the fund commissioner of the county, render the selection a safe and profitable one, may in writing signify to said fund commissioner of the county wherein the land is situated, his or her desire to have the same recognized as school land, and thereupon the same, not exceeding three hundred and twenty acres, shall be returned by said fund commissioner, with the date of their selection, to the superintendent of public instruction, to be by him registered as lands selected by the state under the grant from congress referred to."

This act did not meet the requirements of selection of the total amount allotted, and the second general assembly by act approved January 15, 1849 (chapter 123), appointed John M. Whitaker of Van Buren county, William H. Morrison of Dubuque county and Robert Brown of Jefferson county "to select the remainder of the five hundred thousand acres of land granted to the state of Iowa, upon the admission of said state into

the union, under the 8th section of the act of congress of September 4, 1841"; further providing that said Whitaker was to select lands in the Fairfield land district, Morrison in the Dubuque district and Brown in the Iowa City district.

This act also provided that the lands approved to the state under this grant should be sold by the school fund commissioners under the supervision of the superintendent of public instruction. The act approved January 25, 1855, withdrew the lands from the supervision of the superintendent of public instruction, and authorized school-fund commissioners to sell them. The act of March 23, 1858, abolished the office of school-fund commissioner, and empowered the county judge, in connection with the township trustees, to control and sell the sixteenth section lands, but made no mention of the 500,000 acre lands. This was remedied by the next general assembly by the act, approved April 3, 1860, which gave control of both the sixteenth section and the 500,000 acre grant lands to the boards of supervisors, and provided for their sale by the clerk of the district court. The act of April 7, 1868, turning over the clerk's duties to the county auditor, applied to the 500,000 acre lands, as well as the sixteenth section lands as noted above. Sections 2840 to 2843 of the Code of Iowa, 1897, now govern the sale and control of the school lands.

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

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

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

Governor Lowe, acting in accordance with the approval of the lands under the Des Moines river grant, bearing date of December 30, 1853, deeded the 12,813.51 acres to the Des Moines Navigation & Railroad Company. For the relief of the purchasers of these lands from the school-fund commissioner of Webster county, the eighth general assembly passed

an act, approved April 2, 1860, providing that upon application therefor, and the proper showing, any purchaser of said lands should be entitled to draw from the treasury the amount of money paid, principal and interest, on the contract for the purchase of the lands from the school-fund commissioner, with interest at the rate of ten per centum per annum from the time it was paid. Practically all of the claims against the state on account of the sales of these lands have been paid.

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

Of the 535,473.54 acres of land acquired by the state under the 500,000 acre grant, there were still unpatented at the close of the biennial period ending June 30, 1912, 6,369.26 acres.

### THE MORTGAGE SCHOOL LANDS.

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

According to the reports of the county auditors, there are at this time no unsold school lands of either the sixteenth section or 500,000 acre grants; the number of acres still unpatented is shown in the tables immediately following.

### SIXTEENTH SECTION GRANT.

TABLE NO. 1.

Giving the total number of acres in each county acquired by the state under the grant; the total number of acres patented; the number of acres patented during the biennial period ending June 30, 1912, and the number of acres remaining unpatented.

Counties	Total number of acres in each county	Total number of acres patented	Number of acres patented during the last two years	Number of acres remaining unpatented
Adair	10,240.00	10,240.00		
Adams	7,680.00	7,680.00		
Allamakee	11,848.79	11,674.90		173.89
Appanoose	10,240.00	9,880.00		360.00
Audubon	7,680.00	7,680.00		
Benton	12,653.03	12,575.90	32.50	77.13
Black Hawk	10,083.47	9,967.245	10.00	116.225
Boone	10,235.80	10,185.80		50.00
Bremer	7,680.00	7,600.00		20.00
Buchanan	10,240.00	10,200.00		40.00
Buena Vista	10,040.80	10,040.80		
Butler	10,240.00	10,080.00		160.00
Calhoun	10,240.00	10,240.00		
Carroll	10,240.00	10,240.00		
Cass	10,240.00	10,080.00		160.00
Cedar	10,240.00	10,040.00		200.00
Cerro Gordo	10,169.38	10,169.38		
Cherokee	10,240.00	10,240.00		
Chickasaw	7,680.00	7,640.00		40.00
Clarke	7,680.00	7,680.00		
Clay	10,230.92	10,150.12		80.00
Clayton	14,215.17	13,832.66		382.51
Clinton	13,081.50	12,446.57		634.93
Crawford	12,800.00	12,800.00		
Dallas	10,240.00	10,190.00		50.00
Davis	10,029.46	9,909.46		120.00
Decatur	10,240.00	10,190.00	40.00	120.00
Delaware	10,208.98	10,208.98		
Des Moines	8,229.37	7,134.28		1,095.09
Dickinson	6,791.85	6,791.85		
Dubuque	11,324.00	11,244.00		80.00
Emmet	7,552.89	7,462.89		90.00
Fayette	12,800.00	12,800.00		
Floyd	7,680.00	7,520.00		160.00
Franklin	10,240.00	10,080.00		160.00
Fremont	10,240.00	9,858.48		381.52
Greene	10,240.00	10,240.00		
Grundy	8,960.00	8,880.00		80.00
Guthrie	10,240.00	10,000.00		240.00
Hamilton	10,222.00	10,142.00		80.00
Hancock	10,240.00	10,160.00		80.00
Hardin	10,240.00	10,100.00		80.00
Harrison	12,494.64	11,752.37		742.27
Henry	7,680.00	7,460.00		220.00
Howard	10,240.00	10,080.68		159.32
Humboldt	7,620.65	7,620.65	160.00	
Ida	7,680.00	7,680.00		
Iowa	10,181.38	9,901.38		280.00
Jackson	11,529.47	11,406.35		123.12
Jasper	12,800.00	12,800.00		
Jefferson	7,680.00	7,680.00		
Johnson	10,842.14	10,822.16		20.00
Jones	10,211.30	9,561.30		650.00
Keokuk	10,240.00	10,080.00		160.00
Kossuth	17,920.00	17,760.00		160.00
Lee	9,862.35	9,762.35		100.00
Linn	12,737.13	12,620.80		116.33

TABLE NO. 1—Continued.

Counties	Total number of acres in each county	Total number of acres patented	Number of acres patented during the last two years	Number of acres remaining unpatented
Louisa	7,443.00	7,423.00		20.00
Lucas	7,680.00	7,680.00		
Lyon	11,441.86	11,441.86		
Madison	10,240.00	10,240.00		
Mahaska	10,207.07	10,127.07		80.00
Marion	10,240.00	9,880.00		360.00
Marshall	10,240.00	10,220.00		20.00
Mills	8,000.00	7,880.00		120.00
Mitchell	10,240.00	9,800.00		440.00
Monona	13,051.90	12,970.50	40.00	181.40
Monroe	7,680.00	7,640.00		40.00
Montgomery	7,680.00	7,680.00		
Muscatine	8,222.73	7,907.73	80.00	315.00
O'Brien	10,240.00	10,240.00		
Osceola	7,680.00	7,680.00		
Page	10,240.00	10,140.00		100.00
Palo Alto	10,173.53	10,173.53		
Plymouth	15,686.25	15,686.25		
Pocahontas	9,891.75	9,891.75		
Polk	10,153.83	9,963.83		190.00
Pottawattamie	17,658.46	17,518.46		140.00
Poweshiek	10,240.00	9,960.00		280.00
Ringgold	10,240.00	10,230.00		10.00
Sac	10,240.00	10,240.00		
Scott	8,633.64	8,503.64		130.00
Shelby	10,240.00	10,240.00		
Sioux	14,116.07	14,116.07		
Story	10,240.00	10,200.00		40.00
Tama	12,800.00	12,800.00		
Taylor	10,240.00	10,240.00		
Union	7,680.00	7,675.00		5.00
Van Buren	8,891.12	8,891.12		
Wapello	7,581.93	7,461.93		120.00
Warren	10,240.00	10,160.00		80.00
Washington	10,240.00	10,140.00		100.00
Wayne	10,240.00	9,830.00		410.00
Webster	12,676.00	12,516.00		160.00
Winnebago	7,680.00	7,600.00		80.00
Winneshiek	12,800.00	12,760.00		40.00
Woodbury	15,680.00	15,120.00		560.00
Worth	7,680.00	7,680.00		
Wright	9,997.54	9,917.54		80.00
<b>Totals</b>	<b>1,013,823.77</b>	<b>1,001,780.035</b>	<b>362.50</b>	<b>12,048.735</b>

## SIXTEENTH SECTION GRANT—LANDS PATENTED.

TABLE NO. 2.

Giving a description of the Sixteenth Section Grant patented during the biennial period ending June 30, 1912, with the names of patentees and counties in which the lands are situated.

Parts of Section	Section	Town	Range	Acres	Name of Patentee	Date of Patent
Benton County— NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$	16	85	9	32.50	Mel Mather	July 1, 1910
Black Hawk County— Lot 42	16	89	13	10.00	J. C. Hubbard	October 23, 1911
Decatur County— NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$	16	68	27	40.00	W. W. Wiley	July 27, 1911
Humboldt County— SW. $\frac{1}{4}$ of	16	91	30	160.00	Andrew Telfer	May 23, 1911
Monona County— SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$	16	83	43	40.00	J. P. McCall	March 26, 1912
Muscatine County— Lot 1 (E. $\frac{1}{4}$ NE. $\frac{1}{4}$ )	16	77	4	80.00	Robt. H. McFarland	October 2, 1911

## FIVE HUNDRED THOUSAND ACRE GRANT.

TABLE NO. 3.

Giving the total number of acres in each county acquired by the state under the grant; the total number of acres patented; the number of acres patented during the biennial period ending June 30, 1912, and the number of acres remaining unpatented.

Counties	Total number of acres in each county	Number of acres patented to June 30, 1912	Number of acres patented during last two years	Number of acres remaining unpatented June 30, 1912
Adair	2,391.89	2,391.89		
Adams	1,920.00	1,905.00		15.00
Allamakee	70,211.03	69,435.72	32.02	774.31
Appanoose	2,400.00	2,320.00		80.00
Benton	11,791.80	11,514.60		277.20
Black Hawk	8,382.84	8,382.84		
Boone	1,052.12	1,052.12		
Bremer	19,160.57	18,840.57	80.00	320.00
Buchanan	2,485.44	2,405.44		80.00
Butler	478.51	478.51		
Cedar	6,285.42	6,285.42		
Chickasaw	3,279.26	3,079.26		200.00
Clarke	16,000.00	15,849.00	40.00	160.00
Clayton	22,808.12	21,687.30	67.80	1,120.82
Clinton	20,935.70	20,833.94		101.76
Dallas	13,699.16	13,699.16		
Davis	934.95	934.95		
Decatur	40,637.48	40,392.97	160.00	244.51
Delaware	11,395.12	11,395.12		
Dubuque	16,194.87	15,934.87		260.00
Payette	30,747.85	30,507.85		240.00
Floyd	3,481.68	3,401.68		80.00
*Hamilton	10,314.40	10,314.40		
Hardin	1,360.00	1,360.00		
Harrison	7,581.07	7,581.07		
Iowa	23,976.17	23,856.17		120.00
Jackson	807.50	807.50		
Jasper	1,674.94	1,674.94		
Jones	30,492.52	30,063.33		399.19
Keokuk	670.64	670.64		
Linn	11,046.07	10,914.47		131.60
Louis	640.00	640.00		
Lucas	640.00	640.00		
Madison	9,386.02	9,306.02	80.00	80.00
Mahaska	9,227.75	9,227.75		
Marion	1,414.61	1,414.61		
Marshall	6,155.86	6,155.86		
Monroe	986.57	986.57		
Muscatine	357.33	357.33		
Polk	2,425.02	2,425.02		
Poweshiek	12,715.24	12,453.48		261.76
Ringgold	607.20	602.20		5.00
Story	3,790.74	3,710.74		80.00
Tama	11,050.44	11,000.85		49.59
Union	19,738.07	19,523.07		215.00
Wapello	7,002.42	6,962.42		40.00
Warren	5,643.97	5,643.97		
Wayne	15,546.91	15,397.02		149.89
Webster	18,064.06	17,966.93		97.13
Winnebago	24,447.06	24,254.56		192.50
Totals	536,022.59	529,653.33	460.42	6,369.26

\*Includes 3,653.02 acres known as Des Moines River School Lands.

†Includes 9,160.49 acres, Des Moines River School Lands.

FIVE HUNDRED THOUSAND ACRE GRANT.  
LANDS PATENTED.

TABLE NO. 4.

Giving a description of the 500,000 acre school lands patented during the biennial period ending June 30, 1912, with the names of patentees and counties in which the lands are situated.

Parts of Section	Section	Town	Range	Acres	Name of Patentee	Date of Patent
Allamakee County— Lot 4	10	96	3	32.62	Sarah J. Ross	Oct. 16, 1911
Bremer County— W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	20	91	13	80.00	John Pattee	April 16, 1912
Clarke County— NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$	17	71	27	40.00	John B. Stalcier	Feb. 13, 1911
Clayton County— W. frl. $\frac{1}{2}$ of NW. frl. $\frac{1}{4}$	2	91	3	67.80	Amos Palmer	March 6, 1911
Decatur County— W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	13	67	24	80.00	John A. Duncan	Dec. 9, 1910
W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	9	70	26	80.00	William Craft	Dec. 9, 1910
Madison County— E. $\frac{1}{2}$ of SW. $\frac{1}{4}$	22	74	29	80.00	C. S. Wilson and B. F. Murray	March 30, 1911



MORTGAGE SCHOOL LANDS.

TABLE NO. 5.

Giving a description of the lands bid in by the state upon foreclosure of loans made from the school fund, which have been patented during the biennial period ending June 30, 1912, with the names of patentees and dates of patents.

Parts of Section	Section	Town	Range	Acres	Name of Patentee	Date of Patent
Allamakee County— Lot 116 of Johnsonsport, situated on Government Lot 3, in section	15	96	3		George Boardman	July 27, 1910
Undivided one-half of Lots 36, 38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60 and 62 of Johnsonsport, situated on Government Lot 1, in section	15	96	3		George Boardman	July 27, 1910
Hamilton County— W. 1/2 NW. 1/4 and NW. 1/4 SW. 1/4	17	87	26	120.00	H. E. Dally	July 29, 1911
Lee County— An undivided one-third interest in following described land, to-wit: Commencing at the se corner of sw 1/4 of sec 1, tp. 65, n of r. 5 west, th. w on s line of sd. 1/4 sec. to sw cor. of sd. qr., th. n on w line of sd. qr. 11 ch. 42 lks., th. e parallel to s line of sd. qr. 30 chs. 50 lks., th. s 10 chs. 92 lks., th. parallel to s line of sd. qr. East 9 chs. 50 lks., th. s 50 lks. to beg.					John Fowler	June 21, 1912
Lucas County— S. 1/4 of SE. 1/4 of NE. 1/4 S. 1/4 of SW. 1/4 of NW. 1/4, W. 1/2 of S. 1/4 of N. 1/4 of SW. 1/4 of NW. 1/4 of sec. And NW. 1/4 SW. 1/4 of sec.	10 11 11	73 73 73	22 22 22	30.00 25.00 40.00	E. B. Cummings E. B. Cummings E. B. Cummings	March 29, 1912 March 29, 1912 March 29, 1912
Winnebago County— E. 1/2 of Lots 27 and 28 in H. J. Rowland's Sub-division of NW. 1/4 NE. 1/4 SW. 1/4 of sec. 2-99-23, and a tract of land, beg. at ne. cor. of said lot 28, th. E. 2 rds., S. 6 rds., W. 2 rds., N. 6 rds. to beg., all in town of Lake Mills					W. S. Wadsworth	Jan. 21, 1911

UNSOLD SCHOOL LANDS.

The two parcels of land reported as unsold in the last biennial report, in Hancock and Monona counties, are reported by the county auditors as sold, from which it appears that there is now no unsold school land, of the 16th section and 500,000 acre grants.

TABLE NO. 6.

The following lots, taken under foreclosure of mortgages prior to January 1, 1874, for the use of the school fund, were reported as unsold at the close of the biennial period ending June 30, 1912.

County	Number of Lot	No. of block	Town
Allamakee	Undivided 1/2 of Lot 6	7	Capoll
Allamakee	5, 6, 7 and 8	10	Capoll
Allamakee	Undivided 1/2 of Lot 3	22	Capoll
Allamakee	Undivided 1/2 of Lot 2	23	Capoll
Allamakee	Undivided 1/2 of Lot 3	26	Capoll
Allamakee	Undivided 1/2 of Lot 6	27	Capoll
Allamakee	Undivided 1/2 of Lot 7	28	Capoll
Allamakee	Undivided 1/2 of Lot 3 and 13	37	Capoll
Allamakee	Undivided 1/2 of Lot 4 and 10	38	Capoll
Allamakee	Undivided 1/2 of Lot 6 and 13	39	Capoll
Allamakee	Undivided 1/2 of Lot 3 and 13	40	Capoll
Allamakee	Undivided 1/2 of Lot 1	41	Capoll
Allamakee	Undivided 1/2 of Lot 3	42	Capoll
Allamakee	Undivided 1/2 of Lot 4	43	Capoll
Allamakee	Undivided 1/2 of Lot 1	30	Capoll
Allamakee	1	33	Capoll
Allamakee	118, 119, 120, 121		Johnsonsport

## THE UNIVERSITY LANDS

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

### UNIVERSITY GRANT.

The act of congress, approved July 20, 1840, authorized the secretary of the treasury to set apart and reserve, within the territory of Iowa, a quantity of land not to exceed two entire townships for the support of a university when the territory should become a state. The act of congress, approved March 3, 1845, again granted these lands to the state of Iowa to be appropriated for such university in such manner as the legislature of the state might prescribe, and fixed the quantity at seventy-two sections of land. Under the grant seventy sections of land, containing 45,928.84 acres, were certified to the state.

These lands were, by law, first placed under the control and management of the board of trustees of the university; later under the control of the board of regents when that board was created, and are now under the control of the State Board of Education.

### THE SALINE LAND GRANT.

By an act approved March 3, 1845, congress granted to the state of Iowa, under certain restrictions, the use of the salt springs therein, not to exceed twelve in number, with six sections of land contiguous to each. By an act approved May 27, 1852, congress granted these salt springs and lands to the state in fee simple, to be disposed of as the legislature should

direct. These lands, embracing seventy-two sections, containing 46,202.53 acres, were certified to the state December 19, 1856.

The act of the first general assembly of the state of Iowa, approved February 24, 1847, authorized the governor to appoint an agent to select the salt springs and the six sections of land contiguous to each. The legislature, by an act approved February 5, 1851, provided that these lands should be sold and the proceeds were to constitute a fund for the founding and supporting of a lunatic asylum. There appears to have been no sales under this act. Several additional acts were passed by succeeding legislatures, providing for the sale and disposition of the saline lands, but it appears that no sales were made under any of these acts. An act of the eighth general assembly, approved April 2, 1860, appropriated the saline lands and funds to the state university of Iowa. The tenth general assembly passed an act, approved March 25, 1864, authorizing the trustees of the state university to sell the saline lands, and placing the proceeds from the sales thereof under the control of said trustees.

The thirteenth general assembly passed an act, approved April 11, 1870, placing the saline lands under the control of the board of regents of the state university, and the thirty-third general assembly, by act approved March 29, 1909, abolished the board of regents and created the state board of education which took over all the duties and powers formerly held by the regents.

During the biennial period ending June 30, 1912, the following tract of University land was patented by the state:

Parts of Section	Section	Town	Range	Acres	Patentee	Date of Patent
(Hardin county). NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ -----	5	88	19	40.00	John Peterie -----	June 26, 1912

## UNIVERSITY LAND GRANT.

TABLE NO. 7.

Giving the total actual number of acres in each county approved to the state under the grant; total number of acres patented by the state; the number of acres remaining unpatented, and number of acres remaining unsold at the close of the biennial period ending June 30, 1912.

Counties	Total number of acres in each county	Total number of acres patented	Acres remaining unpatented	Acres remaining unsold
Appanoose	640.00	640.00		
Boone	2,613.48	2,613.48		
Dallas	572.07	572.07		
Davis	1,297.36	1,257.36	40.00	40.00
Decatur	2,560.00	2,560.00		
Hardin	10,325.72	10,145.72	180.00	140.00
Iowa	646.65	605.68	40.97	40.97
Jasper	4,611.35	4,611.35		
Jefferson	1,280.00	1,280.00		
Lucas	4,545.44	4,273.10	272.34	272.34
Polk	5,194.13	5,194.13		
Scott	645.16	645.16		
Story	5,221.40	5,080.04	141.36	
Union	638.20	638.20		
Wapello	1,920.00	1,920.00		
Warren	3,218.00	3,138.00	80.00	80.00
Total	45,928.96	45,174.29	754.67	573.31

## SALINE LAND GRANT.

TABLE NO. 8.

Counties	Total number of acres in each county	Number of acres patented	Number of acres remaining unpatented	Acres remaining unsold
Appanoose	12,964.68	11,594.69	1,369.99	809.99
Davis	640.00	600.00	40.00	40.00
Decatur	2,560.00	2,400.00	160.00	160.00
Lucas	25,802.98	25,562.98	240.00	80.00
Monroe	1,120.00	1,120.00		
Van Buren	640.00	640.00		
Wayne	2,490.79	2,490.79		
Total	46,218.45	44,408.46	1,809.99	1,089.99

## UNSOLD UNIVERSITY LANDS.

The following descriptive lists of the unsold university lands at the close of the biennial period ending June 30, 1912, was kindly furnished by the state board of education, being compiled by J. W. Bowdish under supervision of Daniel A. Emery, Secretary.

## UNIVERSITY LAND GRANT—LANDS UNSOLD.

TABLE NO. 9.

Parts of Section	Section	Town	Range	Acres	County
NE. of NW.	31	70	15	40.00	Davis
SE. of NW.	5	88	19	40.00	Hardin
NW. of NE.	8	88	19	40.00	Hardin
E. half of SE. of NE.	8	88	19	20.00	Hardin
SE. of NE.	9	86	19	40.00	Hardin
NW. of NW.	5	81	12	40.97	Iowa
NE. fr. quarter of NE.	5	71	23	47.98	Lucas
NW. frl. quarter of NE.	5	71	23	48.05	Lucas
NE. fr. quarter of NW.	5	71	23	48.12	Lucas
NW. frl. quarter of NW.	5	71	23	48.19	Lucas
SW. of NW.	5	71	23	40.00	Lucas
SW. of SW.	9	71	23	40.00	Lucas
NE. of NE.	28	77	24	40.00	Warren
SE. of SE.	28	77	24	40.00	Warren
Total				573.31	

SALINE LAND GRANT—LANDS UNSOLD.

TABLE NO. 10.

