

to prevent abuses in management, unjust discrimination and excessive charges for transportation on all inter-state lines of railroads.

Resolved, 2nd. That the secretary of state be instructed to furnish a copy of this resolution to each of our senators and representatives in congress.

Approved, February 16, 1880.

NUMBER 3.

MEMORIAL of the General Assembly of the State of Iowa Relating to the Des Moines River Lands.

1. WHEREAS, By an act of congress of August 8, 1846, a grant of land was made to the then territory of Iowa to aid in the improvement of the navigation of the Des Moines river, from its mouth to the Raccoon Forks; and,

2. WHEREAS, On the 9th day of June, 1854, the state of Iowa contracted with a corporation known as the Des Moines Navigation and Railroad Company to complete the work then begun by the state as provided by said grant, and to be done for the lands granted thereby without liability of the state; and,

3. WHEREAS, The state in 1858 for the purpose of a settlement with said corporation, made a deed to the said company, of what title the state then had to certain lands therein described north of the Raccoon Fork; and,

4. WHEREAS, By a decision of the Supreme Court of the United States at the December term, 1859, between the Dubuque & Sioux City Railroad Company and Edwin C. Litchfield, it was decided that said grant did not extend above the Raccoon Fork, and that the certificates issued by the land department to the state for said lands were void, and that the said company had no title whatever to the lands claimed by them above said Raccoon Fork; and,

5. WHEREAS, By the joint resolution of congress of March 2, 1861, all the remaining interest in said lands above said Raccoon Forks so erroneously certified was released to the *bona fide* holders of the patents of the state, and by the act of congress of July 12, 1862, said grant of 1846 was extended so as to include the odd numbered sections lying within five miles of said river between the Raccoon Fork, and the north line of the State of Iowa; and,

6. WHEREAS, Numerous settlers entered upon the said lands lying north of the Raccoon Fork at various times, some of them as early as 1854, believing them to be government lands open to settlement under the pre-emption and homestead laws of the United States, and have made valuable improvements thereon with a view to ultimate perfection of their title, many of whom have long held possession from the United States under said laws; and,

7. WHEREAS, The secretary of the interior, Hon. O. H. Browning, on the 9th day of May, 1868, in an opinion carefully reviewing the acts of 1846, 1861 and 1862 and what is known as the Harvey settlement of 1866

under them, also the contradictory opinions of the various officials upon the original grant of 1846, and the decisions of the Supreme court of the United States and particularly that known as the Wolcott case, decided that the said lands heretofore improperly certified north of the Raccoon Fork were open to preemption and settlement under the laws of the United States; and,

8. WHEREAS, In pursuance of such opinion and decisions and encouraged thereto by such authority and the advice of eminent council, several hundreds of said settlers proceeded to file their declarations and undertook in good faith to perfect their titles to the lands selected and improved by them as mentioned, and many of said settlers had prior to that time so filed their declarations and applied to preempt said land and make homestead entries therein; and,

9. WHEREAS, Grievous litigation is now pending in the various courts of the state and of the United States relating to the title to said lands, improvements thereon, etc.; and,

WHEREAS, On account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already arisen and is likely to arise unless some satisfactory and just action be taken by the state and general government relating to this subject; and,

10. WHEREAS, The settlers aforesaid are wholly without remedy under the effect of said rulings of the various departments, and officers of the general government and courts, and they desire that the United States should take proper action to protect them, and it has become a matter of vital importance to all the settlers on these lands whether holding under the United States laws as preemptors, or under the company, as well as to all other people residing along the Des Moines valley from the Raccoon Fork to the north line of 92 on the east side, and the north line of 88 on the west side of the river, to which point said lands were certified, that these long continued and vexing controversies connected with the legislation referred to be fully and finally settled; and,

11. WHEREAS, The settlers upon said lands believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly and properly represented in court, and only desire that this may be done; therefore,

Be it resolved by the House of Representatives of the State of Iowa, the Senate concurring, That our senators in congress, be instructed and our representatives requested to favor the immediate passage of a bill which shall in some manner provide for the Attorney-General of the United States to immediately commence proceedings or cause such proceedings to be instituted by suit, either in law or in equity or both as may be necessary and appear in the name of the United States so as to remove all clouds from the title to said lands in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may at his or their expense unite with the United States in the prosecution of such suits, to the end that the title or titles of any person or persons claiming said lands may be forever settled.

Approved, February 16, 1880.