

against the General Government on account of raising and enrolling troops for the service of the United States during the war of the Rebellion, such fee to be contingent on recovery and not to exceed twenty five per cent of the amount recovered and paid to the State; *provided*, this act shall not be construed to apply in any way to the moneys that may be due to the State, or that may be claimed by it on account of the refunding of the direct tax levied upon and collected by the General Government therefrom under act of Congress approved August 5th 1861, or to any other moneys or claims than said claim on account of raising and enrolling troops.

Approved April 8th, 1868.

CHAPTER 196.

BELINQUISHING TITLE OF THE STATE IN THE DES MOINES RIVER LANDS TO THE UNITED STATES.

H. F. 549.

AN ACT to Relinquish All Right and Title of the State of Iowa to the United States in the So called River Lands, Except the Lands the Title to which was Certified by the United States to the State of Iowa by the Joint Resolution of Congress of March 2, 1861.

Land granted for improvement of river.

WHEREAS, It is alleged by an act of Congress on the 8th day of March, 1846, there was granted to the State of Iowa, to be held in trust, the odd numbered sections of land situated within five miles on either side of the Des Moines river in said state, for the purpose of improving the navigation of said river from its mouth to the Raccoon forks; and,

Conditions of transfer to D. M. N. & R. Co.

WHEREAS, It is alleged the State of Iowa subsequently made a contract with a corporation known as the Des Moines Navigation and Railroad Co., whereby the State of Iowa agreed to transfer said lands so held in trust to said company as fast as the same were earned in accordance with the terms of original the grant made by the United States to the State of Iowa, and only on the condition that said Des Moines river was made navigable by slack water from the mouth to the Raccoon forks; and,

Claims set up by D. M. N. & R. Co.

WHEREAS, It is alleged said Des Moines Navigation and Railroad Co. utterly failed to fulfill said contract made with the State of Iowa, or any part thereof, but set up a claim to the lands granted by said act of Congress, as though the work had been done and completed as required by the terms of the contract between the State and said Navigation and Railroad Co.; and,

Ruling of the Com'r General Land Office.

WHEREAS, It is alleged, in March, 1856, it was ruled by the Commissioner of the General Land Office and the Secretary of the Interior that the title to said lands remained vested in the

United States and had not passed under the terms of said grant to the State of Iowa; and,

WHEREAS, It is alleged many persons have purchased said lands, or parts thereof, or have pre-empted the same in accordance with the laws of the United States, and with the sanction and approval of the officers of the United States having supervision of the entry and pre-emption of government land; and,

Purchasers
and pre-
emptors.

WHEREAS, It is alleged again in 1868 said lands were by competent authority declared to be open for purchase under the laws of the United States relating to public lands, but were withdrawn before final proofs could be made on homestead and pre-emption claims, thereby defrauding innocent parties of their rights to said land; and,

Innocent parties
defrauded.

WHEREAS, It is alleged said Des Moines Navigation and Railroad Co. are and have been claiming title to all of said lands the same as if it had fully performed its said contract with the State of Iowa, and had completed the making of said river navigable as required by said contract, no part of which has been done; and,

Title claimed
by D. M. N. &
R. Co.

WHEREAS, It is alleged said Des Moines Navigation and Railroad Co. has sold and conveyed to various persons many tracts of said land, and for the consideration paid therefor has given to the purchasers, fraudulent titles which have been spread upon the records of the several counties wherein said lands are situated; and,

Fraudulent
titles.

WHEREAS, It is alleged through and by reason of the failure of said Des Moines Navigation and Railroad Co. to perform its contract with the State, said lands have been forfeited to the State of Iowa and are by this act intended to be by said State relinquished to the general government. Therefore,

Lands relinquished to the
general government.

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

SECTION 1. That the State of Iowa does hereby relinquish its trust and all right, title and interest whatever in and to said lands as acquired under and by virtue of the said several acts of the Congress of the United States, and by the several acts of the General Assembly of the State of Iowa; and that the said interest of the State of Iowa in and to all of said lands lying and being north of Raccoon Fork is hereby reconveyed to the United States; provided that nothing in this act shall affect the title to the lands certified by the United States to the State of Iowa by the joint resolution of the Congress of the United States of date March 2 " 1861.

Right, title and
interest of the
State re-
linquished.

SEC. 2. 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 Des Moines Leader, newspapers published at Des Moines, Iowa.

Publication.

Approved March 28, 1888.

I hereby certify that the foregoing act was published in the Iowa State Register and Des Moines Leader, March 29, 1888.

FRANK D. JACKSON, *Secretary of State.*