

NUMBER XXVII.

ONAWA BRANCH OF THE C. E. & M. E. R. R.

JOINT RESOLUTION In relation to the Onawa Branch of the Cedar Rapids and Missouri River Railroad.

WHEREAS, By an act of Congress approved May 15, 1856, there was made to the State of Iowa a grant of land, in alternate sections, to aid in the construction of certain railroads in said State; and,

WHEREAS, by an act of the General Assembly, approved, July 14, 1856, the State of Iowa accepted the said grant upon the conditions contained in the act of Congress aforesaid; and,

WHEREAS, by an act of the General Assembly, approved March 26, 1860, the State of Iowa granted to the Cedar Rapids and Missouri River Railroad Company that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central 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, upon certain conditions contained in said act, which was duly accepted by said company; and,

WHEREAS, by an Act of Congress, approved, June 2d, 1864, the said Cedar Rapids and Missouri River Railroad Company was permitted to so modify or change the uncompleted portion of its line, so as to secure a better a more expeditious line to the Missouri river and a connection with the Iowa Branch of the Union Pacific Railroad, upon certain conditions therein set forth; and,

WHEREAS, One of the conditions in said last named act of Congress is as follows: "*Provided*, that in case the main line shall be so modified or changed as not to reach the Missouri river at or near the 42d parallel [of] north latitude it shall be the duty of said company within a reasonable time after the completion of its road to the Missouri river, to construct a branch road to some point in Monona county in or at Onawa City," for which branch they were granted the same amount of lands per mile as were granted for the main line; and,

WHEREAS, The said company has so modified or changed its line as to reach the Missouri river at or near Council Bluffs, in Pottawattamie county, a distance of nearly sixty miles from the point where the 42d parallel crosses said river; and,

WHEREAS, A reasonable time has elapsed since the completion of the said company's road to the Missouri river, and the said company has not yet built nor commenced to build said branch; and,

WHEREAS, The good faith of the State in executing the trust conferred upon it by Congress, requires that the State should secure the early completion of said Onawa Branch ; now, therefore,

Be it resolved, by the General Assembly of State of Iowa, That the Attorney-General is hereby instructed and required to take such means as may be necessary to secure the speedy building of a branch road to some point in Monona county, in or at Onawa City in accordance with the provisions of the act of Congress, approved June 2d, 1864, and acts of the General Assembly relating thereto : Provided, That in his opinion the State has the power to compel the construction of said road.

Approved, April 14, 1870.