Parts of Section	Section	Town	Range	Acres	County
NE. of NE.	21	70	16	40.00	Appanoose
SW. of SE.	21	70	16	40.00	Appanoose
NE. of NE.	10	70	16	40.00	Appanoose
NW. of NE.	10	70	16	40.00	Appanoose
SW. of NE.	10	70	16	40.00	Appanoose
SE. of NE.	10	70	16	40.00	Appanoose
SW. of NW.	10	70	16	40.00	Appanoose
SE. of NW.	10	70	16	40.00	Appanoose
NE. of SW.	10	70	16	40.00	Appanoose
SW. of SE.	9	70	16	40.00	Appanoose
NE. of SE.	9	70	16	40.00	Appanoose
NW. of SE.	9	70	16	40.00	Appanoose
NW. of NE.	1	69	17	40.00	Appanoose
SW. of NE.	1	69	17	40.00	Appanoose
NW. of SE.	1	69	17	40.00	Appanoose
NE. of NE.	22	70	17	40.00	Appanoose
SE. of SE.	26	70	17	40.00	Appanoose
NW. of NW.	31	70	16	44.30	Appanoose
SE. of SE.	25	70	17	40.00	Appanoose
NE. of NW.	1	69	17	45.69	Appanoose
NE. of SE.	10	70	12	40.00	Davis
SW. of SE.	28	69	24	40.00	Decatur
SE. of SW.	28	69	24	40.00	Decatur
NW. of SE.	33	69	24	40.00	Decatur
SW. of SE.	33	69	24	40.00	Decatur
NW. of SE.	29	71	21	40.00	Lucas
SW. of NE.	15	71	21	40.00	Lucas
Total				1089.99	

LANDS DONATED TO STATE UNIVERSITY—LANDS UNSOLD.

TABLE NO. 11.

Parts of Section	Section	Town	Range	Acres	County
NE. of NW.	23	86	32	40.00	Calhoun
SE. of SE.	14	84	38	40.00	Crawford
NW. of NE.	22	86	14	40.00	Tama
South half of	30	95	35	320.00	Clay
Total				440.00	

LANDS ACQUIRED BY FORECLOSURE—LANDS UNSOLD.

TABLE NO. 12.

Parts of Section	Section	Town	Range	Acres	County
SE. of NW.	34	79	7	40.00	Johnson
SW. of NW.	34	79	7	40.00	Johnson
SW. of SW.	31	79	16	40.00	Poweshiek
Total				120.00	

RECAPITULATION OF UNSOLD UNIVERSITY LANDS.

University grant	573.31
Saline grant	1,089.99
Donated lands	440.00
By foreclosure	120.00
Aggregate unsold	2,223.30

## THE AGRICULTURAL COLLEGE LANDS

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

### AGRICULTURAL COLLEGE GRANT.

TABLE NO. 13.

Giving the total actual number of acres in each county acquired by the state under the grant as shown by the official plats of the townships; the total number of acres patented by the state, and the number of acres remaining unpatented at the close of the biennial period ending June 30, 1912.

Counties	Total number acres in each county	Total number acres patented to June 30, 1912	Number of acres remaining unpatented
Buena Vista	5,837.58	5,837.58	
Calhoun	3,065.86	3,065.86	
Cherokee	2,249.62	2,249.62	
Clay	8,719.42	8,719.42	
Dekinson	4,984.95	4,984.95	
Emmet	16,722.43	16,722.43	
Greene	4,178.65	4,178.65	
Hamilton	2,481.50	2,481.50	
Humboldt	3,093.13	3,093.13	
Iga	8,328.87	8,328.87	
Kossuth	84,136.29	83,968.81	*229.48
Lyon	1,120.00	1,120.00	
O'Brien	1,620.60	1,620.60	
Palo Alto	27,723.11	27,723.11	
Plymouth	3,842.60	3,842.60	
Pocahontas	3,549.04	3,549.04	
Sac	640.00	640.00	
Sioux	1,250.00	1,250.00	
Webster	3,249.75	3,249.75	
Winnebago	2,429.75	2,429.75	
Woodbury	10,103.46	10,103.46	
Worth	196.56	196.56	
Wright	4,645.43	4,645.43	
<b>Total</b>	<b>204,222.90</b>	<b>203,993.51</b>	<b>*229.48</b>

\*The NW. quarter of 30-37-38 and the S. half of NE. of 29-35-30, containing 229.48 acres, were approved to the state under this grant. The same tracts were also patented to the state under the swamp land grant and disposed of by the state as swamp lands.

## THE SWAMP LANDS

Since the date of the swamp land grant, the state selected about 4,572,816.27 acres of swamp lands. The department of the interior has held that a large amount of the lands embraced in these selections was not of the character defined and granted by the act of 1850. The state has acquired 873,776.42 acres of swamp lands in place, and 321,976.98 acres of indemnity swamp lands; and has received cash indemnity for about 471,072.64 acres. The state has received in lands and cash only about 1,666,826.04 acres out of the 4,572,816.27 acres selected.

The following table shows the status of the swamp land grant accounted to the state by the government.

1. Total quantity of swamp lands in place and swamp land cash and land indemnity in Iowa, selected, approved and patented, from September 28, 1850, to June 30, 1912:

	Acres.
Selected	4,572,936.29
Approved—Lands in place	944,578.84
Patented—Lands in place	873,776.42
Approved—Cash indemnity (\$587,477.50) on basis of	471,072.64
Approved—Land indemnity	341,632.97
Patented—Indemnity lands	321,976.98

2. Total quantity of swamp land selections remaining unadjusted on June 30, 1912:

Swamp lands in place—claims	(not compiled)
Swamp lands indemnity claims	487,605.77

### SWAMP LANDS PATENTED.

During the biennial period ending June 30, 1912, there has been but one patent issued by the government to the state for swamp and overflowed lands, covering forty acres in Pocahontas county, which have been by the state patented to said county. The following is a descriptive statement of the land so patented.

Nw $\frac{1}{4}$  of ne $\frac{1}{4}$ , section 7, twp. 90, N. R. 34; dated April 4, 1912.

## SWAMP LAND GRANT.

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

The department of the interior decided originally that this act was not a present grant, and that it did not apply to the land until it was selected and reported to the proper officer for approval, and that the title thereto did not vest in the state until the patent was issued. On December 23, 1851, however, he reversed his decision and held that this act was a grant *in praesenti*. This was the correct construction, according to decisions of the courts, and the act at the time of its passage conveyed to the states all the lands coming within the terms of the grant.

Although this decision was made, the locating and selling of the public lands continued at the various government offices in the state in the usual way. Thousands of acres of land were located and entered upon by settlers which were afterwards claimed by the state as swamp lands. The government having parted with her title to the lands under the grant, should not have attempted to dispose of them a second time. The situation was clarified by the act of congress, approved March 2, 1855, providing that purchasers of the swamp lands from the government should have patents for them, and that the state should receive the purchase money for such tracts as were entered with cash, and, for such lands as had been located with warrant or scrip, should be authorized to locate a like amount on any of the public lands subject to entry at \$1.25 per acre or less, and receive patents therefor. Congress passed an act, approved March 3, 1857, continuing in force the act of March 2, 1855 to that date, and confirming all selections of swamp and overflowed lands that had been made and reported to the commissioner of the general land office, and also providing that they should be approved and patented to the state, except such tracts as had been disposed of for cash, warrant, or scrip.

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

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

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

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

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

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

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

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

By an act, approved January 27, 1858, the general assembly authorized the governor to appoint an agent to go to Washington for the purpose of effecting a settlement of the swamp land matters with the United States, also to appoint two more agents to complete selections in unorganized counties. The act further provided for the expenses and for refunding the same to the state with interest.

The same general assembly passed another act, approved March 22, 1858, authorizing the counties to use the proceeds of the swamp lands for the erection of buildings for educational purposes, and building roads, bridges, and railroads, after the question had been voted on by the people;

also providing that the lands might be sold for the purposes mentioned, the purchaser taking them on the conditions of the grant of September 28, 1850, and releasing the state and county from all liability.

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

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

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

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

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

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

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

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

The seventeenth general assembly passed an act, approved March 25, 1878, authorizing the state treasurer to pay over the swamp land indemnity fund of each county to the county treasurer, and to take receipts therefor. The act also authorized the board of supervisors to make such disposition of said money as should be just and for the best interests of the county.

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

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

The twenty-eighth general assembly passed an act, approved April 6, 1900, repealing section 9 of the acts of the ninth general assembly, chapter 160, which provided for the appointment of an agent by the county receiving swamp land indemnity money who should go to Des Moines and obtain the same; the later act directed the state treasurer to pay such money directly to the treasurer of such county and prescribed the procedure to be followed.

The act of congress, approved September 28, 1850, making the swamp land grant, required the secretary of the interior to make out lists and plats of the swamp and overflowed lands in the various states, and transmit them to the respective governors thereof. The secretary of the interior did not furnish such lists and plats for Iowa. He permitted the state through its agents to ascertain in the field which were the swamp and overflowed lands. The selections for Iowa were made by these agents who were appointed by the governor. They followed the forms and instructions provided by the secretary of the interior, and forwarded the lists of selections to said department. While some of the lists were awaiting the action of the department, the commissioner of the general land office, on June 23, 1869, changed the forms and instructions relative to the preparing and certification of said lists. As a result of this order the selections of several of the counties of the state were rejected. The state contended that the lists were prepared and certified in good faith according to the forms and instructions of the department at the date they were filed, but the commissioner of the general land office insisted that the lists should be changed so as to conform with the requirements of his order of June 23, 1860, before the department would consider them again. This was a matter of contention between the state and the government for several years. Congress finally settled the controversy by passing an act, approved March 5, 1872, which provided that the commissioner of the general land office should receive and examine the selections of swamp lands in the said counties and allow or disallow the selections according to the acts of congress in relation thereto at the time such selections were made.

The agents appointed to make the selections of swamp and overflowed lands within the state selected many tracts which were within the limits of the railroad grants. These tracts of land were claimed by the railroad companies under their grants, and they succeeded in getting the commissioner of the general land office to certify most of the disputed tracts of land to the state for the aid of their respective roads. The commissioner acted in accordance with the decision of the secretary of the interior, given February 8, 1860. This decision required the commissioner to determine from the records and files of the general land office whether

these lands passed to the state under the swamp land grant or not; in other words, if the original field notes of survey filed in said land office showed the said lands to be swampy, they were to be certified as swamp lands; if not, then they were to be certified as railroad lands. The state protested against this action, but to no effect. The state contended for many years that this was unfair, owing to the loose and careless way in which the said surveys were made in the western states. The commissioner of the general land office, however, continued to certify tracts of land, selected as swamp land, to the state under the railroad grants. There were over 500,000 acres of such land certified under the railroad grants.

## THE RAILROAD LANDS

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

The lands inuring to the railroad companies under the act of congress, approved June 2, 1864, were certified and approved direct to said companies by the commissioner of the general land office and secretary of the interior. Certified copies of lists of lands approved under this act are of record in the state land office.

The biennial report of this department for the period ending June 30, 1908, contained a complete list of all the acts of congress and of all the acts of the general assembly of Iowa relative to the railroad grants. There are still on hand copies of that report which may be obtained on application.

The railroad land grants have been practically all adjusted by the department of the interior; those not yet approved have been awaiting decision of conflicts with other grants.

The Iowa Central Air Line Railroad Company was granted a large amount of land, under the act of Congress approved May 15, 1856, upon complying with the terms of that act and of the act of the general assembly. Because of the failure of that company to comply with the terms of the acts mentioned, the general assembly resumed all the rights granted to the company, including the title to all lands granted except 120 sections. The United States supreme court held, in a case involving some of these lands, that under the terms of the grant the railroad company was entitled to absolute title to 120 sections of land before beginning any work upon the road. The railroad company proceeded to sell some of the lands granted, though this office has not yet been able to procure an authentic list of the 120 sections claimed by the railroad. A list of lands in Woodbury and Monona counties has been furnished by the Iowa Railroad Land Company of Cedar Rapids, which was secured from the books of the railroad company some years ago, which probably contains a complete list of the lands claimed by the company under the grant of the 120 sections. This list shows the description of the several parcels of land, to whom deeded by the company and date of sale. If the com-



pany deeded not over 120 sections of land contained in the approved lists under their grant, and this list checks with the records of the recorders offices of Woodbury and Monona counties, it may be presumed that these are the lands that they selected under the 120 section clause of the grant and that the title to these lands was vested in the railroad company.

All of these lands were included in the original approved lists of lands granted to this company. The recorders of Woodbury and Monona counties have checked these lists with the records of their offices and have reported to this department.

The lists are appended hereto.

Under the grant to the Dubuque & Pacific Railroad Company, they were also entitled to 120 sections of land, before beginning work on the road. So far this department has been unable to secure an authentic list of the lands selected and claimed by that company under the 120 section clause of the grant.

As neither of these two companies complied with the terms of their respective grants, though the Dubuque & Pacific Railroad Company did comply partially and did earn a large amount of land, this department has had to refuse many times to furnish a certificate of ownership as called for in section 82 of the Code of Iowa, 1897, in cases where the railroad companies had failed to have certificates issued and deeded land to individual purchasers without them. The owners of these lands have imperfect titles, so far as the records of this office are concerned, and the titles will be imperfect until such time as it is possible to confirm in some way the transfer of title in these lands from the United States and the State of Iowa to the railroad companies.

TRANSCRIPT OF LANDS SOLD BY THE IOWA CENTRAL AIR LINE RAILROAD COMPANY IN MONONA COUNTY, IOWA.

TABLE NO. 14.

Description	Section	Town-ship	Range	Acres	Date	To Whom
All	29	83	42	640	1859, Nov. 28	T. E. Walker
All	33	83	42	640	1859, Nov. 28	G. W. Bettesworth
E. 1/2	1	84	42	320.26	1859, Nov. 28	G. W. Bettesworth
W. 1/2	1	84	42	322.33	1859, Nov. 28	M. Courtwright
All	5	84	42	655.32	1859, Nov. 28	G. W. Bettesworth
All	9	84	42	640	1859, Nov. 28	Wm. C. Curry
All	13	84	42	640	1859, Nov. 28	C. M. Reed
E. 1/2	17	84	42	320	1859, Nov. 28	O. Lake
NW. 1/4	17	84	42	160	1859, Nov. 28	G. Morris
NE. 1/4 SW. 1/4	17	84	42	40	1859, Nov. 28	O. Lake
NW. 1/4 SW. 1/4	17	84	42	40	1859, Nov. 28	G. Morris
SW. 1/4 SW. 1/4	17	84	42	40	1859, Nov. 28	G. Morris
SE. 1/4 SW. 1/4	17	84	42	40	1860, June 26	G. W. Bettesworth
All	21	84	42	640	1859, Nov. 28	M. Bishop
E. 1/2	25	84	42	320	1859, Nov. 28	L. G. Fisher
NW. 1/4	25	84	42	160	1860, Jan. 16	G. W. Bettesworth
SW. 1/4	25	84	42	160	1860, Jan. 16	G. W. Bettesworth
E. 1/2	29	84	42	320	1859, Nov. 28	G. Morris
W. 1/2	29	84	42	320	1859, Nov. 28	M. B. Pritchard
All	33	84	42	640	1859, Nov. 28	Z. Moore
All	1	85	42	631.50	1859, Nov. 28	M. Bishop
N. 1/2 and SE. 1/4	5	85	42	471.80	1859, Nov. 28	M. Bishop
NE. 1/4 SW. 1/4	5	85	42	40	1859, Nov. 28	M. Bishop
S. 1/4 SW. 1/4	5	85	42	80	1859, Nov. 28	M. Bishop
All	9	85	42	640	1859, Nov. 28	G. W. Bettesworth
All	13	85	42	640	1859, Nov. 28	C. M. Reed
All	17	85	42	640	1859, Nov. 28	M. B. Pritchard
All	21	85	42	640	1859, Nov. 28	G. W. Bettesworth
SW. 1/4	25	85	42	160	1859, Nov. 28	Geo. W. Bettesworth
NW. 1/4	25	85	42	160	1859, Nov. 28	S. N. Haight
NE. 1/4 NE. 1/4	25	85	42	40	1859, Nov. 28	Geo. W. Bettesworth
NW. 1/4 NE. 1/4	25	85	42	40	1859, Nov. 28	M. Bishop
SW. 1/4 NE. 1/4	25	85	42	40	1859, Nov. 28	M. B. Pritchard
SE. 1/4 NE. 1/4	25	85	42	40	1859, Nov. 28	G. W. Bettesworth
E. 1/4	29	85	42	320	1859, Nov. 28	C. B. Raymond
W. 1/4	29	85	42	320	1859, Nov. 28	G. Morris
All	33	85	42	640	1859, Nov. 28	B. Henn
NW. 1/4 SW. 1/4	5	83	43	40	1860, Jan. 6	J. W. Bettesworth
NE. 1/4 NE. 1/4	21	83	43	40	1860, Jan. 6	G. W. Bettesworth
NW. 1/4 NE. 1/4	21	83	43	40	1860, Jan. 6	G. W. Bettesworth
SW. 1/4 NE. 1/4	21	83	43	40	1860, Jan. 6	G. W. Bettesworth
SE. 1/4 NE. 1/4	21	83	43	40	1860, Jan. 6	G. W. Bettesworth
SE. 1/4	29	83	43	160	1860, Mar. 12	G. W. Bettesworth
All	33	83	43	640	1859, Nov. 28	M. K. Jessup
E. 1/4	9	84	43	320	1859, Nov. 28	G. W. Bettesworth
E. 1/4 SW. 1/4	9	84	43	80	1859, Nov. 28	G. W. Bettesworth
SW. 1/4 SW. 1/4	9	84	43	40	1859, Nov. 28	G. W. Bettesworth
All	13	84	43	640	1859, Nov. 28	G. W. Bettesworth
E. 1/4 NE. 1/4	17	84	43	80	1870, Jan. 16	G. W. Bettesworth
SE. 1/4	17	84	43	160	1859, Nov. 28	M. K. Jessup
S. 1/4 SW. 1/4	17	84	43	80	1860, July 26	G. W. Bettesworth
E. 1/4	21	84	43	320	1859, Nov. 28	M. Courtwright
W. 1/4	21	84	43	320	1859, Nov. 28	W. C. Curry
E. 1/4	25	84	43	320	1859, Nov. 28	M. K. Jessup
W. 1/4	25	84	43	320	1859, Nov. 28	W. C. Allen
All	29	84	43	640	1859, Nov. 28	M. Courtwright
E. 1/4 NE. 1/4	33	84	43	80	1859, Nov. 28	G. W. Bettesworth
W. 1/4 NW. 1/4	33	84	43	80	1859, Nov. 28	G. W. Bettesworth
E. 1/4 SE. 1/4	33	84	43	80	1859, Nov. 28	G. W. Bettesworth
W. 1/4 SW. 1/4	33	84	43	80	1859, Nov. 28	G. W. Bettesworth
All	1	85	43	633.54	1859, Nov. 28	G. W. Bettesworth



REPORT OF SECRETARY OF STATE.

TABLE NO. 14-Continued.

Description	Section	Town-ship	Range	Acres	Date	To Whom
E. 1/2	31	85	42	320	1851, May 16	Jones County
All	35	85	42	640	1859, Nov. 28	M. Courtwright
NE. 1/4 NE. 1/4	3	83	43	42.29	1859, Nov. 29	Z. Moore
SE. 1/4 NE. 1/4	3	83	43	40	1859, Nov. 29	Z. Moore
NW. 1/4 NW. 1/4	3	83	43	43.04	1859, Nov. 29	Z. Moore
SW. 1/4 NW. 1/4	3	83	43	40	1859, Nov. 29	Z. Moore
NW. 1/4 SW. 1/4	3	83	43	40	1859, Nov. 29	Z. Moore
SW. 1/4 SW. 1/4	3	83	43	40	1859, Nov. 29	Z. Moore
SW. 1/4 NW. 1/4	15	83	43	40	1859, Nov. 29	F. H. Gibbs
All	31	83	43	642.88	1859, Nov. 29	Chas. M. Reed
NW. 1/4 NE. 1/4	35	83	43	40	1859, Nov. 29	M. C. Eaton
SW. 1/4 NE. 1/4	35	83	43	40	1859, Nov. 29	O. Sage
NE. 1/4 NW. 1/4	35	83	43	40	1859, Nov. 29	Philip Deeds
NW. 1/4 NW. 1/4	35	83	43	40	1859, Nov. 29	Philip Deeds
SW. 1/4 NW. 1/4	35	83	43	40	1859, Dec. 22	A. R. Cotton
SE. 1/4 NW. 1/4	35	83	43	40	1859, Dec. 22	A. R. Cotton
SW. 1/4	35	83	43	160	1859, Dec. 22	Linus Shepard
SE. 1/4	35	83	43	160	1859, Dec. 22	Linus Shepard
SE. 1/4	3	84	43	164.92	1859, Dec. 22	Philip Deeds
NE. 1/4 SW. 1/4	3	84	43	160	1859, Dec. 22	A. R. Cotton
SE. 1/4 SW. 1/4	3	84	43	40	1860, April 20	M. C. Eaton
SW. 1/4 SW. 1/4	3	84	43	40	1860, April 20	M. C. Eaton
NE. 1/4 NE. 1/4	3	84	43	40	1860, April 20	M. C. Eaton
NW. 1/4 NE. 1/4	7	84	43	40	1860, Aug. 23	M. Courtwright
SW. 1/4 NW. 1/4	7	84	43	40	1860, July 23	M. Courtwright
NE. 1/4 NW. 1/4	7	84	43	40	1860, July 23	M. Courtwright
NW. 1/4 NW. 1/4	7	84	43	40	1860, July 23	M. Courtwright
SW. 1/4 NW. 1/4	7	84	43	38.62	1859, Nov. 28	B. Bagley
SE. 1/4 NW. 1/4	7	84	43	38.75	1859, July 23	M. Courtwright
NW. 1/4 SW. 1/4	7	84	43	40	1860, July 23	M. Courtwright
SW. 1/4 SW. 1/4	7	84	43	38.88	1860, July 23	M. Courtwright
SW. 1/4 SW. 1/4	7	84	43	39.01	1860, July 23	M. Courtwright
All	11	84	43	640	1859, Nov. 29	E. W. Isbell
NW. 1/4 NE. 1/4	15	84	43	40	1859, Nov. 29	E. W. Isbell
S. 1/2 NE. 1/4	15	84	43	80	1859, Nov. 29	E. W. Isbell
W. 1/2	15	84	43	320	1859, Nov. 29	E. W. Isbell
SE. 1/4	15	84	43	160	1859, Nov. 29	E. W. Isbell
S. 1/2 NW. 1/4	19	84	43	78.77	1859, Nov. 28	M. Courtwright
S. 1/2	19	84	43	317.09	1859, Nov. 28	M. Courtwright
All	23	84	43	640	1859, Nov. 28	Thomas E. Walker
NE. 1/4	27	84	43	100	1859, Nov. 28	M. K. Jessup
NW. 1/4 NW. 1/4	27	84	43	40	1859, Nov. 28	F. H. Gibbs
NE. 1/4 NW. 1/4	27	84	43	40	1859, Nov. 28	M. K. Jessup
SW. 1/4 NW. 1/4	27	84	43	40	1859, Nov. 28	M. K. Jessup
SE. 1/4 NW. 1/4	27	84	43	40	1859, May 16	Jones County
SW. 1/4	27	84	43	40	1859, Nov. 28	M. K. Jessup
SE. 1/4	27	84	43	160	1859, Nov. 28	M. K. Jessup
All	31	84	43	633.92	1859, Nov. 29	Mary Bishop
All	35	84	43	640	1859, Nov. 29	Z. Moore
All	3	85	43	629.60	1859, Nov. 29	F. H. Gibbs
All	7	85	43	635.00	1859, Nov. 29	M. Courtwright
W. 1/2	11	85	43	320	1859, Nov. 29	B. Bagley
NE. 1/4 NE. 1/4	15	85	43	320	1859, Nov. 29	F. H. Gibbs
SE. 1/4 NE. 1/4	15	85	43	40	1859, Nov. 28	G. Morris
NW. 1/4 NE. 1/4	15	85	43	40	1859, Nov. 28	G. Morris
SW. 1/4 NW. 1/4	15	85	43	40	1859, Nov. 28	G. Morris
SE. 1/4 NW. 1/4	15	85	43	40	1859, Nov. 28	G. Morris
SW. 1/4	15	85	43	40	1860, April 20	M. C. Eaton
SE. 1/4	15	85	43	160	1859, Nov. 28	C. B. Raymond
All	15	85	43	160	1859, Nov. 28	C. B. Raymond
All	19	85	43	634.90	1860, July 23	M. Courtwright
NW. 1/4 NW. 1/4	23	85	43	40	1860, April 20	M. C. Eaton
NE. 1/4 NW. 1/4	27	85	43	40	1859, Nov. 29	Mary Bishop
SE. 1/4 NW. 1/4	27	85	43	40	1859, Nov. 29	Mary Bishop
NE. 1/4 SW. 1/4	27	85	43	40	1859, Nov. 29	Mary Bishop
SE. 1/4 SW. 1/4	27	85	43	40	1859, Nov. 29	Mary Bishop
SW. 1/4 SW. 1/4	27	85	43	40	1859, Nov. 28	G. Morris
All	31	85	43	633.28	1859, Nov. 29	Wm. C. Curry
E. 1/2 and SW. 1/4	35	85	43	480	1859, Nov. 29	Chas. M. Reed
E. 1/2 NW. 1/4	35	85	43	80	1859, Nov. 29	Chas. M. Reed
Total				55,158.88		

LAND DEPARTMENT

TABLE NO. 14-Continued.

