

Journal of the Senate

*W. Perin Clarke*

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE SECOND DAY OF DECEMBER, A.  
D. 1850; BEING THE THIRD REGULAR SESSION UNDER THE CONSTITUTION.

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**JOURNAL, OF THE SENATE**  
OF THE  
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**SENATE CHAMBER, IOWA CITY,  
MONDAY, DECEMBER 2nd, 1850.**

This being the day fixed by the Constitution for the meeting of the General Assembly, and the hour of 12 o'clock, M., having arrived, the Senate was called to order by Hon. J. HOWELL, of Jefferson county, and the roll called by C. C. ROCKWELL, Secretary of the Senate at its last session, when it appeared that the following members were present:

*From the county of Lee*—NATHAN BAKER and THOMAS S. ESPY.

*From the county of Van Buren*—GEORGE G. WRIGHT and JOHN B.

SPEES.

*From the counties of Wapello and Monroc*—H. B. HENDERSHOTT.

*From the counties of Marion, Polk, Dallas, Jasper, Marshall, Story, Boone, Warren and Madison*—P. M. CASADY.

*From the county of Des Moines*—ENOS LOWE and GEORGE HEPNER.

*From the county of Henry*—JOHN T. MORTON.

*From the county of Jefferson*—JOHN HOWELL.

*From the counties of Louisa and Washington*—NORMAN EVERSON.

*From the counties of Mahaska, Keokuk and Poweshieck*—JOSEPH LOWE.

; *From the counties of Scott and Clinton*—WILLIAM E. LEFFINGWELL.

*From the counties of Jackson and Jones*—NATHAN G. SALES.

*From the counties of Dubuque, Clayton, Delaware, Buchanan, Blackhawk, Winneshiek and Allamakee*—JOHN G. SHIELDS and WARNER LEWIS.

On motion of Mr. E. Lowe,

HON. GEORGE G. WRIGHT, was appointed President, *pro tem*.

On motion of Mr. Shields,

C. C. ROCKWELL was appointed Secretary, *pro tem*.

On motion of Mr. Sales,

WESLEY W. GARNER was appointed Assistant Secretary, *pro tem*.

On motion of Mr. Lewis,

HARDIN NOWLIN was appointed Enrolling Clerk, *pro tem*.

On motion of Mr. Espy,

JOHN GILLMORE was appointed Sergeant-at-Arms, *pro tem*.

On motion of Mr. Howell,

JOHN G. STOUT was appointed Messenger, *pro tem*.

On motion of Mr. Sales,

SYLVESTER J. DUNHAM was appointed Fireman *pro tem*.

Mr. Casady moved that a committee of three be appointed to examine the credentials of members.

Which was agreed to.

Messrs. Casady, Espy and Shields were appointed said committee.

On motion of Mr. Leffingwell,

The Senate adjourned till 10 o'clock to-morrow morning.

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TUESDAY MORNING, DECEMBER 3, 1850.

Senate met pursuant to adjournment.

Mr. Casady, from the committee appointed to examine credentials, reported that they had performed that duty, and found them formal and correct.

Whereupon the following gentlemen were sworn for the faithful discharge of their duties:

Messrs. Baker, Everson, Hendershott, Hepner, Leffingwell, Lewis, Lowe, of Des Moines, Lowe, of Keokuk, Morton, Sales and Spees.

On motion of Mr. Shields,

The rules of the last session were adopted for the temporary government of the Senate.

On motion of Mr. Lowe, of Keokuk,

Ordered, That the Senate proceed to the election of a President and other officers of the Senate.

Mr. Hepner nominated ENOS LOWE, of Des Moines, for President.

The vote being taken it appeared that Mr. LOWE received 17 votes, and GEORGE G. WRIGHT received one vote, whereupon Mr. LOWE was declared duly elected President of the Senate.

Upon being conducted to the chair by Messrs. Cook and Shields, a committee appointed for that purpose, the President elect returned thanks in the following address :

*Gentlemen of the Senate:*

This mark of distinction unanimously bestowed, is the more highly appreciated because it has been bestowed freely, and without solicitation.

In electing me as President of this honorable body, from among Senators of superior qualifications and greater experience, you have given proof of confidence and personal kindness which calls for my cordial and sincere thanks.

Surrounded as I am, by those who could better discharge the duties with which you have so generously honored me, I undertake their performance with diffidence, which is in some degree relieved by the reflection that I may rely upon your friendly aid in moments of doubt and perplexity.

On motion of Mr. Sales,

The Senate then proceeded to the election of a Secretary.

Mr. Sales nominated PHILIP B. BRADLEY, of Jackson county, who was unanimously elected.

The Senate then proceeded, and, in like manner, made choice of JOHN D. EVENS for Assitant Secretary.

Mr. Sales moved that the Senate proceed to the election of an Enrolling clerk, and the yeas and nays being demanded upon the question, were as follows :

YEAS—Messrs. Alger, Baker, Casady, Espy, Hendershott, Hepner,

Howell, Leffingwell, Lewis, Lowe, of Keokuk, Sales, Shields and Mr. President—13.

NAYS—Messrs. Cook, Everson, Morton, Spees and Wright—5.

So said motion was agreed to.

The Senate then proceeded to the election of Enrolling Clerk, when it appeared that WESLEY W. GARNER received all the votes cast, and was declared duly elected.

The Senate then proceeded, and, in like manner, elected the following officers :

For Sergeant-at-Arms, JOHN GILLMORE.

For Messenger, ANDREW J. LEFFINGWELL.

For Fireman, PETER CONBOY.

The officers elect were then duly sworn and entered upon the discharge of the duties of their respective stations.

Mr. Leffingwell moved that a committee of three be appointed to wait upon the House of Representatives and inform that body that the Senate is now permanently organized and ready to proceed to business.

Which was agreed to,

Messrs. Leffingwell, Cook, and Alger, were appointed said committee.

Mr. Sales, with leave obtained, offered the following resolution :

Resolved, That the Secretary of the Senate be authorized to make arrangements with the Post Master at Iowa City, for the payment of postage on letters and papers, to and from members of the Senate, during the present session of the Legislature.

The question being upon the adoption of the resolution,

It was decided in the affirmative.

A committee from the House of Representatives was announced, composed of Messrs. Summers, Preston, and Negus, who informed the Senate that the House was permanently organized and ready to proceed to business.

Mr. Lewis moved that a committee of two be appointed, to act with a similar committee on the part of the House, to wait upon His Excellency the Governor, and inquire if he had any communication to make to the General Assembly.

Which was agreed to.

Messrs. Lewis, and Everson, were appointed said committee.

Mr. Morton, with leave obtained, offered the following resolution :

Resolved, That the Secretary of the Senate furnish each member

of the Senate with twenty copies of such newspapers as he may direct.

Mr. Espy moved to amend by inserting "papers of this city."

Which motion was lost.

Mr. Lowe moved to insert ten copies, in lieu of twenty.

Which motion failed to receive a second.

The resolution was then adopted.

Mr. Espy moved to adjourn until 8 o'clock to morrow morning.

Which motion was lost.

Mr. Morton moved to adjourn until 2 o'clock, P. M.,

Upon which the yeas and nays were requested, and being ordered were as follows :

YEAS—Messrs. Alger, Baker, Casady, Cook, Hendershott, Hepner, Morton, Sales, Spees, Wright, and Mr. President.—11.

NAYS—Messrs. Espy, Howell, Leffingwell, Lowe, and Shields.—5.

