

MINORITY REPORT

OF THE

Committee on Railroads

ON

SENATE FILES NO. 140-170.

DES MOINES:
F. W. PALMER, STATE PRINTER,
1898.

REPORT:

The minority of the committee on railroads, to whom was referred Senate File Nos. 140 and 170, respectfully submit the following report:

The Legislature of Iowa at its session by joint resolution memorialized Congress for grants of land to aid in the construction of railways from Burlington, Davenport, Dubuque and McGregor to several points on the Missouri River, but in the act of Congress making the grant, the line of the forty-second parallel of latitude was substituted for the line west from McGregor. By this action the northern portion of the State to the extent of nearly one-fourth of the surface of the whole State, was left without a grant of land to aid its people to secure railway advantages.

The member of Congress from the Second Congressional District, A. D., 1856, then residing at Davenport, was influential in procuring the substitution of the forty-second parallel for the McGregor line and, as one of the consequences of this diversion, the terminus of the main line of the great Central Pacific Road was fixed at Omaha, and now the grandest of all national highways traverses our State. By the sacrifice of the interests of northern Iowa, this advantage of incalculable value has been secured to the State.

For twelve years the people along the line of the road proposed from McGregor, have borne the burthen of this sacrifice, without sharing its advantages, and the question to be determined by this Legislature is, shall this sacrifice so far as a large portion of our people are concerned be perpetual. It is as will be shown in this report, in the power of the Legislature, without injury to a single person in the State, or a single interest out of it, to secure the facilities so long withheld.

To make this apparent, a brief recital of facts is pertinent. Sometime during the year 1856, a company was organized under

the name and style of the McGregor, St. Peters & Missouri River Railroad Company, with a purpose to build a road west from McGregor to the Missouri with a branch northwest to Minnesota. This company prosecuted its surveys with reference to both its western and northwestern lines, and it raised and expended in lands and money over three hundred thousand dollars, two-thirds of this amount having been contributed by the people of Fayette county, and the south half of Chickasaw county. While under the name and style of the McGregor, St. Peters & Missouri River Railroad the work was prosecuted as a single line to a point near Postville and at that point the western or Missouri line continued westwardly by way of Clermont on the Turkey River and West Union, and the St. Peters or Northwestern and Minnesota line was continued northwest toward and beyond Calmar in the direction of Cresco and a large amount of work was done on the two lines beyond the point of separation and a portion of it beyond the town of Calmar on the line of the road now running from Calmar to Cresco, Austin and St. Paul, and also a very large amount of work was done between Postville and West Union on the western line.

During this time the people of North Iowa, north of the line of the Dubuque & Pacific, now Dubuque & Sioux City road, were urgently pressing Congress to grant lands in aid of the construction of the Missouri branch of the McGregor, St. Peters & Missouri River road, and in this they were warmly and ably seconded by the people of Dubuque and the counties west of Dubuque, which efforts were finally crowned with success May 12th, 1864, a little over a year after the McGregor, St. Peters & Missouri River Railroad Company had been re-organized under the designation of the McGregor Western Railway Company. This company, under the new name, contracted with a construction company, composed of the officers and directors of the McGregor Western Company, to construct the road west to Cedar river, and as the land grant had not yet been obtained, perhaps the contract had a land grant squint as well as a westerly direction. This company recognized Clermont and West Union as being on this western line by an agreement to complete the road as far west as West Union by the first day of July, 1865. But when the land grant had been secured, or was

certain to be obtained, the road having reached the point of divergence, the contract was changed, and the construction company undertook to build a road to Austin, Minnesota, following the old line of the McGregor, St. Peters & Missouri River Railroad along the Northwestern or Minnesota branch, and on this line and on this line only has any road been constructed since the passage of the land grant act, May 12, 1864, and from that day to this not a mile of road has been constructed on the line contemplated by Congress in passing the act, or the people in asking for it.

And in further confirmation of this statement it is just to mention that the agents of the McGregor Western road applied to Congress and a bill was introduced sanctioning this diversion from the land grant line, and granting the lands to the Minnesota road, in imitation of the action of Congress in permitting a departure from the line of the forty-second parallel, under which permission the road has been built on a line different and distant from that designated in the act of May 15, 1856. This effort failed, but the fact that it was made in the interest of and by the direction of the McGregor Western Company, shows that the company was then conscious it had not built its road on the line designated by the act of Congress, a confession that would be taken as conclusive in any court of justice, and should be by this legislature. It is not easy to see how the McGregor & Sioux City Company, the assigns, successors and representatives of the McGregor Western Company, can claim more than their predecessors.

The act of Congress approved May 12th, 1864, fixes the line or rather points out the manner of determining the line of the road and the forty-third parallel, must be considered in settling the location of the road. It is a constant element or quantity which can not be eliminated from the equation in any single step of the solution. It is like the meridian to which the chronometer of the mariner is adjusted. No location can be fixed without consulting it.

The next element to be considered is practicability, and here four prominent elements present themselves. In a common sense view of the question, no railroad enterprise can be considered practicable where, when the road is built, there is nothing for it to do. This proposition is too plain to admit of controversy. The next element is cost of construction, which if it is so great

that the amount of the advantages and facilities to be secured by its construction is exceeded, then in a large and liberal view, it is no abuse of terms to say such an enterprise is not practicable.

