

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

the hereinafter described lands and the interests, rights, powers and privileges in and to, and concerning such lands, lying within five miles of the Des Moines river on either side thereof heretofore conferred or intended to be conferred upon the Mississippi and Missouri Railroad Company, if any such lands, rights, interest, powers, or privileges, were ever so conferred by an Act approved July 14th, 1856, entitled "An Act to accept of the Grant and carry into execution the trust conferred upon the State of Iowa by an Act of Congress entitled an Act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State," and by an Act of Congress approved May 15th, 1856, entitled "An Act making a Grant of Lands to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State," and by an Act of Congress approved June 2d, 1864, entitled "An Act to amend an act entitled an act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," be and the same are hereby absolutely and entirely resumed by the State of Iowa.

Certain land granted to M. & M. R. R. Co. resumed.

Provided further, that the resumption herein provided for shall not be considered as a waiver of the right of the State to resume the remaining lands conferred or intended to be conferred upon the Mississippi and Missouri Railroad Company.

Said resumption not a waiver of right to resume lands.

PARTS OF SECTIONS.	Sec.	Town.	Range	Acres.	Description of lands resumed.
s $\frac{1}{2}$ sec. n w $\frac{1}{4}$ s $\frac{1}{2}$ , n e n w, n e $\frac{1}{4}$ . . .	7	79	23	629:44	
s w n e $\frac{1}{4}$ , n w n w, s w n w s e . . . . .	17	79	23	280:00	
s w n w w $\frac{1}{2}$ s w . . . . .	31	80	23	143:34	
Lot 6 . . . . .	9	78	24	43:79	
s $\frac{1}{2}$ sec. and fraction on left bank . . .	17	78	24	320:47	
All . . . . .	19	78	24	653:12	
n w n w . . . . .	21	78	24	40:00	
n w n e, e $\frac{1}{2}$ n w, n w n w . . . . .	29	78	24	160:00	
n $\frac{1}{2}$ s w, n e s w . . . . .	29	78	24	120:00	
n e $\frac{1}{4}$ e $\frac{1}{2}$ , n w n $\frac{1}{2}$ s e . . . . .	31	78	24	320:00	
e $\frac{1}{2}$ n $\frac{1}{2}$ n w s $\frac{1}{2}$ s w . . . . .	1	79	24	508:62	
s w n w . . . . .	3	79	24	40:00	
n w s w lots 5 and 6 . . . . .	5	79	24	121:70	
w $\frac{1}{2}$ n e, s w n e, s $\frac{1}{2}$ s e, and w $\frac{1}{2}$ . . .	7	79	24	523:42	
w $\frac{1}{2}$ n e, w $\frac{1}{2}$ s e, w $\frac{1}{2}$ s w . . . . .	11	79	24	240:00	
s e s w . . . . .	11	79	24	40:00	