CORRECTED LIST.

(Checked by A. H. Hoffman, Recorder of Monona County.)

Description	Section	Town-ship	Range	Acres	Date	To Whom
SE. 1/4	11	85	43		1859, Nov. 28	B. Bagley
SE. 1/4 NE. 1/4	11	85	43		1859, Nov. 28	B. Bagley
N. 1/2 NE. 1/4	11	85	43		1859, Nov. 29	S. S. Jones
SW. 1/4	11	85	43		1859, Nov. 30	F. H. Gibbs
SW. 1/4 NW. 1/4	11	85	43		1859, Nov. 30	F. H. Gibbs
SE. 1/4 NW. 1/4	27	85	42		1869, Sept. 15	Deed to Clark not of record. Clark conveys same to Alva McLaughlin Feb. 19 1868.
SE. 1/4 NE. 1/4	19	84	42		1869, Sept. 15	Deed to Robt. Smyth not of record, same land conveyed by C. R. & M. R. R. Co. to I. R. R. L. Co., Sept 15, 1869
SE. 1/4	19	84	42		1869, Sept. 15	Deed to Robt. Smyth not of record, same land conveyed by C. R. & M. R. R. Co. to I. R. R. L. Co., Sept 15, 1869
SE. 1/4 SE. 1/4	35	84	42		1859, Nov. 28	James H. Sherrill
W. 1/2 SW. 1/4	35	84	42		1859, Nov. 29	Wm. N. Marsh
E. 1/2 SW. 1/4	35	84	42		1859, Nov. 29	Steven S. Jones
N. 1/2 SE. 1/4	35	84	42		1859, Nov. 29	Steven S. Jones
SW. 1/4 SE. 1/4	35	84	42		1859, Nov. 29	Steven S. Jones
S. 1/2 NE. 1/4	5	84	43		1859, Nov. 29	Deed to Geo. W. Bettesworth not of record. G. W. Bettesworth conveys same land.
N. 1/2 SE. 1/4	5	84	43		1859, Nov. 29	Same as above
NW. 1/4 SW. 1/4	5	84	43		1859, Nov. 29	Same as above
NW. 1/4	5	84	43		1859, Nov. 29	Same as above

TRANSCRIPT OF LANDS SOLD BY THE IOWA CENTRAL AIR LINE RAILROAD COMPANY IN WOODBURY COUNTY, IOWA.

TABLE NO. 15.

Description	Section	Town-ship	Range	Acres	Date	To Whom
All	1	86	42	634.36	1859, Nov. 28	M. Courtwright
All	5	86	42	633.30	1859, Nov. 28	N. W. Isbell
All	9	86	42	640	1859, Nov. 28	N. W. Isbell
NW 1/4 NE 1/4	13	86	42	40	1859, Nov. 28	Geo. W. Bettesworth
E 1/2 SE 1/4	13	86	42	80	1859, Nov. 28	Geo. W. Bettesworth
All	17	86	42	640	1859, Nov. 28	M. C. Eaton
W 1/2	21	86	42	320	1859, Nov. 28	A. W. Pratt
NE 1/4 NE 1/4	21	86	42	40	1859, Nov. 28	Geo. W. Bettesworth
NW 1/4 NE 1/4	21	86	42	40	1859, Nov. 28	A. W. Pratt
SW 1/4 NE 1/4	21	86	42	40	1859, Nov. 28	G. W. Bettesworth
SE 1/4 NE 1/4	21	86	42	40	1859, Nov. 28	Elisa Goodman
NE 1/4 NW 1/4	29	86	42	100	1859, Nov. 28	Elisa Goodman
NW 1/4 NW 1/4	29	86	42	40	1859, Nov. 28	M. C. Eaton
SE 1/4 NW 1/4	29	86	42	40	1859, Nov. 28	G. W. Bettesworth
SW 1/4 NW 1/4	29	86	42	40	1859, Nov. 28	G. W. Bettesworth
N 1/2	25	86	42	320	1859, Nov. 28	M. C. Eaton
NW 1/2	25	86	42	160	1859, Nov. 28	G. W. Bettesworth
NE 1/4 NE 1/4	25	86	42	40	1859, Nov. 28	G. W. Bettesworth
W 1/2 NE 1/4	25	86	42	80	1859, Nov. 28	G. W. Bettesworth
SE 1/4 NE 1/4	25	86	42	40	1859, Nov. 28	G. W. Bettesworth
NE 1/4	29	86	42	160	1859, Nov. 28	G. W. Bettesworth
SW 1/4	29	86	42	160	1859, Nov. 28	M. C. Eaton
N 1/2 NE 1/4	33	86	42	160	1859, Nov. 28	G. W. Bettesworth
SE 1/4	33	86	42	80	1859, Nov. 28	G. W. Bettesworth
SE 1/4	33	86	42	160	1859, Nov. 28	G. W. Bettesworth
N 1/2 & SW 1/4	1	87	42	160	1859, Nov. 28	G. W. Bettesworth
NE 1/4 NE 1/4	5	87	42	404.74	1859, Nov. 28	G. W. Bettesworth
NW 1/4 NE 1/4	5	87	42	35.64	1859, Nov. 28	M. Courtwright
SW 1/4 NE 1/4	5	87	42	35.33	1859, Nov. 28	M. Courtwright
SE 1/4 NE 1/4	5	87	42	40	1859, Nov. 28	W. T. Goodhue
NE 1/4 NW 1/4	5	87	42	40	1859, Nov. 28	W. T. Goodhue
NW 1/4 NW 1/4	5	87	42	35.01	1859, Nov. 28	M. Courtwright
SW 1/4 NW 1/4	5	87	42	34.70	1859, Nov. 28	G. W. Bettesworth
SE 1/4 NW 1/4	5	87	42	40	1859, Nov. 28	M. Courtwright
NE 1/4 SW 1/4	5	87	42	40	1859, Nov. 28	G. W. Bettesworth
NW 1/4 SW 1/4	5	87	42	40	1859, Nov. 28	G. W. Bettesworth
SW 1/4 SW 1/4	5	87	42	40	1859, Nov. 28	L. D. V. Mason
SE 1/4 SW 1/4	5	87	42	40	1860, Jan. 16	G. W. Bettesworth
SE 1/4 SW 1/4	5	87	42	40	1860, Jan. 16	G. W. Bettesworth
SE 1/4 SW 1/4	5	87	42	160	1860, Jan. 16	G. W. Bettesworth
All	9	87	42	640	1859, Nov. 28	Z. Moore
All	13	87	42	640	1859, Nov. 28	G. W. Bettesworth
W 1/2	17	87	42	320	1859, Nov. 28	N. W. Isbell
E 1/2	17	87	42	320	1859, Nov. 28	G. W. Bettesworth
NW 1/4	21	87	42	160	1859, Nov. 28	Wm. T. Goodhue
SW 1/4	21	87	42	160	1859, Nov. 28	E. H. Leaming
E 1/2	21	87	42	320	1859, Nov. 28	G. W. Bettesworth
All	25	87	42	640	1859, Nov. 28	C. M. Reed
All	29	87	42	640	1859, Nov. 28	M. Courtwright
All	33	87	42	640	1859, Nov. 28	M. Courtwright
NE 1/4	3	86	42	152.40	1861, May 16	L. D. V. Mason
NW 1/4	3	86	42	152	1861, May 16	Jones County
SW 1/4	3	86	42	160	1861, May 16	Jones County
NE 1/4 SE 1/4 & W 1/4 SE 1/4	3	86	42	120	1861, May 16	Jones County
SE 1/4 SE 1/4	3	86	42	40	1859, Nov. 28	Mitchell & Pangborn
All	7	86	42	636.76	1859, Nov. 28	Cunent & Dearborn
All	11	86	42	640	1859, Nov. 28	Chas. M. Reed
All	15	86	42	640	1859, Nov. 28	S. S. Jones
E 1/2	19	86	42	320	1859, Nov. 28	M. Courtwright
W 1/2	19	86	42	320	1859, Nov. 28	Elisa Goodman
NW 1/4 NE 1/4	23	86	42	310.61	1859, Nov. 28	S. S. Jones
				40	1859, Nov. 28	M. Courtwright

TABLE NO. 15—Continued.

Description	Section	Town-ship	Range	Acres	Date	To Whom
W 1/2 SW 1/4	23	86	42	80	1859, Nov. 28	M. Courtwright
W 1/2 NW 1/4	23	86	42	80	1859, Nov. 28	M. Courtwright
NE 1/4 NW 1/4	23	86	42	40	1859, Nov. 28	M. Courtwright
NE 1/4 NE 1/4	27	86	42	40	1859, Nov. 28	L. D. V. Mason
NW 1/4 NE 1/4	27	86	42	40	1859, Nov. 28	L. D. V. Mason
NE 1/4	31	86	42	160	1859, Nov. 28	M. Courtwright
NW 1/4	31	86	42	160	1859, Nov. 28	B. B. Hart
NE 1/4 SW 1/4	31	86	42	149.13	1859, Nov. 28	S. S. Jones
W 1/2 SW 1/4	31	86	42	40	1859, Nov. 28	S. S. Jones
SE 1/4 SW 1/4	31	86	42	67.95	1859, Nov. 28	S. S. Jones
SE 1/4	31	86	42	40	1859, Nov. 28	S. S. Jones
NE 1/4	35	86	42	160	1859, Nov. 28	B. B. Hart
NW 1/4	35	86	42	160	1859, Nov. 28	M. C. Eaton
SE 1/4	35	86	42	160	1859, Nov. 28	O. Lake
SW 1/4	35	86	42	160	1859, Nov. 28	O. Lake
All	3	87	42	633.24	1859, Nov. 19	Elijah Buel
All	7	87	42	601	1859, Nov. 19	L. D. V. Mason
All	11	87	42	640	1859, Nov. 19	Chas. M. Reed
All	15	87	42	640	1859, Nov. 19	M. Courtwright
NE 1/4	19	87	42	160	1861, May 16	L. D. V. Mason
NW 1/4	19	87	42	160	1861, May 16	Jones County
SW 1/4	19	87	42	144.23	1861, May 16	Jones County
SE 1/4	19	87	42	142.05	1861, May 16	Jones County
NE 1/4 SE 1/4	19	87	42	40	1861, May 16	Jones County
W 1/2 SE 1/4	19	87	42	80	1859, Nov. 19	Jones County
SE 1/4 SE 1/4	19	87	42	40	1861, May 16	H. Randall
NE 1/4	23	87	42	160	1859, Nov. 19	Jones County
NW 1/4	23	87	42	160	1859, Nov. 19	Chas. M. Reed
SW 1/4	23	87	42	160	1859, Nov. 19	Chas. M. Reed
N 1/2 SE 1/4	23	87	42	80	1859, Nov. 19	Chas. M. Reed
SE 1/4 SE 1/4	23	87	42	40	1859, Nov. 19	Chas. M. Reed
SE 1/4 SE 1/4	23	87	42	40	1859, Nov. 19	Chas. M. Reed
All	27	87	42	640	1859, Nov. 19	Ed. Mendell
NE 1/4 NE 1/4	31	87	42	40	1859, Nov. 19	S. S. Jones
NW 1/4 NE 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
W 1/2 NE 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
SE 1/4 NE 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
NE 1/4 NW 1/4	31	87	42	40	1859, Nov. 19	E. Leaming
W 1/2 NW 1/4	31	87	42	40	1859, Nov. 19	Wm. T. Goodhue
SE 1/4 NW 1/4	31	87	42	66.18	1861, May 16	Jones County
NE 1/4 SW 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
W 1/2 SW 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
SE 1/4 SW 1/4	31	87	42	69.18	1861, May 16	Jones County
SE 1/4	31	87	42	40	1859, Nov. 19	W. T. Goodhue
E 1/2	35	87	42	160	1859, Nov. 19	E. Leaming
NW 1/4	35	87	42	320	1861, May 16	Jones County
NE 1/4 SW 1/4	35	87	42	160	1861, May 16	Jones County
NW 1/4 SW 1/4	35	87	42	40	1859, Nov. 19	A. C. Root
SW 1/4 SW 1/4	35	87	42	40	1859, Nov. 19	J. J. Huber
SE 1/4 SW 1/4	35	87	42	40	1859, Nov. 19	J. J. Huber
NE 1/4 NE 1/4	23	86	43	40	1859, Nov. 19	A. C. Root
NE 1/4	27	86	43	160	1861, May 16	Jones County
N 1/2 SE 1/4	27	86	43	80	1859, Nov. 19	S. S. Jones
SW 1/4 NE 1/4	31	86	43	40	1859, Nov. 19	S. S. Jones
All	35	86	43	640	1859, Nov. 19	S. S. Jones
Total				21,757.87		

## ABANDONED RIVER CHANNELS, SAND BARS OR ISLANDS

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

### BRASSFIELD'S ISLAND.

In January, 1912, C. J. Hawley of Sergeant Bluff, Iowa, made application for the sale of the south end of Brassfield's Island in section two, township 87, North of range 48, West of the 5th P. M., in Woodbury county, said to contain about seven acres. On January 30, 1912, Martin Holmvig, of Sioux City, a surveyor, was appointed by the secretary of state to survey and plat the land applied for. On February 17, 1912, Mr. Holmvig filed his report of survey, together with the plat and field notes of the survey, showing 11.22 acres in the tract. On July 5, 1912, appraisers were appointed who on July 6, 1912, appraised the land at \$11.00 per acre. The sale is now pending.

### COUNCIL BLUFFS LAND.

On April 14, 1904, Ches. R. Hannan, of Council Bluffs, Iowa, made application for the purchase of a certain sand bar or island in the channel of the Missouri river west of and opposite to sections ten (10) and fifteen (15) in township seventy-four (74) north, range forty-four (44) west of the 5th principal meridian, in Pottawattamie county, Iowa, and north of section sixteen (16) in said township; also all the land comprising the channel

of the Missouri river and sand bars or islands in such channel in the north part of section twenty-eight (28), township seventy-five (75) north, range forty-four (44) west of the 5th P. M., Pottawattamie county, Iowa, and all such land north and northwest of said section, being all of the land comprising the channel of the Missouri river and the islands or sand bars in such channel in the bend made by such river in the north part and north and northwest of said section on and prior to the time of the so-called cut-off in said river channel in the spring of 1877, the same being a strip of land in somewhat the shape of a horseshoe. The tracts of land covered by the application contained an estimated area of twelve hundred (1200) acres.

On May 4, 1904, the secretary of state appointed Thomas Tostevin, county surveyor of Pottawattamie county, to survey the lands covered by this application; because of his being unable to do the work at that time, L. P. Judson, surveyor, was appointed on July 19, 1904, and commenced to survey the lands July 21, 1904. On October 3, 1904, Smith McPherson, judge of the United States district court for the southern district of Iowa, ordered the issuance of temporary writs of injunction against the secretary of state and the surveyor doing anything further toward the survey, appraisal or sale of these lands. On January 13, 1905, these writs were so modified as to permit the completion of the survey, but the surveyor was ordered not to file the field notes of the survey with or in the office of the secretary of state of Iowa, or with or in the office of the land commissioner of Iowa.

After the passage of the act of the 31st general assembly relating to this subject, the secretary of state received three notices of ownership of a portion of the lands covered by this application; one was filed April 10, 1906, by John A. Scott, agent and attorney for Samuel Carr, Grafton St. L. Abbott and Charles Francis Adams, and embracing practically all the lands in township seventy-five (75), north of range forty-four (44), covered by the application, except a certain right of way; the two others were filed April 13 and May 15, 1906, by the attorney for the Omaha Bridge and Terminal Railway, and embracing the right of way of said company across the lands in township seventy-five (75) north of range forty-four (44).

On April 14, 1906, a notice of injunction was served upon the secretary of state restraining him from taking any action under the new law, relative to the appraisal and sale of said lands.

The Omaha Bridge and Terminal Railway Company, by a stipulation with the attorney general of Iowa, agreed to pay the state \$5,000 for 28.226 acres of land in which they were interested and dismiss their action in the case. The money was received by the state and patent issued to the company June 27, 1907. The other plaintiffs in the suit went to trial and a decision was rendered in the United States district court adverse to the claims of the state and Jessie W. Hannan, who was a grantee of Charles R. Hannan, the applicant for purchase of the lands from the state.

The state and Jessie W. Hannan appealed the case to the Circuit Court of Appeals, and on October 20, 1911, the decision of the United States dis-

trict court was by the Circuit Court of Appeals affirmed. The decision is reported in Vol. 191 of the Federal Reporter at page 257.

Because of the importance of this decision the full text is herewith appended.

STATE OF IOWA v. CARR et al.

HANNAN v. SAME.

(Circuit Court of Appeals, Eighth Circuit. October 20, 1911.)

Nos. 2,936, 2,937.

(Syllabus by the Court.)

1. NAVIGABLE WATERS (§§ 36, 44\*)—LANDS UNDER WATER—ACCRETIONS—OWNERSHIP—RULES OF DECISION.

The settled decisions of the courts of a state and its laws which infringe no right secured by the Constitution of the United States, or by the general or commercial law, determine the title to the beds of navigable streams and the extent of the rights of riparian owners to accretions to their lands in that state.

2. NAVIGABLE WATERS (§ 36\*)—LANDS UNDER WATER—OWNERSHIP.

It is the law of Iowa, established by uniform decisions of its highest judicial tribunal, that the title of riparian owners upon the shores of navigable streams therein extends to high-water mark only and that the state is the owner of the beds of such streams.

3. NAVIGABLE WATERS (§ 42\*)—RIPARIAN RIGHTS—TITLE TO ISLANDS.

The title to an island which springs up in the bed of a navigable stream vests in the owner of that part of the bed upon which the land forms.

4. NAVIGABLE WATERS (§ 44\*)—RIPARIAN RIGHTS—ACCRETION AND RELICTION.

The title to land which, by natural and gradual erosion from one bank of a river and gradual and natural accretion to the opposite bank, becomes attached to the latter and rises above high-water mark, vests in the owner of the latter bank, and the title to land which by gradual and natural accretion attaches itself to an island vests in the owner of the island.

5. NAVIGABLE WATERS (§ 45\*)—RIPARIAN RIGHTS—AVULSION.

But, where, by an avulsion, a river suddenly abandons its former channel, and never returns to it, the titles to the islands in, to the bed, and to the banks of the abandoned channel remain fixed where they were at the time of the avulsion.

6. BOUNDARIES (§ 48\*)—DETERMINATION—ACQUESCENCE OF PARTIES.

Where the lands of respective owners adjoin, and for many years one, with the silent acquiescence of the other, has had possession and occupation to a certain line between them claiming title, these facts

constitute strong evidence of the correctness of the line, and that line should be taken as the correct line in the absence of persuasive countervailing evidence.

7. APPEAL AND ERROR (§ 1009\*)—REVIEW—QUESTIONS OF FACT—FINDINGS BY CHANCELLOR.

When a court of equity has considered conflicting evidence and made a finding and decree, it is presumptively right, and unless some obvious error of law has intervened, or some serious mistake of fact has been made, the finding and decree must be permitted to stand.

8. EQUITY (§ 85\*)—LIMITATION OF ACTIONS (§ 11\*)—OPERATION AS TO STATE OR NATION.

Neither limitation nor laches founded on mere delay bars a state or the nation from maintaining suits to preserve and enforce its just rights.

9. ESTOPPEL (§ 62\*)—EQUITABLE ESTOPPEL—ESTOPPEL AGAINST PUBLIC.

In a controversy between the rights of a state or nation and those of a citizen, while the state or nation is not barred by mere delay, its rights are measured and adjudicated by the doctrine of estoppel and the other principles and rules of law and equity applicable to the like rights of a citizen under similar circumstances.

10. ESTOPPEL (§ 62\*)—EQUITABLE ESTOPPEL—ESTOPPEL AGAINST PUBLIC.

The equitable claims of a state or nation appeal to the conscience of a chancellor with the same, but with no greater or less, force than would those of a private citizen, and, barring the effect of mere delay, they are judicable in a court of chancery, to whose jurisdiction the state or nation voluntarily submits them, by every principle and rule of equity applicable to the rights of private citizens under like circumstances.

