

## SOURCE MATERIAL OF IOWA HISTORY

[Among the documents in the collection of the State Historical Society of Iowa is a record of one of Iowa's many "paper" railroads of the mid-nineteenth century — The Davenport & Iowa City Rail Road Company. These records, written on ruled paper, sewed together, and bound in brown paper, were presented to the Society, as explained in the letter which precedes the document, by H. W. Lathrop in 1860. This document is of value as showing the method whereby local railroad companies were established, flourished, and languished during the years of intense railroad excitement. Few purely local railroad schemes ever went beyond the paper stage; those roads which became realities were tied, financially, to the roads built by eastern capital. Thus, this Iowa City venture became an actuality only after it had "sold its birthright" to the Mississippi & Missouri Rail Road which was partly financed by the Rock Island Railroad. For the story of the "M & M," see Dwight L. Agnew, "Iowa's First Railroad," IOWA JOURNAL OF HISTORY, 48:1-26 (January, 1950). —EDITOR.]

### THE DAVENPORT & IOWA CITY RAIL ROAD

Iowa City Feb. 11th, 1860

To the Board of Curators  
of the State Historical Society

Gentlemen

Herewith I present you the records of the Davenport and Iowa City Rail Road Company. This was the first Rail Road Company organized in the State, and although it has ceased to exist, the Mississippi & Missouri Co. phenix [sic] like, has risen from its ashes. The stock subscribed never amounted to more than \$15,000, and only sufficient was paid in to procure a survey of the route from Davenport to Iowa City, and a publication of the Engineer's report and accompanying diagram.

At the last meeting of the Board of Directors, the record of which was lost, a transfer of all the rights, privileges, benefits, franchises &c &c in the possession of the company, was made to the Mississippi and Missouri R. R. Co. The meeting was held late in the afternoon, and at its close, Dr. Henry

Murray was despatched immediately to Davenport with a transcript of the proceedings, that he might lay it before the Directors of the latter company at a meeting to be held in that place the next day. Traveling on horseback most of the night he reached Davenport in time to lay before the Directors at the commencement of their meeting the proceedings in relation to the transfer. The grant was accepted and the conditions complied with by making Iowa City a point on the M & M Road.

Yours &c

H. W. Lathrop

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JOURNAL RECORD OF THE DAVENPORT & IOWA CITY RAIL ROAD COMPANY

Be it remembered, that on the 14th day of October 1850, at Iowa City, in Johnson County Iowa, the Commissioners named in the articles of incorporation of the Davenport & Iowa City Rail Road Company, & the stockholders of said company, met at the office of George L. Hampton Esq in said city, in pursuance of a resolution previously adopted by said Commissioners, and having exhibited the subscriptions to the capital stock of said Company, whereby it appeared that more than five thousand dollars had been subscribed, to said capital stock, proceeded with the business of organizing said company, there having been previous notice given by said Commissioners, that an election of officers, for said Company, would be held, at the time, and place hereinbefore mentioned.

A quorum of said Commissioners being present, on motion, Enoch Lewis was called to the chair, & Thos. Hughes was chosen secretary.

The articles of incorporation of the said company were then presented, bearing the signatures of said Commissioners, and were adopted by the stockholders who were present

On motion of Mr Byington, it was Resolved, That, in the election about to take place, each stockholder be authorized to cast one vote, for each share of stock, held by such stockholder, either by himself, or by his duly authorized agent.

On motion of Mr. Fales, the stockholders of said company then proceeded, under the direction of said Commissioners, to elect by ballot the first Board of nine Directors; and upon counting the ballots it appeared, that Le Grand Byington, James P. Carleton, Joseph T. Fales, Smiley H. Bonham, Henry W. Lathrop, Samuel Workman, James Cavanaugh, Thomas

Hughes & Garrett D. Palmer, had each received a majority of all the votes cast, and they were declared, by the chairman duly elected Directors of said Company, a quorum of the above named Directors being present, forthwith proceeded to elect executive officers of said company. When James P. Carleton was elected President, Legrand Byington was elected Treasurer, & Henry W Lathrop was elected secretary of said Company.

The following resolutions were then adopted by the Board of Directors to wit,

I Resolved, That the Articles of Incorporation under which this Company has been organized, be recorded in the office of the Recorder of Deeds of Johnson County — that a certified copy thereof be deposited in the office of the Secretary of State — that the notice required by law, be published in the Iowa Capital Reporter, & that the secretary of this company, be charged with the duty of seeing this resolution carried into effect

And, Whereas it has been represented to this Company, that a number of individuals, who have personal objections to subscribing to its capital Stock, at this time, have expressed a desire to make voluntary contributions towards procuring, under the auspices of the Company, the location & right of way of the Davenport & Iowa City Rail Road: therefore

II Resolved, That the Secretary of this Company, be authorized & required forthwith, to prepare a paper for the reception of such subscriptions.

