

NUMBER 10.

MEMORIAL AND JOINT RESOLUTION Relative to Securing to the State of Iowa the Patents for Certain Lands Granted to Said State to Aid in the Construction of a Certain Railroad.

WHEREAS, The congress of the United States, by an act approved May 12, 1864, granted to the state of Iowa, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said state, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it should intersect the railroad to be constructed from Sioux City to the Minnesota state line in the county of O'Brien in said state, every alternate section of land designated by odd numbers for ten sections in width on each side of said road; and,

WHEREAS, The state of Iowa subsequently accepted said grant, and filed its map showing the location of said railroad from McGregor to Algona, and thence westerly to said point of intersection at Sheldon, in said county of O'Brien, and the lands so granted were, upon such location, withdrawn from market for the purpose of said grant; and,

WHEREAS, Said grant was, by an act of the general assembly of the state of Iowa, approved March 31st, 1868, conferred upon the McGregor and Sioux City Railway Company, afterwards known as the McGregor and Missouri River Railway Company, and said company subsequently completed said road to Algona in 1870; and,

WHEREAS, On account of the failure of said company further to complete said road, the general assembly of the state of Iowa, by an act approved on the 27th of February, 1878, resumed said lands to the state, and by the same act granted the same to the Chicago, Milwaukee and St. Paul Railway Company, on condition that said company should construct said road from Algona to Emmetsburg, in Palo Alto county, and locate and establish its depot upon the ground selected by the McGregor and Missouri River Railway Company, as shown by the town plat of Emmetsburg, and thence to Spencer, in Clay county, and locate and establish its depot upon section 7, township 96, range 36, on or before the first day of January, 1879, and thence by the most direct and practicable route to the point of intersection with the Sioux City and St. Paul Railroad, within one-half mile of the corporate limits of Sheldon, in O'Brien county, on or before the first day of January, 1880; and,

WHEREAS, The said Chicago, Milwaukee and St. Paul Railway Company did, in the year 1878, construct and complete said railway from Algona, by way of Emmetsburg and Spencer, to Sheldon, as required by said act; and,

WHEREAS, The governor of the state of Iowa, by his certificate bearing date on the 30th day of November, 1878, certified to the Secretary of the Interior that said Chicago, Milwaukee and St. Paul Railway Company had completed said railway from Algona to Sheldon as a first class railway; and,

WHEREAS, The state of Iowa has made application to the Secretary of the Interior for patents to the lands so as aforesaid granted to said state,

and objection has been made by the Secretary of the Interior to the issuance of said patents, for the reason that said railway from Algona to Sheldon is not constructed on the exact line of definite location upon which said lands were reserved, but is constructed substantially upon said line, and on the exact line required by the act of the general assembly, granting to the Chicago, Milwaukee and St. Paul Railway Company said lands; and,

WHEREAS, All the lands withdrawn from market as applicable to said grant on the line as definitely located, would have appertained to the grant had the line of construction been the line of location, and no additional or different lands are required in consequence of said location from what would have been required had the line of construction been the line of location; now, therefore,

Be it resolved by the General Assembly of the State of Iowa:

That our senators in congress be instructed, and our representatives requested, to give this subject their careful and diligent attention, and to secure, if possible, the issuing of said patents to the state of Iowa, in compliance with said grant; and,

Be it further resolved, That in case the said Secretary of the Interior insists upon his said objection, and declines to issue said patents, that then and in that case our said senators be instructed, and our representatives requested, to procure the passage by congress of a joint resolution legalizing the construction of said railroad on the line upon which it is constructed as a compliance with the grant so as aforesaid made by congress by the act of May 12, 1864, and giving to the state of Iowa all the lands so withdrawn on said located line in pursuance thereof, and directing the Secretary of the Interior to issue said patents to said state; and,

Be it further resolved, That the governor of this state be and he is hereby respectfully requested to transmit a copy of this memorial and these resolutions to each of our senators and representatives in congress from this state.

Approved, March 18, 1880.

NUMBER 11.

JOINT RESOLUTION, Proposing to Amend Article Eleven, Section One, of the Constitution of the State of Iowa, and to Provide for its Reference and Publication.

Be it Resolved by the General Assembly of the State of Iowa:

That the following amendment to the constitution of the state be and the same is hereby proposed:

"Strike out the words one hundred (100) from the fourth (4th) line of section one (1), article eleven (11), and insert the words three hundred (300).

"Strike out the words three hundred (300) in the last line of section one (1), article eleven (11), and insert the words five hundred (500)."