

LAWS OF IOWA.

CHAPTER 1.

RAIL ROAD GRANT.

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 Rail Roads in said State, approved May 15th, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands, rights, powers and privileges, granted to, and conferred upon, the State of Iowa, by the 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 Rail Roads, in said State, approved May 15th 1856," be and the same are hereby accepted upon the terms, conditions and restrictions, contained in said act of Congress. Grant accepted.

SEC. 2. That so much of the lands interest, rights, powers and privileges, as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a Rail Road from Burlington on the Mississippi river to a point on Missouri, near the mouth of Platte river, are hereby disposed of, granted and conferred upon the Burlington and Missouri River Rail Road Company, a body corporate, created and existing under the laws of the State of Iowa. Lands granted to Burlington and Missouri R. Co.

SEC. 3. That so much of the lands, interest, rights, powers and privileges as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a Railroad from Davenport via Iowa City and Ft. Des Moines to Council Bluffs, are hereby disposed of, granted and conferred to and upon the Mississippi and Missouri Rail Road Company, a body corporate, created and existing under the laws of the State of Iowa. To Mississippi and Missouri R. R. Co.

To Air Line
R. R. Co.

SEC. 4. That so much of the lands, interest, rights, powers and privileges as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a Rail Road from Lyons City northwesterly to a point of intersection with the main line of the Iowa Central Air Line Rail Road near Maquoketa, thence on said main line, running as near as practicable to the forty-second parallel, across the said State to the Missouri river, are hereby disposed of, granted and conferred to and upon the Iowa Central Air Line Rail Road Company, a body corporate, created and existing under the laws of the State of Iowa.

To Dubuque
and Pacific
R. R. Co.

SEC. 5. That so much of the lands, interest, rights, powers and privileges as are or may be granted and conferred, in pursuance of the act of Congress aforesaid, to aid in the construction of a Rail Road from the City of Dubuque to a point on the Missouri river at or near Sioux City, with a branch from the mouth of the Tete Des Morts to the nearest point on said road, to be completed as soon as the main line is completed to that point, are hereby disposed of, granted and conferred to and upon the Dubuque and Pacific Rail Road Company, a body corporate, created and existing under the laws of the State of Iowa.

Location of
Roads.

SEC. 6. The lines and routes of the several roads above described shall be definitely fixed and located on or before the first day of April next, after the passage of this act, and maps or plots, showing such lines and routes, shall be filed in the office of the Governor of the State of Iowa, and also in the office of the Secretary of State of the State of Iowa. It shall be the duty of the Governor, after affixing his official signature, to file such map in the Department having the control of the public land in Washington; such location being considered final only so far as to fix the limit and boundary within which lands may be selected; and if it shall appear that the lands that have been donated by the act of Congress aforesaid, for the construction of the several lines above indicated, cannot be obtained by said companies within the limits and along any part of the line aforesaid, the Governor shall from time to time appoint agents to

Maps & plats.

make such selections as may be authorized or granted by **Agents** Congress for the lines aforesaid; but the compensation of such agents and the costs, expenses and charges attendant upon and occasioned by making such selections, shall be fixed, regulated, paid and borne by each of said Rail Road Companies respectively, upon and for its own line.

SEC. 7. The Iowa Central Air Line Rail Road Company **Branch** shall furnish, equip and operate the branch of their Rail Road that will be constructed under this grant from Lyons City to the point of intersection with the main line of their road near Maquoketa, in the same manner with their main line from the west, and as completely as though the same was a continuation of said main line, and shall never give any preference to the main line of said road or any part thereof, as defined in their articles of incorporation, by business arrangements, tariff of prices, or otherwise, over the said branch to their Railroad.

SEC. 8. The grants aforesaid are made to each of said **Conditions** companies respectively, upon the the express condition, that in case either of such Railroad Companies shall fail to have completed and equipped seventy-five miles of its road within three years from the first day of December next, thirty miles in addition in each year hereafter, for five years, and the remainder of their whole line of road in one year thereafter, or on the first of December, A. D., 1865, then and in that case it shall be competent for the State of Iowa to resume all rights conferred by this act upon the company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of by the company so failing to have the length of road completed in manner and time as aforesaid.

