

menced and pending in court under any of the provisions of law now in force, shall be prosecuted to final judgment in the courts in which the same was instituted, unless the same is removed by change of venue in the manner now provided for by law.

SEC. 3. Repealed. *And be it enacted,* That all laws or parts of laws inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. Take effect. This act to be in force from and after its publication in the Iowa State Journal and the Iowa State Register, two newspapers published in the city of Des Moines.

Approved March 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, March 10th, 1860, and in the Iowa State Register March 14th, 1860.

ELIJAH SELLS, Sec. of State.

[H. F. 174.]

CHAPTER 16.

[Chap. 25.]

DES MOINES RIVER IMPROVEMENT.

AN ACT in relation to the Des Moines River Improvement, and abolishing the Office of Commissioner thereof.

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

SECTION 1. Lands to pay liabilities—where set apart. That the fifty thousand acres of land to be set apart by the register of the state land office under the second section of an act of the general assembly, approved March 22d, 1858, entitled "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," shall be taken from the lands next above those transferred by the state to the Des Moines navigation and railroad company by the terms of settlement with that company, authorized by joint resolution of the general assembly, approved March 22d, 1858.

SEC. 2. Completion of dams. That the uncompleted dams to be built by [19] the Keokuk, Fort Des Moines and Minnesota Railroad Company as provided by the said second section of the act above referred to, shall be completed as follows: that is to say, the dam at Keosauqua shall be completed in one year after the lands granted to said railroad company by said act shall have been certified by the general government to the state of Iowa, or otherwise become the property of said company, and the dam at Plymouth and the other works within two years after the lands shall have been certified as aforesaid.

SEC. 3. Office of commissioner abolished. That the office of commissioner of the Des Moines River Improvement be, and the same is hereby abolished.

SEC. 4. Comm'rs appoint'd to ascertain liabilities. That Geo. G. Wright, of Van Buren county, Edward Johnston, of Lee county, and Christian W. Slagle, of Jefferson county, be, and they are hereby appointed a board of commissioners for the purpose of ascertaining all the liabilities whether in suit or otherwise, against said Des Moines River Improvement, and against the state of Iowa, growing out of said improvement, and which are to be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company, as provided by the said second section of the act of the 22d of March, 1858, above referred to.

SEC. 5. Meeting of commissioners. Said commissioners, or a majority of them shall meet at the city of Keosauqua, in the county of Van Buren, within

six months after the passage of this act, or as soon thereafter as practicable; and shall organize the board by taking an oath that they will well and truly discharge the duties imposed upon them by this act.

SEC. 6. Notice to claimants. After having organized, said commissioners shall give public notice of the time and place of their meeting, and the objects of the commission, by a general notice to all persons claiming to be entitled to be paid by the provisions of the said section of the said act of March 22d, 1858, that unless they present their claims within six months after the time fixed in said notice for the meeting of the board, they will not thereafter be received or acted upon, but forever barred; which notice [20] shall be published for at least four weeks in some newspaper published at the county seat of Van Buren co., and a newspaper published in the city of Keokuk.

SEC. 7. Com'rs, a court to det'rmine the right of claimants. After said notice shall have been given, said commissioners, or a majority of them, shall meet at the time and place appointed by said notice, and proceed to hear testimony and decide upon the validity of all claims presented which are legal and equitable, and the amount thereof, which decision shall be final and conclusive, and may adjourn from time to time during and after the said six months from the time of their meeting, until they shall have decided upon all the claims presented within said six months; and at any time during said six months, when said board shall not be in session, claims may be filed with the clerk of the district court of the county in which the board sits, and it shall be the duty of said clerk to present said claims so filed to the said commissioners at their first meeting thereafter. Said commissioners shall have power to administer oaths, and to compel the attendance of witnesses and the production of papers, and the sheriff of the county in which the board sits shall serve and execute the necessary processes, when required by said commissioners, and all claims not presented within the said six months shall be forever barred.

SEC. 8. Register of state land office to audit claims—claims paid by K., Ft. D. & M. R. R. Co. When any of the claims aforesaid shall have been decided, the commissioners shall report the same to the register of the state land office, who shall audit said claims and none others, in accordance with the second section of the said act of the 22d of March, 1858, and it shall be the duty of the Keokuk, Ft. Des Moines and Minnesota Railroad Company, to pay said liabilities so audited, one-half within one year, and one-half within two years after the aforesaid lands shall have been certified to the state of Iowa, or otherwise become the property of said company, with ten per cent. interest thereon from the time said claims were audited.

SEC. 9. Register to certify lands to K., Ft. D. & M. R. R. Co. For every three thousand dollars worth of work done on the locks and dams, and for every three thousand dollars of said audited liabilities paid by the [21] said Keokuk, Fort Des Moines and Minnesota Railroad Company, in accordance with the second section of the said act of March 22d, 1858, the register of the state land office shall certify to said company 1,000 acres from said 50,000 acres of land.

SEC. 10. Comm'rs to complete dams upon the failure of the K., Ft. D. & M. R. R. Co. In case said Keokuk, Fort Des Moines and Minnesota Railroad Company shall not complete said dams or pay said audited liabilities as hereinbefore provided, then the said commissioners shall proceed to complete said dams and pay said liabilities by the sale or mortgage of so much of said fifty thousand acres of land as may be necessary for that purpose, provided that said commissioners may give said railroad company further time for the completion of said dams, if in their opinion the said company shall have

proceeded in the construction thereof in good faith, and that said further time is necessary.