Again, the grade and curvature of the line should be such as to admit of doing the business of the line. Slight curves are no longer regarded as objectionable features in a line except so far as they increase its length, and this element needs no farther consideration, for it has not yet appeared that any line that has been examined on or near the forty-third parallel is impracticable for this reason or seriously objectionable.

The next element in discussing the question of practicability is grade—and here from the vast accumulation of facts ascertained by the experience of railroads, the figures are made, and the value of this element (the probable amount of business being taken for granted,) can be definitely measured. It may be stated that the train expenses, that is, the cost of running trains, is about one-sixth the cost of operating a road, and this is the estimate for roads whose grades vary from forty to sixty feet per mile; within these limits the gain or loss by decreasing or adding to the grade so far as train expenses are concerned, (and it is in this item that the question of grade figures) is so small that when the maximum grade of sixty feet is encountered going west, this grade is not a serious obstruction in operating an Iowa road, and the question of grade, unless it exceeds the limits above defined, need not be considered in determining which is the most practicable route for a railroad. The estimates of the engineer, made in the interest of the Milwaukee & St. Paul Railway Company, show the entire cost of construction from Postville to the Cedar river, via Clermont and West Union, (57 miles) exclusive of cost of iron to be \$411,557.64, or an average of \$7,237.85 per mile. This including earth work, rock work, masonry, bridging, ties, leveling track, &c. The earth work estimated at about thirty cents per yard, which is about thirty per cent more than it will actually cost. The curvature not to exceed five degrees, and the grade going east only fifty-three feet, and going west sixty feet, with the probability of reducing it to fifty-five feet, from Postville westward, crossing the Turkey river at Clermont, and running

northward of West Union to the Cedar river. This preliminary line has been run, and the engineer considers that the expense can be reduced very much below his estimates, which he claims are very liberal.

The friends of the McGregor & Sioux City Railroad Company have been challenged to produce a report of their engineer showing a more practicable route but have failed to produce it.

The resources of the country, the number of the people now occupying it, and the capability of the country to sustain a population, and business are such as to furnish a remunerative business for a line of road. The supply of fuel is abundant. The supply extending to the Cedar river is so abundant that the demand of the road for its fuel will not operate as a drain upon the agricultural resources of the adjoining and tributary country. The grades do not exceed a practicable limit, and it is the line contemplated for years by the people and presented to Congress for land grant aid, and it is the line which determined Congress to fix the forty-third parallel as a guide for the line, and it conforms to all the conditions of the land grant act, and if these facts are true, and they can not be successfully disputed, the State of Iowa as trustee of the Nation can not divert the land grant from this line.

It is further contended that inasmuch as twenty miles of road are now built on another line it is cheaper to use it than to build a new line. This is simply claiming the right to take advantage of ones own wrong. Having adopted the wrong line, one not contemplated in the land grant act, the advocates of the McGregor & Sioux City Company claim not only the right to continue the wrong, but claim lands the same as if they had performed the conditions of the act of Congress. If the grant is to be conferred upon the McGregor & Sioux City Company, it can only be conferred upon them upon conditions that they construct the land grant line, to which condition they, by their authorized agent, once consented, and by such consent admitted the same to be the land grant line. In any court of justice they would be bound by the admission. But it seems that they ask this Legislature to release them from obligation imposed by law upon the citizens of Iowa from the condition

of the act Congress and the obligation imposed by good faith and common honesty.

By confining the company to the land grant line the people of Fayette, Bremer and Chickasaw counties will secure the advantages of the road, as intended by act of Congress, and the number of people of these counties exceeds the entire population west of the Cedar river within the limits of the land grant along the forty-third parallel to the Missouri river, and the construction of the road so as to make it accessible to this large population, who now have no road, does not prevent or interfere with the construction of the line so that the greatest possible facilities may be furnished to those who live beyond the Cedar river along the land grant line. There is now in process of construction, to be finished in July, 1868, a railroad to Charles City, in Floyd county, and the Milwaukee & St. Paul road is now running to the State line.

By next harvest such will be the road facilities that there will not be one thousand people between Calmar and Charles City who can not go to a depot and return the same day; and should the lower or land grant line be constructed south of Turkey river, and the road extended from Charles City to Austin, as contemplated, then there will not be a farmer between the Turkey and the Cedar rivers distant more than half-a-day's drive from a railroad depot. If the line south of the Turkey is not constructed, there are now more than 20,000 people who will remain without like railroad facilities.

Having now presented the questions to be determined, in disposing of the land granted by the Act of Congress approved May 12th, 1864, we earnestly urge this house to determine the line, and to confer the land on such a company as will guarantee the fulfillment of the trust reposed in the State,—not merely for the benefit of the people on and west of the Cedar river, but also for those other and more numerous people who also live near the 43d parallel, and who should enjoy equal railway facilities with their fellow citizens of Iowa.

We, therefore report Senate File No. 140, and recommend its passage.

W. LARRABEE,
EDWARD M. BILL,

For minority.

MINORITY REPORT

OF THE

Committee on Railroads

ON

HOUSE FILES NO. 232-238.

DES MOINES :

F. W. PALMER, STATE PRINTER.
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