

shall constitute the sixty-fifth district, and be entitled to one representative.

SEC. 67. The counties of Montgomery, Adams and 66th district. Union shall constitute the sixty-sixth district, and be entitled to one representative.

SEC. 68. The counties of Taylor and Ringgold shall 67th district. constitute the sixty-seventh district, and be entitled to one representative.

Approved March 28th, 1864.

## CHAPTER 108.

### DES MOINES RIVER LAND GRANT.

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

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

List of claims shall be filed in the office of the Governor at Des Moines within one hundred and forty days from the date of the taking effect of this Act. The Governor shall execute a release of such lands to the United States, when lists of the same, duly certified by the Register of the Land Office at Fort Dodge, shall be furnished him, and he shall be satisfied from the evidence so filed with the Register that the said claims have been established in accordance with the provisions of this Act.

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

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

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

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

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

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

Com'rs take oath. *Third*—To file in the office of the Register lists of the lands in each grade or class.

Grade lands. SEC. 4. As soon as said lists are filed in the office of the Register of the State Land Office, it shall be the

File lists. 70,000 acres.

duty of such Register to reserve and set apart of those lands lying in place upon the Des Moines River above township number ninety, seventy thousand acres, taking the same as nearly as practicable from the lands next north of said township.

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

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

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

S. H. Taft.  
Money deposited.

Indemnity lands.

Each grade.

240 Sections.

S. H. Taft.

Pomeroy.

- Each grade. third shall be taken from each of the three grades in which such lands shall be classed.
- Certificate. SEC. 7. That upon the filing of certificate in the office of the Register of the State Land Office by the Keokuk, Fort Des Moines and Minnesota Railroad Company, verified by the oath of the President and Secretary thereof, showing that such Company has forty miles of its road, from the town of Bentonsport up the valley of the Des Moines River, completed and in operation, it shall be the duty of the Register to certify to said company the two hundred and forty sections of land selected by said company as above provided, and upon the presentation of such certificate to the Governor, he shall, if satisfied that the above provision has been complied with, issue to said company a patent therefor.
- 40 miles of Railroad.
- Governor to patent.
- Lands set apart. SEC. 8. That the lands selected by Charles Pomeroy as above provided for, shall be set apart by the Register of the State Land Office, to be applied in the construction of said Railroad from the city of Des Moines to Fort Dodge, and said lands so reserved shall be divided into four equal parcels, one of which shall be certified and patented to said company upon the completion of each fourth in distance of that portion of said road.
- Four parcels.
- Commissioners abolished. SEC. 9. Upon the payment or satisfaction by said Railroad Company of the claims against the Des Moines River Improvement, which have been duly allowed and certified by the Commissioners and audited by the Register of the State Land Office, according to an act of the Eighth General Assembly, approved March 3d, 1860, entitled an act in relation to the Des Moines River Improvement and abolishing the office of Commissioners thereof, including the amount paid by the State in accordance with Chapter Forty-four of the Acts of the Ninth General Assembly to Brown and Allender; also the amount paid W. C. Drake in accordance with Chapter Fifty-three of the acts of the Eighth General Assembly, also to the Estate of E. Mayne, balance for services as Commissioner, one hundred and sixteen dollars and eighty cents; to Ed. Johnson balance for similar services, ninety-one dollars and fifty cents; to J. E. Jewett, balance for similar services, ninety dollars; to Semple and Kinley, council fees, twenty dollars; also all interest accruing on all or any of said claims as now fixed by law; together with the costs and expenses incurred in grading or classing the lands in said grant as required by the terms of this Act. The Register shall certify to said company the lands set apart
- Brown & Allender.
- Drake.
- Johnson.
- Jewett.
- Semple & Kinley.
- Register to certify.

and reserved by Section four of this Act, and the Governor shall, if he is satisfied that the foregoing provisions have been complied with, and provided said Keokuk, Fort Des Moines and Minnesota Railroad Company shall have filed with the Secretary of State, a bond in the sum of one hundred thousand dollars, with sureties to be approved by the Governor, conditioned that said R. R. Company will pay all just and legal claims against the State of Iowa on account of or growing out of the improvement of the Des Moines River, issue a patent therefor, except for so much as shall have been released to the United States in compliance with the provisions of this Act, and upon the payment or satisfaction of any portion of said claims by said company, it shall be entitled to a certificate and patent for a portion of said lands in the ratio of one thousand acres of land for every three thousand dollars of said claims so paid or satisfied.

SEC. 10. The Bond provided for in Section nine of this Act, shall not bind the Keokuk, Fort Des Moines and Minnesota R. R. Company to pay any claims except such as have grown out of contracts for the construction and completion of the works at Keosauqua, Plymouth and Croton and which have been allowed by the Commissioners appointed under the act of March 3d 1860, or their successors, or which shall be allowed not exceeding twenty thousand dollars, within sixty days from the taking effect of this Act. All claims not presented within the said sixty days shall be forever barred. Said Commissioners are authorized to hear and determine such claims as may be presented to them within the said sixty days and to fix the time and place of their meeting, and to give thirty days notice thereof in the Keosauqua Republican and Keokuk Gate City, as provided in said act of March 3d, 1860.

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

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

Claims to be paid in one year.

Lands to be appraised.

Advertised.

Claimants may bid.

Shall pay.

Claimants may select.

Patents for.

Releases from contracts.

Company released.

