

*see substitute  
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SENATE FILE No. 34.]

[LARRABEE.

## A BILL

FOR AN ACT TO EXTEND THE TIME NAMED IN "AN ACT MAKING A GRANT OF LAND TO THE MCGREGOR & SIOUX CITY RAILWAY COMPANY AND THE FORTY-THIRD PARALLEL RAILWAY COMPANY. APPROVED MARCH 31ST, 1868."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the time  
 2 named in the act approved March 31st, A. D. 1868, entitled, "An act making a grant of land to  
 3 the McGregor and Sioux City Railway Company, or, in case of their failure to accept the same, to  
 4 the Forty-third Parallel Company, and to execute the trust conferred by act of Congress, en-  
 5 titled, 'An act for a grant of land to the State of Iowa, in alternate sections, to aid in the con-  
 6 struction of a railroad in said State, approved May 12th, 1864,' " for the construction of the  
 7 railroad therein named, is hereby extended as follows, viz:—If the McGregor & Missouri Railway  
 8 Company, then called the McGregor & Sioux City Railway Company, shall build and construct  
 9 their railroad to the east line of range thirty-three, west of the fifth principal meridian, or to a  
 0 point within one mile of Emmetsburgh, Palo Alto county, on or before December 31st, 1876, then  
 1 and thereupon the Governor of the State shall patent and transfer to said McGregor & Missouri  
 2 River Railway Company all the lands conveyed by or appertaining to said grant, lying east of  
 3 said range or point. And if the said McGregor & Missouri River Railway Company shall build  
 4 and construct their railroad to the east line of range thirty-six, west of the fifth principal me-  
 5 ridian, or to a point within one mile of Spencer, in Clay county, on or before December 31st,  
 6 1877, then and thereupon the Governor of the State shall patent and transfer to the said Railway  
 Company all the lands conveyed by or appertaining to said grant, lying east of said range or point.  
 8 And if the said McGregor & Missouri River Railway Company shall build and construct their rail-  
 9 road to the point of connection, in O'Brien county, with the Sioux City & St. Paul Railroad, on or  
 0 before December 31st, 1878, then and thereupon the Governor of the State shall patent and  
 1 transfer to said Railway Company all the remaining lands belonging to or embraced in said grant,  
 2 appertaining to this line of railroad.

SEC. 2. The said railroad shall be built upon and subject to all the terms and conditions  
 2 named in the act above recited. Approved by the Governor of this State, March 31st, 1868.

Senator Campbell, from the Committee on Railways, submitted the following report:

MR. PRESIDENT: Your Committee on Railways, to whom was referred Senate Files Nos. 34,  
 2 53½ and 95, bills relating to the McGregor & Sioux City land grant, beg leave to report that they  
 3 have had the same under consideration, and have instructed me to report back to the Senate the  
 4 following substitute, with the recommendation that it do pass.

F. T. CAMPBELL, *Chairman.*

SUBSTITUTE FOR SENATE FILES Nos. 34, 53½ AND 95.]

[R. R. COMMITTEE.]

## A BILL

FOR AN ACT TO EXTEND THE TIME NAMED IN "AN ACT MAKING A GRANT OF LAND  
 TO THE MCGREGOR & SIOUX CITY RAILWAY COMPANY AND THE FORTY-THIRD  
 PARALLEL RAILWAY COMPANY." APPROVED MARCH 31ST, 1868.

