

wise injuriously affected, and they shall further inquire and take testimony, if necessary, to ascertain whether such dwelling-house, out-house, orchard or garden, has been placed there for the purpose of preventing the erection of said dam, or whether such dwelling-house, out-house, orchard or garden, has been placed there for the purpose of having the same injuriously affected by the building of such dam, and if they do so find that the dwelling-house, out-house, orchard or garden, has been placed there for the purposes aforesaid, it shall not be considered any bar or hindrance to the construction or building of said dam. <sup>Same.</sup>

SEC. 2. *And be it further enacted*, in all cases arising under the Act to which this is amendatory, the jury may, in addition to examinations, take the testimony of witnesses. And testimony may be taken to be introduced on the final hearing before the Court in the same manner that the testimony is taken in equitable actions triable by the first method of trying equitable actions, which inquisition shall be signed by the jurors aforesaid, and returned with the writ aforesaid to the Court whence it issued. <sup>May take testimony.</sup> <sup>How taken.</sup> <sup>Signed and returned.</sup>

SEC. 3. All Acts and parts of Acts inconsistent with this Act, are hereby repealed. <sup>Repeal.</sup>

SEC. 4. 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 Iowa Homestead, newspapers published at Des Moines, Iowa. <sup>Publication.</sup>

Approved April 2, 1866.

I hereby certify that the foregoing Act was published in the Iowa State Register April 18th, 1866, and in the Iowa Homestead April, 25th, 1866.

JAMES WRIGHT, Secretary of State.

## CHAPTER 120.

### RECORDS OF COUNTY COURTS.

AN ACT in relation to County Court Records.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter the County Judges of each county in this State shall keep a book known as "Records of Bonds," in which he shall record all bonds <sup>Co. Judges of record bonds in Probate.</sup>

Fee.

given by administrators, executors, and guardians, and he shall receive as compensation for each Bond so recorded the sum of fifty cents.

Approved April 2d, 1866.

## CHAPTER 121.

### RESUMPTION OF M. & M. R. R. LANDS.

AN ACT to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Grant.

Preamble.

WHEREAS, By act of Congress, approved August 8th, 1846, there was granted to the State of Iowa, certain lands for the improvement of the Des Moines River, and under said grant lands lying along said river and within five miles thereof above the Raccoon Forks, were certified to the State by the Department of the Interior, and were sold by the proper State authorities, to individuals, and patents issued therefor, and the proceeds of such sales applied to the improvement of the river;

And *Whereas*, The Supreme Court of the United States has decided that the Des Moines River Grant of lands extended only to the "Raccoon Forks;"

And *Whereas*, Since said decision Congress has extended the Des Moines River Grants to the Northern boundary of the State, and relinquished to the State, all title which the United States retained in the tracts of land along the Des Moines River, heretofore certified by the Department of the Interior as part of the original Des Moines River Grant, and which is now held by *bona fide* purchasers of the State of Iowa;

And *whereas*, A large portion of the lands sold by the State to individuals and since falling within the limits of the grant known as that of the Mississippi and Missouri Railroad, has become forfeited to the State, by the failure of said road to comply with the conditions of its grant, and recognizing it as the duty of the State at all times to protect individuals holding its patent for lands purchased in good faith, and for a valuable consideration, in the quiet possession of their farms and houses; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the lands and all rights to