Motion carried, and the Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

Mr. Lewis, from the committee appointed to wait upon His Excellency, the GOVERNOR, reported that they had performed that duty, and received from him a message in writing, which was as follows :

*Gentlemen of the Senate, and*

*House of Representatives :*

Since the close of the last session of the General Assembly, it can with propriety be said that, as a people, we have enjoyed the blessing of general health. It is true, some portions of our State have, for a short period, been visited by a malignant disease, which, in other States of our confederacy, has carried thousands to the tomb, yet within our own borders, through the mercy of the sovereign Ruler of the Universe, its fierce ravages have been stayed, and but a small number of our people have fallen victims before the destroyer ; though that number, small as it was, embraced some of our most prominent and distinguished citizens. While we deeply sympathise with those who are filled with sorrow for the loss of relatives and friends, our hearts should overflow with gratitude to Him who directs the pesti-

lence, for the evidence he has given us of his kind care and consideration, and for the many and great blessings which he has showered upon our State and country.

Notwithstanding the prevalence of the disease as above mentioned, Iowa has steadily increased in population and wealth; her energies have been strengthened; her resources are being constantly developed; emigration is rapidly pouring in upon and spreading over her broad and fertile domain; and the evidence of enterprise and prosperity can be seen on every hand. Should we continue to be blessed by the smiles of Providence, we have every reason to believe that our course will continue to be onward and upward.

The following statement exhibits the amount of the receipts and disbursements of the Treasury, from the report of the Treasurer, bearing date October 31, 1848, up to November 4th, 1850.

	Receipts.	Payments.
Amount in Treasury October 31, 1848,	\$1,394 40	
Amount received up to March 5th 1849,	24,924 47	
Amount disbursed up to March 5th, 1849,		\$22,976 55
Amount received up to June 4th, 1849,	18,281 32	
Amount disbursed up to June 4th, 1849,		15,890 89
Amount received up to November 5th, 1849,	7,067 85	
Amount disbursed up to November 5th, 1849,		13,280 19
Amount received up to March 4th, 1850,	30,689 60	
Amount disbursed up to March 4th, 1850,		26,108 63
Amount received up to September 2d, 1850,	7,666 94	
Amount disbursed up to September 2d, 1850,		11,586 74
Amount received up to November 4th, 1850,	429 75	
Amount disbursed up to November 11th, 1850,		599 94
<b>Total amount of receipts and disbursements</b>		
to November 4th, 1850,	\$90,444 33	\$90,442 94
Balance in the Treasury,		1 39

By the Auditors Report of December 4th, 1848, it will be seen that the liabilities of the State on outstanding warrants, at that time amounted to \$22,651 62. From that period up to November 30th 1850, the receipts of the treasury were \$90,444 12, and the expenditures \$90,442 94. This latter sum embraces the interest paid on the State loan, and \$11,685 75 of the liabilities on the 4th of December, 1848; thus decreasing our liabilities on outstanding warrants, on the

30th of November, 1850, to \$10,965 87. The resources to discharge these liabilities, and to meet the expenses of the coming year, are 24,154 83, due from the counties, prior to the year 1850, and the revenue assessed in 1850, amounting to \$56,538 33. The revenue for State purposes in 1848, amounted to \$36,129 05, consequently, the assessment of 1850, shows an increase of the revenue from taxable property within the State, of \$20,409 28. Should the revenue continue to increase in the same proportion, we may reasonably expect that our State will, in a few years, be freed from all incumbrances. For further information in regard to our financial condition, I respectfully refer you to the Auditor's Report.

By an act approved Jan. 16th 1847, I was authorized to agree with the State of Missouri, for the commencement and termination of such suit as might be necessary to procure a final decision by the Supreme Court of the United States, in regard to the southern boundary line of the State; and I was also required to employ counsel to conduct the suit on our part, and to do whatever might be necessary to maintain our rights in the premises. In pursuance of the authority thus granted, I did, in the following February, appoint the Hon. Charles Mason of Burlington, to act as counsel on behalf of the State; and I also immediately afterwards notified the Governor of Missouri of the passage of the above mentioned act, and of the appointment of Mr. Mason. On the 2nd Monday in June, 1847, the counsel on both sides met and agreed to institute an amicable suit. The cause come on for argument before the Supreme Court in February, 1849. It appears from the fact set forth in the decree of the Court, that in 1816, the United States caused to be run and marked two lines as part of a boundary between the United States and the Great and Little Osage Nations of Indians; the first line beginning on the eastern bank of the Missouri river, opposite the middle of the mouth of the Kansas river, and extending north one hundred miles, where a corner was made by Mr. Sullivan, the surveyor acting on behalf of the United States, and the Osage Nations, that from that corner a second line was then run and marked by the Surveyor, which was intended to be run due east, on a parallel of latitude, but which, by mistake, varied about two and one-half degrees towards the north of a due east and west line; that that portion of territory west of Sullivan's first line, and between the same and the Missouri river, was added to Missouri by an act of Congress of June 7th, 1836; and the court

accordingly decreed that "the true and proper northern boundary line of the State of Missouri, and the true southern boundary of the State of Iowa, is the line run and marked in 1816, by John C. Sullivan, as the Indian boundary, from the north-west corner made by Sullivan, extending eastwardly, as he run and marked the said line, to the middle of the Des Moines river, and that a line run due west, from said north-west corner to the middle of the Missouri river, is the proper dividing line between said State west of the aforesaid corner; and that the States of Missouri and Iowa are bound to conform their jurisdiction up to said line on their respective sides thereof, from the river Des Moines to the river Missouri."

Our State now embraces the territory lying between the line run by Missouri in 1837, as her northern boundary line, from the river Des Moines due west to the Missouri river, and the line established by the decree. Every citizen of the State must feel gratified that the vexatious question concerning our southern boundary, is at length settled. The condition and wants of the territory acquired will, I trust, receive your early and earnest attention.

Joseph C. Brown of the State of Missouri, and Henry B. Hendershott of the State of Iowa, were appointed Commissioners by the United States Supreme Court, to survey and mark the line fixed by the decree, and make returns to the Court on or before the first day of January, 1850. Mr. Brown having died previous to executing his duties, Robert W. Wells, of Missouri, was appointed in his place. The Commissioners were further ordered by the Court, to correspond with the Chief Magistrate of Missouri and Iowa, and request the co-operation and assistance of the State authorities, in the performance of their duties.

In a communication received by me from Mr. Hendershott, under date of May 57th, 1848, he suggested the propriety of the authorities of Iowa and Missouri immediately making some arrangements by which the Commissioners would be furnished funds to enable them speedily to prosecute their duties. The suggestion appeared to me both reasonable and proper; and as the legislature had made no provision for such services—as the Commissioners had been ordered by the Court to request the aid of the State authorities—and as it was of the highest importance that the boundary line should be marked as speedily as possible, I conceived it my duty to furnish Mr. Hen-

dershott with a portion of the means necessary to prosecute the duties assigned the Commissioners.

Being unable to obtain the funds in any other quarter, I was compelled, though with great reluctance, to solicit from the Superintendent of Public Instruction, a loan from the School Fund, which I obtained to the amount of \$2,000, and gave my individual promissory note, (secured by bond,) for its repayment—which note bears interest according to the law in regard to the loaning of the School Fund, and is due and payable on the 15th of September, 1849—and placed the money in the treasury, subject to the order of Mr. Hendershott.