11. ESTOPPEL (§ 62\*)—EQUITABLE ESTOPPEL—ESTOPPEL AGAINST PUBLIC—GROUNDS—TITLE TO LAND.

By an avulsion of the Missouri river whatever foundation there ever was to the claim of the state of Iowa to any land in controversy arose in 1877. It gave no notice of and took no action to enforce any such claim until 1904, when it passed an act to sell abandoned river beds and islands therein to the first applicant, and Hannan immediately applied to buy. The plaintiffs and their grantors had then been in possession of the land in controversy for more than 20 years. During this time the state had levied and collected taxes upon this land as theirs and had acquiesced in their possession, and the plaintiffs and their grantors had paid the taxes and had made costly improvements upon the land.

*Held:* There was no equity in the claim of the state and it was estopped from maintaining this claim by these facts. "Nothing can call a court of equity into activity but conscience, good faith and reasonable diligence."

Appeal from the circuit court of the United States for the southern district of Iowa.

In Equity. Suit by Samuel Carr and others against Charles R. Hannan and others, and the state of Iowa intervenes. From a decree for complainants, intervener and Jessie W. Hannan, a grantee of defendant Charles R. Hannan, appeal. Affirmed.

Jacob Sims (H. W. Byers, Atty. Gen., on the brief), for appellants.  
Edgar H. Scott (Lodewick F. Crofoot, on the brief), for appellees.

Before SANBORN and VAN DEVANTER, Circuit Judges, and POLLOCK, District Judge.

SANBORN, Circuit Judge. The state of Iowa and Jessie W. Hannan, who is the grantee of Charles R. Hannan, one of the original defendants, appeal from a decree of the circuit court which quiet's the title of the complainants below to the lands which are the subject of this suit, and enjoins the defendants and the state of Iowa, which intervened in the suit, from claiming or asserting any title thereto adverse to that of the complainants and from clouding their title by surveys, reports, or conveyances. The complaint of the appellants here is that the court below failed to find that the land in controversy was an island which sprang up between 1851 and 1867 in the Iowa part of the bed of the Missouri river and accretions thereto, that it also failed to find that this land was a part of the Iowa share of the old bed of the Missouri river which was abandoned during the flood of 1877, and that, on the other hand, the court found that this land consisted of gradual and natural accretions between 1851 and 1877 to the land on the Iowa shore of the river to which the complainants and their immediate and remote grantors had held the title from the United States for many years.

The land here in controversy is a part of the bottom lands round about the Missouri river between Council Bluffs and Omaha. In 1851 that river as it came down from the north turned from its southerly course near Council Bluffs and flowed for a distance of about four miles in a westerly direction across the bottom lands between the higher banks, and then turned again toward the Gulf of Mexico and swept on southerly. In the year 1851 a survey of the land on the easterly or Iowa shore of the river was made, the meander line of that bank was run and fixed by the United States, and upon that survey the patents to the land on the Iowa side of the river were based. In 1856 a survey of the land on the west shore of the river was made by the United States, the meander line of that bank was run and fixed, and the patents to the land on the Nebraska shore were based upon the latter survey. The complainants and their immediate and remote grantors had acquired the title, patented in part by the United States and in part by the state of Iowa under a grant by the United States to that state, of all the lands material to this controversy bordering upon the river upon the east and south as it flowed when these surveys were made. Between 1851 and 1877 the river gradually washed away the sand and soil on the Iowa side and crowded its channel to the south at a point called Busha's Bend on its way across the valley, and at the same time

at a point westerly of Busha's Bend it gradually and naturally cut away the soil on the Nebraska side and moved its channel to the north until in 1877 it flowed in the form of an oxbow from Busha's Bend northerly and then westerly and then southerly around a large tract of land from 500 to 1,000 acres in extent. On July 8, 1877, during a freshet, this river cut across the neck of this oxbow, forever abandoned its old bed in that bow and flowed on to the south. There is within this oxbow a triangular tract of land of several hundred acres in extent which was not disturbed by the wanderings of the channel of this river and to which the state makes no claim. On the northerly and westerly sides of this triangular tract and within the outer line of the oxbow formed by the abandoned channel of the river lies a tract of land several hundred acres in extent which was gradually and naturally made during the years between 1851 and 1877, by the washing away of the soil and sand on the Nebraska shore of the river, and the natural and gradual accretion of sand and soil either to the Iowa shore of the river or to an island that sprang up in the Iowa part of the bed of the stream. The land in controversy is a part of this accreted tract. The complainants and their grantors had been in possession of substantially all of the land in controversy and had been paying taxes upon it to the state of Iowa and to the county in which it is situated for more than 20 years before the state or any of the defendants ever made claim to it. During this time they had spent many tens of thousands of dollars building streets, railroads, and other improvements upon it without any notice from the state or the defendants or any denial by the state or any of the defendants of their title to it. They claim title (1) by their long continuous adverse possession, (2) by the accretion of this land to the lands on the shore of the river to which they hold title from the United States, and (3) by the estoppel of the state from claiming title to this land by reason of the state's long acquiescence in their title and possession by reason of its levy and collection of taxes on this disputed land as the property of the complainants and by reason of the state's failure to give notice of its claim while they were making these expensive improvements and paying their taxes upon it. The state claims title to it (1) on the ground that it is an accretion to an island which arose between 1851 and 1867 on the Iowa part of the bed of the river and lay along the northerly and westerly side of, but separated by navigable water from, the triangular tract whose title is not challenged and (2) on the ground that this land is the Iowa part of the abandoned bed of the river. The defendant Hannan claims the preference right to purchase the title of the state by virtue of a first application to buy it and the payment of a part of the purchase price therefor by her grantor, Charles R. Hannan, in April, 1904, under chapter 185, Session Laws of Iowa for that year. If the state has no equitable title to this land superior to the equitable rights of the complainants, Hannan has none, hence the claims of the state will first be considered.

In *Nebraska v. Iowa*, 143 U. S. 359, 12 Sup. Ct. 396, 36 L. Ed. 186, the supreme court decided that the line between the two states was not changed by the sudden abandonment of the oxbow by the river in 1877, but that it remained the center of the old channel although there was no water in it, and pursuant to that decision the line between the states of Iowa and Ne-

braska throughout the oxbow was surveyed and established in that suit. The adjudication of that line in that case, however, is not *res adjudicata* in the suit in hand because the complainants were not parties to that suit.

[1] The settled decisions of the courts of a state and its laws which infringe no right secured by the constitution of the United States, or by the general or commercial law, determine the title to the beds of navigable streams and the extent of the rights of riparian owners to accretions to their lands in that state. *Barney v. Keokuk*, 94 U. S. 324, 338, 339, 24 L. Ed. 224; *Hardin v. Jordan*, 140 U. S. 371, 380, 11 Sup. Ct. 808, 838, 35 L. Ed. 428; *Knight v. U. S. Land Association*, 142 U. S. 161, 12 Sup. Ct. 258, 35 L. Ed. 974; *Hardin v. Shedd*, 190 U. S. 508, 519, 23 Sup. Ct. 685, 47 L. Ed. 1156; *Harrison v. Fite*, 148 Fed. 781, 783, 78 C. C. A. 447, 449; *Hall v. Hobart*, 186 Fed. 426, 428, 108 C. C. A. 348.

[2] It is the law of Iowa, established by uniform decisions of its highest judicial tribunal, that the title of riparian owners upon the shores of navigable streams therein extends to high-water mark only and that the state is the owner of the beds of such streams. *McManus v. Carmichael*, 3 Iowa, 1; *Tomlin v. Dubuque R. R. Co.*, 32 Iowa, 106, 7 Am. Rep. 176; *Barney v. Keokuk*, 94 U. S. 324, 338, 339, 24 L. Ed. 224; *Hardin v. Jordan*, 140 U. S. 371, 380, 11 Sup. Ct. 808, 838, 35 L. Ed. 428.

[3] The title to an island which springs up in the bed of a navigable stream vests in the owner of that part of the bed upon which the land forms. *Bigelow v. Hoover*, 85 Iowa, 161, 52 N. W. 124, 39 Am. St. Rep. 296; *Smith v. Miller*, 105 Iowa, 688, 70 N. W. 123, 75 N. W. 499; *Holman v. Hodges*, 112 Iowa, 714, 84 N. W. 950, 58 L. R. A. 673, 84 Am. St. Rep. 367; 1 *American & English Encyl. of Law* (2d Ed.) 475; 3 *Kerr on Real Property*, 2294.

[4] The title to land which by natural and gradual erosion from one bank of a river and gradual and natural accretion to the opposite bank becomes attached to the latter and rises above high-water mark, vests in the owner of the latter bank, and the title to land which by gradual and natural accretion attaches itself to an island vests in the owner of the island. *New Orleans v. United States*, 10 Pet. 662, 717, 9 L. Ed. 573; *Jones v. Soulard*, 24 How. 41, 16 L. Ed. 604; *Banks v. Ogden*, 2 Wall. 57, 17 L. Ed. 818; *Saulet v. Shepherd*, 4 Wall. 502, 18 L. Ed. 442; *County of St. Clair v. Lovington*, 23 Wall. 46, 23, L. Ed. 59; *Jefferis v. East Omaha Land Co.*, 134 U. S. 178, 10 Sup. Ct. 518, 33 L. Ed. 872; *Nebraska v. Iowa*, 143 U. S. 359, 360, 12 Sup. Ct. 396, 36 L. Ed. 186; *Missouri v. Nebraska*, 196 U. S. 23, 35, 25 Sup. Ct. 155, 49 L. Ed. 372; *Washington v. Oregon*, 214 U. S. 205, 215, 29 Sup. Ct. 631, 53 L. Ed. 969; *McManus v. Carmichael*, 3 Iowa, 1; *Tomlin v. D. B. & M. R. R. Co.*, 32 Iowa, 106, 7 Am. Rep. 176; *Cooley v. Golden*, 117 Mo. 33, 23 S. W. 100, 21 L. R. A. 300.

[5] But where, by an avulsion, a river suddenly abandons its former channel and never returns to it, the titles to the islands in, to the bed, and to the banks of the abandoned channel remain fixed where they were at the time of the avulsion. *Nebraska v. Iowa*, 143 U. S. 359, 361, 12 Sup.

Ct. 396, 36 L. Ed. 186; *Cooley v. Golden*, 117 Mo. 33, 23 S. W. 100, 21 L. R. A. 300.

A very large proportion, if not all, of the land in controversy in this suit lay on the north and west of that part of the triangular tract to which the plaintiffs had title from the United States. If an island sprung up in the Iowa part of the bed of the stream between 1851 and 1867 practically all this land was an accretion to that island prior to the avulsion in 1877, and, under the rules of law which have now been stated, the property of the state of Iowa. But if there was no such island this land was an accretion to the Iowa bank, and it was the property of the plaintiffs. The great question in the case therefore was whether or not an island arose on the Iowa part of the bed of the river on the north and west of the triangular tract between 1851 and 1877, and to that issue almost exclusively the evidence, the briefs, and the arguments in the court below and in this court have been addressed.

[11] The evidence upon this issue consists of a great many maps, blueprints and photographs and of more than 700 printed pages of testimony. As usual in cases where the ownership of valuable property depends upon the location and condition of the bed of such a wandering river as the Missouri more than 35 years before the witnesses testified, this evidence is conflicting. No adequate recital of it would be permissible within the reasonable limits of an opinion of this court, and a review of it would be useless because evidence like that before us will probably never be produced in any subsequent case and the decision upon the question of fact it elucidates can never be drawn into precedent. All this evidence, all the briefs and arguments of counsel, have been patiently and deliberately examined by each of the members of this court, and it has reached the same conclusion as did the court below, that there never was an island on the Iowa part of the bed of the Missouri river between 1851 and 1877 on the north or west of the triangular tract and that the land in controversy accreted to the Iowa shore of the river by the gradual and natural deposit by the stream of sand and soil against and upon it prior to the avulsion of 1877. This conclusion disposes of the main issue in this case, the issue to which all the evidence seems to have been directed, and to which all the evidence seems to have been directed, and to which counsel for the appellants addressed nearly all their arguments and 162 out of 164 pages of their briefs.

They did, however, assert, and they still insist, that the decree below was erroneous "because by the permanent change in the channel of the Missouri river by avulsion in 1877, as set forth in the pleadings and shown by the evidence, the title to all the land in controversy between high-water mark and the center or thread of the channel, as it existed at the time, vested absolutely in the state of Iowa, and the court erred in not so finding and deciding." Conceding that the title to the land in the abandoned channel between high-water mark on the Iowa side and the middle thread of the river at the time of the avulsion was vested in the state thereby, yet the decree was right unless the proof before the court below was that the land in controversy was a part of Iowa's share of the abandoned bed.



Possession is prima facie evidence of title to real estate. The undisputed testimony that the complainants and their grantors had been in continuous possession of the land in question in this suit for more than 20 years before the state made any claim to it, that during that time the state had levied and they had paid taxes upon it as their land and had made improvements upon it at an expense of many tens of thousands of dollars, was competent, and, in the absence of countervailing evidence, adequate proof of title to the property in the complainants and of the fact that it was not a part of the state's share of the abandoned channel of the river.

[6] Moreover, the arguments and the briefs leave no doubt that a very large proportion, if not all, of the land in controversy is outside of the abandoned river channel, and this fact reduces the issue here to a mere question of the correctness of the boundary lines of the complainants' property, according to which they have held undisputed possession, paid taxes and made costly improvements claiming title with the silent acquiescence of the state for more than 20 years, and brings this portion of the case under the reasonable and salutary rule of evidence that such facts constitute strong proof of the accuracy of the boundary lines, a rule which prevails in the state of Iowa and is stated by its supreme court in these words:

"Without any reference to the doctrine of title by adverse possession, the fact that a party owning a tract of land has for many years occupied and claimed up to a particular line as the true boundary, and the owner of the adjoining tract has silently acquiesced therein, is a circumstance strongly tending to show the correctness of the claim; and in the absence of other controlling circumstances the line so indicated should be taken as the true division between the respective premises."

Corey v. City of Fort Dodge, 118 Iowa, 743, 747, 92 N. W. 704, 705 and cases there cited. In view of these facts, of this rule of law and of the evidence of title which the long-continued possession in accordance with these boundary lines produced, the burden was thrown upon the state in the court below to show where, in what respect and to what extent, if at all, these boundary lines were incorrect, and where the true lines were between the plaintiffs' land and the state's part of the abandoned channel of the river. The court below considered all the evidence in the case upon this subject, found that the state had not successfully borne this burden, that the boundary lines in accordance with which the plaintiffs and their grantors had occupied and improved were the true boundary lines of their property and confirmed their title in accordance therewith.

[7] This is a suit in equity. And when a court of equity has considered conflicting evidence, and made a finding and decree, it is presumptively correct, and, unless some obvious error of law has intervened or some serious mistake of fact has been made, the finding or decree must be permitted to stand. Kimberly v. Arms, 129 U. S. 512, 9 Sup. Ct. 355, 32 L. Ed. 764; Tilghman v. Proctor, 125 U. S. 136, 8 Sup. Ct. 894, 31 L. Ed. 664; Furrer v. Ferris, 145 U. S. 132, 134, 12 Sup. Ct. 821, 36 L. Ed. 649; Warren v. Bart, 7 C. C. A. 105, 110, 58 Fed. 101, 106; Paxson v. Brown, 10 C. C. A. 135, 144, 61 Fed. 874, 879; Stuart v. Hayden, 18 C. C. A. 618, 623, 72 Fed. 402, 407; Fitchett v. Blows, 20 C. C. A. 286, 290, 74 Fed. 47, 51; Coder v.

Arts, 82 C. C. A. 91, 94, 152 Fed. 943, 946, 15 L. R. A. (N. S.) 372. The burden in this court is therefore upon the state to show from the record of the evidence that the court below made a serious mistake in its finding of this issue of fact. To bear this burden it presses upon our attention a certain blueprint marked "Exhibit No. 9," the testimony of the surveyor who made it and Allen's Suburban map. Exhibit No. 9 has a line upon it which fixes, with reference to the government surveys, the boundary line throughout the oxbow between Iowa and Nebraska which was established by the decree in Nebraska v. Iowa, 143 U. S. 359, 12 Sup. Ct. 396, 36 L. Ed. 186. There are also upon this exhibit numerous lines upon each side of this boundary line drawn to portray Cut-Off Lake as it existed in 1904 when the surveyor made this map, but these lines are not fixed with reference to the lines of the government surveys, nor do they purport to represent the river or its high or low water mark in or prior to the year 1877. Moreover, Cut-Off Lake is not identical in extent with the river as it flowed around the oxbow in that year. It occupies but a part of the abandoned channel and the record does not show what part. A comparison of the boundary lines of the land in controversy which was possessed and occupied by the plaintiffs with the description of the boundary line between the states upon this Exhibit 9 discloses the fact that in some cases the boundary lines of the land in controversy coincide for different distances with this boundary line between the states, and if there was any substantial evidence where the high-water mark of the river as it flowed through the oxbow was in 1877, and that the boundary line between the states marked on this exhibit was the middle line of the stream at that time, there might be some data here from which the deduction could be justly drawn that the plaintiffs' boundary lines were incorrect and that they included some part of the Iowa part of the abandoned bed. But the surveyor who made Exhibit No. 9 testified that he made the plat and the survey for it in the year 1904, that Cut-Off Lake was in a part of the old river bed, but he nowhere indicated what part of that bed it occupied, that he did not find or locate the river or its bed in 1877, except as it was shown by this lake in 1904, that he never located the river, that he was one of the surveyors selected to locate the state boundary line in the case of Nebraska v. Iowa, that in doing so they did not look up or determine where the center line of the river had been when it ran through the oxbow, but they ran the boundary line between the states from data furnished to them from records in the courthouse in Pottawattamie county, and this line thus run was the boundary he drew and described in his blueprint Exhibit No. 9. Allen's Suburban map bears the date 1898. Neither that map nor the testimony of any witness concerning it tends to show more definitely than the evidence which has been already recited where the middle thread of the river as it flowed through the oxbow was at or prior to the avulsion in 1877. Neither of these exhibits shows, or purports to show, where the high-water mark of the river was on its Iowa side in 1877 at or prior to the avulsion, and the entire record of this case has been searched in vain for any evidence that locates it. In this state of the case there is no escape from the conclusion that the state's evidence falls far short of showing

that the court below made any mistake of fact, when, in view of the plaintiffs' possession for more than 20 years, and hence their presumptive title to the land in controversy, in accordance with the boundary lines they claimed, of the state's silence and acquiescence therein, of its levy and the plaintiffs' payment of taxes on the land as their own and of their costly improvement thereof during this time, it concluded that there was no evidence in this case sufficient to prove that their boundary lines were incorrect and confirmed their title.

The equity and righteousness of the result to which this study and analysis of the evidence upon the direct issues in this case leads is demonstrated by other considerations which the record forces upon our attention. The avulsion that vested in the state every claim it ever had to any land in or about the oxbow occurred about July 8, 1877. More than 26 years passed before the state took any action that indicated any intention to claim any interest therein. Meanwhile the lands in controversy were, for more than 20 years, in possession of the plaintiffs and their grantors. They built streets, railways, buildings, and other improvements upon them. The state taxed and treated them as the property of the plaintiffs. Without notice or warning on the 13th day of April, 1904, the legislature of Iowa enacted chapter 185 of the Session Laws of that year to the effect that all land between high-water mark and the center of the abandoned channel of any navigable stream, and all bars, islands, and land within such channels, should be sold to the person who should make written application therefor, should deposit 50 cents per acre, and should pay the balance of the value thereof after a survey of the land and a report of appraisers. On April 14, 1904, Charles R. Hannan made his written application to purchase of the state all the land within the outer lines of the oxbow and deposited \$1,000 in part payment of the purchase price of the tract. The state appointed L. P. Judson to survey this land, and thereafter in October, 1904, the complainants exhibited their bill in this suit against Hannan, Judson, and W. B. Martin, the secretary of the State of Iowa, to enjoin them from clouding the complainants' title to the lands in controversy by further proceedings under chapter 185. The state of Iowa was not a party to this suit and no attempt was ever made by the complainants to make it a party. On March 2, 1907, upon the application of the Attorney General of the state, the court permitted it to intervene, and thereupon it voluntarily filed its petition of intervention in which it alleged that it was the owner of the land here in controversy by virtue of its ownership of the alleged island and of its part of the abandoned river bed. It was then almost 30 years after its claim to any of this land first arose, and if it had been a private party its silence, acquiescence, and laches would undoubtedly have estopped it from asserting any claim to this land against these plaintiffs. Counsel for the appellants, however, invoke the general rule that neither by the statute of limitations, nor by laches, does mere delay bar the sovereignty from maintaining its rights or from sustaining a suit to enforce them. *United States v. Inslay*, 130 U. S. 263, 266, 9 Sup. Ct. 485, 32 L. Ed. 968; *United States v. Beebe*, 127 U. S. 338, 344, 8 Sup. Ct. 1083, 32 L. Ed. 121; *United States v. Winona & St. P. R. R. Co.*, 67 Fed. 969, 971, 15 C. C. A. 117, 119; *United States v. Dalles Military Road Co.*,

140 U. S. 599, 632, 11 Sup. Ct. 988, 35 L. Ed. 560; *City of Pella v. Scholte*, 24 Iowa, 283, 95 Am. Dec. 729; *Davies v. Huebner*, 45 Iowa, 574, 577; *Mantt v. Starr*, 72 Iowa, 677, 34 N. W. 784. They also contend that every sovereignty is exempted from the rule of equitable estoppel.

[8, 9] But the great weight of authority, the stronger reasons and the settled rule upon this subject in the courts of the United States, is that, while mere delay does not, either by limitation or laches, of itself constitute a bar to suits and claims of a state or of the United State, yet, when a sovereignty submits itself to the jurisdiction of a court of equity and prays its aid, its claims and rights are judicable by every other principle and rule of equity applicable to the claims and rights of private parties under similar circumstances.

