

February 24, 1961.
Judiciary 2.

House File 473

By TABOR.

Passed House, Date.....3-15-61

Passed Senate, Date.....3-24-61

Vote: Ayes.....20 Nays.....2

Vote: Ayes.....48 Nays.....0

Approved.....3-28-61

A BILL FOR

An Act authorizing a patent to issue to the South Half of the Northwest Quarter of the Northwest Quarter of Section Sixteen (16) Township Eighty-six (86) North Range Two (2) East of the Fifth Principal Meridian, containing twenty (20) acres, Jackson County, Iowa.

WHEREAS, John N. Schuster, is the owner by purchase of the following described real estate, to-wit: The South Half of the Northwest Quarter of the Northwest Quarter of Section Sixteen (16) Township Eighty-six (86) North Range Two (2) East of the Fifth Principal Meridian, containing twenty (20) acres, Jackson County, Iowa; and

WHEREAS, it appears from the records of Jackson County, Iowa; that the whole of Section Sixteen (16) Township Eighty-six (86) North Range Two (2) East of the Fifth Principal Meridian, Jackson County, Iowa, was patented by the United States of America to the state of Iowa by a patent dated August 26, 1937, filed July 29, 1959, and recorded in Patent Book 90, Page 493 in the county recorder's office in Jackson County, Iowa; and

WHEREAS, it further appears that the state of Iowa has no record of ever having issued a patent to the tract in question, to John Glenn or any other person, although it has issued patents to some parts of said section many years before the issuance of the patent to the state of Iowa above referred to; and

WHEREAS, it does appear from certain abstractors' records that it appeared on page 146 of the book of contracts in the auditor's office of Jackson County, Iowa, that one John Glenn purchased the South Half of the Northwest Quarter of the Northwest Quarter of Section Sixteen (16) Township Eighty-six (86) North Range Two (2) East of the Fifth Principal Meridian, but that the ancient records in the county auditor's office of Jackson County, Iowa, pertaining to the sale of lands in the Sixteenth Section for the benefit of the school funds, have been destroyed and it is impossible to determine therefrom whether a consideration was paid to said school fund for said tract, but it does appear that the said John Glenn purchased said land for a fair consideration but that there has been no subsequent conveyance from him; and

WHEREAS, it does appear from a chain of title to said real estate that the present owner, John N. Schuster, and his predecessors in title, have been in the open, continuous, visible,

notorious, peaceable and adverse possession of said land since February 6, 1891, and have made valuable improvements thereon and have continuously farmed said land and claimed it as their own since said date and to the exclusion of all others, and no claims adverse to their claim of ownership have been made by anyone since said date; and

WHEREAS, it would be unjust and inequitable to require further payment now and said present owner is entitled to said land free from any claims of the state of Iowa; and

WHEREAS, the state of Iowa has no claim upon said property adverse to that of the said John N. Schuster, although the apparent title thereto still remains in the state of Iowa; now, therefore,

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. That the governor and secretary of state of the
- 2 state of Iowa be and they are hereby authorized and directed to
- 3 execute and deliver to John N. Schuster a patent conveying the
- 4 South Half of the Northwest Quarter of the Northwest Quarter
- 5 of Section Sixteen (16) Township Eighty-six (86) North Range
- 6 Two (2) East of the Fifth Principal Meridian, containing twenty
- 7 (20) acres, Jackson County, Iowa.