III Resolved That this company will proceed to secure such location & right of way, so soon, as the subscriptions to its capital stock shall be so far augmented, as that five per centum thereon, together with such voluntary subscriptions, will yield sufficient to pay the necessary costs of the same.

IV Resolved that Messrs Byington Hughes & Fales, be, & they are hereby appointed a committee, to prepare By-Laws for the government of this Company, & that until such By-Laws are adopted, the regular meetings of the Directors shall be held, at 2 o'clock P. M. on the first Saturday of each month

V Resolved That subscriptions to the capital stock of this Company, shall be received under the supervision of the Treasurer, until the first Saturday of November next

VI Resolved, That the Secretary be, & he is hereby authorized, to procure suitable books & papers for the use of his office

On motion the Board then adjourned

H. W. Lathrop Secretary

At a special meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company called by the President and held at Iowa City on the 21st of October 1850 a quorum being present it was on motion

Resolved, That Legrand Byington be & he is hereby authorized & required to proceed to Davenport & Rock Island for the purpose of procuring stock &c in the Davenport and Iowa City Rail Road Company & the services of an engineer to commence an immediate survey of said road

Resolved, That should said mission result in the commencement of said survey this fall, the Hon James Grant of Davenport or such other person as he may appoint as a substitute be & he is hereby appointed an agent of this company to procure for said company the right of way for said road from individual proprietors of the land through which said survey may be made between Davenport & the Cedar River

On motion the Board then adjourned

H. W. Lathrop Secretary

James P. Carleton Prest

(Seal)

At a regular meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held at Iowa City on the 2nd of November 1850 a quorum (consisting of Messrs Byington Hughes Palmer Workman & Lathrop) being present the following proceedings were had

I Resolved That an installment of five per centum upon the capital stock of this company now subscribed or which may hereafter be subscribed is required to be paid to the Treasurer of this company previous to the 25th day of November instant notice of which shall be given by publication in the Reporter

II Resolved, That the contract which was made by the Treasurer of this company with Richard P. Morgan Esq for a survey of a route for their road be in all things affirmed, & recorded by the Secretary of this company

III Resolved That the committee heretofore appointed to prepare By Laws for the government of this company be allowed until the next regular meeting of the Directors to make their report

IV Resolved That James P. Carleton be and he is hereby authorized & required to proccure [sic] for this company at as early a period as practicable the right of way for their road over the lands of individual owners between the Cedar River & Iowa City

V Resolved That the Treasurer of this Company be authorized & re-

quired to receive subscriptions to the capital stock of this company until the first day of December next

VI Resolved That the following memorial be presented by this Company to the Congress of the United States at its next session

To the Senate & House of Representatives of the Congress of the United States

The Davenport & Iowa City Rail Road Company, by its duly elected officers, represent to your honorable body, that said company has been completely organized under the laws of Iowa for the purpose of constructing & using a Rail Road from Davenport on the Mississippi river to Iowa City the capital of said state. That said company has procured a thorough survey & estimate to be made upon the route of their said road a report of which by their engineer is herewith presented & from which it will appear that a large part of said route will necessarily [sic] run over the public lands of the United States & that said Company having secured the right of way for their said road from individual land holders upon the line are anxious to obtain from the General Government the right of way for their said road over the aforesaid lands of the United States to the end that an early movement may be made towards the construction of said road. The said Rail Road company therefore pray the passage of an act at your present session granting to said Company the right of way for said road over the lands of the United States through which the route of said road may be located &c

The said Company further ask your honorable body to grant to the State of Iowa in trust for the benefit of said Rail Road Company a quantity of public lands equal to six sections for each mile of said road & urge upon your attention the following reasons in favor of making said grant

*First* That said grant would facilitate & greatly accelerate the making of said road & secure its completion at a much earlier period than it would otherwise be accomplished

*Second:* That said road when completed would be a prolongation of a railway track from New York Boston & Philadelphia by the way of Cleveland [sic] & Chicago into the heart of Iowa in the direction of Council Bluffs & the South Pass & would thus form an important section of the Atlantic & Pacific Rail Road

*Third:* That it would greatly facilitate the settlement and cultivation of central Iowa, & place that part of our state upon a somewhat more equal

footing with those portions of it which are upon & adjacent to her navigable waters

*Fourth:* That the grant would operate as a positive benefit to the government itself by imparting a value & ready sale to vast quantities of prairie land contiguous to the road which would otherwise remain unproductive & unsaleable for the want of facilities for improvement which the road alone would furnish

