

WHEREAS, By act of the general assembly of Iowa, approved July 14th, 1856, the trust conferred by said act of congress was accepted by the state of Iowa; and,

WHEREAS, The state of Iowa, in accordance with the terms of said trust, and the various acts of the general assembly passed and adopted relating thereto, on July 5th, 1871, by patent, conveyed said land to the Iowa Falls & Sioux City railroad company, which patent is recorded in Book B, at page 368 of land deed records of Plymouth county, Iowa; and,

WHEREAS, Said railroad company subsequently conveyed said land to Charles E. Vail, who thereafter conveyed the same to John I. Blair, and the said John I. Blair conveyed the same to the Sioux City and Iowa Falls town lot and land company, which last named company, on June 18th, 1873, conveyed said land to the state of Iowa, by deed, which deed is recorded in Book C, at page 338 of land deed records of said Plymouth county, Iowa; and,

WHEREAS, The state of Iowa, subsequent to the conveyance of said land to the Iowa Falls & Sioux City railroad company, and prior to the re conveyance thereof to it by the Sioux City and Iowa Falls town lot and land company, as aforesaid, by patent, conveyed the said land to John H. Betsworth, which patent is dated August 12th, 1871, and recorded in Book B at page 366 of land deed records of said Plymouth county; and,

WHEREAS, Said land is now owned by divers persons, who claim the defect aforesaid is a cloud on their titles; and,

WHEREAS, The state of Iowa received full consideration for the conveyance of said land to John H. Betsworth above named, and has and makes no claim of any interest in or to said lands; therefore,

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

SECTION 1. **Conveyances authorized.** That the governor, or his successors in office, be and are hereby authorized and empowered to execute, acknowledge and deliver to the present owners of the land aforesaid, or to their grantees, good and sufficient instruments of conveyance, relinquishing any and all apparent claim, right, title or interest of the said state of Iowa in or to the real estate property aforesaid.

SEC. 2. **Fees.** That the persons to whom such instruments may be given shall pay the expenses of the execution thereof, which shall not exceed the sum of \$1.50, for each instrument and the acknowledgment thereof.

Approved February 14, A. D. 1906.

## CHAPTER 220.

### CANCELLATION OF CERTAIN PATENT, AND ISSUANCE OF A NEW PATENT COVERING CERTAIN LAND IN MAHASKA COUNTY, IOWA.

R. F. 213.

AN ACT to authorize the revocation and cancellation of a patent issued for the west half of the northwest quarter of section one (1) township seventy-four (74) north, of range seventeen (17) west of the fifth principal meridian, Mahaska county, Iowa, and to authorize the issuance of patent covering the north half of the northwest quarter of section eleven (11) township seventy-four (74) north of range seventeen (17) west of the fifth principal meridian, Mahaska county, Iowa.

WHEREAS, The United States of America, by act of congress, approved August 8, 1846, entitled "An act granting certain lands to the territory of Iowa to aid in the improvement and navigation of the Des Moines river in said territory," has granted to the state of Iowa one equal moiety in alternate sections of the public lands remaining unsold and not otherwise disposed of, encumbered or appropriated, in a strip five miles in width on each side of said river; and,

WHEREAS, The north half of the northwest quarter and the southwest quarter of the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17), west of the fifth principal meridian, Mahaska county, Iowa, were included in said grant; and,

WHEREAS, Martin Baine, of the state of Iowa, did on the 16th day of March, 1850, purchase from the board of public works at Ottumwa, Iowa, the southwest quarter of the the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17) west, and did make payments in full to the state for said land; and,

WHEREAS, The governor of the state of Iowa in pursuance of the act aforesaid and the acts of the general assembly of Iowa, did issue a patent numbered 1570, conveying the land described in the preceeding clause to the said Martin Baine under date of January 1, 1851; and,

WHEREAS, It now appears the Governor of the state of Iowa did issue a patent numbered 2817, under date of February 16, 1853, to one Jesse Williams, conveying the west half of the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17) west of the fifth principal meridian, the said Jesse Williams having bought from the board of public works at Ottumwa, Iowa, on the 16th day of March, 1852, eighty acres of land and having paid in full therefor; and,

WHEREAS, It appears that the said patent numbered 2817, issued to Jessie Williams, contained an erroneous description in that it covered land which had already been conveyed to Martin Baine in patent numbered 1570, under date of January 1 1851; and,

