

said act last named, to raise said sum and pay the same into the state treasury.

SEC. 4. Take effect. This act to take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal, anything in section twenty-one of the code to the contrary notwithstanding.

Approved March 24, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 28th, 1860, and in the Daily Iowa State Journal March 27th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 166.]

CHAPTER 36.

[Chap. 57.]

DUBUQUE & PACIFIC RAILROAD COMPANY.

AN ACT entitled an act declaratory of the meaning of an act entitled an act for extending the time of completion of 75 miles of road by the Dubuque and Pacific Railroad Company, approved 7th March, 1860.

WHEREAS, the first section of the act above recited reads as follows:

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

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

Now, therefore,

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

SECTION 1. Acceptance of completion 75 miles of road as substanti'l compliance with the law. That said first [40] section shall be considered, and is hereby declared to mean, that said completion of said seventy-five miles by said company shall be deemed to be a substantial compliance by said company with that portion of said 8th section which required seventy-five miles of said road to have been finished by the first day of December last.

SEC. 2. Take effect. That this law shall be in force from and after its publication in the Iowa State Register and Dubuque Herald, at the expense of said railroad company.

Approved March 26th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 4th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 266.]

CHAPTER 37.

[Chap. 59.]

CEDAR RAPIDS AND MISSOURI RIVER R. R. COMPANY.

AN ACT to carry into execution the trust conferred upon the State of Iowa, in respect to the lands granted by an act of Congress, approved May 15th, 1856, to aid in the construction of a Railroad from Lyons City, across the State of Iowa, and near the forty-second parallel to the Missouri River.

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

SECTION 1. Lands granted to I. C. A. L. R. R. Co., granted and conferred to and upon the C. R. & Mo. R. R. Co.—lands not to be applied to the payment of former debts—title not guaranteed. That so much of the lands, interests, rights, powers, and privileges as have been or may be granted and conferred in pursuance of 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 railroads in said state, approved May 15th, 1856, to aid in the construction of a railroad from Lyons City, north-westerly to a point of intersection with the main line of the Iowa Central Air Line railroad, near Maquoketa; thence on said main line running as near as practicable to the forty-second parallel across the state of Iowa to the Missouri river, are hereby disposed of, granted and conferred to and upon the Cedar Rapids and Missouri River Railroad Company, a body corporate, created and existing under the laws [41] of the state of Iowa, *Provided*, however, that no portion of the grants of land provided for in this act shall be applied to the liquidation of any debt or obligation heretofore made or contracted by the said Cedar Rapids and Missouri River Railroad Company, or of the Chicago, Iowa and Nebraska Rail Road Company; *Provided*, further, that it is hereby declared to be the true intent and meaning of this act, that the state of Iowa according to the conditions herein specified—conveys and grants to the Cedar Rapids and Missouri River Rail Road Company, her right, title to and interest in the aforesaid lands, and nothing more; and in no event shall said company have any claim or recourse against the state for any defect in the title or conveyance of said lands.

SEC. 2. 40 miles to be completed the first year after Dec. 1860. 30 miles each year thereafter for 2 years—penalty for failure. The grant by this act conferred upon said company is made upon the express condition that in case said company shall fail to have completed and equipped forty miles of its roadalong the route aforesaid, and west from some convenient point on the Cedar river, near the 42d parallel, within one year from the first day of December next, after the passage of this act, thirty miles in addition, each year thereafter, for two years, and the remainder of their whole line of road in two years thereafter, or by the first day of December, 1865, then and in that case it shall be competent for the state of Iowa to resume all rights conferred by this act upon said company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of to the company so failing to have the length of road completed in manner and time as aforesaid.

SEC. 3. Highways for the use of the government of the U. S. paid from toll—acceptance in writi'g filed with sec. of state. The provisions of the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the first chapter of the laws of Iowa, passed at the extra session of the fifth general assembly, and approved July 14th, 1856, so far as the same are applicable to this company under the provisions of this act, and the one hundred and eighty second chapter of the laws of this state, enacted by the sixth general assembly, and approved January 28th, 1857; and the eighty-[42] fifth chapter of the laws of this state, enacted by the seventh general assembly, and approved March 20th, 1858, so far as said enactments are not inconsistent with the provisions of this act, be and the same are hereby made applicable to this company, receiving the benefits of the grant hereby conferred; and it is further provided, that said railroad shall be and remain a public highway for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; and if the said company shall accept this grant upon the condition aforesaid, which acceptance shall appear by an express writing, under the seal of said corporation, with the signatures of its president and secretary, and shall be filed in the office of the secretary of the state of Iowa, within ninety days after the approval of this act by the governor, it 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.

SEC. 4. Full amount of land to be certified for the first three secs. of 20 mil's each, there after apportionments pro rata. It is hereby further provided, that said Cedar Rapids and Missouri River Railroad Company shall be entitled to the full amount of land authorized by said act of congress, as the work progresses, for the first three sections of road, of twenty miles each, which shall be constructed by said company; but thereafter as the work progresses, they shall be entitled to an equal pro rata apportionment of the lands remaining subject to appropriation in aid of this work, to be ascertained by a division of the quantity of lands so remaining by the number of whole sections of twenty miles each, extending from the point of construction then reached to the Missouri river.