SECTION 1. *Be it Enacted by the General Assembly of the State of Iowa,* That the time  
 2 named in the act of the Twelfth General Assembly of the State of Iowa, approved March 31st, A.  
 3 D. 1868, entitled, "An act making a grant of land to the McGregor & Sioux City Railway Com-  
 4 pany, or, in case of their failure to accept the same, to the Forty-third parallel Company, and to  
 5 execute the trust conferred by act of Congress, entitled, 'An act for a grant of land to the State of  
 6 Iowa, in alternate sections, to aid in the construction of a railroad in said State, approved May  
 7 12th, 1864.'" for the construction of the railroad therein named, is hereby extended for the period  
 8 of two years from the first day of December, A. D. 1875, upon the terms and conditions following,  
 9 viz: That the McGregor & Missouri River Railroad Company, then called the McGregor & Sioux  
 0 City Railway Company, shall build and construct their railroad from Algona, in Kossuth county,  
 1 to Emmetsburg, in Palo Alto county, and locate and establish their depot upon the depot grounds  
 2 of said Company as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county,  
 3 and locate and establish their depot upon Section 7, in Township 96, Range 36, provided said sec-  
 4 tion, or the greater part thereof, is available to said Company under said grant, on or before the  
 5 first day of January, A. D. 1877; and that the said McGregor & Missouri River Railway Company  
 6 shall build and construct their railroad thence on the most direct and practicable route to the point  
 7 of connection, in O'Brien county, within half mile of Sheldon, with the Sioux City & St. Paul  
 8 Railroad, on or before the first day of December, A. D. 1877.

SEC. 2. When the said railroad shall be built and constructed to Spencer, in Clay county,  
 2 then and thereupon the Governor of the State shall patent and transfer to said McGregor & Mis-  
 3 souri River Railway Company all the lands conveyed or appertaining to said grant lying east of  
 4 said point and co-terminus, with the completed portion of said railroad; and when said railroad  
 shall have been built and constructed to the point of connection, in O'Brien county, with the Sioux

6 City & St. Paul Railroad, then and thereupon the Governor of the State shall patent and transfer  
 7 to said McGregor & Missouri River Railway Company all the remaining lands belonging to or  
 8 embraced in said grant, appertaining to this line of railroad: *Provided*, that before any such  
 9 patents shall issue, the said McGregor & Missouri River Railway Company shall file with the Sec-  
 10 retary of State a good and sufficient bond, approved by the Governor, in the sum of \_\_\_\_\_  
 11 dollars, conditional upon the faithful performance of the provisions of this act, for the completion  
 12 of said road to the point of connection, in O'Brien county, with the Sioux City & St. Paul Rail-  
 13 road, within the time specified in section one of this act. *Provided, further*, that if said Mc-  
 14 Gregor & Missouri River Railway Company shall fail to build and construct their railroad within  
 15 the time specified in this act, then all lands belonging and appertaining to said grant undisposed of  
 16 at the date of the passage of this act shall revert to the State of Iowa; and this provision shall be  
 17 interpreted to mean all lands under said grant not patented to the said company at the date of the  
 18 passage of this act by reason of railroad already constructed.

19 *Provided, further*, that nothing contained in this act shall be construed to increase or diminish  
 20 any right or interest the said McGregor & Missouri River Railroad Company may have at the pas-  
 21 sage of this act in any lands on which there is an existing pre-emption or homestead filing, or  
 22 which has been patented to the State of Iowa for the benefit of any other railroad company. *Pro-*  
 23 *vided, further*, that nothing contained in this act shall be construed to give the McGregor & Mis-  
 24 souri River Railroad Company any right or interest in any lands on which there is an existing pre-  
 25 emption or homestead filing, or patented to the State of Iowa for the benefit of any other railroad  
 26 company, except as the same existed prior to the passage of this act.

SEC. 3. The said railroad shall be built upon and subject to all the terms and conditions  
 2 named in the act of 1868, above cited, save in such respects as said terms and conditions are  
 3 changed or amended by this act.