*Fifth:* That said road being near to several important and necessary military posts and on the shortest line of communication with our western frontier settlements, the government would derive therefrom a further and direct benefit by means of a speedy and free transit over the same at all times of its troops & property, the said company being willing to accept the grant herein prayed for upon the condition that this service shall be performed on their road without charge to the government for such transportation

*Sixth:* That it would in every point of view, be a liberal act of justice to the interior counties of Iowa, & a measure of sound policy so far as the governmental & pecuniary interests of the United States would be affected by it

On motion the Board then adjourned

H. W. Lathrop  
Secretary

The following is a copy of the contract referred to in the second resolution adopted by the Directors of the Davenport & Iowa City Rail Road Company at their regular meeting held Nov 2nd 1850

"In consideration of the undertakings of the Davenport & Iowa City Rail Road Company hereinaftermentioned I Richard P. Morgan of Kendall Co. Illinois agree with said company to make a survey & estimates of a rail way route upon the most practicable ground from the town of Davenport in Scott County to Iowa City in Johnson County Iowa said survey & estimates to be completed & a report thereof accompanied by the field notes & by suitable maps or diagrams to be made to said company on or before the tenth day of December next. In consideration whereof said Company agree to pay to said Morgan for said survey & estimates after the same shall have been completed the sum of four hundred dollars said survey is to be made by said Morgan with such care judgment & accuracy that the location of the bed of said road may be made thereon & the right of way with reasonable certainty

obtained upon the basis of such survey and location.

In witness whereof said company by Le Grand Byington their authorized agent and said Morgan have hereunto set their hands this 26th day of Oct. 1850

The Davenport & Iowa City  
Rail Road Company  
By Le Grand Byington  
their agent

Richd P. Morgan

At a regular meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held at the office of Geo. L. Hampton Esqr in Iowa City on the 7th day of December 1850 a quorum (Messrs Carleton Byington Workman Palmer & Lathrop) being present, the following resolutions were passed.

I Resolved That the Treasurer be authorized to receive subscriptions to the capital stock of this Company till the first day of January next

II Resolved That the committee on By Laws have one month's further time to report

III Resolved That a draft of \$400. in favor of Richard P. Morgan be drawn on the Treasurer of this company

IV Resolved That the Report & Field Notes of Richard P. Morgan the Engineer employed to survey the route of the Davenport & Iowa City Rail Road be accepted and placed on file

V Resolved That Messrs Lathrop Workman & Palmer be & they are hereby appointed a committee on publication & engraving & that they be authorized to procure the publication of 2000 copies of the engineer's report & accompanying diagram.

VI Resolved That the President and Treasurer of the Board be & they are hereby appointed a committee to procure the right of way for this road from the individual owners along the route

On motion the Board then adjourned

H. W. Lathrop  
Secretary

At a regular meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held at Iowa City on the fifth day of Jan. A D

1851 a quorum (Messrs Hughes Byington Palmer Workman & Lathrop) being present Mr Byington in the chair the following resolutions were passed

I Resolved, That the first & second resolutions adopted at the last meeting be revived & continued in force until otherwise ordered

II Resolved That the pamphlet edition of the Engineers Report heretofore ordered be placed on sale under direction of the Treasurer of the Board at such prices as will be sufficient to pay the costs of its publication

On motion the Board then adjourned

At a regular meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held at Iowa City on the first day of February A D 1851, for want of a quorum no business was transacted & on motion the board adjourned

[This entry repeated for following dates: March 1, April 5, May 3, June 7, July 5, August 2, September 6, and October 4, 1851.]

At a meeting of the stockholders of the Davenport & Iowa City Rail Road Company held at Iowa City on Saturday the 4th day of November A D 1851 M. I. Morsman was called to the chair & H. W. Lathrop chosen secretary. Whereupon on motion of Legrand Byington an election was held for Directors of said Company for the ensuing year which resulted in the choice of

Jas. P. Carlton [sic]  
 Legrand Byington  
 H. W. Lathrop  
 M. I. Morsman  
 Thomas Hughes  
 G. D. Palmer  
 Sylvanus Johnson  
 Henry Murray &  
 James Grant

The meeting thereupon adjourned

H. W. Lathrop Secretary

At a regular meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held at the office of Dr. H. Murray in Iowa City on Saturday the first day of November 1851 (Messrs Carleton Byington Lathrop Morsman Hughes Palmer & Murray being present) Jas. P. Carle-

ton was reelected President H. W. Lathrop Secretary and Legrand Byington Treasurer for the ensuing year — when on motion the Board adjourned

