

Third—Where lands lie between the six and fifteen miles limits of a located railroad line, but have never been listed and approved to the State under the provisions of the railroad grant, so as to vest that title, and the same lands fall within the description granted in 1849 and 1850, for drainage and levee purposes, the State appears to have the right to claim title under either grant, and if she is so claiming under both, I think we may examine the claim under the older grant, and if that be satisfactory, approve and patent the land. But if not satisfactory, reject the same, and proceed under the later grant.

After indemnity lists have been approved and transmitted to the State authorities, the lands therein are no longer liable to selection or report as swamp lands, and any selections that may have been made thereof, may be rejected. When the department has fully executed one grant, its officers should cease all action under another grant of the same land to the same grantee.

And where lands between the six and fifteen miles limits of a railroad which has been located, are by execution order withheld from pre-emption and ordinary private entry, in order to facilitate the adjustment of a grant to a State for railroad purposes, I think that the State authorities, from respect to the action of the State, as well as that of the United States, ought to waive any right which she may have to make selections of the withheld tracts under the swamp grants.

Should any State persist in that policy, and bring thus upon your office the evils which are sought to be avoided by the withdrawal of the lands, it may be a question whether the withdrawal of such lands within her limits should not be removed, and the lands left in market whilst the adjustment of the railroad grants is progressing.

Very Respectfully,

Your obedient Servant,

J. THOMPSON,

*Secretary.*

## MEMORIAL

OF THE

Cedar Rapids and Missouri River

RAIL ROAD COMPANY;

TO THE

Legislature of Iowa,

JANUARY 17th, 1860.

DES MOINES, IOWA:

1860.



## MEMORIAL

TO THE HONORABLE,

THE LEGISLATURE OF THE STATE OF IOWA:

Your memorialists, President and Directors of the Cedar Rapids and Missouri River Railroad Company, respectfully represent, that they are the owners of real estate in the State of Iowa; that a majority of them are citizens of the State, and that those who are not citizens have been largely identified for some years past in the successful prosecution of Railroads in Iowa, thereby greatly aiding in developing the resources of the Interior, and opening up new fields for trade and commerce.

A majority of your memorialists would further represent, that they are residents of the counties lying between Cedar Rapids and the Missouri River, on or near the 42d Parallel of Latitude; that they are pioneers, enduring the privations incident to the subduing of a virgin soil, and of introducing into the wilderness the comforts and happiness of civilization, and were attracted to their present homes by the unsurpassed fertility of the soil, the natural beauty and great salubrity of the country—and, especially, because it was known that Congress had donated lands to the State which would at an early day be made available to secure the construction of a Railroad across the State, in their immediate neighborhood, and that after being for a few years shut out, socially and commercially, from the Eastern world, they would then be connected with the great emporiums of the country, and find purchasers at remunerative rates for the products of their industry and toil.

They further represent, that regarding the State as a wise and faithful guardian, which would not fail to make a legitimate application of the lands granted by Congress, and discharge in good faith the responsibilities which the trust involved, and secure the construction of a road which would induce a more rapid emigration of settlers along the entire land grant line of the 42d Parallel of Latitude to the Missouri, and thereby greatly enhance the value and increase the happiness of their homes and firesides, and secure the sale and occupation of the alternate sections of remaining Government lands at the advanced price which had been placed upon them in contemplation of the road, they waited patiently for the consummation of their hopes and just expectations. While they entertained some doubt and distrust of the wisdom of the legislative enactment by which the lands were conditionally conferred



on the Iowa Central Air Line Company, with a view to their application on the east end of the line, they yet rested in hope that those conditions might be fulfilled, and the road constructed in conformity therewith; nor did this hope entirely forsake them, though no available progress was made in the work, till a report subsequently made by the Company to the Secretary of State, in conformity to law, disclosed the alarming fact that though they had not built a mile of road, they had created a debt of more than a million of dollars, which was infinitely more than adequate to exclude from the subscription list to its stock or bonds the name of any responsible man who had anything to lose.

This exhibit provoked a most profound indignation among the people residing in the counties along the 42d Parallel west of Cedar River, as it was then most obvious that the conditions which the State had wisely made in its grant to that Company could never be fulfilled, and that the lands in question must be given to some other Company, or return again to the Federal Government.

While however the hopes of the people and of your memorialists of so soon realizing from this favored company, the benefits of a railroad which should open to them a commercial intercourse with the cities of the East, were fading into gloomy discouragement and dismay, a new, and unlooked for enterprise, was beginning, without lands or public favor, noiselessly to lay its iron upon its shorter and better line, between Clinton on the Mississippi (less than two miles from Lyons which was the terminus of the Iowa Central) parallel, and near that line, till its connected with it at Cedar River.

The hearts of the people were gladdened by these new hopes, inspired by the steady progress of the Chicago, Iowa and Nebraska road under the dark shadow of its richly endowed land grant rival, through panic and depression, from the day of its commencement to the 15th of June last, when its completion to Cedar Rapids was celebrated as the greatest and most joyous event which had happened to this people. Your memorialists were now animated by more substantial hopes, and the sentiment in favor of the extension of the line of this Chicago, Iowa and Nebraska road from Cedar River to the Missouri, near the 42nd parallel, became unanimous with the people from Cedar River to the Missouri, and soon found expression in the call for a convention of the people residing in the counties on and near the 42nd parallel, which met at Cedar Rapids in June last to devise a mode by which this most direct line of road which had then been constructed from Chicago to Cedar Rapids should be speedily extended to the Missouri. Leading officers of the Iowa Central Air Line Company, and also of the Chicago, Iowa and Nebraska Company, were present at this convention, and both of these companies were requested to submit to the convention any propositions which they were prepared to make for extending the road to the Missouri.