SEC. 4. Should the McGregor & Missouri River Railway Company fail to build and con-  
 2 struct their railroad to Spencer, in Clay county, on or before the 1st of January, A. D. 1877, then  
 3 all lands belonging and appertaining to said grant undisposed of at the date of the passage of this  
 4 act, shall revert to the State of Iowa; and this provision shall be interpreted to mean all lands  
 5 under said grant not patented to the said Company at the date of the passage of this act by reason  
 6 of railroad already constructed; and any other railroad company first filing with the Auditor  
 7 of State a good and sufficient bond, to be approved by the Governor and Executive Council, for the  
 8 amount named in section 2 of this act, for a faithful performance of the provisions of this act, may  
 9 be, by action of the Governor and consent of the Executive Council, substituted to all the rights  
 10 to the same extent as if the lands were conferred upon said company and named by this act; and  
 11 said company shall have the same time after January 1, 1877, for building their road as is provided  
 12 by this act for the building of the road.

SUBSTITUTE FOR SENATE FILES 34 AND 53½.]

[R. R. COMMITTEE.]

## A BILL

FOR AN ACT TO EXTEND THE TIME NAMED IN "AN ACT MAKING A GRANT OF LAND TO THE MCGREGOR & SIOUX CITY RAILWAY COMPANY AND THE FORTY-THIRD PARALLEL RAILWAY COMPANY. APPROVED MARCH 31st, 1868."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the time  
 2 named in the act of the Twelfth General Assembly of the State of Iowa, approved March 31st, A.  
 3 D. 1868, entitled, "An act making a grant of land to the McGregor & Sioux City Railway Com-  
 4 pany, or, in case of their failure to accept the same, to the Forty third Parallel Company, and to  
 5 execute the trust conferred by act of Congress, entitled, 'An act for a grant of land to the State of  
 6 Iowa, in alternate sections, to aid in the construction of a railroad in said State, approved May  
 7 12th, 1864,' " for the construction of the railroad therein named, is hereby extended for the period  
 8 of two years from the first day of December, A. D. 1875, upon the terms and conditions following,  
 9 viz: That the McGregor & Missouri River Railroad Company, then called the MrGregor & Sioux  
 10 City Railway Company, shall build and construct their railroad, via Emmetsburg, in Palo Alto  
 11 county, to Spencer, in Clay county, on or before the first day of January, A. D. 1877; and that  
 12 the said McGregor & Missouri River Railway Company shall build and construct their railroad  
 13 to the point of connection, in O'Brien county, with the Sioux City and St Paul Railroad, on or  
 14 before the first day of December, A. D. 1877.

SEC. 2. When the said railroad shall be built and constructed to Spencer, in Clay county,  
 2 then and thereupon the Governor of the State shall patent and transfer to said McGregor & Mis-  
 3 souri River Railway Company all the lands conveyed or appertaining to said grant lying east of  
 4 said point and co-terminus, with the completed portion of said railroad; and when said railroad  
 5 shall have been built and constructed to the point of connection, in O'Brien county, with the Sioux  
 6 City & St. Paul Railroad, then and thereupon the Governor of the State shall patent and transfer  
 7 to said McGregor & Missouri River Railway company all the remaining lands belonging to, or  
 8 embraced in said grant, appertaining to this line of railroad; *Provided,* That before any such  
 9 patents shall issue, the said McGregor & Missouri River Railway company shall file with the Sec-  
 10 retary of State a good and sufficient bond, approved by the Governor, in the sum of \_\_\_\_\_  
 11 dollars conditional upon the faithful performance of the provisions of this act, for the completion  
 12 of said road to the point of connection in O'Brien county with the Sioux City and St. Paul Rail-

13 road, within the time specified in section one of this act; *Provided, further,* That if said McGre-  
14 gor & Missouri River Railway company shall fail to build and construct their railroad to Spencer,  
15 in Clay county, within the time specified in this act, then all lands belonging and appertaining to  
16 said grant undisposed of at the date of the passage of this act shall revert to the State of Iowa;  
17 and this provision shall be interpreted to mean all lands under said grant not patented to the said  
18 company at the date of the passage of this act by reason of railroad already constructed.

SEC. 3. The said railroad shall be built upon and subject to all the terms and conditions  
2 named in the act of 1868, above cited, save in such respects as said terms and conditions are  
3 changed or amended by this act.