H. W. Lathrop Secretary

At a special meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held on Wednesday the 26th day of Nov. 1851 (Messrs Carleton Byington Morsman Murray Palmer Hughes & Lathrop being present) the following resolution was adopted

Resolved That the President & Directors of this Company be authorized to make & deliver to Geo. W. Jones a power of attorney authorizing the said Jones for & on behalf of said Company to make & execute all such contracts & arrangements with third persons as in his discretion may seem meet for the purpose of securing from Congress a grant of lands to the state of Iowa for the use & benefit of the Davenport & Iowa City Rail Companies as at present organized in aid of the construction of the Davenport & Council Bluffs rail road

H. W. Lathrop Sec. of Board

At a special meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company held on Friday the 20th day of May A. D. 1853 (Present Messrs Carleton Byington Murray Morsman Workman & Johnson & Lathrop) the following Preamble resolution was adopted

Resolved That in the final organization of the Mississippi and Missouri Rail Road Company or in any necessary proceeding preliminary or subsequent thereto at the proposed meeting of the corporators at Chicago on the 25th day of May 1853 or at any other suitable time & place Legrand Byington as the authorized agent of this Company may negotiate with said Mississippi & Missouri Rail Road Company or any authorized agent or committee thereof for the sale or transfer or surrender to said last named company of all the rights franchises property stock & muniments belonging or appertaining to said Davenport & Iowa City Rail Road Company on condition that said Mississippi & Missouri Rail Road Company shall make Iowa City a point in the construction and operation of their Rail Road

H. W. Lathrop Secretary

At a special meeting of the Board of Directors of the Davenport & Iowa City Rail Road Company called by order of the President thereof and held at their usual place of business on Thursday the second day of June A. D.

1853 Present a quorum (consisting of Messrs Carleton Murray Workman Morsman Johnson & Lathrop) the following resolution was unanimously passed

Resolved That the Hon James Grant of Davenport or such other person as he may appoint as a substitute be and he is hereby appointed an agent of this Company to procure for said company the right of way for the Davenport & Iowa City Rail Road from the individual proprietors of the land in and through Scott County

James P. Carleton Pres

H. W. Lathrop Secretary

[Here the record ends. Included in the booklet is the following on a separate and loose sheet of paper — evidently a draft of the by-laws.]

1st In all election of officers for this company and upon such other questions as the Stockholders may be required to vote, each Stockholder is entitled to cast, by himself or by his or her authorized agent, one vote for each share of capital Stock held by such Stockholder in his or her own right, at the time such vote is given, and all elections shall be by ballot.

2nd Regular elections for officers of this company shall be holden on the first Saturday in November in each year after the year 1850, of which elections at least two week's notice shall be given by publication, and any vacancy which may occur, may be filled by the Board of directors.

3. A majority of the directors shall be a quorum for the transaction of business, and the regular meetings of the Board shall be on the first Saturday of each month. Special meetings may be called by the President, and at all meetings the President, or in his absence such director as the attending members may indicate by vote, shall preside.

4th The transactions of the directors shall be truly recorded by the Secretary, at all meetings held by them, and such journal shall be examined and if necessary, corrected by the presiding officer, and tested by the Secretary at each of said meetings.

5th No money shall be paid from the treasury of said company except in pursuance of appropriations made by the directors, and all payments made by the treasurer shall be upon an order drawn by the President, and countersigned by the Secretary; and the treasurer shall report the condition of the treasury and make settlement on the first Saturday of October an-

nually and at such other times as he may be required to do [so] by the Board of Directors.

6th Until it shall be otherwise determined the officers of this company shall receive no salary for their services, but shall be allowed, with the assent of the Board of directors, all the expenses which they necessarily incur, and a reasonable amount for the time in which they shall be exclusively occupied, in executing the orders of the directors.

7. Two weeks notice shall be given to the stockholders, by newspaper publication of each requisition or installment of stock required by the directors to be paid; and if, after such notice, and a demand in pursuance thereof, by the treasurer, any stockholder shall refuse or neglect to pay such installment for the period of five days after such demand, said directors may either direct suit for the collection of the same, or declare the stock belonging to such delinquent forfeited, and in this latter event, said directors may assign the unpaid portion of said forfeited stock to any person who will pay thereon said installment, or may strike the same from the existing stock of said company, and proclaim an equivalent amount of new stock whenever, in their opinion [it] shall be advisable to do so.

8th The Stock of said company shall be transferable by the holders thereof, upon the books of said company only.

9th The publication of all notices which are or may be required to be given in the newspaper, shall be duly certified under oath, by the publisher and recorded by the Secretary of this company.