Should you coincide in the opinion that the pressing emergency justified the course pursued by me, I would recommend that an appropriation be made to replace, as speedily as possible, the money thus withdrawn from the School Fund.

In a communication from Mr. Hendershott, under date of October 23d, 1850, I have been informed that the Commissioners completed their work on the 18th day of September last, and that a return of the survey was filed by him in the office of the Secretary of State, on the 17th day of October following. Mr. Hendershott further informs me that “the amount of money expended by Iowa is \$2,180 33, and the amount expended by Missouri is \$2,099 86 cents. These sums, (\$4,280 19,) include every expense incurred, except for instruments, (which are yet on hand) and such compensation as may be made to the Commissioners, and such further compensation over and above \$3,00 per day, as shall be allowed to the Surveyors, whose duties were arduous, and faithfully discharged. This matter should also receive your attention.

The communications of Mr. Hendershott, one bearing date May 27th, 1849, and the other October 23d, 1850, are herewith submitted.

Great credit is due Mr. Mason for the zeal, industry and ability shown by him in the management of the suit on the part of the State. He thought proper to secure the services of a distinguished lawyer of another State, as assisting counsel, informing him at the same time, that he had no authority to employ additional counsel, but that if he would undertake the case, the Legislature would, no doubt, grant him a reasonable compensation. From the magnitude of the case, and the great interests involved, this step on the part of Mr. Mason was, most unquestionably, dictated by prudence and sound policy. It would therefore be proper that such an appropriation be made, as in

your judgment will be a reasonable and adequate compensation for the services thus rendered.

The act for the settlement of the boundary line, appropriates \$1,000 to carry the same into effect. That amount has been drawn from the treasury by Mr. Mason. By reference to his report—which is herewith submitted—it will be seen that his expenses in travelling to different points to take depositions, collect testimony, etc., and his expenses at Washington, amount to \$980 00, which nearly covers the sum appropriated, and leaves him a mere pittance for his time and labor—justice would seem to demand that an additional appropriation should be made in his favor.

It is to be hoped that a very considerable portion of your time and attention will be expended in efforts to perfect our system of Common School education. The law passed at the last session of the Legislature, cured many of the defects existing in the previous law; but there are deficiencies in the present law which demand your action. It is expected that the Commissioners appointed to revise the code, will examine the School Law, and either present a new one, or prune away the excrescences, and supply the wants of the one now on the statute book. The report of the Superintendent of Public Instruction, together with the report of the Commissioners will, doubtless, materially aid you in determining what measures are necessary to advance the interests of Common Schools.

The Superintendent of Public Instruction, in his last report to the Legislature, takes the ground that some plan ought to be adopted whereby the expenses attending the management of the School Fund may be decreased. To remedy the evil, he recommends that the law providing for county Fund Commissioners be abolished, and the office of State School Fund Commissioner created. The labors of the county Fund Commissioners are arduous and complicated, and it may be questionable whether a State Fund Commissioner could properly attend to them. The Superintendent may, possibly, submit a different plan in his forthcoming report to you. Any scheme which you may adopt, whereby the objection may be wholly, or in part removed, would certainly be desirable.

The Constitution provides, in the second section of the tenth article that “the General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and *agricultural improvements.*” No steps have been taken by the Legislature, since

the adoption of the Constitution, for the advancement of agriculture. This portion of the Constitution is as obligatory and binding as any other. It was probably inserted for the reason that our State has every facility for becoming, in an eminent degree, an agricultural State. The best method of cultivating the soil is, and it is believed ever will be, a subject of the first importance to a large majority of the citizens of the State. The greater portion of those who attend our Common Schools will become agriculturalists, when the term of their education expires; and consequently, any knowledge which they may obtain, touching that branch of industry, will be to them of the most essential service. It would therefore seem to become your duty to enquire whether books relative to agricultural science, can, with propriety, be introduced into our Normal and Common Schools. I feel confident that, if introduced, the most beneficial results may be anticipated.

The formation of agricultural societies should also be encouraged; and I trust that any facilities which you can supply, for the promotion of such societies, will be cheerfully granted.

A law was passed at the last session for dividing the State into three districts, and for the establishment of a Normal School in each district, for the education of school teachers and others. The State has been thus divided, and a board of trustees appointed for each district, as required by the act. The law further provides that the Schools shall be established at Andrew, Oskaloosa and Mount Pleasant. The school at Andrew commenced on the 21st of November, 1849. It is now under the Superintendence of teachers who are graduates of the New York State Normal School—a respectable number of pupils attend the institution, and its prospects are flattering. The trustees are erecting a building for the use of the school, at an estimated cost of \$2,500 about \$1,000 of which has been already expended. A very commendable zeal is manifested in that quarter for the support of the school. It is understood a similar feeling exists in each of the other districts, although I am not able to state the progress of those schools. That information you will probably obtain from the Report of the Superintendent of Public Instruction.

Wherever the Normal system has been in operation, in other States, the most fortunate results have been experienced. By the annual report of the executive committee of the State Normal School of the State of New York, made to the Legislature of that State, on

the 11th of February, 1850, it appears that the first term of that school began on the 18th of December, 1844. From that period up to the time the report was made, four hundred and twenty-eight pupils had graduated, and a large proportion of them had accepted situations in Common Schools; and, with few exceptions, had acquitted themselves in such a manner as to do honor to the school. The committee are of the opinion that these teachers have caused great improvement in the schools where they have taught, and that they have been highly instrumental in advancing the cause of Common School education.

Permit me to express the hope that the Normal Schools established in our State, will receive the fostering care of the Legislature. If there exists any opposition to them, it would seem to spring from a misapprehension of their objects. It is understood that there are two features characterising them which are not found in other schools or academies: First, the State pupil is required to devote his attention exclusively to obtaining an education, and to such studies as will qualify him to perform, in a superior manner, the duties of a Common School teacher; and, secondly, he is required to learn the best mode of communicating to others the knowledge which he has obtained. As experience teaches that these schools are productive of much good, any measures adopted by you which will conduce to their permanent prosperity, will, I feel assured, meet with the hearty approbation of the friends of education throughout the State.

Hon. Josiah H. Bonney was appointed by me to procure a suitable block of marble, to be furnished by the State of Iowa, for the Washington Monument. He has discharged the duty assigned him, as will be seen by his letter to me of November 30th, 1850, which is herewith submitted.

The Commissioners to revise the Code, have informed me that their labors are nearly completed. A portion of their report is herewith submitted.

The Board of Public Works have not made their report to me, as required by the statute. Some justifiable cause has, undoubtedly, produced the delay.

The first section of the seventh article of the Constitution, provides that the militia of this State shall be composed of all able bodied white male citizens, between the ages of eighteen and forty-five years; except such as are or may hereafter be exempt by the laws of

the United States, and shall be armed, equipped and trained as the General Assembly may provide by law.

In my last Message I presented the number of all able-bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty, in each of the counties which had been reported to me, in accordance with an act entitled "an act requiring the assessors to take lists of persons subject to military duty, approved Jan. 25, 1848, and urged an organization of the militia as speedily as practicable. No steps, however, were taken by the last General Assembly to effect that object. The 3d section of the above mentioned article of the Constitution provides that "all commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor." The militia law is at present a dead letter upon the statute book. Some measures should be taken to arrange the militia into divisions, brigades, regiments, &c.; to provide for the election of officers in accordance with the Constitution; and to provide further for such an enrollment as will enable the State to draw her quota of arms from the General Government.