PARTS OF SECTIONS.	Sec.	Town.	Range	Acres.
$e\frac{1}{2}$ s w $\frac{1}{4}$ and $e\frac{1}{2}$ n w $\frac{1}{4}$ .....	13	79	24	560:00
All.....	15	79	24	640:00
w $\frac{1}{2}$ s w, s e s w, lot 7, 8, 9.....	17	79	24	280:25
All.....	19	79	24	646:74
w $\frac{1}{2}$ s w, s w n w.....	21	79	24	120:00
s $\frac{1}{2}$ sec. n w s $\frac{1}{2}$ , n e $\frac{1}{4}$ n w $\frac{1}{4}$ n e....	23	79	24	600:00
s $\frac{1}{2}$ n w, w $\frac{1}{2}$ s w.....	25	79	24	160:00
n $\frac{1}{2}$ n e, n $\frac{1}{2}$ n w.....	29	79	24	160:00
n w $\frac{1}{4}$ .....	31	79	24	169:96
s $\frac{1}{2}$ s w.....	7	80	24	86:61
s w $\frac{1}{4}$ .....	9	80	24	160:00
n w $\frac{1}{4}$ and s e $\frac{1}{4}$ .....	15	80	24	320:00
n e n e.....	17	80	24	40:00
e $\frac{1}{2}$ n e.....	19	80	24	80:00
n e $\frac{1}{4}$ and w $\frac{1}{2}$ .....	23	80	24	480:00
n e $\frac{1}{4}$ and w $\frac{1}{2}$ .....	25	80	24	480:00
n e n e, s w s w s e.....	27	80	24	240:00
e $\frac{1}{2}$ s e, and s w s e.....	29	80	24	120:00
n w $\frac{1}{4}$ and w $\frac{1}{2}$ s e $\frac{1}{4}$ .....	33	80	24	240:00
All.....	31	80	24	527:43
e $\frac{1}{2}$ n e.....	35	80	24	80:00
s $\frac{1}{2}$ n w, s $\frac{1}{2}$ n e, and n w n e.....	1	78	25	643:65
e $\frac{1}{2}$ n w, and e $\frac{1}{2}$ s w.....	3	78	25	617:12
e $\frac{1}{2}$ n e, s w n e, and s e n w.....	11	78	25	160:00
n e s e.....	13	78	25	40:00
w $\frac{1}{2}$ n e s e n e, w $\frac{1}{2}$ s e $\frac{1}{4}$ .....	23	79	25	600:00
All....	25	79	25	640:00
n $\frac{1}{2}$ , n $\frac{1}{2}$ s w s e, s w s e.....	27	79	25	600:00
w $\frac{1}{2}$ n e $\frac{1}{4}$ , w $\frac{1}{2}$ s e and w $\frac{1}{2}$ .....	35	79	25	480:00
s $\frac{1}{2}$ n e $\frac{1}{4}$ .....	1	80	25	80:00
n e n e, s e n w, e $\frac{1}{2}$ s w s e.....	5	80	25	332:81
n e $\frac{1}{4}$ w $\frac{1}{2}$ e $\frac{1}{2}$ s e.....	9	80	25	560:00
Lots 1, 2, 6.....	11	80	25	105:83
Lots 3, 4, 7, 8.....	13	80	25	180:18
n $\frac{1}{2}$ s e s w, and s w s e, and n $\frac{1}{2}$ s e	15	80	25	480:00
s w n e, s $\frac{1}{2}$ n w n $\frac{1}{2}$ s w.....	17	80	25	200:00
s e s w, w $\frac{1}{2}$ s e.....	17	80	25	120:00
e $\frac{1}{2}$ n e, and e $\frac{1}{2}$ n w, n w n w.....	21	80	25	200:00
e $\frac{1}{2}$ e $\frac{1}{2}$ , n w e $\frac{1}{2}$ , s w s w s w.....	23	80	25	520:00
n $\frac{1}{2}$ s w n $\frac{1}{2}$ s e, s e s e.....	25	80	25	600:00
e $\frac{1}{2}$ n e, n w n e, w $\frac{1}{2}$ s w, e $\frac{1}{2}$ s e...	27	80	25	280:00
s w n e, s e n w, n $\frac{1}{2}$ s w, s w s e...	29	80	25	200:00
n w, e $\frac{1}{2}$ s w, s e.....	33	80	25	400:00
e $\frac{1}{2}$ , n e, n w, and e $\frac{1}{2}$ s e.....	35	80	25	320:00

PARTS OF SECTIONS.	Sec.	Town.	Range	Acres.
n $\frac{1}{2}$ n e, n w s e.....	11	80	26	120:00
w $\frac{1}{2}$ n w.....	13	80	26	80:00
n $\frac{1}{2}$ .....	21	81	26	320:00
n $\frac{1}{2}$ s e.....	23	81	26	480:00
Amounting in all to.....				19,734:48

SECTION 2. That in lieu of the land hereby confirmed to individual purchasers, the Register of the State Land Office shall set apart to, and for the Mississippi & Missouri Railroad Grant an equal number of acres from the Grant known as "Indemnity Lands," (reserved in Section 5 of Chapter 108 of the Acts of the 10th General Assembly) granted by acts of Congress approved July 12th, 1862, and accepted by the General Assembly by Joint Resolution, dated Sept. 11th, 1862, *Provided*, That none of the indemnity Lands set apart in this section shall be certified to the Mississippi and Missouri Railroad Company unless the Supreme Court of the United States shall decide that the lands, described in Section 1 of this Act, were included in the Grant of Lands made to the State of Iowa by Act of Congress approved May 15th, 1856; *Provided*, further, that before any of the indemnity lands aforesaid shall be certified to the said Railroad Company all the incumbrances created or suffered by said Company upon the said lands hereby confirmed, or any part thereof shall be removed therefrom.

Register set apart certain lands.

Proviso.

Proviso.

SECTION 3. That before any lands included in the Grant to the Mississippi and Missouri Railroad Company shall be certified to said Company or its assignees, and before the Governor of this State shall certify to the completion of any part of said Road, they shall file with the Register of the State Land office, a formal and legal release of all lands described in the first section of this act, and an acceptance in lieu thereof of the indemnity lands set apart by said Register.

Conditions upon which certified.

SECTION 4. That should the rights and grants conferred upon the Mississippi and Missouri Railroad Company by act of the General Assembly approved July 14th, 1856, be at any time resumed by the State and granted to another company, then all the provisions of this Act shall be held to apply to the company upon which such rights and grants are conferred.

Apply to other Company.

Approved April 2d, 1866.