

SEAL

Wm. C. McArthur) Filed for Record Aug. 27th A.D. 1910 at 10.05 o'clock A.M.
to) Certificate(140 George Hill Recorder.
The Public) By Daisy Hill Deputy.

United States Circuit Court, Southern District
of Iowa, Central Division.

I, Wm. C. McArthur, Clerk of said Court for said District, do hereby certify that in the case No. 51, Equity, brought for the purpose of foreclosing a certain mortgage for Seven Hundred Thousand (\$700,000.00) Dollars, given by the Mississippi & Missouri Railroad Company to Thomas C. Durant, Jacob S. Wetmore and Robert B. Minturn, Jr., trustees and dated December 10, A.D. 1861, and conveying all rights, title and interest, claim or demand which said first party now has or shall hereafter acquire in or to all public lands of the United States granted by Act of Congress, approved May 15, A.D. 1856 to the State of Iowa and by the General Assembly of the said State by Act approved July 14, A.D. 1856 to said Mississippi & Missouri Railroad Company, wherein Thomas C. Durant, Jacob S. Wetmore and Robert B. Minturn Jr., were complainants in said Original Bill against the Mississippi & Missouri Company, Edward W. Dunham, Thomas E. Walker, Franklin Haven, Mark Howard and John Webber were defendants in said original Bill. That a Cross-Bill was filed in said cause wherein Edward W. Dunham was complainant and the Mississippi & Missouri Railroad Company Thomas C. Durant, Jacob S. Wetmore, Robert B. Minturn Jr., Mark Howard and John Webber were defendants: That another Cross-Bill was filed in said cause to foreclose a mortgage dated May 8-1857 and executed by the Mississippi & Missouri Railroad to Thomas E. Walker and Curtis B. Raymond as trustees for the sum of Seven Million (\$7,000,000.00) Dollars and conveying all rights, interests, claims and demand which said party of the first part now has or shall hereafter acquire in or to all public lands of the United States by Act of Congress approved May 15-1856 and to the State of Iowa, and by the General Assembly of the said State by Act approved July 14-1856 in aid of the construction of said Railroad as referred to in said mortgage in which said Cross-Bill to foreclose said mortgage as aforesaid, Thomas E. Walker and Franklin Haven were complainants and the Mississippi & Missouri Railroad Company, Thomas C. Durant, Jacob S. Wetmore, Robert B. Minturn, Jr., Mark Howard and John Webber were defendants. That all of the parties above named, both in the original Bill and in the Cross Bill were parties in said suit, and all of said parties appeared in said suit and filed pleadings and were represented by attorneys as shown by the records in my office. I further certify that on the 11th day of May A.D. 1866, said causes came on for a further hearing upon the report of Thomas F. Withrow the Master in Chancery to whom the same had been previously referred by said Court and that all parties, both plaintiffs and defendants were present in Court as shown by the records in my office and no exceptions were made by any of said parties to said report, and it was ordered that said report be and the same was in all things confirmed:-

Thereupon the said causes coming on for final hearing and having been argued by counsel, upon full consideration thereof, it was ordered, adjudged and decreed as follows, to-wit: 1st. That the said Mississippi and Missouri Railroad Company do pay or cause to be paid unto said trustees or mortgagees in the said several mortgages set forth in the said original and cross bills respectively within ten days from this date the amount found by

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said Master's report to be due and paid upon the bonds of said company secured by said mortgages respectively, to-wit: to said Edward W. Dunham the sum of One Million Three Hundred and Thirty-six Thousand and forty-three 50/100 Dollars being the amount due and unpaid on the bonds secured by the said mortgage by the said Railroad Company to said Dunham as Trustee dated July 1st, 1855; and conveying the first or Eastern Division of said Railroad extending from the Eastern line of the State of Iowa at Davenport to Iowa City, and Muscatine with rolling stock and property appurtenant thereto: To said Edward W. Dunham the further sum of Four Hundred and Thirty-four Thousand Four Hundred and Seventy-eight Dollars, being the amount due and unpaid on the bonds secured by said second mortgage executed by said Railroad Company to said Dunham as Trustee, dated July 1-1856, and conveying the same property as the first mentioned mortgage. To said Edward W. Dunham the further sum of Seven Hundred and Twenty-six Thousand Thirty-two and 17/100 Dollars, being the amount due and unpaid on the bonds secured by said mortgage executed by said Railroad Company to said Dunham as Trustee, dated July 1st 1856, and conveying that division of said railroad known as the Oskaloosa division extending west from the City of Muscatine and the rolling stock and property appurtenant thereto: To the said Thomas E. Walker and Franklin Haven the sum of Four Million Two Hundred and Thirty-nine Thousand Nine Hundred and Eighty-two and 70/100 Dollars, being the amount due on the bonds secured by the said mortgage dated May 8th 1857, executed to Thomas E. Walker and Curtis B. Raymond as Trustees and conveying the division of said railroad known as the second division, extending westward from Iowa City and all rolling stock and other property appurtenant thereto, together with all the interest of said Company in the land granted by the United States to the State of Iowa and by said State to said Railroad Company in aid of the Construction of said railroad by the several Acts of Congress and of the General Assembly of Iowa set forth or referred to in said mortgage. And to the said Thomas C. Durant, Jacob S. Wetmore and Robert B. Minturn, Jr., the sum of Seven Hundred and Forty-five Thousand Four Hundred and Nine and 02/100 Dollars, being the amount due and unpaid on the bonds secured by the said mortgage made by the said Company to said Durant, Wetmore and Minturn as Trustees dated December 10th 1861, and conveying the whole and every part of said railroad rolling stock and other property, and lands.

2nd. That on default of said payment of the said sums of One Million Three Hundred and Thirty-six Thousand Six Hundred and Forty three and 57/100 Dollars, and Four Hundred and Thirty-four Thousand Four Hundred and Seventy-eight Dollars, respectively, to the said Edward W. Dunham, or either of them the said property, right and franchise of said Railroad Company so conveyed by said mortgages to said Dunham on said Eastern or first division of said road, to-wit: The said Railroad, together with all and singular the railways, land procured or occupied for right of way, bridges, fences, privileges rights and real estate owned by said Company between the City of Davenport and the Cities of Iowa and Muscatine, and all the tolls, issues, incomes and profits, and all the lands used and occupied for depot or stations with all the buildings standing thereon or procured therefor; together with all the locomotive engines and tenders and passenger cars and freight cars, shops, tools and machinery procured for or connected with the division of Sixty-seven miles of road before described and in any way belonging or appertaining to the said Sixty-seven miles of road, including all the property of the company on said division real and personal and all the rights, credits and franchises of the Company in said division of railroad; be sold at public auction by the master hereinafter appointed to execute this decree, and in the manner hereinafter directed for the purpose of satisfying the said amounts so decreed to be paid to said Dunham and remaining unpaid. I further certify that under and in pursuance of the Decree above referred to, entered May 11, 1866, that all of the following described real estate, to-wit: East One Half (E. 1/2) of the South East Quarter (SE 1/4) of Section Three (3) Township Seventy-seven (77) North, Range Twenty-eight (28) West of 5th P.M. in Madison County, Iowa, with other lands, was sold by Thomas F. Withrow, special Master in Chancery of said Court and that thereafter on the 6th day of August A.D. 1866 said Master's Deed and sale was by the Decree of said Court ratified, approved and confirmed, as shown by the records of my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at office in the City of Des Moines in said District this 18th day of August A.D. 1910.

U.S. Circuit Court
Seal

Wm. C. McArthur.
Clerk U.S. Circuit Court, Southern
District of Iowa.