[10] The equitable claims of a state or of the United States appeal to the conscience of a chancellor with the same, but with no greater or less force than would those of an individual under like circumstances. *United States v. Stinson*, 197 U. S. 200, 204, 205, 25 Sup. Ct. 426, 49 L. Ed. 724; *United States v. Detroit Timber & Lumber Co.*, 67 C. C. A. 1, 10, 131 Fed. 668, 677; *United States v. Chicago, M. & St. P. Ry. Co. (C. C.)* 172 Fed. 271, 276; *United States v. Chandler-Dunbar Water Power Co.*, 152 Fed. 25, 26, 27, 37, 38, 40, 41, 81 C. C. A. 221, 222, 223, 233, 234, 236, 237; *United States v. Stinson*, 125 Fed. 907, 910, 60 C. C. A. 615, 616; *Herman on Estoppel*, §§ 676, 677; *State of Michigan v. Jackson, L. & S. R. Co.*, 16 C. C. A. 345, 351, 69 Fed. 116, 122; *State v. Flint & P. M. R. Co.*, 89 Mich. 481, 51 N. W. 103, 106; *United States v. California & Oregon Land Co.*, 148 U. S. 31, 41, 13 Sup. Ct. 458, 37 L. Ed. 354; *Carr v. United States*, 98 U. S. 433, 438, 25 L. Ed. 209; *United States v. Walker (C. C.)* 139 Fed. 409, 411, 412, 413; *United States v. Willamette Valley & C. M. Wagon Road Co. (C. C.)* 55 Fed. 711, 717; *Attorney General v. Central Railway Co.*, 68 N. J. Eq. 198, 59 Atl. 348. Thus a state is estopped from ousting a city organized under a void law after the city has been exercising its assumed powers for only four years, but has levied and collected taxes and assessments, constructed bridges and streets, and made other improvements meanwhile without protest or objection on the part of the state. *State v. City of Des Moines*, 96 Iowa, 521, 532, 533, 65 N. W. 818, 31 L. R. A. 186, 59 Am. St. Rep. 381. And a state is estopped from ousting a private corporation for illegality in its organization after a delay of a few years while the corporation has been exercising, without objection on the part of the state, its assumed corporate powers, has been collecting and expending money and changing its financial relations to its stockholders and creditors in reliance upon the acquiescence of the state. *Commonwealth v. Bala & Bryn Mawr Turnpike Co.*, 153 Pa. 47, 25 Atl. 1105; *State of Wisconsin v. Janesville Water Power Co.*, 92 Wis. 496, 66 N. W. 512, 515, 32 L. R. A. 391; *State v. Lincoln Street Ry. Co.*, 80 Neb. 333, 114 N. W. 422, 427, 14 L. R. A. (N. S.) 336; *State v. School District No. 108*, 85 Minn. 230, 88 N. W. 751; *Attorney General v. Delaware & Bound Brook R. R. Co.*, 27 N. J. Eq. 1, 24; *People v. Alturas County*, 6 Idaho, 418, 55 Pac. 1067, 1068, 44 L. R. A. 122; *Vermont v. Society for the Propagation of the Gospel*, 2 Paine (C. C.) 545, Fed. Cas. No. 16,920. According to the decisions of the highest judicial

tribunal of the state of Iowa a city may be estopped from claiming a street or an alley, or from maintaining the original lines thereof, by acquiescing in the possession, occupation and improvement of it, or of a part of it, by a citizen who claims title thereto by possession and estoppel only. *Corey v. City of Fort Dodge*, 118 Iowa, 742, 749, 92 N. W. 704. The same court holds that a like estoppel may arise against a city by its taxation of the property when the claimant in possession pays the taxes. *Smith v. City of Osage*, 80 Iowa, 84, 89, 45 N. W. 404, 8 L. R. A. 633; *Dillon on Corporations*, § 533; *Audubon County v. Emigrant Co.*, 40 Iowa, 460; *Page County v. B. & M. R. R. Co.*, 40 Iowa, 520; *Austin v. Bremer County*, 44 Iowa, 155; *Adams County v. B. & M. R. R. Co.*, 39 Iowa, 507.

Notwithstanding these authorities the state insists that the plaintiffs may not maintain an estoppel here because the title to the land in controversy is the same as that of a certain tract of 13 acres which the East Omaha Land Company, a predecessor in interest of the complainants, claimed as an accretion to a government lot owned by it in a suit between that company and one Hansen and others which was commenced in the year 1890 and in which the ultimate decision was that this 13 acres was not such an accretion, but was an island which arose in the Iowa part of the bed of the Missouri river, and hence was not the property of the Land Company. But the claim of estoppel here is based on the tacit acquiescence of the state in the possession and claim of the plaintiffs and their grantors and on its taxation of this property as theirs. The suit and decree in *Land Company v. Hansen and others* was no notice that the state had not waived, and was not by its acquiescence and taxation waiving, all claim to the lands in controversy in this suit (1) because the state was not a party to that litigation, made no claim and gave no notice of any demand therein; (2) because the 13 acres involved in that suit is not any part of the subject-matter of this suit; and (3) because the evidence in this case is that there never was any island where the 13 acres are located and notice of the claim in that suit that there was such an island would have been, as the evidence now proves, notice of a baseless claim and for that reason futile.

Counsel invoke the conceded rule that there may be no estoppel of a party from asserting his titles and rights where knowledge, or the means of knowledge of them, is equally open to both parties. There are, however, two reasons why this rule is not controlling in the case in hand. In the first place the rule has an exception that the owner of a known right or title may by his representations, acts or silence so lead another to act in the belief that the owner has waived, surrendered or abandoned his right or title that he will be estopped from asserting it to the injury of him who has changed his position in reliance upon the owner's representations, acts or silence. In the second place no one had or could have had either knowledge, or means of knowledge, of the right of the state, if any, in the lands in controversy here before the final decrees of the courts upon them are rendered. Its right always depended upon the proof which would be adduced in any controlling litigation which might arise over it, first, of

the location of the middle thread of the Missouri river and its high-water mark on its Iowa side through the oxbow in 1877 prior to the avulsion, and, second, of the existence and location of one or more islands between 1851 and 1867 between the thread of the stream and the high-water mark of that river at the time the island or islands sprang up. No man could learn, foresee or foretell what the memories of witnesses that might be found and their testimony would be regarding the existence and location of such islands and lines, years before they were called to testify, in a river changing its bed and channel so constantly and notoriously as the Missouri. This condition of the river and the property and these facts render the doctrine of equitable estoppel peculiarly applicable and salutary in the case at bar. The authorities which have been already cited amply illustrate and sustain these views. *United States v. Chandler-Dunbar Water Power Co.*, 152 Fed. 25, 26, 27, 37, 38, 40, 41, 81 C. C. A. 221, 222, 223, 233, 234, 236, 237, is very persuasive. There were islands in the Detroit river which were the property of the United States if duly surveyed and claimed by it. The United States neglected to survey and claim them, and in 1883 it issued a patent to the bank of the river which, in the absence of the title and claim of the United States, would convey to the patentee as riparian owner the bed of the stream on which the island stood and hence the islands themselves. Knowledge of the right of the United States was always equally open to all the parties in interest. The patentee and his grantee had made improvements upon the land at an expense of \$135,000 to \$150,000 on the faith of the patent and the neglect of the government to survey and claim the islands. On September 2, 1903, the government brought a suit in equity to remove the cloud of the patent from its title to the island. Judge Severens, delivering the opinion of the Circuit Court of Appeals for the Sixth Circuit, said:

"Following the ancient common-law maxim 'nullum tempus occurrit regi,' it has been settled as the rule here that the United States is not affected in respect to its pursuit of remedies by mere delay or general statutes of limitation. But when it sues in equity as a private suitor on a cause of action relating to its proprietary interests, it is held to be affected by those equities which are recognized as fundamental in controversies between private parties. And why should this not be so? It derogates from the dignity and character of the government to suppose that, formed as it is to secure impartial justice between individuals, it may nevertheless in the conduct of its own affairs, without regard to the principles it represents, perpetrate upon its citizens wrongs which it would promptly condemn if practiced by one of them upon another."

In *State of Michigan v. Jackson, L. & S. R. C.*, 16 C. C. A. 345, 346, 350, 351, 352, 69 Fed. 116, 117, 121, 122, 123, 50,000 acres of land were granted to the state as swamp lands by the act of Congress of September 28, 1850. But these lands were subsequently certified, and finally between 1869 and 1873 erroneously patented to a railroad company in supposed execution of a grant of the United States by the act of June 3, 1856, to the state to aid in the construction of railroads. Knowledge of the title of the state to these lands was, by the acts of Congress and the public records, equally open to all parties in interest. A railroad company to whom the lands were conveyed by the patentee built the

railroad in reliance upon the title evidenced by the patents, sold a part and still held a part of the land when in 1887 the state of Michigan brought a suit in equity to remove the cloud of these patents and of the conveyances under them from its title to the land under the swamp land grant. The Court of Appeals of the Sixth Circuit dismissed the bill and said:

"The state cannot be permitted to say that it has slept during all this long period and abandoned its sovereign duties to its citizens, as well as its reciprocal moral obligations to the government which had made it so magnificent a gift. The state is not to be regarded as a mere machine, incapable of intelligence or conscience. And, while it is necessary and right to restrain or annul the unauthorized acts of its agents by which its interests might be impaired, yet there must come a time after long-continued acquiescence in public action with knowledge of it, when, in the interest of its citizens, the state itself shall be precluded from despoiling others by the assertion of its original rights."

To the same effect on a similar state of facts was the decision of the Supreme Court of Michigan in *State v. Flint & P. M. R. Co.*, 89 Mich. 481, 51 N. W. 103, 106.

In *United States v. Walker* (C. C.) 139 Fed. 409, 412, 413, 420, Walker was a United States marshal from 1889 to 1893. During this time he presented in his accounts charges for services rendered by his deputies which he and the accounting officers supposed to be lawful, but which were in fact illegal. The United States allowed and paid these charges from time to time during the four years he held his office, knowing that a large portion or all the amounts so paid to him would be immediately paid over by him to his deputies in payment of their services, as it was. Five years after his accounts had been allowed and closed and after the expiration of his term as marshal, the United States presented to the Circuit Court, a claim for the repayment of these amounts by Walker, but the court refused to sustain the claim and said:

"When the sovereign comes into court to assert a pecuniary demand against the citizen, the court has authority, and is under duty, to withhold relief to the sovereign, except upon terms which do justice to the citizen or subject, as determined by the jurisdiction of the forum in like subject-matter between man and man."

The state comes into this court of equity and prays its decree that the title to the land in controversy be quieted in it. Its claim originated in 1877. It never asserted or suggested it until more than 26 years thereafter, and one cannot wink so hard as not to see that it never would have asserted it if the hope of gain had not inspired Hannan, or some other speculator, to instigate and promote the demand. For more than 20 years the plaintiffs and their grantors were in undisturbed possession of this land, claiming title to it. Meanwhile they expended tens of thousands of dollars in its improvement, and the state quietly acquiesced in their possession and claim, and levied and collected from them taxes upon it as their property, and now by its silence, acquiescence, and taxation it is equitably estopped from taking from these plaintiffs this land and the costly improvements they and their grantors were thereby induced to make upon them.

In *Smith v. Clay*, 3 Brown, Ch. 639, Lord Camden said:

"Nothing can call forth this court into activity but conscience, good faith and reasonable diligence."

There is no equity in the claim of the state against the plaintiffs in this case, it does not appeal to the conscience, it is met by an equitable estoppel, it was not presented or prosecuted with reasonable diligence, and a court of equity may not sustain it.

Questions which have not been discussed in this case were presented by the briefs and arguments of counsel but the conclusions which have been reached render them immaterial.

And because the evidence in this case fails to convince that the court below fell into any error of law, or made any mistake of fact in its finding that the proof failed to establish that the land in controversy, or any part of it, was ever an island in the Missouri river or accretions to such an island, or a part of the abandoned channel of the river between the thread of the stream and high-water mark on the Iowa side in 1877, prior to the avulsion, and because by the continued adverse possession of this land by the plaintiffs and their grantors, claiming title for more than 20 years before the state made any claim to it, by the acquiescence of the state in their possession and claims and its levy and collection from them of taxes upon it as their property during this time and by the expensive improvements they made upon it in reliance upon this acquiescence and taxation, the state is now estopped from asserting title to this property in equity, the decrees must be affirmed and it is so ordered.

STATE OF IOWA v. JOHN A. CREIGHTON REAL ESTATE & TRUST CO. et al.

(Circuit Court of Appeals, Eighth Circuit. October 20, 1911.)

Nos. 2,938, 2,939, 2,940, 2,941, 2,942, 2,943, 2,944, 2,945.

(*Syllabus by the Court.*)

ESTABLISHMENT OF BOUNDARIES—ACQUIESCENCE.

Riparian rights and estoppel of state sustained for reasons stated in the opinion in *State of Iowa v. Carr*. 191 Fed. 257.

Appeals from the Circuit Court of the United States for the Southern District of Iowa.

In equity. Suits by the John A. Creighton Real Estate & Trust Company and others against Charles R. Hannan and others, and the state of Iowa intervenes. From decrees for complainants, Jessie W. Hannan, grantee of defendant Charles R. Hannan and the intervener appeal. Affirmed.

Jacob Sims (H. W. Byers, Atty. Gen., on the brief), for appellants.  
Edgar H. Scott (Lodowick F. Crofoot, on the brief), for appellees.

Before SANDBORN and VAN DEVANTER, Circuit Judges, and POLLOCK, District Judge.

SANBORN, Circuit Judge. These cases were commenced and proceeded to decrees in the same way as the case of Carr v. Hannan et al., entitled in this court, State of Iowa, Intervener, v. Samuel Carr, and Jessie W. Hannan v. Samuel Carr, 191 Fed. 257, in which the opinion has just been delivered. They involve the title to lands within the outer line of the oxbow, described in that opinion, which the Missouri river abandoned on July 8, 1877, but these lands lie north of the meander line of 1856 mentioned in that opinion. These cases present the issues whether or not an island sprang up on the Iowa part of the bed of the river where this oxbow was formed between 1851 and 1867, to which these lands accreted, and whether or not these lands were a part of Iowa's share of the channel abandoned by the avulsion of 1877, and these issues were submitted and were decided against the state and the defendants by the court below on the evidence in Carr's case and stipulations of certain facts which did not substantially vary the proof upon these issues from that received in his case. The only substantial difference between Carr's case and these is that the government title in the former, under which the complainants claimed, was to lands described in the patents according to the government survey of 1851 upon the Iowa side of the river, while in the cases now in hand the title from the government was to lands described in the patents according to the government survey in 1856 on the Nebraska side of the river. The lands here in controversy are in the northerly part of the tract inclosed by the oxbow and on the Nebraska side of the meander lines of 1851 and 1856. They are lands over which the river worked its way by the gradual degradation of the Nebraska shore and accretion to the Iowa shore between 1851 and 1877. In some of these cases the complainants hold title under patents to the government subdivisions according to the survey of the Nebraska shore, in some under conveyances from those holding patents to lands on the Iowa shore, of the lands in controversy which accreted to these Iowa lands, and in some under tax titles from the state of Iowa. This difference, however, between the original titles in these cases and those in Carr's case is not material to a decision of the cases before us, because in each of these cases, as in Carr's case, the complainants and their grantors had possession of the lands in controversy claiming title more than 20 years before the state gave notice of or made any claim to the lands, during this time they made costly improvements upon them, the state of Iowa levied taxes upon them as the lands of the complainants and their grantors, and the latter paid these taxes. The controversy over the title in each of these cases is between the complainants and the state. Laying all other sources of title in the complainants aside, their possession is prima facie evidence of title in them, and, against the state's claim that this land was an accretion to its island, this possession is conclusive proof of title because the evidence has convinced that there was no such island. Against the state's claim that this land was in its part of the abandoned river channel, the long possession of the complainants and their grantors to the boundary lines they claim, together with the tacit acquiescence of the state therein, is strong proof that those boundary lines were correct, proof which must prevail in the absence of coun-

tervailing evidence (Corey v. City of Fort Dodge, 118 Iowa, 743, 747, 92 N. W. 704), and there is no convincing evidence in the record that those lines were wrong.

For the reasons stated more at length in the opinion in Carr's case, therefore, and briefly because the record in each of these cases fails to convince that the court below fell into an error of law, or made any mistake of fact in its finding that the evidence before it failed to prove that the land in controversy, or any part of it, was ever an island in the Missouri river or accretions to such an island, or a part of the abandoned channel of the Missouri river between the thread of the stream and high-water mark on the Iowa side in 1877 prior to the avulsion, and because by the continued adverse possession of this land by the plaintiffs and their grantors claiming title for more than 20 years before the state made any claim to it, by the acquiescence of the state in this possession and by its levy and collection from them of the taxes upon this land as theirs during this time and by the expensive improvements made upon it in reliance upon this acquiescence and taxation, the state is now estopped from asserting title to it in equity, and the decree below in each of these cases must be affirmed. It is so ordered.

## MEANDERED LAKES

Chapter 186, Acts of the Thirtieth General Assembly, authorized the executive council to survey the meandered lakes and lake beds in the state and to determine what lakes shall be maintained and what meandered lake beds may be drained, improved, demised or sold. This act was amended by chapters 196 and 197, Acts of the Thirty-second General Assembly and by chapter 191 of the Acts of the Thirty-third General Assembly. Chapter 196 (32 G. A.) vested authority in the executive council to grant authority to construct, equip and maintain canals between any of the lakes so maintained; chapter 197 (32 G. A.) provides that any person or corporation who has heretofore purchased from any county any lake or lake bed in aid of or because of the construction of a work of internal improvement shall be considered a bona fide purchaser, provided that an actual sale of such lake or lake bed had not been previously made by the executive council; and chapter 191 (33 G. A.) provides that when the lake beds are offered for sale "the persons owning lands abutting upon such lake bed and contiguous to lands owned by the state therein, shall have the first right to purchase the lands offered for sale by the state, in an amount sufficient to make the lands owned by them which abut upon the lake or lake bed and are contiguous to lands of the state, conform to the smallest government sub-division of public lands, at the price fixed by the appraisers." This option to purchase expires 90 days after the date of filing the appraisers' report in the office of the secretary of state, and none of the land can be sold for less than appraised value; nor the lake bed for an amount less than the aggregate expense incurred or authorized by the state for surveying, appraising, draining or other expenses on account of the lake or lake bed.

The following lakes have been authorized drained during the biennial period ending June 30, 1912: Bancroft Lake, in Kossuth county; Wall Lake, in Wright county; East Swan Lake, in Emmet county; Eagle Lake, in Kossuth county, and two lakes (Nos. 1 and 2) in Dickinson county.

Preliminary surveys have been authorized of the following lakes, but they have not yet been ordered drained: Rush Lake, in Palo Alto county; Mud Lake, in Clay county; Lily Lake, in Dickinson county; Berge Lake, in Emmet county, and Ryan Lake, in Emmet county.

## BASS LAKE, HUMBOLDT COUNTY.

On December 21, 1910, the state issued a patent to Humboldt county for a portion of Bass Lake (meandered as Bass Lake No. Two), under the provisions of chapter 186 (30 G. A.), it appearing to the executive council that said Humboldt county had in good faith sold and conveyed said lands by deed to a bona fide purchaser, as provided in said act; the land conveyed being described as follows: "The unsurveyed portion of the east half of the southeast quarter and the southeast quarter of the southeast quarter of the northeast quarter of section thirty-three (33) and the south half of the southwest quarter and the northwest quarter of the southwest quarter and the southwest quarter of the northwest quarter of section thirty-four (34), in township ninety-one (91) north, of range twenty-nine (29) west of the Fifth Principal Meridian."

## POND GROVE LAKE, CALHOUN COUNTY.

On January 17, 1911, the state sold and patented to Melius W. Madsen of Calhoun county, Iowa, for the sum of \$2,774.50, the following lots in the lake bed of Pond Grove Lake, in Calhoun county, to-wit: Lots lettered "G," "H," "J," and "K," in section ten (10), township eighty-six (86) North, Range thirty-three (33) west of the fifth P. M.

## SPECIAL ACTS OF THE GENERAL ASSEMBLY RELATIVE TO THE CONVEYANCE OF LAND

The thirty-fourth general assembly authorized the issuance of patents to quiet title and to donate lands for public purposes as follows:

Chapter 216 authorized the releasing and quitclaiming to the city of Cherokee, for cemetery purposes only, all of that part of the south half of section twenty-eight (28), in township ninety-two (92) north of range forty (40) west of the 5th p. m., which lies south of the center lines of the public road which is in part on the south boundary line of said half section and in part wholly within it; being a tract of irregular shape about 1671 feet long and 181 feet wide at the widest point, and containing about 4.44 acres. Patent was issued December 7, 1911.

Chapter 217 authorized the issuance of a patent to Margaret Dewitt for the southwest quarter of the southeast quarter of section sixteen (16) township seventy-six (76) north of range twenty-one (21), west of the 5th P. M. Patent was issued April 21, 1911.

Chapter 218 authorized the issuance of a quit-claim deed to R. C. Ditto and L. E. Ditto, conveying all the right, title, claim and interest of the state of Iowa in and to lot five (5) of section one (1), township seventy-three (73) north of range two (2) west of the 5th P. M. Deed was issued April 21, 1911.

Chapter 219 authorized the issuance of a patent to Jacob W. Hoover for the west half of the northwest quarter of section thirty-three (33), township ninety-five (95) north of range eight (8) west of the 5th P. M. Patent was issued September 25, 1911.

Chapter 220 quieted the title in and authorized the issuance of a patent to John A. Jasinsky, his heirs and assigns, for the southeast quarter of the southwest quarter of section fourteen (14), township eighty-four (84) north of range twenty-nine (29) west of the 5th P. M. Patent was issued March 24, 1911.

Chapter 221 quieted the title in and authorized the issuance of a patent to O. D. McGeorge for the west half of the southwest quarter of section twenty-five (25), township seventy-seven (77) north of range thirty-four (34) west of the 5th P. M. Patent was issued April 18, 1911.

Chapter 222 authorized the issuance of a patent to John A. Reed for lot six (6) of block ninety-six (96) of Iowa City, Johnson county, Iowa. Patent was issued May 6, 1911.

Chapter 223 authorized the issuance of a patent to Joseph Tucker, upon the payment of the sum of eighty dollars (\$80.00) for the use and benefit of the school fund, conveying to him the right, title and interest of the state of Iowa in and to the southwest quarter of the southeast quarter of section five (5), township eighty-seven (87) north of range one (1), west of the 5th P. M., with a provision that said act shall not affect pending litigation. Patent was issued April 27, 1911.

## DES MOINES RIVER LAND GRANT

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

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

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

About a year and a half after the passage of the act making the Des Moines river grant, a question arose before the commissioner of the general land office whether the grant of the odd sections extended only to the Raccoon Fork or from the mouth of the river to its source. He decided that it extended throughout the whole line of said river within the limits of Iowa. He afterwards changed this decision, however. Then the attention of the secretary of the treasury was called to the matter and he decided that the grant extended above the Raccoon Fork. On April 18, 1850, the secretary of the interior, whose department had in the meantime

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

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

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

During this period of controversy over the extent of the grant, the work of improving the Des Moines river in accordance with the provisions of the said grant continued from year to year. The board of public works had entire control of the river improvement, also the sale of the lands acquired under the grant, and the application of the proceeds thereof in payment for the work of improvement, from 1847 to 1851, when the board was abolished by the act approved February 5, 1851. This act also authorized the appointment of a commissioner and a register of the Des Moines river improvement, and empowered them to contract for the completion of that part of the improvement of the river at or below Keosau-



qua, and to allow contractors in payment for such work any portion of the lands granted for the improvement of the said river, which lay below the Raccoon Fork. By an act, approved January 19, 1853, the commissioner and the register of the Des Moines river improvement were empowered to sell and dispose of all and any lands which have been or hereafter may be granted by congress for improvement of the Des Moines river, for not less than \$1,300,000. This was the amount estimated by the commissioner and register it would take to complete the work of improvement and to pay off existing indebtedness. On the 24th of January, 1852, the general assembly passed an act providing for the election of a commissioner by the people, and appointing George G. Wright, of Van Buren county, and Uriah Riggs, of Wapello county, as assistant commissioners, and authorized them to make a contract, selling the lands of the improvement for \$1,300,000, and if necessary to sell the water rent, tolls, etc. These commissioners made a contract with the Des Moines Navigation and Railroad company, agreeing to sell all the lands donated to the state under the Des Moines river grant, which had not been sold prior to December 23, 1853, for \$1,300,000, which amount was to be used in paying the indebtedness of the Des Moines river improvement, and on the further improvement of the river. Up to June 9, 1854, the date of this contract, the state had sold 327,000 acres of Des Moines river lands, the proceeds of which had been applied on the improvement of the river, in accordance with the provisions of the act making the grant.