SEC. 9. The Roads aforesaid shall be constructed upon a **Gauge of road** gauge with a width of four feet, eight and one-half inches, and the iron used in the track shall be of approved quality and pattern, and the said Roads shall be completed and finished in a style and of a quality equal to the average of other first class western roads, and when the Roads, or any of them, authorized to be constructed by this act, shall be **Style and quality** intersected by the roads of any other Railroad Company now

constructed, or hereafter to be constructed, it shall be the duty of such Road or Roads, receiving the benefit of this act, to furnish all proper and reasonable facilities and to join such other company in making all necessary crossings, turnouts, sidelings and switches, and other conveniences necessary for the transportation of all freight and passengers over either or any road or roads hereby mutually accommodated, whether said passengers or freight are brought by the roads benefitted by this act, or any other road or roads now constructed, or which may hereafter be constructed, and at such rates as shall not in any case exceed the regular tariff of charges on such road or roads.

Crossing,
turnouts, &c.

Rates limited.

Pre-emption.

SEC. 10. All persons, who at the time said grant was made, held valid claims by actual occupation and improvement upon any of the lands embraced in said grant, shall be protected in the same, and entitled to purchase and enter the same upon the terms and conditions hereinafter provided.

Application.

SEC. 11. Any person, wishing to avail himself of the provisions of this act, shall within three months of the passage thereof, file his application for that purpose with the Judge of the county where such lands may be situate, and shall prove to the satisfaction of said Judge that his claim is valid, and that the same existed at the time said grant was made; and upon such proof being made, such Judge shall give to the applicant a certificate of the fact, and such certificate shall entitle the holder or his bona fide assignee to enter such land at the rate of two dollars and fifty cents per acre; *Provided*, that no person, claimant, or the assignee of a claim, shall be entitled to more than one hundred and sixty acres of land under this act; *And provided further*, That the person asserting a claim, whether as claimant or assignee, shall file his affidavit that he has not either directly or indirectly received the benefits of the provisions of this act. Before any rights shall be acquired under such certificate, a copy of the same together with the evidence shall be served on the secretary of the company interested, and such company shall have the right to appeal from the decision of such Judge to the District Court, in the same manner as

Price.

Appeal.

appeals are taken from the decisions of Justice of the Peace at any time within ninety days after the service of such papers, and the same shall be tried as other appeal cases, and an appeal may be taken to the Supreme Court by either party, in the same manner as appeals in other cases.

SEC. 12. Such certificate on being filed with the secretary of the company upon whose line of Road such lands may be situate, when no appeal has been taken as herein provided, shall entitle the holder or his assignee to the possession of said land, until the title shall become vested in the company; upon payment thereafter to the Treasurer of the Company for said land at the price above designated, such person shall receive from the Secretary of the Company a patent to such land, not exceeding in quantity one hundred and sixty acres. Such deed or patent shall vest in the purchaser all the title of said company in and to such lands, except so far as to reserve to the company all such right of way and station grounds as may be actually necessary for the uses of the company.

Certificate.

Effect of

Deed.

SEC. 13. The said companies shall each severally assent to and accept the provisions of this act, by a written instrument, under the seal of such corporation, with the signatures of the proper officers, within ninety days after the passage of this act, which said acceptance shall be filed in the office of the Secretary of State, and be by the Secretary recorded in the book by him kept for the recording of articles of association.

Assent and accept.

Filed.

SEC. 14. Said Rail Road Companies, accepting the provisions of this act, shall at all times be subject to such rules and regulations as may from time to time be enacted and provided for by the General Assembly of Iowa, not inconsistent with the provisions of this act, and the act of Congress making the grant.

Rules and regulations.

SEC. 15. It shall be the duty of the companies receiving the benefits of this act, to make a regular annual report of their proceedings at the usual time and place of electing their officers, exhibiting a detailed statement, as far as practicable, of the amount of their expenditures, liabilities, &c.,

Report.

a copy of which shall be filed in the office of the Secretary of State.

Conditions.

SEC. 16. *Be it further enacted*, That any of said companies accepting the grants of lands under this act, shall take the same with the conditions imposed and incumbrances specified in this act, and shall in no event have any claim or recourse whatever upon the State of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.

Take effect.

SEC. 17. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter, and Iowa City Republican.

APPROVED, July 14th, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa City Republican on the 16th day of July, 1856.

GEO. W. McCLEARY,

Secretary of State.

CHAPTER 2.

COURT IN MUSCATINE.

AN ACT to amend an act entitled an act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein, approved, January 22nd, 1853.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of section fifteen of the act specified in the title of this act, as requires one term of the District Court to be held in Muscatine county, on the "Fourth Monday after the first Monday in April," be repealed, and that said court be and the same is hereby required to be held on the fourth Monday after fourth Monday in April.

Time of term.

Suits not to be discontinued or quashed.

SEC. 2. That no suits, pleas, indictments, process, or proceedings, shall be quashed or discontinued in consequence of the change of times of holding the term of court herein before referred to.