At the last session of the Legislature, joint resolutions were passed instructing our Senators and requesting our Representatives in Congress to procure from the Government of the United States grants of land to aid in the construction of a Rail Road from Dubuque to Keokuk, and also one from Davenport to some suitable point near the Council Bluffs, on the Missouri river. Our delegation in Congress have labored faithfully to obtain these grants, but their efforts have, as yet, been unsuccessful. The attention of that body has, in a great measure, during the last session, been directed towards the adjustment of difficulties which threatened to disturb the harmony of our Union. I conceive it the duty of the Legislature to press upon Congress the necessity and importance of these works. Further applications, seconded by the exertions of our Senators and Representatives may, and undoubtedly will, secure the desired donations.

The Legislature appropriated the sum of three thousand dollars towards the completion of the public buildings in this City. The money to be expended under the superintendence of Hon. Joseph T. Pales. Most of the improvements specified in the act have been made, and they add much to the appearance and convenience of the

buildings. A further appropriation will be needed to finish the work according to the original plan.

By an act entitled "an act relative to the Penitentiary," approved January 13, 1849, Mr. A. H. Haskell was appointed Superintendent of that institution, and entered upon the discharge of the duties of his office on the 16th day of March following. His report of April 28d, 1849, exhibits an inventory of the property pertaining to the prison, amounting in value to the sum of \$825 60. The act appropriates \$6,000 for repairs upon the building, which sum has been drawn by Mr. Haskell, and expended, as will appear from his report of November 28th, 1849. In April last, I received information of his death, and by virtue of the authority granted me by the 16th section of the act, I appointed Mr. John Scott, of Lee county, to fill the vacancy. For information concerning the condition of the Prison, at the time Mr. Haskell became Superintendent, and the progress which has been made in repairing the same, I respectfully refer you to his reports, and to those of Mr. Scott, which are herewith submitted.

The Supreme Court has appointed Hon. George Greene, one of their number, to prepare and report the decisions of that tribunal. The first volume of his reports has already been published. The manner in which this work has been executed, is highly creditable to Mr. Greene, and will favorably compare with the law reports of our sister states. I have subscribed, on behalf of the State, for fifty copies of his first volume, which were deposited in the Secretary's office. A large portion of them have however been subsequently exchanged for the reports of the several states and territories. It will become your duty to make an appropriation to meet the expense incurred on behalf of the State.

From the formation of the Constitution to the present time, there has been no subject which has so seriously threatened the dissolution of the Union, as that of Slavery. That instrument recognizes the system, and provides for the restoration of such slaves as shall escape from their masters, and find refuge in other, or non-slaveholding States. This clause was inserted as a compromise measure, to conciliate and harmonize the differences of opinion existing at the formation of the Constitution, relative to this subject, and to induce the southern States to enter into the federal compact; consequently its letter and spirit should receive a steady and unflinching support from every friend of the Union. Congress, at its last session, passed

an act by which that clause of the Constitution could be more effectually carried out. One great object leading to the passage of the law was to exhibit to the slaveholding States, a determination on the part of the National Legislature to protect and enforce all of the rights guarantied to them by the Constitution, and thus allay any apprehensions which they might experience concerning the security of those rights. Since the passage of that act, a disposition has been manifested in some of the northern states to resist its provisions. No good citizen of Iowa can, for a moment, sanction or countenance such proceedings. I think I may assert, without fear of contradiction, that the people of this State are a law-abiding people. One of the prominent reasons urged for resisting the law is that it violates that portion of the Constitution of the United States which provides that "the privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." It may be well for every citizen to remember, that Congress can pass no law prohibiting the issuing of this writ, unless the contingencies specified should occur. As no "rebellion or invasion" exists now, and did not exist at the time of the passage of the act, the writ of *Habeas Corpus* is in no manner suspended by its provisions.

But whatever differences of opinion may be entertained in regard to this law, it is now our duty to support it so long as it remains the law of the land; and I trust that every citizen of the State will, although he may be opposed to some of its details, as an American citizen and a lover of the Union, stand firmly by it.

I am now about to retire from the office of Chief Magistrate of this State. Four years ago the people thought proper to elect me to that office, and I assumed its duties and responsibilities, distrusting at the same time, my ability properly to discharge those duties. We were then entering upon our career as an independent State; the support which we had heretofore received from the General Government was withdrawn, the machinery of our State government was to be set in motion, and the means obtained to support it. Relying upon the assistance of the General Assembly, and the various officers of the State, I entered upon the discharge of my duties. You are familiar with the course which I have pursued. Whether it has been calculated or not to advance the interests of the State, you and the people are the judges. During my administration I may, and undoubtedly have, committed errors; but if, such be the case, I shall ever be sup-

ported by the reflection that they sprang from no vicious or wrong motive. The courtesy and assistance extended to me by the Legislature, and by all connected with the government, will ever be a subject of grateful remembrance. In laying down the reins of government, I feel an additional gratification in the assurance that they are to be transferred to more able and competent hands. Permit me, in retiring, to express the fervent desire that this, my adopted State, may ever be distinguished for virtue, intelligence, and prosperity, and may she ever receive the care and protection of that Being who governs the Universe.

ANSEL BRIGGS.

Iowa City, December 3, 1850.

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DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

BURLINGTON, August 30, 1850.

*His Excellency Ansel Briggs:*

SIR: In pursuance of the act of January 16th, 1848, you did me the honor of appointing me to conduct, on the part of our State, an anticipated controversy with the State of Missouri in the Supreme Court of the United States, relative to our southern boundary. Although my appointment was dated in February of that year, and although every thing was done which was in the power of the counsel on either side to expedite the business for which we were appointed, it was not till the second Monday in June following that we were enabled to have a meeting to agree upon preliminary measures relative to the manner of conducting the controversy. I had, however, previously visited St. Louis and St. Charles for the purpose of acquiring information necessary to enable me to act more understandingly on this subject. I spent several days in each of those cities, with a reasonable degree of success.

At our meeting we agreed upon the institution of an amicable suit and the course of proceeding. Circumstances, however, for which I was not responsible, prevented any testimony from being taken till the month of November following. I had, however, taken every step which seemed advisable, for looking up the testimony, and being pre-

pared to take it at the proper time. I visited the Des Moines river country to gather up and arrange all the facts within reach, relative to the rapids on that river. I had researches made in Washington. I commenced a correspondence in every direction which seemed to promise the least advantage.

Early in November I repaired to St. Louis again, in order to make further searches for testimony previous to taking depositions. In this I was successful to as great an extent as could have been expected, considering that at the commencement I had to grope my way in darkness, and that most of those who possessed information could not be expected to be forward in communicating it to me.

Depositions were at length taken in St. Louis, Jefferson City, and St. Genevieve, and some valuable documentary evidence was procured at those places. This occupied our time industriously until December, and as I still wished to take the testimony of persons residing in Wisconsin, Illinois, Louisiana, and at Davenport, and different places on the Des Moines river, it became evident that the testimony could not be taken in time to have the argument heard at the then next term of the Supreme Court, and that the case must lie over till another year, contrary to our earnest desire and previous intention.

Late in January, however, I received a communication from counsel on the opposite side, proposing that we should proceed to Washington and have the case tried at once; professing at the same time that they would receive letters, or ex parte affidavits, from any of our witnesses, as legal testimony.