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

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

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

of the legislature the said railroad company acquired practically all of the lands certified to the state under the act of congress, approved July 12, 1862, extending the Des Moines river grant to the northern boundary of the state.

All of the acts of the general assembly with reference to this grant, in so far as they related to the said Keokuk, Fort Des Moines & Minnesota Railroad company (Des Moines Valley Railroad company), will be found in the 1908 report of this department.

Under the act of congress, approved July 12, 1862, there were approved and certified to the state 214,616.88 acres of land in place and 298,919.45 acres of indemnity land. The supreme court of the United States held, at the December term 1866, that the land in place inured to the state and its grantees under the joint resolution of congress, March 2, 1861, therefore the state was not entitled to the indemnity award, and no title passed to the state when these lands were certified under the act of 1862. Congress however, by the act, approved March 3, 1871, confirmed title to the indemnity lands to the state and its grantees.

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

## STATEMENT.

In brief, of the Lands approved and certified to the State by the Department, under the Des Moines River Grant, and of the disposition of the same by the State:	
Certified under act of August 8, 1846:	
Below the forks.....	321,188.33 acres
Above the forks.....	271,572.24 acres
Patented by the State to Des Moines Navigation and R. R. Company:	
Below the forks.....	53,080.69 acres
Above the forks.....	219,558.33 acres
Patented by the State to individuals under said grant:	
Below the forks.....	267,567.64 acres
Above the forks.....	59,019.80 acres
Certified under act of July 12, 1862:	
Lands in place.....	314,616.88 acres
Indemnity lands.....	298,919.45 acres
These were disposed of as follows:	
Patented and certified to the D. V. R. R. Co.....	502,573.50 acres
Patented to S. H. Taft.....	6,263.48 acres
Patented to settlers.....	2,330.64 acres
Released to United States.....	330.00 acres
Tracts which were priorly disposed of.....	1,968.71 acres

## DES MOINES RIVER LAND SETTLERS.

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

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

The sundry civil act approved August 18, 1894, appropriated \$200,000 to adjust the claims of settlers on the Des Moines river lands and to be expended by the secretary of interior as directed by said act. The act also authorized the appointment of a special agent to investigate and determine the claims of such settlers or their heirs or assigns, and also determine the amount due the said settlers or their heirs or assigns; the special agent was required to report to the secretary of interior, who was to approve said report and pay the said claims in the order of their approval.

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

The sundry civil act, approved July 1, 1893, under the heading "Des Moines River Land Settlers," made further provisions relative to claims of the Des Moines river land settlers and authorized the secretary of interior to secure further evidence if he deemed it necessary.

The sundry civil act, approved March 3, 1893, made an additional appropriation for the payment of the claims of the Des Moines river land settlers.

Hon. J. L. Stevens, of Boone, Iowa, was appointed as special commissioner August 4, 1893, to adjust the claims remaining unadjusted, and there have been submitted to him for consideration 531 claims. The following is an extract from his report made to the secretary of the interior August 16, 1900:

*"The Secretary of the Interior—*

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

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

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

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

"The sundry civil act approved July 1, 1893, provides as follows:

"*Des Moines River Settlers*: To enable the Secretary of Interior to expend any balance of money appropriated under the act of August eighteenth, eighteen hundred and ninety-four, remaining unexpended, which sum is hereby appropriated to pay any such sums as may be found due to duly qualified settlers who have in good faith filed pre-emption or homestead claims, made settlement, resided upon for a period not less than five years, unless sooner evicted, cultivated, and made valuable improvements upon the land claimed, and in cases where such persons made actual settlement in good faith under the pre-emption and homestead laws, at a time when others were permitted to file on like lands, and in good faith resided upon the same for a period of not less than five years, unless sooner evicted, cultivated, and made valuable improvements upon the lands so occupied and duly offered to file for the land settled upon within the time prescribed by law, but were not permitted to do so by the officers of the Land Department, and did not abandon said lands or procure title to other public lands under any law of the United States, and the further sum of twenty-five thousand dollars is hereby appropriated to enable the Secretary to make such payments: *Provided*, That no part of the aforesaid sum shall be paid until the Secretary of the Interior shall find and determine upon the evidence heretofore taken by the special commissioner appointed under said act of August eighteenth, eighteen hundred and ninety-four, and upon such other and further evidence as he may in his discretion take, all of which shall be preserved in his office, what sum, if anything, is justly due to such persons, their heirs or assigns, and the measure of damages shall be in all respects as was provided for claims under said act of August eighteenth, eighteen hundred and ninety-four, and of the foregoing sums two thousand dollars, or so much thereof as may be necessary, may be expended in making such further examination: *Provided further*, That no claim of any pre-emptor or homesteader shall be considered or allowed except upon proofs of settlement, residence, and improvements as herein required: *Provided further*, that nothing herein shall be construed as authorizing the re-opening or further consideration of any claim reported in lists A and B of the special commissioner's report as the same appears in Senate Document numbered two hundred and fifty-eight, fifty-fourth Congress, first session."

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

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

"*Second*—Those duly qualified settlers who made actual settlement in good faith under the pre-emption or homestead laws at the time when others were permitted to file on like lands, and in good faith resided upon the same for a period of not less than five years unless sooner evicted, cultivated and made valuable improvements upon the land so occupied and duly offered to file for the land



cept given said purchaser at the time full payment was made for said real estate, and have been unable to find the same; that I believe it is either lost or destroyed, and I make this affidavit for the purpose of obtaining the patent issued for said real estate, which I agree to file for record, forthwith, in the proper county recorder's office.

Subscribed and sworn to before me, by the said.....  
 this .....day of ....., 191.....  
 Witness my hand and official seal.

## DES MOINES RIVER LAND PATENTS

Statement giving a complete list of the Des Moines river land patents deposited in the vault of state land department, giving the number of patent, description of land, name of patentee, and name of county in which the land is situated.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
1	n fr ½ of ne.....	5	70	12	49.64	Seveir Lewis	Davis
2	n ½ of se.....	9	71	12	120	Joseph Zollinger	Wapello
2	ne of nw.....	17	71	12	80	Hannah Ann Wood	Wapello
25	s ½ of sw.....	33	71	12	40	Hiram Royse	Wapello
32	sw of se.....	3	71	13	120	Joseph Ingersol	Jefferson
58	w ½ of ne.....	27	71	11	89	John Rufford	Jefferson
58	se of nw.....	33	71	11	89	Benjamin Thomas and John F. Moore.	Wapello
64	e ½ of se.....	31	71	11	89	Thomas Nelson	Wapello
79	sw of nw, nw of sw.....	1	73	15	80	Milton Campbell	Wapello
162	nw of se.....	19	73	14	40	Josiah M. Kight	Wapello
108	nw of sw, sw of nw.....	3	72	13	53.07	John Moors	Wapello
110	ne fr of nw.....	5	72	13	80	Samuel Howard	Wapello
111	w ½ of nw.....	9	72	13	80	Geo. W. Knight, Jr.	Wapello
113	n fr ½ of nw.....	19	73	14	83.74	William Wilson	Van Buren
134	ne of nw.....	27	72	13	40	Alexander Crawford	Wapello
138	ne of se.....	11	70	11	40	Thomas Wilson	Wapello
139	nw of sw.....	33	72	14	40	Jacob Kipp	Wapello
142	sw of ne.....	13	73	15	40	Rinaldo Brown	Wapello
145	sw of se.....	7	73	14	40	Robert Brown	Jefferson
150	se of ne.....	27	72	14	40	William Duffield	Davis
158	s ½ of sw.....	7	71	11	89	Ehjan Spangler	Van Buren
169	se of ne, ne of se.....	3	70	13	80	Thomas G. Walker	Mahaska
171	se of sw.....	5	70	10	40	Jas. B. Wright, Henry Smith and Charles Dudley, commis'rs.	Wapello
174	sw of nw.....	21	72	15	40	Samuel Magee	Wapello
191	sw fr ½.....	19	72	13	138.90	Lewis I. Walker	Mahaska
195	nw of sw.....	27	72	13	40	Samuel M. Wright	Wapello
235	ne of se.....	19	74	15	40	Daniel A. McIntire	Wapello
281	nw of nw.....	5	71	12	89	Jacob Scott	Mahaska
561	ne of ne.....	21	71	12	80	Abijah F. Clark	Wapello
562	se of sw.....	3	71	12	40	Thomas Deford	Wapello
565	s ½ of nw, lw of sw.....	5	74	15	120	Adam Winack	Davis
568	ne of nw.....	25	73	12	80	Richmond Cheadle	Wapello
568	ne of sw.....	27	72	13	40	James Estep	Wapello
569	se of se.....	21	72	13	40	David Johnson	Wapello
580	sw of se.....	1	70	13	40	Maion Hibbs	Wapello
283	sw of se.....	27	72	13	40	James G. Campbell	Davis
285	ne of se.....	17	71	12	40	Samuel Walker	Jefferson
317	se of sw.....	17	71	12	40	Lewis F. Temple	Wapello
327	se of nw.....	17	72	13	40	John Wilkinson	Davis
347	w ½ of se.....	1	70	12	240		
347	se of se.....	11	70	12	89.10		
348	w fr ½ of sw.....	7	71	11	40		
353	ne of ne.....	13	71	13	40		
354	ne fr of ne.....	3	69	12	41.70		

\* No. 170 is sw of ne in sale book.

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
361	s 1/2 of nw, nw fr of nw	3	72	13	131.59	Thomas Jones	Wapello
367	ne of se, sw of se	35	70	12	80	George Blything	Davis
384	e 1/2 of ne	23	70	11	80	Moses Starr	Van Buren
393	ne of se	23	70	11	40	Beneda Freel	Van Buren
395	lots 7 and 8	17	70	11	78.54	Willard F. Miles	Van Buren
397	lot 9	13	71	13	12.31	Hugh H. Young	Wapello
400	sw of se, se of sw	31	71	11	80	George W. Nelson	Jefferson
401	se of se	13	71	12	40	Dudley Peris	Wapello
408	ne of ne	7	70	12	40	William W. Carson	Davis
410	lot 6 and sw of sw	17	70	11	78.46	Daniel McHugh	Van Buren
414	e 1/2 of ne	7	72	13	80	Abraham Mace	Wapello
415	lot 8	13	71	13	40.86	Matthias Nail	Wapello
420	lot 5	9	71	13	57.35	Andrew Cummins	Wapello
429	ne of nw	29	72	13	40	Conrad Schank	Wapello
432	w 1/2 of se	15	70	11	80	William Park	Van Buren
443	e 1/2 of se	7	71	11	80	Benjamin F. Brown	Jefferson
446	ne of ne	25	70	12	40	Francis Ham	Davis
449	nw fr of nw	7	70	12	46.64	William Meller	Davis
450	sw of ne	21	71	12	40	Oliver H. Mitchell	Wapello
460	lot 2	31	73	14	55.55	William Revel	Wapello
468	se of nw	3	72	14	40	George W. Linkenback	Wapello
507	ne of nw	35	73	14	40	Lewis T. Baker	Wapello
512	lot 4	23	72	14	57.64	Joseph Delay	Wapello
525	se of ne	23	74	16	40	Heman Snow	Mahaska
542	e 1/2 of ne	15	73	14	80	John Boyd	Wapello
545	s 1/2 of ne	19	70	11	80	Horace D. Goram	Van Buren
569	e 1/2 of se	27	68	10	80	Isaac Hoskin	Van Buren
570	w 1/2 of se	27	68	10	80	William Hoskin	Van Buren
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	Abner Beale	Jefferson
598	sw of se	13	72	13	40	Isaac Holderman	Wapello
607	w 1/2 of se, ne of sw	21	77	22	120	Jonas Carsner	Warren
609	nw of ne	13	71	12	40	John Rhodes	Wapello
614	sw fr of sw	7	70	10	44.21	William Wilson	Van Buren
619	nw of se	13	72	13	40	William W. Nelson	Wapello
622	w 1/2 of sw	11	74	17	50	Samuel Martin	Mahaska
634	se of ne	3	71	13	40	Joseph Myers	Wapello
637	se of sw	27	72	13	40	Cyrus Franklin	Wapello
640	sw of ne	3	71	13	40	John Abernathy, Sr.	Wapello
664	lots 5 and 6	11	76	19	103.03	Michael S. Morris	Marion
674	nw fr of sw	31	75	17	79.38	John Halowell	Mahaska
678	ne of ne	29	73	14	40	Isaac Fisher	Wapello
684	nw fr of ne	3	75	19	34.86	George G. Rose	Marion
688	sw of se, se of sw	35	78	22	80	Charles H. Hamlin	Polk
690	ne	33	78	23	160	Peter Vandevanter	Polk
727	e 1/2 of ne	29	72	14	80	Richard Bush	Wapello
750	lot 1	17	73	15	59.50	James Baker	Wapello
755	lot 2	1	73	16	36	Henry C. Waldrip	Monroe
759	se of se	1	69	12	40	George N. Rosser	Davis
769	lots 1 and 2	25	74	16	71.54	Jacob Basinger	Mahaska
797	sw of sw	21	71	12	40	James Michael	Wapello
802	e 1/2 of se	17	70	12	80	Aaron Wilkinson	Davis
810	nw of se	35	75	18	40	Owen Doud	Marion
826	se of se	3	74	18	40	Thomas Nichols	Marion
828	lot 2	15	74	16	53.10	Daniel Covey	Mahaska
834	w 1/2 of sw	17	73	14	80	Anne Newell	Wapello
840	se of ne	5	73	16	40	George Cain	Monroe
850	ne of ne	13	72	14	40	Barney Royston	Wapello
856	lot 5	9	72	14	59.35	Anderson Vowell	Wapello
857	ne of se	29	72	14	40	Richard Bush	Wapello
859	se of sw	23	73	14	40	Anderson Vowell	Wapello
865	s 1/2 of nw	3	71	14	80	Joseph Delay	Wapello
870	e 1/2 of ne	7	67	8	80	Lawrence Scott	Van Buren
879	sw of nw	21	78	23	40	James McRoberts	Polk
881	se of nw, ne of sw	3	76	19	80	Rufus R. Jones	Marion
894	lots 7 and 8	19	75	17	95.54	James M. Walters	Mahaska
901	ne of sw	21	75	16	40	Elb Trout	Mahaska
914	sw of se	3	77	23	40	John Hargis	Warren
921	sw of se	1	69	12	40	James A. Scott and John G. Lile	Davis

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
923	n 1/2 of se	21	75	18	80	Charles Cox and Jas. Cox	Marion
947	lots 1, 8, 9 and e 1/2 of se	3	78	23	251.84	Lewis Barlow	Polk
947	nw of ne	15	78	23			
946	e 1/2 of ne, ne of se, and lot 8	13	76	19	158.20	Cornelis T. Lam	Marion
959	e 1/2 of ne	9	76	18	320	Geendert Colyn, Gysbert VanHoiwelingen, Hendrick Van Vliet and Dirk der Otter	Marion
988	ne of sw	13	72	13	40	James Davidson	Wapello
989	sw of sw	27	72	13	40	James Davidson	Wapello
990	se of nw	1	67	9	40	Thos. W. Wilson	Van Buren
991	ne of se	1	70	11	40	William Monroe	Van Buren
994	se of ne	23	71	12	40	George Humphry	Wapello
1009	nw fr of nw	31	69	10	38.34	David Newhouse	Van Buren
1016	w 1/2 of sw	25	77	19	80	Allen Lawhead	Marion
1019	nw of ne	11	76	19	40	Daniel Earl	Marion
1031	nw of ne	33	75	16	40	George Argabright	Mahaska
1032	se fr 1/2, se of ne	27	77	20	190.83	Hannah Alley	Marion
1057	ne fr 1/2	3	77	27	140.60	Creath Renfro	Warren
1083	sw of se	35	75	18	40	Stanford Doud	Marion
1084	nw of se	5	73	15	40	John Kavanaugh	Wapello
1095	w 1/2 of nw	13	73	16	80	William L. McKinney	Monroe
1101	lot 1	7	73	15	51	Christian Ver Wayen	Wapello
1109	sw and s 1/2 nw	29	76	17	240	Evan S. Folk	Mahaska
1119	w 1/2 of ne, e 1/2 of nw	85	76	18	160	William Welch	Marion
1122	e 1/2 of se	1	78	24	80	John Harris	Polk
1128	nw 1/2	11	72	14	160	David Armstrong	Wapello
1132	e 1/2 of ne	17	73	16	80	Jonathan Thompson	Monroe
1134	sw of se	19	68	10	40	Jacob Teter	Van Buren
1143	nw fr of ne	3	69	12	42.44	Samuel Mathews	Davis
1158	ne of ne	33	70	12	40	Catharine Winton, guardian for heirs of Bradley Winton	Davis
1160	nw of sw	11	71	14	40	Curtis Knight	Wapello
1163	e 1/2 of sw	3	77	22	80	Charles W. Freel	Warren
1166	e 1/2 of se, nw of se	83	71	13	120	James Rowland	Wapello
1167	n 1/2 of sw	33	71	13	80	Israel Rube	Wapello
1170	se of se	7	75	16	40	William McCurdy	Mahaska
1186	nw fr of nw, se of nw	31	72	14	80.39	Daniel C. Nichols	Wapello
1195	se of se	1	77	21	40	Thomas Karr	Marion
1197	n 1/2 of se	35	79	23	320	George Knoop	Polk
1198	se of ne	33	71	13	40	James Rowland	Wapello
1221	sw of nw	1	69	12	40	George N. Rosser	Davis
1229	sw of ne	7	71	13	40	William C. McIntire	Wapello
1235	se 1/2	13	76	18	160	Joseph Porter	Marion
1245	sw fr of sw	31	71	12	48.58	Henry Avery	Wapello
1255	se of nw	35	75	16	40	Levi S. Terwilliger	Mahaska
1275	w 1/2 of se	7	77	22	80	John M. Draper	Warren
1279	sw of sw	1	69	12	40	James A. Clark	Davis
1284	w 1/2 of sw, se of sw	21	77	22	120	William H. Reynolds	Warren
1287	se of nw, w 1/2 of ne	25	71	13	120	James A. Brown and John D. Sanford	Wapello
1300	ne of nw	21	71	12	40	Simon F. Likens	Wapello
1301	se of ne	1	77	21	40	Dan Kygar	Marion
1303	se of se	5	76	21	40	William Glenn	Marion
1304	nw of sw	13	70	12	40	George Washington	Davis
1325	nw fr of ne	5	76	20	39.62	Adam Richabaugh	Marion
1336*	e 1/2 of se	31	78	21	160	Henry Sheerer	Jasper
1336	w 1/2 of sw	21	78	21	40	William Donelson	Warren
1341	sw of nw	27	77	22	40	Uriah Roby	Warren
1342	lots 1 and 3	9	77	22	70.51	Stephen Howell	Warren
1345	s 1/2 of sw	15	77	22	80	Jan. L. Hengveld	Mahaska
1353	ne of sw	7	76	17	40	Cornelis den Hartog	Marion
1370	ne of sw	21	76	18	40	Elizabeth Williams	Marion
1433	lot 6	35	77	20	26.18	Napoleon B. Allison	Marion
1442	lot 6 and ne of ne	15	77	21	80.53		

\* No. 1336. This description same as in sale book; patent has both tracts in section 21.