SEC. 11. The state shall sell water power and land—dams to be kept in repair—tolls—state not to be liable—proceeds arising from sale of water power. Said commissioners shall, as soon after the organization of the board as may be expedient, proceed to sell all the interest of the state in all such locks and dams belonging to the Des Moines River Improvement and the land appertinent thereto, and the water power thereto belonging, as shall have been completed by the state or by the said railroad company; and shall also sell the dams and water power at Keosauqua and Plymouth in the same manner, when said dams shall have been completed, and shall make conveyances in the name of the state without warranty to the purchasers of the interest so sold, containing covenants on the part of said purchasers that they and their heirs and assigns shall and will forever keep said locks and dams in good repair, and that they will at all reasonable times pass boats through said locks, and charge only such tolls as may be agreed upon between said commissioners and the purchasers, not exceeding the maximum rates prescribed in the contract by the state with the Des Moines Navigation and Railroad Company, which conveyances shall also be executed by the purchasers as parties of the second part thereto, and said sale shall be made upon such terms as will secure the state against all liability upon [22] any leases or contracts for water power heretofore executed between the officers of the improvement and individuals, and the proceeds of said sales shall be applied first to the payment of the expenses of said sales, second to the payment of said commissioners, third to the payment of damages for any lands condemned, and fourthly, any balance that may remain shall be paid on the audited claims herein provided for.

SEC. 12. Com'rs compensation. Said commissioners shall receive five dollars per day for the time actually employed in said commission: Provided, that the aggregate per diem of each of said commissioners shall not exceed three hundred dollars; which, if not paid by the proceeds of the sales aforesaid, shall be paid by the said Keokuk, Fort Des Moines and Minnesota Railroad Company, as one of the audited claims hereinbefore provided for.

SEC. 13. Materials to be relinquished to the K., Ft. D. & M. R. R. Co. That all the stone, timber and other materials belonging to said Des Moines Improvement, and not necessary to be used in the construction of the locks and dams provided for in the second section of the said act of the 22d of March, 1858, are hereby relinquished and transferred to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

SEC. 14. Vacancy of commissioners to be fil'd by appointment by the governor. In case of the death, resignation, or refusal to act, of any of said commissioners, it shall be the duty of the governor to fill such vacancy by appointment.

SEC. 15. Com'rs may purchase lands adjacent to dams. Said commissioners shall have power to procure for the state at any one of said points where dams are or may hereafter be erected, the land upon which any part of any lock or dam, or abutment, is or may be erected, and also a sufficient quantity of land at and adjacent to said dams, not exceeding two acres in extent on each side of the river, to make the water power created by said dam available and of value to the state, by condemning said land in the same manner as is or may be provided by law for condemning land for right of way for railroads; and any damages which may be awarded to the owners of such lands, shall be paid out of the proceeds of the sale of the dam and water power for the benefit of which said land is condemned; the [23] possession of said lands not to be taken after the condemnation until the damages are paid.

SEC. 16. This act to be in force from and after its publication in the Iowa State Register and the Keosauqua Republican.

Approved March 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 14th, 1860, and in the Keosauqua Republican March 16th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 142.]

CHAPTER 17.

[Chap. 26.]

DUBUQUE & PACIFIC RAILROAD COMPANY.

AN ACT extending the time for completion of 75 miles of Road by the Dubuque and Pacific Railroad Company.

WHEREAS, It has been represented that the Dubuque and Pacific Railroad Company did not complete seventy-five continuous miles of said road by the first day of December last, as required by the 8th section of the act approved fourteenth July, A. D. 1856, commonly called the land grant act, but have since completed the same; therefore,

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

SECTION 1. **Legalizing.** That said subsequent completion of said seventy-five miles shall be deemed a substantial compliance with the provisions of said section by said company.

SEC. 2. **Take effect.** This act to take effect from and after its publication in the Iowa State Register and the Dubuque Herald, at the expense of said company.

Approved March 7th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 14th, 1860, and in the Dubuque Herald March 14th, 1860.

ELIJAH SELLS,
Secretary of State.

[24] [S. F. 82.]

CHAPTER 18.

[Chap. 28.]

AN ACT to amend an act entitled "An act to authorize the Dubuque and Pacific Railroad Company, and others, to bridge the Mississippi River at Dubuque.

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

SECTION 1. **Locat'n of bridge.** That section one (1,) of an act entitled "An act to authorize the Dubuque and Pacific Rail Road Company, and others, to bridge the Mississippi river at Dubuque," which became a law on the 22d day of March, A. D. 1858, is hereby amended so as to read as follows, to-wit: That the Dubuque and Pacific Railroad Company, or its assigns, shall have the right to construct a railroad bridge across the Mississippi river at Dubuque; said bridge shall not be below the depot grounds now occupied by said company on the island in said city, nor above *the present north limits of said city.*

SEC. 2. **Bridge to be commenced within five years.** That section four of said law entitled as aforesaid, be so amended that said bridge shall be commenced within five years from the date of this law.

SEC. 3. This act shall be in force from and after its publication according to law.

Approved March 9, 1860.