SEC. 5. No title giv'n and as the work progresses—state may resume. It is further expressly provided, that this act shall not be so construed as to give title to any portion of said lands to the company, accepting the provisions hereof, otherwise than as the work progresses, and as provided in the act of congress aforesaid, conferring the [43] lands upon the state of Iowa, namely: When they shall have completed each section of twenty miles of road aforesaid, they shall be entitled to the amount of land apportioned thereto, and not before; and they shall not become entitled to the first one hundred and twenty sections authorized by act of congress, until such first section of their road shall have been completed, at which time they shall become entitled to the first apportionment of land. Nor shall this act be so construed as in any manner to prevent the general assembly of this state from resuming, upon failure of either of the conditions named in the second section of this act, all lands to which the said company shall not have then become entitled by completion of one or more sections as aforesaid of the said road.

SEC. 6. To build a road from Lyons to intersect the C. I. and N. R. R.—tolls shall be equal. And it is further expressly provided that said company shall build or cause to be built before the first day of January, 1861, a railroad of like guage and equal in quality to the Chicago, Iowa and Nebraska railroad from Pearl street, in Lyons City, to a point of intersection with the said Chicago, Iowa and Nebraska railroad within the corporate limits of Clinton City, with such switches and side tracks as the business of said town of Lyons may require; and to operate or cause to be operated the same by running passenger and freight cars, of the same class with those used by the Chicago, Iowa and Nebraska railroad, in close connection forever with all regular trains at any time run on said Chicago, Iowa and Nebraska railroad, without occasioning any unnecessary delay to freight or passengers at said point of intersection; and the charge per mile for transportation of freight or passengers shall never exceed the regular charges for like service on the Chicago, Iowa and Nebraska railroad; the intent and meaning of this section being to secure to the citizens of Lyons the same privileges and benefits of a railroad connection that are enjoyed by any other place on said Chicago, Iowa and Nebraska railroad; and it is hereby expressly provided that no lands shall be certified by the governor to said Cedar Rapids and Missouri River [44] Railroad Company until they have complied with all the requirements of this section.

SEC. 7. Work to commence on said road at Marion in Linn county. Said company shall not commence to build or construct said road, at any point further west from the Mississippi river than the town of Marion in Linn county, Iowa, and the governor of the state shall not certify any of the lands herein transferred to said company, until that portion of the road between said town of Marion and the city of Cedar Rapids, together with so much more of said road as to make in the aggregate at least twenty miles, shall be completed, equipped and operated by said company or its successors.

SEC. 8. Penalty for misapplication of lands. And be it further enacted that it shall be deemed a felony for the president and directors or managers of the said rail road company accepting the grant of land to be conveyed by this act to wilfully misapply any of the land herein granted, to any other purpose than the carrying into effect the true meaning and intent of this act, and the president, directors or managers of said railroad company who may be guilty of any such wilful mis-application of the lands herein granted shall be liable to a fine of not less than five thousand dollars, or imprisonment in the county jail not less than twelve months and not more than three years, or both such fine and imprisonment at the discretion of the court before whom any case may be tried.

SEC. 9. Cedar R. & Mo. R. Co., failing to accept, the census board may confer upon other company. It is further expressly provided, that if said Cedar Rapids and Missouri River Rail Road Company shall fail or refuse to accept of this grant upon the conditions hereby imposed, and in time and manner, as aforesaid, the census board of this state is hereby authorized, by proper writing with the seal of state affixed thereto, to confer the same upon such party or company as shall in their judgment, be competent to carry out the enterprise hereinbefore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of secretary of this state, subject to all the preceding sections of this act, and the same shall in that case, be applicable to such grantee, subject [45] to all the foregoing terms and conditions of this act as fully as if named and originated herein.

SEC. 10. Take effect. This act shall take effect and be in force from and after its publication in the Iowa State Register and in the Iowa State Journal.

Approved March 26th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 7th, 1860, and in the Iowa State Register, April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 192.]

CHAPTER 38.

[Chap. 61.]

CITY COUNCIL OF MAQUOKETA.

AN ACT legalizing the official acts of the City Council of Maquoketa, and the election of the Mayor of said city.

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

SECTION 1. Legalizing certain acts. That the election of S. S. Germond, as mayor of the city of Maquoketa, on the first Monday of February, 1859, be and is hereby legalized; and all the official acts of said mayor and the city council of the city of Maquoketa, since said election, be and are hereby declared of as full force and validity in law as though the said election had been held at the time fixed by and conducted in all respects according to forms of law.

SEC. 2. Take effect. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and the Weekly Maquoketa Excelsior, without expense to the state.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law this, the 26th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Daily Iowa State Register April 2d, 1860.

ELIJAH SELLS,
Secretary of State.