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
1452	ne fr 1/2	1	77	22	142.64	John Howard	Warren
1456	ne of ne	25	77	22	40	William Glenn	Warren
1462	se of sw	1	77	23	40	Mordecai Disney	Warren
1467	sw of se	23	77	23	40	Harmon Hayworth	Warren
1472	n 1/2 of ne	13	77	24	80	David D. Cummins	Warren
1483	w fr 1/2 of sw	19	74	22	52.40	Hiram Niday	Polk
1487	nw of sw, sw of se	29	78	22	80	Robert Canady	Polk
1491	lots 5 and 6	5	78	23	80	Bluford Barlow	Polk
1496	lot 1 ne of se, sw of ne	15	78	23	129.55	William Dawson	Polk
1497	se of ne	15	78	23	40	Lewis Barlow	Polk
1503	se of ne	21	78	23	40	Lewis Deaton	Polk
1507	e 1/2 of nw	25	78	23	80	Job Dewey	Polk
1509	ne of nw	35	78	23	40	Joshua Chapman	Polk
1518	nw of nw	21	70	10	40	William Park	Van Buren
1521	se of sw	25	73	15	40	Henry Michael	Wapello
1525	se of se	9	76	21	40	William Bristow	Marion
1533	sw of ne	33	70	12	40	Cath. Winter, guardian of heirs of B. Winter	Davis
1534	lot 8	3	75	18	68.45	Samuel Bacon	Marion
1534	nw of se	9	75	18	40	David Tade	Van Buren
1544	ne of se	17	69	8	40	Hezekiah Lee	Mahaska
1552	se of se	9	74	17	40	Andrew McF. Thompson	Polk
1556	e 1/2 of se	11	78	23	80	James Arter	Wapello
1560	nw fr of nw	19	71	13	42.57	Thomas Dickey	Marion
1561	lot 6	9	76	19	33.83	Jeremiah Lemming	Polk
1563	sw of nw, ne of nw	25	78	24	80	Elijah Wicker	Polk
1562	w 1/2 of sw	33	78	22	80	Jonathan Wittenmyer	Wapello
1583	sw of se	19	73	14	40	Robert V. Holcomb	Wapello
1588	ne of nw	7	71	13	40	Cornelius Vanhalsin	Mahaska
1595	ne of se	13	75	17	40	Charles C. Warden	Wapello
1596	nw of ne	11	72	14	40	Samuel D. Holcomb	Van Buren
1608	sw of nw	1	69	11	40	Jonas Carsner	Warren
1611	nw of ne	27	77	22	40	Joseph Langdon	Polk
1612	s 1/2 of ne	25	78	23	80	Rinaldo Brown	Wapello
1624	ne of ne	27	72	14	40	Hiram A. Lambert	Warren
1629	ne fr of ne	3	76	22	40.22	Alfred Piles	Warren
1630	nw of sw	35	77	22	40	Robert Bailey	Polk
1632	se of se	3	78	22	40	Lyle Garrett	Polk
1638	sw 1/2, w 1/2 of se	9	73	23	240	Francis Ham	Davis
1644	nw of ne	25	70	12	40	Edward Shelton	Polk
1645	e 1/2 of nw and nw of nw	23	78	24	120	Tramuel D. Gillaspie	Polk
1650	nw of se	21	78	23	40	Martin Smith	Warren
1651	nw of se	23	76	19	40	Thomas Brumsey	Wapello
1670	nw of sw	29	72	12	40	Job Dewey	Polk
1677	lot 4	25	78	23	39.64	Jeremiah Church	Polk
1680	lot 1	23	78	23	23.15	Jonathan Ferris	Van Buren
1687	nw of se	7	69	11	40	Joshua B. Chapman	Polk
1688	nw of nw	35	78	23	40	Willoughby Randolph	Monroe
1697	nw fr of ne, ne of nw	3	73	16	68.99	John King	Marion
1701	sw of se	3	76	19	40	Job Dewey	Polk
1704	n 1/2 of ne, nw of se and lot 2	25	78	23	169.56	Henry B. Mitchell	Polk
1718	lot 6	11	78	24	62	Seth Fairchild	Mahaska
1729	se of sw	21	73	14	40	David W. Morris	Davis
1733	se of nw	5	70	13	40	Henry B. Mitchell	Polk
1734	lot 5	11	78	24	53.85	Lucian B. Sweet	Davis
1737	se of sw	3	70	13	40	Benjamin G. Sayers	Wapello
1744	se of ne	15	72	15	40	William Roberts	Van Buren
1747	ne of ne	7	69	10	40	Abner M. Burns	Davis
1776	sw of ne	13	70	13	40	Thomas Newell	Wapello
1783	se of sw, sw of se	5	73	15	80	Jeremiah Lemming	Polk
1787	nw of sw	25	78	24	40	William P. Fishburn and Peter Hendricks	Davis
1788	w 1/2 of ne	7	70	12	80	James McCullum	Polk
1801	s 1/2 of ne	27	78	22	80	Lewis Deaton	Polk
1809	nw of ne	35	78	23	40	Harrison Jordan	Marion
1822	w 1/2 of sw, ne of se	9	78	21	120	Mahlon Hibbs	Wapello
1847	ne of ne	31	73	18	40	William Mitchell	Davis
1859	se of nw	7	70	12	80	William Anderson	Van Buren
1860	ne of sw, se of nw	7	69	11	80		

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
1871	n 1/2 of ne	17	71	13	80	John D. Devin	Wapello
1872	sw of sw	3	77	21	40	Isaac Vinson	Marion
1881	w 1/2 of ne	7	77	23	7120	Allen B. Hall	Warren
1887	ne of se	21	77	23	40	Joseph Patterson	Van Buren
1890	ne of sw	5	70	10	40	Frederick A. Perry	Warren
1892	w 1/2 of sw	23	77	23	80	Asa Kraps	Mahaska
1894	ne of sw	23	74	16	40	William A. Porter	Polk
1910	se of se	13	78	23	40	Thomas H. Napier	Polk
1915	lots 1 and 2	5	78	23	68.95	John Young	Polk
1918	n 1/2 of ne	27	78	23	80	William R. Butler	Polk
1921	s 1/2 of se	33	78	23	80	John D. Devin	Wapello
1924	se of se	33	72	13	40	Alanson Harrison	Polk
1929	e 1/2 of sw, nw of se	20	72	21	150	Jonathan Keeney	Polk
1930*	w 1/2 of nw	33	78	23	80	Rinaldo Brown	Wapello
1964	nw fr of nw	5	71	14	52.83	James Caldwell	Marion
1978	nw of sw	15	76	10	40	Jonathan Ferris	Van Buren
1979	sw fr of nw	7	69	11	41.80	Grandville Hendricks	Polk
1979	ne of sw	17	78	23	40	William L. Baker	Wapello
1976	w 1/2 of sw	23	71	14	60	Jonathan Keeney	Polk
1980	ne of se	23	72	23	40	Tramuel D. Gillaspie	Polk
1981	sw of se	21	78	23	40	Able Lanson	Polk
1987	e 1/2 of nw	7	78	23	80	William Donaldson	Warren
1984	n 1/2 of nw	25	77	23	80	James T. Gevin	Warren
1991	nw of sw	25	77	23	40	David B. Horseman	Warren
2010	w 1/2 of se, ne of se	21	77	23	100	David W. Johnson	Polk
2023	ne of ne, ne of se	23	78	23	80	John W. Johnson	Mahaska
2024	se of ne	23	78	23	40	Samuel Brown and Geo. Brown	Jefferson
2040	e 1/2 of nw	21	75	16	80	David W. Johnson	Polk
2045	ne of ne	20	71	11	40	William Duffield	Davis
2056	nw of ne	33	78	23	40	Francis M. Childs	Polk
2063	se of se	3	70	13	40	Edmond Murry	Marion
2065	nw of se	35	78	23	40	William Means	Jasper
2082	ne of ne	17	77	21	40	Anderson Bradford	Jasper
2086	s 1/2 of sw	15	78	21	80	Jeremiah Dawson	Polk
2087†	se of se	20	78	21	40	John D. Devin	Davis
2092	ne of nw	17	78	23	40	Hancy McM. Farley	Warren
2094	ne of ne	7	70	12	40	A. Van Delle	Marion
2100	se of sw	29	77	22	40	Daniel Hiskey	Marion
2101	sw of ne	23	77	18	40	Christian Ham	Davis
2105	n 1/2 of nw	25	77	20	80	Jacob Booker	Jasper
2123	w 1/2 of nw	35	70	19	80	James Sawvel	Van Buren
2149	w fr 1/2 of nw	19	78	21	56.62	James Stone	Warren
2169	sw of se	7	70	10	40	Peter P. Fisher	Wapello
2178	ne of ne	27	77	22	40	James Winton	Davis
2207	se of ne	25	73	14	40	Joseph Freeman	Van Buren
2227	nw of ne	33	70	12	40	James A. Brown and John D. Sanford	Wapello
2232	sw of sw	5	69	10	40	Peter Chitwood	Monroe
2239	se of ne	13	71	13	40	Lewis Powell	Polk
2243	nw fr of ne	3	73	16	34.72	Francis M. Childs	Polk
2248	ne of se	35	78	23	40	Martha Thornton	Warren
2249	se of ne	35	78	23	40	Isaac Nedrow	Van Buren
2256	nw of ne	17	77	22	40	Peter Ridgeway	Warren
2259	sw of nw	21	70	16	40	William Myrick	Warren
2273	lot 8	9	77	22	42.10	Henry H. Peterson	Warren
2280	ne of sw	29	77	22	40	Andrew I. Myrick	Warren
2281	ne of ne	25	77	23	40	Hemen P. Graves	Warren
2282	nw of ne	25	77	23	40	Valentine Boatwright	Polk
2290	se of sw	25	77	23	40	James Duffa	Davis
2291	sw of ne	33	78	22	40	Byron Rice	Polk
2297	ne of sw	9	70	12	40	John Johnson	Wapello
2298	sw of se	23	78	24	40	Grandville Holland	Polk
2299	sw of ne	7	72	14	40	John I. Sponseller	Polk
2300	nw of nw	25	78	24	40	Admiral B. Miller	Wapello
2306	nw of sw	25	72	15	40	Thomas Lyon	Mahaska
2329	se of nw	27	77	20	40		
2374	nw fr of nw	3	75	17	35.61		

\* No. 1930, sale book says: Sold to Joseph Keeney, and No. 1744, a prior patent to William Lewis. Vol. A, page 116.  
 † No. 2087, sale book, has the range 22 instead of 21.

## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
2378	sw of se	31	78	21	40	James Hamlin	Jasper
2382	lot 6	3	75	18	44.87	Washington Campbell	Marion
2397*	se of se	5	77	21	40	William Cottrell	Marion
2443	sw of nw	11	77	23	40	Absalem Hollingsworth	Warren
2449	nw of ne	15	76	21	40	Gilmore Logan	Marion
2455	nw of sw	15	71	14	40	Benjamin Baum	Wapello
2468	sw of se	17	70	10	40	Jonathan Sawvell	Van Buren
2479	sw of nw	33	78	22	40	John Hall, Sr.	Polk
2490	lot 7	29	77	20	37.18	Simeon Reynolds	Marion
2497	sw of nw	1	71	12	40	Ward Lamson	Wapello
2503	ne of nw	17	77	21	40	William H. Palmer	Marion
2512	ne of sw	35	75	17	40	Francis Whitenger	Mahaska
2517	lot 4	7	76	19	4.84	William Carr	Marion
2519	sw of sw	25	79	22	40	Solomon Runyon	Polk
2521	se of ne	27	77	23	40	Allen B. Hall	Warren
2523	lot 1	1	76	20	19.65	James W. Harp	Marion
2528	nw of sw	5	76	21	40	Henderson Polston	Marion
2529	se of ne	9	70	11	40	George Miller	Van Buren
2542	sw of sw	23	73	16	40	Jeremiah Miller	Monroe
2561	sw of ne	15	76	21	40	Gilmore Logan	Marion
2568	nw fr of nw	1	71	13	59.75	Jesse Williams	Wapello
2573	nw of se	25	72	15	40	Alvin Miller McCord	Wapello
2582	sw of ne	21	70	12	40	Daniel Miller	Davis
2583	sw of ne, se of nw	23	70	12	80	David Creighton	Davis
2588	ne fr of ne	1	71	15	53.95	Henry B. Bones	Wapello
2593	n ½ of se, ne of sw	3	77	23	120	Jeremiah Church and Daniel Moore	Warren
2603	sw of ne	7	77	20	40	Charles N. Lester	Marion
2604	sw of nw	23	78	21	40	James D. Norris	Jasper
2608	sw of se	25	74	17	40	Abner Fuller	Mahaska
2612	sw of nw	21	73	15	40	James Myres	Wapello
2615	sw of sw	31	73	15	39.04	John Stevenson	Wapello
2618	sw of se, ne of se	9	77	22	80	Thomas Ward	Warren
2622	se of se	25	70	20	40	William Burch	Marion
2625	s ½ of sw, sw of se	27	78	22	120	Gideon Ferguson	Polk
2641	w ½ of sw	13	77	23	80	Solomon Wright	Warren
2642	sw of nw	13	77	23	40	John White	Warren
2645	ne fr of nw	1	77	24	40.89	William Childs	Warren
2646	lot 7	3	78	23	40	Lewis Barlow	Polk
2647	sw of se	1	76	19	40	Mint Ostinger	Marion
2648	nw fr of nw	31	71	13	40.99	David H. Johnson	Wapello
2657	sw of ne	29	77	23	40	Charles Hinshaw	Warren
2658	nw fr of ne	1	69	12	40.90	Isaac Overall	Davis
2659	n fr ½ of ne, s ½ of se	1	77	23	143.87	John D. Parmlee	Warren
2660	se of ne	3	77	21	40	Charles Owens	Marion
2662	sw of se	23	76	19	40	Jairus E. Neal	Marion
2666	se of sw	17	79	23	40	Jesse C. Melton	Polk
2668	se of nw	13	77	23	40	Benjamin Smith	Warren
2678	nw fr of nw	3	75	19	34.98	Jairus E. Neal	Marion
2679	ne of se	33	76	19	40	Jairus E. Neal	Marion
2680	ne of sw	35	76	19	40	Jairus E. Neal	Marion
2685	se of nw	1	77	22	40	Charles W. Freel	Marion
2688	n fr ½ of ne	5	70	13	50.13	Thomas Clark	Davis
2697	sw of nw	3	70	13	40	Thomas Clark	Davis
2698	n ½ of se	3	74	18	80	John Hamaker	Marion
2703	nw of sw	13	78	24	40	Nathan Andrews	Polk
2704	w ½ of ne, ne of ne	29	78	22	120	Manon Warren	Polk
2706	se of nw	29	78	22	40	Robert Kennedy	Polk
2707	se of ne	29	78	22	40	John D. Wells	Polk
2711	se of ne	17	72	14	40	James C. Tolman	Wapello
2712	ne of se	29	77	22	40	Samuel Black	Warren
2719	n ½ of nw	27	73	15	80	Joseph Gardner	Wapello
2741	se of se	7	71	13	40	William C. McIntire	Wapello
2751	nw of nw	25	77	22	40	Richard R. Conn	Warren
2752	w fr ½ of sw	31	77	21	59.42	Hemen P. Graves	Marion
2756	se of nw	7	77	20	40	Jonathan Mullins	Marion
2766	ne of se	13	71	14	40	James C. Tolman	Wapello
2767	ne of nw	5	76	20	40	Peter Rickabaugh	Marion
2769	se of sw	11	75	18	40	James Seby Parsons	Marion
2770	ne of nw	35	73	16	40	Hemen P. Graves	Monroe

\* See sale book for cancellation of No. 2397.

## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
2871	sw of nw (canceled)	25	78	22	40	Isaac Everett	Polk
2872	se of ne	27	75	18	40	John Ridlin	Marion
2873	se of sw	23	73	16	40	Henry McBride	Monroe
2874	ne of ne	25	78	22	40	Mormon Johnson	Polk
2875	lots 2 and 6, and sw of se	3	78	23	139.68	John Barlow	Polk
2876	se of ne	23	78	23	40	John M. Townsend	Polk
2877	ne of se	25	79	23	40	James Oglerie	Polk
2878	nw of sw	3	76	21	40	William F. Davis	Marion
2879	nw of sw	17	76	20	40	Daniel McQuarry	Marion
2880	se of se	33	77	21	40	Hemen P. Graves	Marion
2881	ne of se	35	77	22	40	Samuel R. Cain	Warren
2882	sw of ne	35	77	22	40	William Campbell	Warren
2883	s ½ of se	35	77	22	80	Gustavus M. Alaireh	Warren
2884	nw of nw	9	76	21	40	David Tuttle	Marion
2885	w fr ½ of nw, ne of nw	19	78	24	120.68	Phineas M. Cassady	Polk
2886	s ½ of sw	1	79	24	80	Stephen Divilbiss	Polk
2887	w ½ of ne, ne of se	15	79	24	120	Nathaniel J. Powell	Polk
2888	ne ¼	19	79	24	160	Henry Hutsonpiller	Polk
2889	sw of nw	3	79	24	40	John Hays	Polk
2890	lot 6	31	80	24	45.85	John W. Wilkin	Polk
2891	lots 3, 4 and 5	31	80	24	152.86	Edwin R. Clapp	Polk
2892	lot 2	31	80	24	37.16	Richard L. Prowter	Polk
2893	e ½ of sw	31	80	24	80	William H. McHenry	Polk
2894	ne of nw	31	80	24	40	Jonathan W. Bruner	Polk
2895	w ½ of nw	33	80	24	80	Edwin R. Clapp	Polk
2896	w ½ of se	33	80	24	80	Hendrick Raseboon	Polk
2897	nw of nw	11	78	25	40	Charles Murrow	Polk
2898	ne of nw	21	80	25	40	Nathaniel J. Powell	Polk
2899	w ½ of ne	25	80	25	80	Joseph Hiner	Polk
2900	w ½ of se	21	81	25	80	George H. B. Hopkins	Polk
2901	w ½ of sw	25	81	25	80	John M. Nicewander	Polk
2902	s ½ of nw and lots 1 and 2	3	81	26	161.85	John Rickhart	Dallas
2903	sw of ne	5	81	26	40	Crawford Cole	Dallas
2904	nw of ne	3	82	26	40	Richard Green	Boone
2905	n ½ of sw	35	82	26	80	Benjamin Williams	Boone
2906	nw of nw	21	78	24	40	Jesse Williams	Polk
2907	nw of sw	27	68	10	40	Isaac Tilly	Van Buren
2908	lot 2	23	78	23	39.76	John M. Townsend	Polk
2909	s ½ of ne, ne of se	1	77	23	120	John D. Parmlee	Warren
2910	e ½ of ne, sw of ne						
2911	se of nw, and nw of se	9	81	26	200	James W. Ince	Dallas
2912	sw of nw, ne of sw	9	81	26	40	Jeduthan Waldo	Dallas
2913	lots 5 and 6	29	81	25	93.18	Russel Roman	Polk
2914	ne ¼	17	81	25	160	John Wear	Polk
2915	sw of nw	27	81	25	40	John Wear	Polk
2916	lot 6	9	78	24	43.75	Samuel Gray	Polk
2917	ne of se	5	75	19	40	Lawson G. Terry	Marion
2918	ne of sw	5	75	19	40	Lawson G. Terry	Marion
2919	nw of se, nw of sw	25	76	19	80	Jairus E. Neal	Marion
2920	sw of sw	21	70	12	40	Samuel G. Sconce	Davis
2921	ne of nw	25	60	25	40	Alexander Fouts	Polk
2922	nw of nw	19	81	25	49.17	John H. Moots	Polk
2923	se of se	19	81	25	40	Polix G. Farris	Polk
2924	s fr ½ of sw	7	80	24	82.61	Albert W. Wasson	Polk
2925	se of se	35	78	23	40	Ephraim Pierson	Polk
2926	se of nw	23	78	24	40	Jesse Williams	Polk
2927	sw of sw	23	70	12	40	Stephen Collins	Davis
2928	ne of sw	25	80	25	40	Joseph Hiner	Polk
2929	ne of se	25	75	19	40	Peter Stroud	Marion
2930	se of ne	3	70	13	40	James Clark	Davis
2931	se of se	23	80	25	40	John McLean	Polk
2932	nw of sw	27	70	12	40	Amon Shook	Davis
2933	nw of ne	35	77	22	40	Nelson Davis	Warren
2934	ne of se	3	75	19	40	Simon Elsworth	Marion
2935	n ½ of se	11	75	17	80	Peter Butler	Mahaska

\* No. 2801 is nw of ne in sale book. No. 2830 is nw of se in sale book. No. 3050 is se of nw in sale book.

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
3085	nw of sw	33	73	14	40	Ruth Rector	Wapello
3086	sw of sw	23	75	18	40	Jonathan Edwards	Marion
3091	n fr 1/2 of ne	3	70	13	50.99	Thomas Duffield	Davis
3092	se of ne	3	76	22	40	William S. Freel	Warren
3097*	sw of se	3	76	19	40	Jairus E. Neal	Marion
3098	se of ne	3	79	19	40	Jairus E. Neal	Marion
3104*	se of se	25	78	24	40	Joseph M. Griffith	Polk
3107 1/2	se of ne	9	75	18	40	Joseph Waller	Marion
3109	n fr 1/2 of nw	7	79	24	81.13	Daniel Fisher	Polk
3111	sw of se	21	78	22	40	John Tyler	Polk
3112	se of sw	17	78	22	40	Willis Tyler	Polk
3113	n 1/2 of sw	15	78	22	80	Elizabeth Leak	Polk
3114	ne of se	21	78	22	40	Ira S. Sellers	Polk
3115	nw of se	15	76	19	40	Nicholas Mothorn	Marion
3119	e 1/2 of sw	9	78	22	80	James M. Warren	Polk
3121	e 1/2 of nw	33	78	22	80	D. W. Johnson	Polk
3130	sw of se	35	78	23	40	Ephriam Pierson	Polk
3131	nw of nw	15	78	22	40	Riley Jones	Polk
3133	ne of se	7	72	15	40	George O., Helen J., and John D. S. Montieith	Wapello
3134	ne of se	5	70	13	40	John M. Hamilton	Davis
3135	sw of ne	5	70	13	40	James Moore	Davis
3136	se of ne, ne of se	27	80	25	80	Andrew Clark	Polk
3142	sw of ne	23	75	18	40	El Legget	Marion
3163	w fr 1/2 of ne fr 1/2	5	73	15	90.53	Jesse Ritchie	Wapello
3165	w 1/2 of nw	35	78	21	80	William Boswell	Jasper
3169	se of ne	17	68	10	40	Samuel D. Kingdom	Van Buren
3170	se of ne	27	77	21	40	Isaac Metcalf	Marion
3171	nw of sw	35	77	21	40	William Beckwith	Marion
3174	sw of sw	25	80	25	40	Alexander Fouts	Polk
3175	sw of nw	1	77	21	40	John Samuel Busey	Marion
3184	ne of se	25	78	22	40	Joel Biggs	Polk
3204	sw of nw	33	79	22	40	Alexander Burk	Polk
3207	ne of se	15	78	22	40	Riley Jones	Polk
3208	nw of nw	11	71	14	40	Hemen P. Graves	Wapello
3209	ne of sw	3	81	26	40	James Morse	Dallas
3212	nw of nw, nw of ne	11	77	23	80	John Hargis	Warren
3215	nw fr of ne	1	77	24	40.70	William Chiles	Warren
3216	sw of ne	7	77	22	40	Willis Cook	Warren
3217	ne of ne	17	80	24	40	George W. Hall	Polk
3223	se of sw	23	79	24	40	Benjamin F. Bowen	Polk
3228	nw of sw	17	72	14	40	Joseph Hayne	Wapello
3233	sw of sw	11	83	26	40	George Hull	Boone
3236	ne fr of ne	3	75	19	34.80	William B. Young	Marion
3241	se of se	23	78	22	40	William Wilson	Polk
3248	sw of sw	27	78	23	40	Annias Rice	Polk
3250	nw of sw	25	81	26	40	John Bailey	Dallas
3251	sw of ne	3	82	26	40	David Jones	Boone
3255	se of se	25	78	22	40	William Pope	Polk
3250	s 1/2 of ne	5	70	12	80	William Carter	Davis
3262	nw of sw	21	78	23	40	Thomas J. Gooch	Polk
3268	sw of sw	27	70	12	40	Anton Shook	Davis
3269	se of nw	1	77	23	40	Willis Cook	Warren
3270	se of sw	39	78	22	40	Lewis Gooding	Polk
3271	n fr 1/2 of nw	1	77	22	66.27	Frederick M. Stumbo	Polk
3280	sw of sw	35	73	16	40	John W. McBride	Monroe
3281	n 1/2 of se	29	82	26	80	David Miller	Boone
3286	sw of nw	23	76	10	40	Jairus E. Neal	Marion
3288	ne of se	9	81	26	40	James W. Ince	Dallas
3289	s 1/2 of se	5	81	26	80	Joseph Newland	Dallas
3293	se of se	33	73	22	40	John Ridgeway	Polk
3294	n fr 1/2 of ne	1	77	21	67.60	Alfred Vertrees	Marion
3297	nw fr of nw	31	80	24	43.10	John Clary	Polk
3298	sw of sw	17	70	12	40	John Hinning	Davis
3303	nw of nw	11	75	19	40	Jacob Pifer	Marion
3304	sw of nw	35	71	13	40	Charles Harward	Wapello
3305	lot 6	31	78	22	35.00	William H. H. Ward	Polk
3306	ne of ne	27	70	23	40	Lewis F. Randolph	Polk
3308	ne of se	35	80	25	40	Doctor F. Hunt	Polk

\* No. 3104 is se of ne in sale book. No. 3097, sale book, has township "75" instead "76."

DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
3313	se of sw	31	77	21	40	George N. Disney	Marion
3321	sw of ne	5	77	20	40	Alfred Vertrees	Marion
3328	ne of se	33	83	26	40	Henry Bean	Boone
3329	se of sw	21	83	26	40	Phillip Hull	Boone
3336	lot 7	31	78	32	37.20	Ephriam Pearson	Polk
3338	nw of sw	25	80	25	40	Alexander Fouts	Polk
3341	sw of nw	17	70	12	40	Edward G. McKinney	Davis
3342	sw of se	27	73	16	40	William H. McBride	Monroe
3343	nw of nw	9	81	26	40	John Reynolds	Dallas
3344	lot 6	3	80	25	53.90	John Nicholson	Polk
3345	sw of nw	13	81	26	40	Thomas Hazleton	Dallas
3348	sw fr of nw	7	73	14	42.41	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	William Carson	Jefferson
3355	ne of nw	11	77	23	40	William Hastie	Warren
3360	lot 3 and sw of se	3	81	26	68.20	Joseph Newland	Dallas
3364	ne of nw	19	76	17	40	John Walker	Shahaska
3366	se of se	15	82	26	40	Call Anderson and Christine M. Anderson	Boone
3367	sw 1/2	27	81	26	160	Edwin R. Clap	Jasper
3368*	se of nw	23	76	23	40	Daniel Atkinson	Warren
3369	nw of nw	35	76	19	40	Garrion Weaver	Marion
3382	lot 4	19	78	23	49.54	Charles C. Evans	Polk
3389	sw of se	5	75	17	40	Ruth Jane Cummins	Mahaska
3391	sw of nw	11	75	19	40	Jacob Pifer	Marion
3392	ne of sw	15	78	19	40	Garrion Weaver	Warren
3393	lot 1	11	77	22	24	Gideon M. Ferguson	Warren
3396	nw of sw	11	75	19	40	Ebenezer M. Funk	Marion
3401	ne of nw	33	77	21	40	William Barbee	Marion
3402	nw of se	9	71	14	40	Moses Sanders	Wapello
3403	lot 3	25	81	26	51.7	Edward Thornley	Dallas
3411	sw fr of nw and ne of nw	7	72	15	79.74	Nelson Davis	Wapello
3417	se of sw	33	70	11	40	William F. Grimsley	Van Buren
3421	sw of se	17	81	25	40	Benjamin Hunt	Polk
3426	w fr 1/2 of sw	7	76	17	66.22	John Lodewick Herywild	Mahaska
3427	nw of nw	11	82	26	40	Richard Green	Boone
3431	sw of nw	21	72	14	40	Angus F. Ross	Wapello
3432	nw of nw, sw of nw	23	78	22	80	James B. Young	Polk
3436	ne of ne	11	77	23	40	Joseph Petree	Warren
3437	sw of nw	25	80	25	40	Alexander Fouts	Polk
3439 1/2	se of ne	27	74	17	40	Joseph Bivins	Mahaska
3443	se of sw	25	80	25	40	Samuel Hunt	Polk
3448	ne of se	23	80	25	40	John McClain	Polk
3451	ne of se	17	75	18	80	Jairus E. Neal	Marion
3451	ne of sw	15	75	18	80	Jairus E. Neal	Marion
3452	se of sw	35	78	23	40	Julian Ellis	Polk
3456	e 1/2 of sw	25	81	25	80	John M. Nishwonder	Polk
3458	sw of sw	25	81	26	40	John Bailey	Dallas
3460	nw of ne	25	75	19	40	Jesse Sherwood	Marion
3463	e 1/2 of ne	25	76	20	80	Jairus E. Neal	Marion
3469 1/2	ne of se	23	78	24	40	James Phillips	Polk
3470	e 1/2 of ne	19	78	24	80	Francis C. Grimmel	Polk
3473	se of sw	27	75	18	40	William Scott	Marion
3478 1/2	n 1/2 of nw	21	79	23	80	Reason Pritchard	Polk
3479	sw of sw	23	79	23	40	Jane Pritchard	Polk
3480	nw of se	17	79	23	40	George Doran	Polk
3481	sw of se	25	76	20	40	Jairus E. Neal	Marion
3484	nw of nw	25	80	25	40	Alexander Fouts	Polk
3491	se of se	25	80	25	40	James Hunt	Polk
3492	ne of se	35	78	21	40	George Brown	Jasper
3494	se of ne	19	77	20	40	William P. Norris	Marion
3495	se of ne	23	78	28	40	James D. Norris	Dallas
3501	nw qr.	33	80	25	160	William F. Ayres	Polk
3504	sw qr.	29	77	18	160	A. C. Kempper	Marion
3505	sw of se	25	81	25	40	James Crabtree	Polk
3507	sw of sw	25	78	24	40	James Phillips	Polk
3512	w fr 1/2 of sw	19	75	16	68.02	John H. Poague	Mahaska

\* No. 3368, sale book, has township 77, instead of 76, which is correct.  
 † No. 3439, entry cancelled and money refunded to Joseph Bivins—a prior entry.  
 ‡ No. 3469, prior sale to Jesse Williams. No. 3478, cancelled—prior sale.



## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
3514	nw of ne	13	78	22	40	John Frazier	Polk
3517	sw of nw	13	78	23	40	John Stewart	Polk
3525	s 1/2 of nw	29	77	22	80	Thomas Reed	Warren
3525	se of nw	35	77	22	40	William S. Venable	Warren
3530	sw of nw	35	76	20	40	Alexander Smith	Monroe
3538	se of nw	21	77	20	40	Nimrod Caple	Marion
3540	se of sw	35	77	20	40	Salomon Brown	Warren
3542	s 1/2 of ne	39	77	18	80	William H. Burton	Warren
3542*	s 1/2 of sw	25	77	18	80	Ezra C. Doughman	Warren
3540	lots 5 and 6	13	78	24	83.25	William H. Lewis	Polk
3541	s 1/2 of lot 5 and lot 4	17	78	24	38	Herman Van Dam	Warren
3543	ne of sw	29	77	18	40	Herman Van Dam	Warren
3544	w fr 1/2 of nw	7	76	18	67.5	Jan Walraven	Warren
3547	nw of ne	29	77	18	40	William H. Lewis	Warren
3569	ne qr.	25	72	15	160	Thomas Sharp	Vandell
3571	w 1/2 of nw	11	74	16	80	Alexander Cassiday	Missouri
3574	sw of se, n 1/2 of se	19	78	24	40	Chimes M. Cassiday	Polk
3578	sw of se	19	70	12	40	John Wilkinson	DeWitt
3579	se of ne	7	70	10	40	William Carson	Van Buren
3579	sw of nw	13	73	15	40	James Bowen	Polk
3771	w 1/2 of sw	11	70	14	80	David Zimuncy	Polk
3779	se of nw, ne of sw	13	78	14	50	Nathan Andrews	Polk
3825	sw of nw	29	75	17	40	John W. Cunningham	Missouri
3827	nw of nw	31	77	20	40	Slas J. Hughes	Warren
3838	sw of nw	21	77	20	40	Francisco H. Hughes	Warren
3876	se of se	75	75	18	40	John May	Warren
3877	se of ne	17	78	22	40	Ernest Gilroy	Polk
3905	nw of ne	21	73	16	40	William Crews	Monroe
3906	se of se	11	73	19	40	Jairus F. Neal	Jasper
3907	nw of nw	13	75	19	40	Jairus F. Neal	Jasper
3929	nw of nw, se of nw	21	80	25	80	Nathaniel J. Powell	Polk
3930	se of nw	17	80	25	40	Nathaniel J. Powell	Polk
3931	w 1/2 of se, e 1/2 of sw	17	80	25	80	Nathaniel J. Powell	Polk
3932	ne of se	35	78	23	40	Francis Chiles	Polk
3935	sw of ne	35	78	23	40	William Park	Polk
3936	sw of sw	33	78	22	40	Samuel Fowler	Warren
3938	se of sw	33	78	22	40	Jairus F. Neal	Marion
3939	ne of sw	7	76	19	40	Noah Biggs	Jasper
3951	se of nw	31	73	21	40	Nelson W. Warren	Warren
3956	lot 2	17	82	22	40	John Blaugher	Boone
3961	ne of nw	31	82	26	40	Alfred Bowman	Polk
3969	ne fr of ne	5	80	25	52.81	Alfred Bowman	Polk
3970	lot 5 and sw of sw	31	81	25	30	William Staley	Marion
3972	lot 2	7	76	19	35.02	Sarah Wilson	Marion
3976	se of ne	3	75	19	40	Thos. M. Mullin	Warren
3989	w 1/2 of se	5	79	19	40	Robert N. Jones	Boone
3984	w 1/2 of se	17	82	26	80	Daniel I. Skinner	Dallas
3986	lot 4, se fr 1/2 of se	3	81	26	36.56	Daniel I. Skinner	Dallas
3989	nw of se, fr of nw	5	81	26	40	Daniel I. Skinner	Dallas
3990	w fr 1/2 of nw	9	81	26	57.01	Daniel I. Skinner	Dallas
3992	ne of nw	9	80	25	40	Abraham Elliott	Polk
3791	nw of ne	31	76	19	40	Zopher Ball	Marion
3793	se of se	9	78	22	40	Richard Powell	Warren
3796	ne of sw	17	76	18	40	Edward O. Towne	Marion
3798	sw 1/2	5	83	26	160	Jacob Gutshall	Boone
3715	se of ne	19	79	12	40	John Henning	Polk
3727	se of ne, nw of se	13	78	25	80	Andrew J. Stevens	Polk
3729	nw of sw	17	80	25	40	Nathaniel J. Powell	Polk
3730	n 1/2 of sw, sw of se	19	79	12	40	Nathaniel J. Powell	Polk
3731	ne of se	19	77	18	40	Samuel Chutter	Marion
3738	ne of se	5	76	21	40	William Brown	Marion
3740	e 1/2 of sw	17	79	12	40	John Henderson	Warren
3755*	e 1/2 of se, sw of ne	29	84	26	120	Peaton Post	Boone
3756	se 1/2	29	84	26	120	Saban Latham	Boone
3759	s 1/2 of ne, se of nw	33	84	26	120	Henry Hoffman	Boone
3763	nw	33	84	26	40	James H. Payne	Boone

\* No. 3543 should be 25, 75, R. 18, as per sale book, which is correct. \* No. 3755 should be e 1/2 of sw and sw of ne.  
 \* No. 3763. This purchase varied by order of court. Tract resold and patented to Daniel Bowen. See 3826.

## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
3765	se of sw	13	84	27	40	Elisha Speckmire	Boone
3770	se of ne, ne of se	3	85	27	80	Ezra B. Hatben	Boone
3788	s 1/2 of nw	11	87	27	80	Jessa Goodrich	Webster
3790	w 1/2 of sw	11	87	27	80	Daniel Galer	Webster
3800	ne of nw	31	77	18	40	Debra P. Clayton	Marion
3804	sw of sw	15	78	21	40	Thomas Ashler	Jasper
3815	sw of sw	21	77	20	40	David Clark	Marion
3819	e 1/2 of sw	5	79	24	80	James Haltzman	Polk
3821	ne of se	5	83	26	40	Nelson J. Meeker	Boone
3822	ne 1/2, e 1/2 of nw	31	81	25	240	Clement Murphy	Polk
3823	n 1/2 of se	31	81	25	80	Clement Murphy	Polk
3830	se of ne	5	70	13	40	Wm. H. Tull	Boone
3836	nw of nw	33	82	26	40	Alex P. Townsend	Boone
3842	nw of nw	17	89	28	40	Francis W. Allen	Webster
3847	w 1/2 of sw	31	81	25	80	Byron Rice	Polk
3848	e 1/2 of sw	23	80	25	80	Byron Rice	Polk
3849	sw of ne	1	76	22	40	James Smith	Warren
3851	nw of se	23	78	22	40	John Linn	Polk
3852	ne of ne	27	80	25	40	Isaac Hastings	Boone
3854	sw of se	9	82	26	40	Robert Jones	Polk
3859	sw of se, se of sw	27	70	11	80	William Akers	Van Buren
3860	nw of se	27	73	10	40	Reuben W. Moss	Monroe
3871	w 1/2 of sw	13	76	21	59	James W. Gill	Marion
3872	se of se	31	77	19	40	Brian Grant	Marion
3873	se of se	9	82	26	40	Sanford B. Williams	Boone
3877	ne of se	17	72	14	40	John Smith	Wapello
3878	sw of ne, nw of se	5	69	11	80	George W. Brown	Van Buren
3879	ne of se	19	85	26	40	Tyler Herbes	Boone
3883	se of sw	21	84	29	40	John Howser	Boone
3886	ne 1/2	21	84	29	100	Samuel Snyder	Boone
3893	se of sw	16	76	19	40	John C. Singsler	Polk
3894	nw of nw	17	78	21	40	Eli Rivers	Jasper
3896	se of se	11	74	18	40	Miletus P. Clark	Marion
3901	s 1/2 of ne	31	79	23	80	Francis Elliott	Polk
3902	nw of nw	35	80	25	40	Nathaniel J. Powell	Polk
3904	ne of sw	25	72	15	40	John J. Sponseller	Wapello
3905	nw of sw	25	72	15	40	William Wallace	Boone
3909	sw of ne	11	74	18	40	Jackson Jones	Marion
3924	se 1/2	13	79	24	160	Jenkin W. Morris	Polk
3960	sw of nw	13	79	24	40	Marion	Marion
3964	sw of se	25	81	25	40	John Crabtree	Polk
3941	nw of sw	27	75	18	40	John Porrence	Marion
3942	ne of sw	23	78	22	40	George Mitchell	Polk
3954	nw of ne	33	81	26	40	William Jacobs	Dallas
3956	ne 1/2	9	80	25	100	William Fraizer	Polk
3967	lot 3	13	80	24	96	William Fraizer	Polk
3968	sw fr of sw	31	80	24	96	Jacob Crum	Polk
3960	sw of ne	25	81	25	40	John Crabtree, Jr.	Polk
3972	ne of se	5	73	16	40	Sarah M. Rockwell	Monroe
3973	sw of ne	31	80	24	96	Jacob R. White	Polk
3974	ne of nw	9	81	26	40	John Newland	Dallas
3975	nw of ne	9	81	26	40	Jerutham Waldo	Dallas
3986	ne of sw	5	83	26	80	Elias Zimuncy	Polk
3987	nw of nw, nw of ne	31	79	22	82.66	Milton Smith	Polk
3988	ne of sw	1	77	23	40	Robert Wallace	Warren
3994	lot 7	31	80	24	96	Washington J. and Ed- ward O. Hutt	Boone
3995	lot 8	13	84	27	36.51	Isaac Nutt	Boone
3996	sw of nw	13	84	27	40	William C. Crooks	Boone
3997	lot 4 and nw fr. of ne	5	82	26	87.94	Washington J. and Ed- ward O. Hutt	Boone
4001	nw of nw	29	72	14	40	Henry B. Hendershott	Wapello
4003	nw of ne	27	83	26	40	James Giles	Polk
4015	nw of ne	23	78	21	40	Charles W. Lamb	Jasper
4016	nw of se	23	78	21	40	Charles W. Lamb	Jasper
4020	nw of se	13	77	21	40	William Cowman	Marion
4025	se of sw	17	72	12	40	Jacob B. Shrock	Dallas
4026	e 1/2 of se, sw of se	27	70	12	120	James Davis	Polk

\* No. 3769 should be section 15, instead of section 13. No. 3877 cancelled—prior sale to Phelix Berick, October 1, 1853. See No. 3825.

## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
4027	se of sw	19	78	22	40	Jerome Estridge	Polk
4028	ne of sw	19	72	14	40	James Cottrell	Wapello
4031	sw of se	23	81	26	40	William Jacobs	Dallas
4032	nw of nw	17	79	22	40	Benjamin Bryant	Boone
4033	s 1/2 of sw	24	87	27	40	Isaac Nutt	Boone
4040	e 1/2 of ne	33	83	26	80	Redick Cartwright	Boone
4041	n 1/2 of ne, se of ne	25	83	36	120	Redick Cartwright	Boone
4041*	nw of sw	17	79	23	40	Seth Richards	Polk
4055	e 1/2 of se, sw of se	25	78	24	120	John D. Sanford	Polk
4057	s 1/2 of sw	5	82	26	80	Seth Richards	Boone
4074	lot 6	5	79	24	40	Daniel Rigters	Polk
4074	nw of nw	5	75	18	40	Charles Cooper	Marion
4076	lots 3, 4, 5, 7	17	88	28	96.10	Seth Richards	Webster
4077	se of ne	23	81	26	40	Seth Richards	Dallas
4078	ne of ne	23	81	26	40	Seth Richards	Dallas
4079	nw of ne	23	81	26	40	Seth Richards	Dallas
4082	se of sw	33	78	21	40	William Fairly	Jasper
4087	ne of se	13	78	35	40	Seth Richards	Polk
4088	n 1/2 of nw	7	81	35	88.24	Henry Car	Polk
4090	nw of nw	23	78	31	40	James D. Norris	Jasper
4101	se of se	29	73	14	40	William Henshaw	Wapello
4102	lot 6	11	80	25	24.34	Daniel Deir	Polk
4103	se of sw	17	81	25	40	Robert Logan	Polk
4104	nw of nw	17	81	25	40	John Saylor	Wapello
4105	ne of ne	27	74	17	40	Cary W. Carson	Mahaska
4107	s 1/2 of sw	17	79	25	80	Seth Richards	Polk
4109	lot 2	5	76	19	59.95	Elijah S. Hard	Marion
4118	se of sw	11	89	26	40	John B. Montgomery	Boone
4119	lots 5 and 6	23	84	27	85.00	John Pea	Boone
4129	nw of ne	11	82	25	40	John D. Sanford	Boone
4131	w 1/2 of se or lot 7 and sw of se	23	84	27	79.58	John D. Sanford	Boone
4132	w 1/2 of sw	21	84	26	80	John D. Sanford	Boone
4133	se of se	19	82	26	40	John D. Sanford	Boone
4137	sw of sw	3	71	14	40	Seth Richards	Wapello
4139	e 1/2 of se, nw of se	33	76	17	120	Jesse Beals	Mahaska
4141	nw of ne	7	76	16	40	Charles Anderson	Monroe
4150	sw of ne	27	79	23	40	John Noble and W. A. Noble	Polk
4154	lot 2	33	83	26	42.05	Thomas Edmund	Boone
4155	se of sw	9	83	26	40	David A. Killon	Boone
4161	nw of nw	27	76	19	40	John Bullington	Marion
4169	s fr 1/2 of nw	31	84	26	76.51	Robert Meek	Boone
4202	nw fr 1/2	5	81	35	148.63	Augustus D. Walker	Polk
4200	s 1/2 of ne, ne of ne	31	79	22	120	William Sweeney	Polk
4213	nw of sw	9	81	25	40	Richard Pierce	Polk
4214	se of sw	9	81	25	40	Seth Richards	Polk
4222	ne of sw	5	77	23	40	Phineas M. Casady	Warren
4225	lot 6	27	82	26	19.75	Phineas M. Casady	Boone
4228	nw of se	3	84	26	40	George W. Hokenan	Marion
4234	w 1/2 of se	23	84	26	80	Robert A. Moon	Boone
4235	nw of se	1	77	23	40	John D. Parmlee and John Watts	Warren
4242	se of nw	35	73	16	40	Reuben W. Moss	Monroe
4243	ne of sw	5	77	21	40	William Fairly	Marion
4245	nw of se	27	80	25	40	Nathaniel J. Powell	Polk
4248	se of ne	35	84	27	40	James M. Martin	Boone
4250	ne of ne	35	83	25	40	William Dyer	Boone
4252	nw of sw	29	77	19	40	Jairus E. Neal	Marion
4256	ne of nw	29	79	12	40	Philip B. Dodson	Davis
4257	se of ne	35	77	19	40	Stephen A. Smith	Marion
4258	se of ne	15	76	18	40	Wilson Stanley	Marion
4261	ne of ne	35	85	27	40	Joseph Richardson	Boone
4273	nw of sw	9	78	22	40	Jefferson Robertson	Polk
4275	s 1/2 of nw	25	77	19	80	Yelle Yelma	Marion
4278	se of se	7	77	23	40	Rolan Pruetter	Marion
4279	sw of sw, sw of nw	23	80	24	80	Seth Richards	Polk
4280	ne of ne	27	80	24	40	Seth Richards	Polk

\* No. 4041 should no doubt be for n 1/2 of nw and se of nw; the land described in patent was deeded to D. N. & R. R. Co.

† No. 4238, patent cancelled and money refunded, prior sale to Isaac Overkamp.

## DES MOINES RIVER LAND PATENTS—Continued.

Number	Parts of Section	Section	Town	Range	Acres	Patentee	County
4287	sw of se	19	71	11	40	Jacob W. Creese	Jefferson
4290	sw of ne	3	74	24	40	Nathaniel J. Powell	Warren
4295	se of ne	33	70	12	40	John Connor	Davis
4297	sw of ne	19	79	34	40	Seth Richards	Polk
4300	sw of ne, se of nw, ne of sw	11	75	19	120	Abraham Black	Marion
4303	n 1/2 of ne	25	77	19	80	Syaerd A. Sipma	Marion
4305	nw of nw	19	70	11	40	John Ham	Van Buren
4309	sw of sw	21	79	24	40	Jesse Williams	Van Buren
4310	ne of nw	19	70	11	40	Calvin P. Davis	Polk
4311	sw fr of sw	7	90	28	40	Jesse Williams	Van Buren
4312	n 1/2	9	88	28	320	Jesse Williams	Webster
4317	nw fr of nw	3	82	26	42	Robert Meek	Boone
4328	ne of se	11	75	19	40	Daniel Newman	Marion
4348	s 1/2 of se	33	79	23	80	Reason Pritchard	Polk
4350	lot 8	33	83	26	31.85	Joshua Bennett	Polk
4353	n 1/2 of se	31	79	22	80	William Sweeney	Polk
4357	s 1/2 of sw, nw of sw	21	71	13	120	John McIne	Wapello
4362	sw of ne	35	85	27	40	David C. Hull	Boone
4364	s 1/2 of se, se of sw	22	88	26	120	Seth Richards	Webster
4370	n 1/2 of sw, se of sw	33	78	24	120	John B. Hiskey	Polk
4372	se of nw	15	87	20	40	Solomon Reigler	Hamilton
4375	se of ne	35	85	27	40	Isaac C. Hull	Boone
4383	nw of nw	29	78	23	40	Henry Hambeck	Polk
4385	nw of se	23	74	17	40	William W. Waddle	Mahaska
4389	se of se	7	77	22	40	Miles White	Warren
4397	lot 7	27	84	27	63	Norman O. Averlie	Boone
4400	sw of sw	7	70	12	40	Charles Howard, Sr.	Davis
4410	nw 1/2	25	88	28	100	Thomas Weaver	Webster
4411	w 1/2 of sw	23	79	25	40	Miles White	Polk

† No. 4300, patent cancelled. Prior sale to Jesse S. Dicks; see No. 3638.