Believing that in this manner I could be prepared to safely go to trial, and deeply anxious to expedite a decision, I lost no time in closing with the proposition. I employed Messrs. Wright and Knapp to take the depositions of those witnesses living in Van Buren county, whose testimony I had ascertained to be material. I wrote letters to the other witnesses whose statements I wished to secure, and started at once for Washington, taking Keokuk, Palmyra, St. Charles, and St. Louis on my route, in each of which places I expected to obtain useful information. In this I was not disappointed so far as regarded some of those points.

I arrived in Washington about the end of February. Our case being the only one on the docket in which the Supreme Court had original jurisdiction, they agreed to give it a preference as soon as it

was ready for argument. The Court, however, adjourned about the tenth of March, and too soon for the trial of our cause. It was, however, the general expectation at the time of adjournment that there would be a special term of the Court in April—a bill to that effect having passed the House of Representatives by a large majority. It was understood on all hands that if the bill passed, our case should be tried without fail. After various vicissitudes of fortune, the bill was at length, towards the close of April, finally defeated in the Senate, and I left forthwith for home.

During the vacation I took all the steps necessary to perfect the testimony as far as was in my power. I visited the Des Moines river valley for the purpose of taking additional testimony. I met the antagonist counsel, at various places in this State and Missouri, for the purpose of taking further depositions, and about the middle of December started again for Washington.

As soon as some further preliminaries were settled—a little additional testimony taken at Washington, and the whole records and briefs arranged and printed—the cause came on for trial a little after the middle of February. With the result of that trial you have already been informed. I have only to add, that all the time spent by me in Washington during both the periods of my residence there, were industriously, and, I trust, not uselessly employed in the business which took me thither.

During my first stay in Washington I sought and secured the aid of the Hon. THOMAS EWING, believing it the dictate of prudence to avail myself of his legal ability and experience in conducting the cause. I fully informed him that I had no authority to employ additional counsel, but stated to him that if he would undertake in the business, I had no doubt the Legislature would make him a reasonable, though not an extravagant, compensation. Upon these terms he consented to proceed, and did render us very essential service, for which I hope he will be fairly compensated. I advanced him at the time the sum of \$50 00, for which, if the Legislature should disapprove of my course, I hold myself individually responsible.

The case, as your Excellency is aware, is not entirely ended. The Court has appointed Commissioners to place monuments along the boundary line fixed by them; and to report their doings to the Court. The want of funds, as I am informed, prevented their performing that duty last year, and perhaps the same cause will operate with the like

effect until after the next meeting of the Legislature. As nothing remains to be done by the Court, or by counsel, except the making of a more formal entry after the Commissioners have reported, my duties may be regarded as substantially ended, and I make report of my proceedings accordingly.

I have been thus particular in stating the proceedings of this case, that your Excellency may judge whether I have performed my duty in a diligent and proper manner. I have never spared pains or money where I thought they would prove available, nor have I expended a moment or a dime where I did not think it requisite in order to accomplish the purpose of my appointment.

The time during which I have been absent from home in exclusive attendance upon this business, amounts in the aggregate to about eight months. Besides this, the pleadings, the correspondence, and much of the business of arrangement and preparation was transacted at home.

The subjoined statement of my expenditures will show that they have not exceeded the amount appropriated by the General Assembly. I endeavored to keep a general account of those expenditures, but this was frequently omitted, from inadvertance or other causes. The statement is not therefore precise, though not far from truth.

Hoping that the manner in which this business has been conducted may meet with the approbation of your Excellency and the General Assembly, I remain,

Very Respectfully, Yours, &c.,

CHARLES MASON.

EXPENSES INCURRED IN CONDUCTING THE SUIT.

First trip to St. Louis, St. Charles, and Hannibal, . . . . .	\$30 00
Second trip to St. Louis, Jefferson City, St. Genevieve, . . . . .	60 00
Two journeys to Des Moines river, . . . . .	15 00
To Fort Madison to take testimony, . . . . .	3 00
To Keokuk, Alexandria, and St. Francisville, . . . . .	10 00
*Expenses of taking testimony, aside from the personal ex- penses above referred to, in all, . . . . .	100 00

\* Among these expenses are included \$20 00 paid Wright and Knapp for their servi-

Fees of Clerk of Supreme Court, as per bill rendered, . . . . .	112 00
Paid Mr. Ewing, . . . . .	50 00
Printing and other incidental expenses at Washington, . . . .	100 00
Two journeys and personal expenses at Washington, being absent three months at each time, . . . . .	500 00
	\$930 00

The State orders I received would not have brought the above amount if sold for their current value. I borrowed money on my own credit, at ten per cent., and kept the orders until they were cashed.

OTTUMWA, October 23d, 1850.

SIR: I have the honor to inform your Excellency that on the 17th instant I filed in the office of the Secretary of State of the State of Iowa, my return of the survey of the boundary line between this State and the State of Missouri. This work was commenced by us on the 28th day of April and concluded on the 18th of September.

The amount of money expended by Iowa is \$2,180 33, and the amount expended by Missouri is \$2,099 86. These sums (\$4,280 19) include every expense incurred, except for instruments (which are yet on hand) and such compensation as may be made to the Commissioners, and such further compensation, over and above three dollars per day, as shall be allowed to the surveyors, whose duties were arduous, and faithfully discharged.

For a fuller account of the said survey I most respectfully refer your Excellency to my report on file in the secretary's office.

I am, most respectfully,

Your Excellency's most ob't serv't,

H. B. HENDERSHOTT,

*Commissioners, &c.*

HON. ANSEL BRIGGS, *Governor, &c.*

Andrew, Iowa.

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ees in taking testimony on the Des Moines river, about \$12 00 which I paid for procuring a copy of the French Constitution of Missouri, and other similar expenses, besides witnesses and Commissioners' fees, &c.

OTTUMWA, May, 27th, 1849.

SIR: On the 25th inst. I received a copy of the decree of the Supreme Court of the United States in the boundary case between Iowa and Missouri.

In accordance with said decree (a copy of which you have ere now received) I have to request, that you address the Executive of Missouri on the subject of our boundary, and that you agree between yourselves, in behalf of your respective States, as to the character of posts which are to be placed every ten miles on the line;—whether they shall be of stone, or whether they shall be of cast iron, and what dimensions.

The dimensions, as also the materials of these posts, should be selected by the authorities of the States concerned, as the expense of their procurement and erection is to be borne by the States.

This selection will be made, of course, with a view to durability and economy.

I would suggest the propriety of the authorities of Iowa and Missouri immediately making some arrangement, by which the commissioners will be furnished means to enable them speedily to prosecute their duties. It will not be expected, by the authorities of the States concerned, that the commissioners shall employ all the assistance necessarily incident to the carefully establishing a boundary between two independent and growing States at their own immediate expense. It is for the Executives, of Missouri and Iowa to adopt such measures in aid of the commissioners, as to them may seem proper.

Any instructions which your Excellency may please to give to the commissioners touching their duties, will be kindly received.

An early reply to this is requested: I have this day sent to his Excellency the Governor of Missouri, a counterpart of this letter.

I am, most respectfully,

Your Excellency's most ob't humble serv't,

HENRY B. HENDERSHOTT.

His Excellency, ANSEL BRIGGS, *Governor, &c.*,

IOWA CITY, Iowa.

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IOWA CITY, November 30th, 1850.