WHEREAS, It appears that the said Martin Baine immediately took possession of said land conveyed to him in patent No. 1570, and that the said Martin Baine and his grantees have been in continuous, open, notorious and adverse possession of the said land, the southwest quarter of the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17) west, during all the time since January 1, 1851; and,

WHEREAS, It appears that the said Jesse Williams never took possession of said southwest quarter of the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17) west, and never attempted to take possession of the said land and never made any claim thereto; and,

WHEREAS, It appears that the patent numbered 2817, issued to Jesse Williams, was not intended to cover the southwest quarter of the northwest quarter of said section, township and range, but was intended to cover the north half of the northwest quarter of the said section, township, and range; therefore,

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

**SECTION 1. Cancellation of patent—conveyance of title.** That the patent numbered 2817, issued to Jessie Williams under date of February 16, 1853, and conveying the west half of the north west quarter of section eleven (11), township seventy-four (74), north of range seventeen (17,) west of the fifth principal meridian, Mahaska county, Iowa, is hereby revoked and cancelled, and that title to the north half of the north west quarter of section eleven (11), township (74), north of range seventeen (17), west of the fifth principal meridian, Mahaska county, Iowa, does hereby pass from the state of Iowa to F. J. Page, successor in interest to, and the present holder of legal title to said land through mean conveyances from, the said Jesse Williams

**SEC. 2. Writ of cancellation—patent.** That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to execute a writ of revocation and cancellation of the said patent numbered 2817, issued to the said Jesse Williams, and are also authorized and directed to

issue to the said F. J. Page a patent for the north half of the northwest quarter of section eleven (11), township seventy-four (74), north of range seventeen (17), west of the fifth principal meridian, Mahaska county, Iowa, and to deliver the same to the said F. J. Page, to be recorded in said county of Mahaska. Provided that nothing herein shall affect pending litigation.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and in the Oskaloosa Times, a newspaper published in Oskaloosa, Iowa, without expense to the state.

Approved March 30, A. D. 1906.

I hereby certify that the foregoing act was published in the Register and Leader, April 2, 1906, and the Oskaloosa Times, April 7, 1906.

W. B. MARTIN.  
*Secretary of State.*

## CHAPTER 221.

### RELIEF OF GRANTEES OF S. DUNHAM.

S. F. 22.

AN ACT empowering the governor and secretary of state to execute quit-claim deeds conveying to the grantees of S. Dunham all of the right, title and interest of the state of Iowa in the southwest quarter, the west half of southeast quarter, the south half of the north west quarter and the northwest quarter of the northwest quarter of section twenty-eight (28), and the east half and the northwest quarter of section twenty-nine (29), all in township seventy-three (73) north, range one (1) west of the 5th P. M.

WHEREAS, By an act of congress, approved September 28, 1850, entitled "An act to enable the states of Arkansas and other states to reclaim the swamp lands within their limits," it was provided that all the swamp and overflowed lands unfit for cultivation within the state of Iowa remaining unsold at the passage of said act, shall be granted to the said state, and,

WHEREAS, By an act of the general assembly of the state of Iowa, approved February 2, 1853, entitled "An act to dispose of the swamp and overflowed lands of the state," the said swamp lands were granted to the respective counties in which the same were situated, and,

WHEREAS, Under the provisions of the act of congress aforesaid, there was selected as swamp lands, among other lands, the southwest quarter, the west half of the southeast quarter, the south half of the northwest quarter and the northwest quarter of the northwest quarter of section twenty-eight (28), the east half and the northwest quarter of section twenty-nine (29), all in township seventy-three (73) north, range one (1) west of the 5th P. M., in Louisa county, Iowa, and the same was by said Louisa county, Iowa, sold and conveyed to John R. Sisson on the first day of September, 1857, and he made payment in part therefor by executing mortgages to Louisa county, Iowa, for a portion of the purchase price, and,

WHEREAS, The certain mortgages given by John R. Sisson to Louisa county, Iowa, for the benefit of the swamp land fund were foreclosed in the district court of Louisa county, Iowa, and said lands sold at sheriff's sale to satisfy the judgement in foreclosure June 29, 1865, and the sheriff's deed under the aforesaid sale was, through an error, made to the state of Iowa instead of Louisa county, and,

WHEREAS, The said county of Louisa has since the execution of the aforesaid sheriff's deed, sold and conveyed said land to Sylvanus Dunham, and the said Sylvanus Dunham has conveyed all of his title in and to said tracts of land, and the northwest quarter of the northwest quarter and the east half of the northwest quarter of section twenty-nine (29), is now owned