

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal, newspapers published at Des Moines.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,  
Secretary of State.

[69] [S. F. 194.]

CHAPTER 62.

[Chap. 93.]

MILL DAMS.

AN ACT authorizing the construction of mill dams on the Nishnabotany River.

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

SECTION 1. **May dam Nishna Botany river & erect mill.** That any person owning lands on both sides of the Nishnabotany river where the same has been meandered, and being desirous of building a mill or erecting other machinery to be propelled by water-power on said stream, and of erecting a dam thereon, is hereby authorized to build a mill or erect a dam or other machinery on said river.

SEC. 2. **Time for completing.** Provided that any person desirous of building a mill or other machinery, or to erect a dam on said river, shall not be required to complete the same in three years, as required by the acts of the seventh general assembly.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,  
Secretary of State.

[S. F. 198.]

CHAPTER 63.

[Chap. 94.]

DES MOINES RIVER LANDS.

AN ACT making provisions for the settlement of all liabilities of the State growing out of the sale of certain lands of the Des Moines River Improvement Grant as School lands.

WHEREAS, Certain contracts have been entered into between school fund commissioners, acting under the directions of "the superintendent of public instruction," an officer of this state, and citizens of the state, for the sale and purchase of a part of the school lands of the state, known as the 500,000 acre grant, and

[70] WHEREAS, The state of Iowa has, by a settlement with the Des Moines Navigation and Rail Road Company, conveyed said lands in whole or in part to said company; therefore,

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

SECTION 1. **Payment to be made to purchasers of lands sold as school lands, which were afterwards deeded by the state to the Des Moines N. and R. R. Co.—proof to be made to the gov.—the gov. deliv'r statement to claimant.** That upon the presentation (or proof of in case of loss) of any contract for the sale of any of said lands situated in Webster or Hamilton county, executed by John Polman, late school fund commissioner of Webster county, or of any certificate of final payment from said school fund commissioner, or of

any patent for said lands under any contract made by said school fund commissioner, to the governor of the state, with proof satisfactory to him by the affidavit of the holder of said contract certificate, or patent, as the case may be, or such other proof as he may require of the amount of money paid upon any tract or tracts of said land, he shall make a complete statement, showing the amount of money so paid, whether as principal or interest, and the time when each sum of money was paid, and upon the delivering up of any contract, certificate or patent, as the case may be, to the governor, or in case of loss, upon proper proof, he shall deliver the statement aforesaid by him signed, to the holder of said contract, certificate or patent, as the case may be.

**SEC. 2. Auditor to issue warrant.** Upon the presentation of said statement so made by the governor, as aforesaid, to the auditor of state by the holder, the auditor shall audit the amount due as shown by said statement, with ten per cent interest upon each sum so paid on said contract, certificate or patent, from the time of payment until the time said account shall be audited as aforesaid, and shall draw his warrant on the treasurer of state for the amount so audited.

**SEC. 3. \$4000 appropriated.** There is hereby appropriated out of any monies in the state treasury not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary to pay any claims to be audited under the provisions of this act.

[71] **SEC. 4. Certificates to be filed in the office of the register of the state land office.** The contracts, certificates or patents, or in case of loss, the proof of said contracts, certificates or patents, as returned to the governor, shall be filed in the office of the register of the state land office.

**SEC. 5. Holders of land not compell'd to comply with this act—may dispose of improvements—claimant receiving pay shall have no further claim against the state—legal rights against other parties not affected.** No person holding any contract, certificate or patent for any of the lands aforesaid, sold by said commissioner, shall be required to present the same as provided for under the provisions of this act; and no person presenting the same and receiving the money to be paid as herein provided, shall be prohibited, in any manner, from receiving under color of title or otherwise, for any improvements made upon said lands, included in any contract, certificate or patent, as aforesaid, and no person receiving money under the provisions of this act, shall, in any manner, have any further claim on the state by reason of said contract, certificate or patent, and the receiving of the money as aforesaid, and making settlement with the state as provided by this act, shall in no way prejudice any legal rights of the party so receiving it, which he may have against any other party, the state only excepted as aforesaid.

**SEC. 6. May recov'r pay for improvements made upon lands.** Any person who may have made valuable improvements upon any of said lands, patented to the Des Moines Navigation and Rail Road Company by the state, and before that time sold by said school fund commissioner, or the assignee of the person so making such improvements, may commence suit against said company, or the person claiming title under said company, for the value of said improvements, and such person shall be entitled to receive the value of said improvements made before the passage of the act, conveying said lands to said company from the party who is at the time of the commencement of such suit, the owner of said land.

**SEC. 7.** This act to take effect and be in force from and after its publication in the Weekly Iowa State Register and Fort Dodge Sentinel.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25th, 1860.

ELIJAH SELLS, Sec. of State.