To his Excellency, ANSEL BRIGGS, *Governor, of Iowa:*

The undersigned, appointed by your Excellency an agent to pro-

cure a suitable block of marble or other stone, to be furnished by the State of Iowa, for the Washington Monument, would respectfully report—That after having examined all the quarries in the State now worked, from which it was supposed such stone could be obtained, succeeded in procuring a block of the proper dimensions from the quarry of Moses B. Root, of Van Buren county.

The stone is now at the shop of Mr. Root, in Keosauqua, blocked out of the proper size and shape, ready to be finished in such manner and with such inscription thereon, as the General Assembly may direct.

Mr. Root looks to the liberality of the General Assembly for such compensation for his services in this matter as they may think him entitled

I have the honor to be

Your Excellency's ob't serv't,

JOSIAH H. BONNEY.

*To his Excellency the Governor of Iowa :*

SIR : The commissioners appointed by the act of January 25th, 1848, to draft, prepare and revise a code of statute law of a general nature, for the State of Iowa,

Respectfully report,

That their work is substantially done, and in doing it they have complied with the manner prescribed by the act, substantially and as nearly as was practicable.

They submit herewith an analysis of the subjects contained in the first part or division of the work, together with the first titles or subdivisions opening the same. The papers constituting the remainder of the work will be submitted in their order, as speedily as they are arranged and put into a form adapted for submission, and at as early a day as the General Assembly may have need of them.

They do not propose to enter into a detail of changes made by them as this can be better ascertained from a regular examination of the work, and can be better pointed out and explained in a different manner hereafter.

A few chapters have been left yet unfinished, for consultation with

the officers of the Government, or for information to be derived from their reports, and such portions will be soon completed and reported.

W. G. WOODWARD,  
CHARLES MASON,  
S. HEMPSTEAD.

IOWA CTRY, December 2, 1850.

Mr. Leffingwell offered the following resolution :

Resolved, That the Governor's Message, and accompanying documents, be laid upon the table, and one thousand copies be printed for the use of the Senate.

Mr. Sales moved to amend by striking out one thousand, and inserting two thousand.

Which was lost.

The resolution was then adopted.

On motion of Mr. Shields,

The Senate adjourned till 10 o'clock, to-morrow morning.

### WEDNESDAY MORNING, DECEMBER 4, 1850.

Senate met pursuant to adjournment.

The President announced the Standing Committees of the session, as follows :

*On Ways and Means.*—Messrs. Shields, Morton, Alger, Spees and Lowe.

*On the Judiciary.*—Messrs. Casady, Wright, Hendershott, Cook and Leffingwell.

*On Federal Relations.*—Messrs. Wright, Baker, Everson, Hepner and Sales.

*On Internal Improvements.*—Messrs. Espy, Wright, Casady, Lewis and Hendershott.

*On Military Affairs.*—Messrs. Morton, Hepner, Lowe, Baker and Shields.

*On Schools.*—Messrs. Lewis, Wright, Sales, Everson and Hendershott.

*On Roads.*—Messrs. Alger, Spees, Hendershott, Everson and Hepner.

*On Public Buildings.*—Messrs. Baker, Morton, Alger, Leffingwell and Everson.

*On Elections.*—Messrs. Sales, Wright, Lewis, Alger and Lowe

*On Engrossed Bills.*—Messrs. Cook and Hendershott.

*On Claims.*—Messrs. Lowe, Wright, Shields, Hepner and Espy.

*On County Boundaries.*—Messrs. Leffingwell, Cook, Lewis, Howell and Sales.

*On Agriculture.*—Messrs. Howell, Alger, Lowe, Spees and Baker.

*On Enrolled Bills.*—Messrs. Leffingwell and Wright.

*On Incorporations.*—Messrs. Hepner, Cook, Lewis, Hendershott and Leffingwell.

*On New Counties.*—Messrs. Hendershott, Cook, Alger, Casady and Lewis.

The President laid before the Senate the annual report of the Auditor of State.—[See Appendix A.]

On motion of Mr. Lowe,

Ordered, That the reading of the report be dispensed with, and the report laid on the table.

Message from the House of Representatives by Mr. Rockwell, chief clerk,

Mr. PRESIDENT—I am directed to inform the Senate that the House has adopted the following resolution

Resolved, by the House, the Senate concurring, that the Senate meet the House in the hall of the House of Representatives, this day at two o'clock P. M., for the purpose of opening, and publishing the votes given for Governor, at the last general election of the State of Iowa.

In which the concurrence of the Senate is requested.

On motion of Mr. Cook,

The message was taken from the table, and

On motion of Mr. Morton,

The resolution was concurred in.

Mr. Alger, on leave obtained, introduced the memorial of the Davenport and Iowa City Railroad Company, for the right of way over the lands of the State, and in reference to a depot for said road, and

moved its reference to a select committee, composed of the Senators from Johnson and Scott counties; when,

On motion of Mr. Hepner,

The said memorial was laid on the table.

On motion of Mr. Espy,

Resolved, That the Secretary of State be requested to furnish each member of the Senate, with a copy of the Journals of the Senate of of the last General Assembly, together with a copy of the acts and resolutions passed at the same time.

Mr. Lewis offered the following resolution,

Resolved, That 10 o'clock A. M., of each day, shall be the hour for the meeting of the Senate, until otherwise ordered.

Mr. Baker moved to amend the resolution by striking out ten and inserting nine.

Which motion was lost, and the resolution adopted.

Mr. Wright moved to reconsider the vote on the resolution yesterday, requiring the Secretary of the Senate to furnish each member of the Senate 20 copies of such newspaper as he may direct.

And on this question the yeas and nays being requested, were as follows:

YEAS—Messrs. Baker, Casady, Cook, Everson, Hendershott, Hepner, Howell, Lewis, Lowe, Morton, Spees, Wright, and Mr. President.—13.

NAYS—Messrs. Alger, Espy, Leffingwell, Sales, and Shields.—5.

So the said resolution was reconsidered.

Mr. Wright moved to amend said resolution, by inserting after the word copies, in the third line, the words "per week," and adding after the last word, "during the present session of the General Assembly."

Which amendments were adopted.

The question then recurring on the adoption of the resolution, as amended, it was decided in the negative.

Mr. Wright, on leave obtained, offered the following resolution:

Resolved, That the Secretary of the Senate be directed to furnish each member of the Senate with 21 copies per week, of such newspaper as he may direct, during the present session of the General Assembly.

Mr. Leffingwell offered the following as a substitute therefor:

Resolved, That the Secretary furnish each member of the Senate

with 36 copies of such weekly, or 18 copies of such semi-weekly newspaper, as report the proceedings of the Senate, as they may direct.

Mr. Wright moved to strike out 36, in second line, and insert 20; also, strike out 18, in third line, and insert 10.

Which was adopted.

Mr. Baker moved to further amend the substitute, by striking out the words "as report the proceedings of the Senate."

And upon this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Baker, Everson, Hepner, Morton, and Spees.—5.

NAYS—Messrs. Alger, Casady, Cook, Espy, Hendershott, Howell, Leffingwell, Lewis, Lowe, Sales, Shields, Wright, and Mr. President.—13.

So said motion was decided in the negative.

Mr. Lowe moved that the Senate adjourn until 2 o'clock, P. M.

Which motion was lost.

The question then recurring on the adoption of the substitute as amended;

The yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis, Morton, Sales, Shields, Spees, Wright, and Mr. President.—15.

NAYS—Messrs. Baker, Hepner, and Lowe.—3.

So the substitute was adopted.