The Iowa Central Company declared its intention to build a road from Anamosa west, as soon as it could so compromise with its creditors, as to enable it to enter upon the work, but refused to commence its work at Cedar Rapids

and let the lands apply to aid in the extension of the road west of that point to the Missouri, while the Chicago, Iowa and Nebraska Company, declared itself ready to co-operate with the Iowa Central or any other company, which could furnish evidence of its ability to build the road across the State, or would unite its efforts with a new organization if the people of the counties represented in that convention would form a new company, which should be free from debt or incumbrance of any kind, and free also from the odium which rested upon the Iowa Central Company, so as to command public confidence in the honesty and integrity of its purpose, and in its practical skill and business talent for the management of such an enterprise.

While the representatives of the Chicago, Iowa and Nebraska Company declined to avail themselves of the offer made by the Convention, to ask the State, by the unanimous voice of their people, that the lands which would be forfeited by the Iowa Central Company might be conferred upon the Chicago, Iowa and Nebraska Company, yet they stated that the stockholders of both the Chicago, Iowa and Nebraska, and of the Galena and Chicago Union, were deeply interested in the extension of that line, and were ready to co-operate with and assist such a Company as could be organized by that Convention to build the road through to the Missouri, provided the lands donated by Congress to the State to aid in the work should be conferred upon it. That such a Company, so organized, commanding the confidence of the holders of more than six millions of stock and four millions of bonds, in and upon the Galena and Chicago Union and the Chicago, Iowa and Nebraska roads, between Chicago and Cedar Rapids, would secure the strongest combinations of interest and strength which had ever been united in the West for the accomplishment of any single work. That while the people of the country west of Cedar Rapids would be immensely benefited by the construction of the remainder of this shortest and most direct line between Chicago and the Missouri, and to secure these vast benefits would put forth their most vigorous efforts and give their greatest energies, the revenues and dividends of every dollar of the stock of the two hundred and eighteen miles of this line already built, between Cedar Rapids and Chicago, would, in like manner, be increased by the contributions of the additional trade and travel of that vast and fertile country which would be secured by the construction of this important line through to the Missouri.

Believing, therefore, that a new Company, in which these great interests should be combined and represented, could alone command the confidence of the public, or the means for the progress of the work, the Convention unanimously acted upon these convictions, and organized the Cedar Rapids and Missouri River Railroad Company, for the purpose of constructing a road from Cedar Rapids along the 42d Parallel, and thereby establishing a *direct through line* from Chicago to the Missouri River, on the best and shortest route which it is possible to obtain, and which they believe best calculated to secure to their people the full benefits of a great commercial avenue across the State.



Your memorialists therefore, representing, as they believe, the wishes and interests of the people residing along the line west of Cedar River, and also the wishes and interests of the stockholders of the Chicago, Iowa & Nebraska and the Galena & Chicago Union roads, and relying upon assurances of the co-operation and support of all these great interests, and upon their ability, supported by this combination of moral and material strength, to build the road, under your favor, they respectfully but earnestly ask your Honorable body to grant by law the lands donated by Congress to the State to aid in building a road upon this line, to the Cedar Rapids & Missouri River Railroad Company, on the same terms and conditions as those made to the other land grant companies.

And your Memorialists respectfully submit, that this appeal which they now make in behalf of the Company, and of all the great interests they represent, is enforced by every principle of equity and justice; That it involves not only the welfare and happiness, but the just and dearest rights, of the citizens of Central Iowa residing near this line west of Cedar River, its results will establish or destroy the value and contentment of their homes and firesides, and what they ask, is demanded alike to repel the unjust combinations of the citizens of Dubuque and of the Iowa Central Company, in their attempt to secure these lands, to divert the trade and travel of the country along this line west of Cedar River to the city of Dubuque, which now enjoys the benefits of nearly half the lands granted by Congress to this State for railroad purposes, and also, to secure the application of the lands to aid in building that portion of the line between the Cedar and Missouri, along which the lands are situated, and where a road cannot be built without them, and not to transfer them to be squandered in building a duplicate road, at the east end of the line, which is not wanted, and which would only ruin the one already built without them, and that therefore the policy and measures which they seek to establish and carry out, and which, with your favor, they believe they have the ability to perform, embrace the only means by which this through and direct line of road from Chicago to the Missouri can be secured, the interests of the people upon the line protected, the wisdom of this munificent grant made by Congress vindicated, and the good faith of the State maintained.

Congress has wisely left it to the discretion of the State to apply these lands to aid in the construction of the road upon *any portion* of the line, which in your opinion justice and equity demand, and is it not preposterous to suppose

that had the Nebraska road been constructed from the Mississippi to the Cedar River, when this grant was made, Congress would have given three hundred thousand acres of land to build another road by its side, to the ruin of two millions of capital invested in the State in good faith for the benefit of our people,—and hence the force and justice with which the undersigned invoke your protection, and ask this exercise of your discretion in such an application of these lands as will aid to build a road on that portion of the line where alone it is required, and where it cannot be built without them.

L. B. CROCKER, Pres't, Oswego, N. Y.

G. M. WOODBURY, VICE Pres't, Marshall Co., Iowa.

J. W. DENNISON, Crawford Co., Iowa.

R. M. RIPPEY, Greene Co., "

L. C. SANDERS, Boone Co., "

JAS. HAWTHORN, Story Co., "

W. C. SALSBUURY, Tama Co., "

J. R. GRAHAM, " "

A. D. STEPHENS, Benton Co., "

JOHN WEARE, Linn Co., "

J. F. ELY, " "

CHARLES WALKER, Chicago, Ill.

JOHN WENTWORTH, " "

JOHN BERTRAM, Salem, Mass.

OAKES AMES, Boston, Mass.