68TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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LAND TITLES IN ILLINOIS

FEBRUARY 27, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 12177]

The Committee on the Judiciary, to whom was referred the bill H. R. 12177, after hearing and consideration, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The committee amendment is as follows:

On page 3, line 23, strike out "writs of error to the," and strike out all of lines 24, 25, and 26, and insert in lieu thereof the following:

Writs of error appeal or certiorari from the final judgments of the Supreme Court of Illinois to the Supreme Court of the United States or the circuit courts of appeals may be had in all cases arising under this act as now provided by law in other cases.

This bill has the approval of the Attorney General. There is quoted herewith as a part of this report a memorandum from the representatives of the city of Chicago set forth in the Senate report. which explains the necessity for the passage of this legislation.

This bill is intended to provide a means for determining the rights of the United States with respect to lands under or surrounding Lake Calumet, a body of water within the city of Chicago for which plans and negotiations for a great inland harbor are now so far along that its completion within the next few years is assured.

It is not designed to add to or detract from the rights of the Federal Government in the slightest degree, nor is there any attempt to adjudicate any rights. The passage of this measure would, however, have the effect of creating a vehicle for the adjustment of such rights, and it would do away with the possibility of such prolonged litigation as hampered and delayed the improvement of the lake front for many years.

The title to submerged lands within the boundaries of the State of Illinois is in the State. In case the lands are covered by a navigable stream or a navigable body of water such title is subject to the paramount rights of the United States.

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In the accomplishment of such a great piece of constructive work as the building of this harbor there must necessarily enter the cost of great improvements in the nature of docks, wharves, warehouses, terminals, and other structures, involving large amounts of money. Preliminary to this is the question of title to the lands so to be improved.

In the State of Illinois land registration is provided for by a law which is modeled after the Torrens system, in vogue for many years in Australia before it was adopted by many of the States in this country. By this system there is an adjudication of the rights of all parties as a preliminary to registration, and then when registered after a certain lapse of time the title becomes absolute. It is indefeasible and can not be assailed when it has passed through this process.

The forum prescribed by statute wherein these proceedings are to be followed is the circuit court of the jurisdiction in which the land is located. In the case of Lake Calumet this is the Circuit Court of Cook County, Ill.

The bill proposes to put it within the power of the Attorney General of the United States, in his discretion and when he may deem it in the public interest to do so, to enter the appearance of the United States and his own appearance as its solicitor, in a proceeding for land registration wherein the United States has been named as a defendant, to participate in the proceedings, and to have a binding adjudication as to Federal rights. Without express power being given for that purpose by Congress the United States could not be made a party to such a proceeding or be bound by a decree entered in such a case. The adjudication of the rights of the United States would have to wait for such time and season as might occur sooner or later through possible encroachment on the rights of shippers or others. When it is considered that there are those who regard the lands in question as merely the remnant of a great swamp as shown on the first survey, that different surveyors from time to time each shows a different meander line, and that the Federal Government regards it as navigable, it can readily be seen what a fruitful source of litigation this might become in the absence of a proper forum wherein the conflicting rights may be established.

The establishment of this harbor has been looked upon as an ultimate necessity for the last 50 years. The passage of this bill will be of immense advantage in hastening the fruition of this long-deferred improvement, and it will unquestionably save millions in time and money that would otherwise be frittered away in litigation

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