On motion of Mr. Espy,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment:

Message from the House by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House are now ready to receive the Hon. PRESIDENT and members of the Senate of Iowa, in joint convention, in the Hall of the House of Representatives, for the purpose of opening and publishing the votes given for GOVERNOR at the last General Election, and that the House

has appointed Mr. Negus, of Jefferson county, teller, to act in conjunction with one on the part of the Senate, to assist the Secretaries in canvassing the votes.

Whereupon, Messrs. Lewis was appointed teller.

The Senate preceded by their PRESIDENT, Secretaries, and Sergeant-at-Arms, then repaired to the Hall of the House of Representatives for the purpose of opening and publishing the votes given for Governor at the last General Election.

The two branches of the Legislative Assembly having met in the Hall of the House,

A call of the members was had, when it appeared that all the members of both Houses were present, and answered to their names, except John J. Selman, of the Senate, and William G. Haun, of the House of Representatives.

The PRESIDENT announced the purpose of the Convention.

The SPEAKER of the House of Representatives proceeded to open and publish the official abstracts of votes for Governor, in presence of the two Houses, when the same were duly canvassed, Mr. Lewis, on the part of the Senate, and Mr. Negus, on the part of the House, acting as tellers.

The following is the result:

	VOTES.
STEPHEN HEMPSTEAD received, .....	13,486
JAMES L. THOMPSON " .....	11,403
WM. PENN CLARK " .....	575
SAMUEL THOMPSON " .....	4
JAMES THOMPSON " .....	5
WILLIAM BRIGGS " .....	1
S. B. HEMPSTEAD " .....	1

Whereupon, STEPHEN HEMPSTEAD was declared duly elected Governor of the State of Iowa.

The PRESIDENT appointed Messrs. Hepner and Summers, a committee to inform the Governor elect, that the two Houses were ready to receive him in joint session, in order that he might receive the oath prescribed by the Constitution; which duty having been performed by the committee, the Governor elect, accompanied by the Governor, the Judges of the Supreme Court, and officers of State, entered the Hall of the House, and having been duly announced, and taken the

seats assigned them, the Governor elect delivered the following Inaugural Address :

Called to the executive chair of the State of Iowa, by the free suffrages of my fellow citizens, a frank expression of gratitude is due to them for the distinguished honor which they have conferred upon me, and of the leading principles which will govern me in the discharge of my official duties under the Constitution and laws, with the assurance on my part, that those duties shall be discharged to the best of my ability.

Knowing the fallibility of human nature, let me claim that indulgence for unintentional errors which as reasonable men we should extend toward each other. Elected by one of the great political parties of this State, I cannot expect to escape censure from those who differ from me in political sentiment, and rejoice that we live under a government where every citizen has the right of freely discussing the conduct of public men, and public measures. From this rule I claim no exemption, and ask nothing but justice.

The principles by which I shall be governed in the administration of your affairs, are distinctly marked out in the Constitution of this State, a Constitution which in my judgment is eminently calculated to secure to us the enjoyment of life, liberty, equality, and the pursuit of happiness, or in other words, to secure the great objects for which governments should be established among men; and the prosperity of the State from its organization to the present time, is a forcible commentary of the justice and wisdom of the policy thus adopted.

By the restriction of State debts, the prohibition of banking and of special acts of incorporation, except for political or municipal purposes, we are secured from many evils which exist in older States, where, in consequence of the establishment and continuance of those institutions, their governments have become complicated, oppressive, and subversive of civil liberty.

With no banks among us to create distress or panic by their failures, contractions, and expansions, with but few corporations except those formed under general laws, our citizens relying on their own industry and frugality, are advancing steadily to competence and wealth, showing to the world that bank indulgences, paper money,

and special privileges, are unnecessary to secure to a people happiness and prosperity.

With a soil of great richness and productiveness, a climate salubrious and invigorating, and citizens possessing enterprise and industry, we require nothing more than what is secured by our Constitution; and let me say, if we desire a continuance of that prosperity, the stability of the State and the happiness of our citizens, it can only be accomplished by the enactment of equal and expedient laws, and not by those which are designed to build up and enrich a few at the expense of the many, or by giving one class of citizens privileges not possessed by others. The leading principles of a republican government, as I understand them, are "a perfect equality of political rights, a strict construction of constitutions, no monopolies, moderate legislation, a revenue meeting the wants of the people, and no more; strict responsibility of public officers, simplicity of the laws, and the least possible restraint upon the mind, person, energy and industry of every man, consistent with the rights of his fellow men."

The best form of government that can be devised, is an abridgment of the natural rights of the citizen, and the laws necessary for the purposes of such government are sufficiently complicated and burthensome without adding to them those designed to regulate the conduct of persons upon mere questions of morality, when such objects can only be reached by the force of public opinion, and that alone; yet such laws are not unfrequently placed upon the statute books, where they remain without being enforced, or if exercised, can only be carried into effect when and where a temporary excitement prevails, and then frequently to gratify malice or revenge. If such laws are necessary, they should be enforced and sustained; if they cannot be enforced and sustained, they are unnecessary and should not be enacted.

It is made my duty by the Constitution, to see that the laws are faithfully executed. Experience shows us that in just proportion to their observance, is the peace and prosperity of our government. This extends not only to such laws as we believe to be right, but to all such as are lawfully enacted, until they are repealed, or declared unconstitutional by the judicial tribunals. While we have the ballot box and the courts, whatever may be the private opinion of any citizen, or class of citizens, upon such law, obedience to its requirements is an unavoidable duty. So far as any responsibility may rest

on me, or power be entrusted, I shall neither hesitate to assume the one, or exercise the other, if necessary to ensure their prompt observance; and in this I am satisfied that I would have the countenance and support of my fellow citizens. My hope and confidence however is, that there will be no occasion when it will become necessary to assume or exercise the power thus given.

I cannot doubt that a prompt obedience, in all cases, and a fair construction, according to the purpose intended, of every law, whether state or national, will be yielded by every good citizen. So far as our national laws are concerned, we are bound further to such observance by a solemn compact with the other States of this Union, and no citizen who loves that Union will violate its laws, or permit others to do so, if in his power to prevent it. It is that Union which gives to the American people rank and power among men and nations—it is that union which protects our commerce, adjusts the difficulties between States, and defends us from the aggressions of foreign powers. Without union, our independence and liberty could not have been achieved; without union, and the observance of the laws, they can never be maintained.

Desirous of seeing a continuance among us of a republican government, in fact as well as in name, I have thus briefly given my views as to the policy which should be pursued to secure those results, having no other object than to advance our best interests, maintain the honor and dignity of the State, and secure to every citizen the enjoyment of civil liberty.

After which the Governor elect intimated his readiness to take the oath prescribed by the Constitution, which was administered in due form by Chief Justice Williams.

Thereupon, Messrs. Hepner and Summers, the committee of the Convention, attended the Governor and Ex-Governor from the Hall of the House.

The purposes for which the Convention assembled, having been accomplished, the Senate returned from the Hall of the House, to the Senate Chamber in the same order in which they had left it.

On motion of Mr. Lewis,  
The Senate adjourned.

## THURSDAY MORNING, DECEMBER 5, 1850.

Senate met pursuant to adjournment.

Mr. Shields presented the memorial of the grand jurors of the county of Lee, in relation to the Penitentiary, which was read twice, and,

On his motion,

Referred to committee on public buildings.

Mr. Shields offered the following resolution :

Resolved, That fifteen hundred copies of the Inaugural Address of the Governor, be printed for the use of the Senate.