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

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

SEC. 14. In case the said Railroad Company shall procure from all persons having valid claims against the Des Moines River Improvement, or the State, arising out of contracts for the completion of the locks and dams in said Improvement, or for leases, water rents and other contracts from which future liabilities may arise by reason of said locks and dams not being completed, full releases from all such contracts, claims and demands, and shall file the same in the office of the Register aforesaid; then the said Company shall be released from any obligation to complete said locks and dams at Croton,

Plymouth and Keosauqua, as provided by Section two of said Act of March 22d, 1858; and the said Company is hereby released from any obligation to complete and keep in repair the lock and dam at Bentonsport; and in case the said Company shall expend any sums of money upon any of said works, or in procuring said releases, then, for every three thousand dollars so expended, the Register shall certify to said Company one thousand acres of the lands above reserved not required to pay the claims of Section nine of this Act, and in the same rates for any less sums so expended.

Lands certified on payment of claims.

SEC. 15. Whenever it shall be made to appear to the satisfaction of the Governor and the Register of the State Land Office, that in accordance with any contract with the Keokuk, Fort Des Moines & Minnesota Railroad Company, and for a consideration paid by said Company, the completion of either of the locks and dams remaining uncompleted at Croton, Plymouth and Keosauqua, has been assumed by some proper party, and the State and said Company discharged from any further payments therefor, and that the State and said Company have been discharged from all liabilities arising out of any contracts for the completion of either of such locks and dams heretofore entered into or assumed by the State as trustee, or out of any and all contracts or leases of water power heretofore executed or assumed by the State as such trustee, or otherwise, it shall be the duty of the Governor and Register of the State Land Office, first, if so requested by such Company, to execute to such party as the Company shall designate, a conveyance in the name of the State of Iowa, without warranty, of all the interest of the said State in such lock and dam, and in the land appurtenant thereto, and the water power thereto belonging, and in any material prepared for the construction of such lock and dam; and if any of such material shall have been improperly taken possession of by any person, the State or its grantee may replevin the same. That said conveyance shall contain a covenant on the part of the grantee, that said dam shall at all reasonable times be kept in condition to pass boats without unnecessary hindrance or delay, and that for boats passed through the locks of such dam, the toll charged shall not exceed the maximum rates prescribed by the contract by the State with the Des Moines Navigation and Railroad Company. Second, to certify to said Keokuk, Fort Des Moines & Minnesota Railroad Company, or to such person as it may designate, for every three thousand dollars so paid,

Governor and Register.

Discharged from liability.

Gov. & Register to convey without warranty.

Replevin.

Locks.

Toll charged.

Ratio. one thousand acres of land from the seventy thousand acres reserved by this Act, and in the same ratio for sums less than three thousand dollars.

R. R. to complete 20 miles. SEC. 16. When said Railroad Company shall, in the manner prescribed in Section seven of this Act, establish the fact that it has completed and is operating twenty miles of its road, in addition to that for which it shall have received lands of this grant prescribed in this Act: *Provided*, The said Company shall have then satisfied all the claims mentioned in Sections nine and ten of this Act, to be evidenced by receipts filed in the office of said Register, or by the receipt of the State Treasurer, for moneys paid to such Treasurer in default of the proper claimants receiving the same, the said

Claims satisfied.

120 sections.

Company shall be entitled to a certificate and patent for one hundred and twenty sections of said lands, to be selected, as nearly as practicable, one-half from the lands in place, and one-half from the indemnity lands, so called, and one-third from each of said grades or classes, until there shall remain of the lands within said grant, undisposed of, only the lands reserved by the preceding sections of this Act: *Provided*, That it is also made to appear to the satisfaction of the Governor and the Register of the State Land Office, that said road has been constructed over the most practicable route up the valley of the Muchakianock Creek, and that a depot has been established on the line of said road at the point nearest the city of Oskaloosa, and on the east side of said creek, or that the Mahaska County Railroad Company has consented to a different route and a different point for the location of said depot.

Depot at Oskaloosa.

One-fourth distance from Des Moines to Ft. Dodge.

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

McGregor R. R. to have right of way.

Failure of title.



pany, or to any of its grantees, or any other persons to whom lands may be sold or patented under the provisions of this Act, for any failure of title to any of the lands so sold or patented.

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

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

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

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

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

Approved March 28th, 1864.

I hereby certify that the foregoing Act was published in the Iowa State Register April 20th, A. D. 1864, and in the Iowa Homestead April 20th, A. D. 1864.

JAMES WRIGHT, Secretary of State.

## CHAPTER 109.

### AGRICULTURE.

AN ACT to amend Sections 1704, 1707, 1708, 1741 and 1742 of the Revision of 1860, in relation to Agricultural Fairs.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the aid heretofore extended to County and District Agricultural Societies shall be withheld in each and every year in which the receipts of any of such Societies shall exceed the sum of five hundred dollars; *provided,* that donations and appropriations to aid in purchasing and fitting up Fair grounds, and the appropriations from the State shall in no case be construed to be part of the annual receipts of such societies.

**SECTION 2.** No person shall be permitted to sell any intoxicating liquors of any kind or be engaged in any gambling or horse-racing either inside the enclosure where any County or District Agricultural Society Fair is being held, or within one hundred and sixty rods thereof during the time of holding such Fair, and any person found guilty of any of the offences herein enumerated shall be fined in any sum not less than five nor more than fifty dollars for every such offence.

**SECTION 3.** It shall be lawful for the President of any District or County Agricultural Society to grant a written permit to such persons as he may deem necessary, to sell fruit, provisions and other necessaries, to such persons as may be in attendance at any such Fair, under such regulations and restrictions as the Board of Directors may prescribe.

**SECTION 4.** The President of any such Society shall be empowered to arrest or cause to be arrested any person or persons engaged in violating any of the provisions