

## CHAPTER 99.

## LAND GRANT TO THE DES MOINES VALLEY R. R.

AN ACT disposing of the Grant of Land made by an Act of Congress granting land to the Territory of Iowa to aid in the Improvement of the Navigation of the Des Moines River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the lands granted to the then Territory of Iowa by an Act of Congress, approved August eighth, eighteen hundred and forty-six, entitled an act granting lands to the Territory of Iowa, to aid in the improvement of the Navigation of the Des Moines River in said Territory, and all lands and compensation which may be given in extension or in lieu of any portion thereof by the General Government, and also all stone, timber and other material turned over to the State by the Des Moines Navigation and Rail Road Company in settlement with the State of Iowa, be and the same are hereby disposed of and granted to the Keokuk, Fort Des Moines and Minnesota Rail Road Company, a body corporate created and existing under the laws of the State of Iowa, to aid in the construction of a Railroad from the city of Keokuk, at the mouth of the Des Moines River, up and along the valley of said river by way of the city of Des Moines, to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peters river, excepting all the lands belonging to said grant heretofore sold by the State of Iowa, or which may hereafter be conveyed to the Des Moines Navigation and Railroad Company by virtue of a settlement now pending between the State and said company, and also so much of the said timber, stone and other material as may be used in the completion of the Locks and Dams at Croton, Plymouth, Bentonsport and Keosauqua, this grant to become operative so soon as Congress shall assent to or permit a diversion or the title thereto shall become vested in the State so as to be subject to grant.

Des Moines river  
lands given to  
the railroad.

Lands of Navigation  
Co. excepted.

SEC. 2. That the Keokuk, Fort Des Moines and Minnesota Rail Road Company, shall pay all liabilities

against said Des Moines River Improvement, and  
 against the State of Iowa, growing out of said improve-  
 ment whether by contracts between the State and other  
 parties or between the Des Moines Navigation and Rail  
 Road Company and other parties or between any par-  
 ties whatever which have been assumed by the State in  
 consequence of the proposed settlement with the Des  
 Moines Navigation and Railroad Company, as contain-  
 ed in the joint resolution passed at the present session  
 of the General Assembly; and said company shall also  
 complete the Locks and Dams at Croton, Plymouth,  
 Bentonsport and Keosauqua, and fifty thousand acres of  
 the lands which may hereafter be certified by the Gen-  
 eral Government to the State of Iowa shall be set apart  
 by the Register of the State Land office, which said lands  
 shall be held for the purpose of securing the payment of  
 said liabilities and the completion of said Lock and Dams,  
 and that whenever said company shall pay thirty thou-  
 sand dollars of said liabilities properly audited and al-  
 lowed by the Register of the State Land office, or shall  
 do thirty thousand dollars worth of work on said Locks  
 and Dams to be certified and allowed by an engineer to  
 be appointed by the Governor to superintend said works,  
 that then the Register of the State Land office shall is-  
 sue to said company a certificate for ten thousand acres  
 of said lands, so set apart for every thirty thousand dol-  
 lars so paid or expended until said liabilities are paid,  
 and said Locks and Dams are completed and if any of  
 said fifty thousand acres of land shall remain after  
 the payment of said liabilities and the completion of  
 said Locks and dams, it shall be certified to said Rail  
 Road Company in the same manner provided in this  
 act, *Provided*, That if the proceeds of the said fifty thou-  
 sand acres of land shall at any time be found insufficient  
 to discharge existing contracts for constructing or repair-  
 ing the works at Keosauqua, Bentonsport, Plymouth  
 and Croton and in all respects preserve the State harm-  
 less on account of any liabilities now existing against  
 the State, or that has been assumed by the proposed  
 settlement with the Des Moines Navigation and Rail

Rail Road Com-  
 pany to pay li-  
 abilities of Im-  
 provement Co.,  
 and of the State.

Co. completes  
 locks and dams.

Liabilities paid  
 secures land.

State preserved  
 harmless.

Road Company, or arising in any manner from the past improvement of the Des Moines River, or the payment of the officers or agents employed in and about said improvement, then the said Keokuk, Fort Des Moines and Minnesota Railroad Company shall be liable to pay the State the amount of such deficiency.

SEC. 3. Whenever the President and Chief Engineer of said Railroad Company shall certify under oath to the Register of the State Land Office that twenty miles of said Railroad in a continuous line from the town of Bentonsport up the valley of the Des Moines River have been completed and the cars running thereon, the Register shall issue to said company a certificate for one hundred and twenty sections of land, to be taken as nearly as practicable in a body from the remaining lands nearest to the completed part of said Railroad, and the Governor shall upon presentation of said certificate issue to said company a patent for said lands and so from time to time as twenty miles are completed until three fourths of said lands are exhausted, *Provided*, that the lands hereby granted and so certified to said company shall be exclusively applied in extending the construction of said Railroad in a continuous line above Bentonsport, and shall be applied to no other purpose whatever; and, provided also, that one fourth in quantity of said land shall be applied by said company in the construction of said road above the city of Des Moines; the said one fourth to be certified in manner as herein provided from the completion of each twenty miles from the city of Des Moines up the Valley of the Des Moines River.

120 sections of  
land given for  
20 miles of road

Lands applied to  
rail road only.

One fourth above  
Des Moines.

SEC. 4. The grant aforesaid is made to said company upon the express condition that in case such Railroad Company shall fail to have completed and equipped seventy-five miles of road up the Valley of the Des Moines River, from the town of Bentonsport within three years from the first day of December next, thirty-three miles in addition in each year thereafter for five years, and the remainder of the whole line in three years thereafter or on the first day of December, eighteen hundred

75 miles comple-  
ted in three yrs

Whole line com-  
pleted by 1866.

and sixty-eight, then in that case it shall be competent for the State of Iowa to reserve all rights to the lands hereby granted, then remaining uncertified to said company so failing to have the length of road completed in manner as aforefaid.

This grant subject to all provisions of other railroad grants.

SEC. 5. That this grant is subject to all the provisions of an act of the General Assembly of the State of Iowa, approved July fourteenth, eighteen hundred and fifty six, entitled an act to accept 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 railroads in said State approved May 15th 1856, so far as the same are applicable and not inconsistent with the foregoing provisions of this act.

Take effect.

SEC. 6. This act to take effect and be in force immediately after the publication thereof in the Iowa Weekly Citizen and Iowa State Journal, newspapers published at Des Moines, Iowa.

Approved March 22d, 1858.

I hereby certify that the foregoing act was published in the Iowa Weekly Citizen on the 7th day of April, 1858, and in the Iowa State Journal on the 3d day of April, 1858.

ELIJAH SELLS,

Secretary of State.

## CHAPTER 100.

### SWAMP LAND PRE-EMPTIONS.

AN ACT for the relief of Swamp Land Pre-emptors.

Pre-emption prior to 1857, not forfeited.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where any person had acquired a bona-fide pre-emption claim to any Swamp Land of this State, under the laws heretofore in force, and who was, in good faith residing on the same on the fifth day of September, 1857, such person shall not be held to have forfeited the same in consequence