Mr. Cook moved to amend the resolution by adding the words, "provided no additional compensation be charged for composition,"

Which amendment was accepted by the mover of the resolution.

Mr. Espy moved to strike out the proviso.

Which motion was lost, and the resolution adopted.

Mr. Lewis offered the following resolution,

Resolved, That one thousand copies of the Auditor's report be printed for the use of the Senate.

Which resolution was adopted.

Mr. Hendershott, on leave being granted, introduced Senate file No. 1, joint resolution requesting our Senators and Representatives in Congress to use their exertions to procure the passage of a law refunding money or granting lands to the State of Iowa.

Which was read a first and second time.

On motion of Mr. Casady,

The Senate adjourned until to-morrow morning.

## FRIDAY MORNING, DECEMBER 6, 1850.

Senate met pursuant to adjournment.

On motion of Mr. Wright,

Ordered, That that portion of the Code from the committee of Re-

vision, which is now in the possession of the Senate, be taken from the table; and

On his motion,

Was referred to a select committee of three, to act in conjunction with a similar committee to be appointed on the part of the House, to report at an early day what portions, if any, of said report it will be necessary to have printed.

The President appointed Messrs. Wright, Lewis and Hendershott, said committee.

Mr. Espy, on leave obtained, offered

Senate file, No. 2: Joint Resolution relative to the reports and accounts of A. H. Haskell, Esq., late superintendent of the Penitentiary, deceased.

Which was read a first and second time; and

On his motion,

Ordered to be engrossed and read a third time to-morrow.

Mr. Morton, on leave obtained, offered the following resolution:

Resolved, That the rules of the last session of the Senate, be adopted for the government of the Senate during the present session.

Which said resolution was disagreed to.

The President submitted the following communications from the Secretary of State:

An abstract of the population of the State of Iowa, as appears from the census returns for the year 1849. [See Appendix, B.]

Also, abstracts of the criminal returns of the State of Iowa, for the years ending November 1, 1849, and November 1, 1850. [See Appendix, C.]

Which was read, and ordered,

To be laid on the table.

Senate file, No. 1: Joint Resolution asking our Senators and Representatives in Congress, to use their exertions to procure the passage of a law refunding money, or granting lands to the State of Iowa.

Was read a third time, passed and title agreed to.

On motion of Mr. Lewis,

The Message of the Governor was taken from the table; and

On motion of Mr. Lowe,

The Senate resolved itself into committee of the whole, for the consideration of said message.

Mr. Merton in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported,

That the committee of the whole Senate had had under their consideration the Governor's message, and have referred the same to appropriate committees.

And the question being put,

Will the Senate concur therein?

It was decided in the affirmative.

Mr. Leffingwell, leave being granted, offered

Senate file, No. 3: Joint Resolution requesting the services of the Hon. Charles Mason and Hon. Wm. G. Woodward, in explanation of the new code of laws presented to the General Assembly.

Which was read a first and second time; and,

On motion of Mr. Cook,

The thirteenth rule was suspended, and joint resolution read a third time, passed, and title agreed to.

Message from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives has appointed Messrs. Folsom, Babbit, and Preston, of Linn, a joint committee on the part of the House, to act with a similar committee on the part of the Senate, to correspond and confer with the Hon. Charles Mason, Wm. G. Woodward, Esq., and Hon. Stephen Hempstead, a committee to draft, revise, and prepare a code of laws for the State of Iowa, appointed by an act of the General Assembly of the State of Iowa, approved January 25, A. D. 1848; to ascertain whether said committee are at this time prepared to report a complete and perfect code, or any part thereof, to the Governor of said State, and if so, how much, and what part of said code.

In which the concurrence of the Senate is requested.

On motion of Mr. Morton,

Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Casady,

The message from the House in relation to the appointment of a

joint committee, to confer with the commissioners on the code, was taken from the table; and,

On motion of Mr. Lewis,

Was referred to the committee on the judiciary.

Mr. Casady, on leave obtained, introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of creating the sixth judicial district, with leave to report by bill or otherwise.

Which resolution was adopted.

On motion of Mr. Cook,

The Senate adjourned until to-morrow morning.

### SATURDAY MORNING DECEMBER 7, 1850.

Senate met pursuant to adjournment,

Mr. Cook introduced Senate file No. 4, Joint Resolution,

Resolved, by the General Assembly of the State of Iowa, that the Governor be and is authorized to subscribe for and take three hundred and fifty additional copies of G. Greene's reports, at five dollars per copy; and that the Auditor of State issue his warrants for the same.

Which was read a first and second time, and

On his motion,

Was referred to the committee of ways and means.

Mr. Leffingwell presented the petition of David Morgan, and five hundred and twenty-eight others, citizens of Scott county, praying for a grant of a ferry charter to the corporation of the town of Davenport.

Which was read, and

On his motion,

Referred to the committee on incorporations.

Mr. Leffingwell presented the petitions of Enos Tichenor, and five hundred and fifty others, citizens of Scott county and town of Davenport, asking that the commissioners of Scott county may set aside a

portion of the county revenue, and the mayor and alderman a part of the corporation revenue, for certain purposes.

Was read, and

On his motion, was

Referred to committee on incorporations.

Mr. Leffingwell presented the memorial of the mayor and alderman of the town of Davenport, and county commissioners of Scott county, to provide for the payment of interest on rail road bonds, also, memorial of Rock Island and LaSalle Rail Road Company in relation to a rail road depot, and for other purposes,

All of which,

On his motion, was

Referred to committee on incorporations.

Mr. Leffingwell presented the petition of Wm. L. Collins and thirty others, citizens of Scott county, praying the passage of a law restraining swine from running at large.

Which was,

On motion of Mr. Lewis,

Referred to committee on agriculture.

Senate file No. 2, Joint Resolution relative to the reports and accounts of A. H. Haskell Esq., late Superintendent of Iowa Penitentiary, deceased,

Was read a third time, passed, and title agreed to.

Mr. Casady, on leave, offered the following resolution :

Resolved, That the Treasurer of State be requested to prepare seats and desks for the different editors of newspapers in this State, who wish to report the proceedings of the Senate.

Which was adopted.

On motion of Mr. Morton,

Senate adjourned until 2 o'clock P. M.

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TWO O'CLOCK, P. M.

The President presented a message from his Excellency the Governor accompanied with the report of the Board of Public Works.

—[See Appendix, D.]

Which message and report were read, and

On motion of Mr. Morton,

The report was referred to the standing committee on internal improvement, and that twenty-five hundred copies of the same ordered to be printed for the use of the General Assembly, one thousand copies of which shall be for the use of the Senate.

Mr. Lowe moved that the Senate now adjourn until Monday morning.

Which motion was lost.

Mr. Wright, on leave obtained, offered the following resolution :

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of abolishing all laws, now in existence in this State, on the subject of the collection of debts, to take effect upon all contracts made after the passage of said law, and that they report by bill or otherwise.

Mr. Cook moved, that the resolution be laid on the table.

Which motion was lost.

Mr. Cook moved, that the Senate adjourn until Monday morning.

And upon this question the yeas and nays were requested; which were ordered, and were as follows :

Yeas—Messrs. Alger, Casady, Cook, Hendershott, Shields, Wright and Mr. President—7.

Nays—Messrs. Baker, Espy, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Morton, Sales and Spees—11.

So the Senate refused to adjourn.

The question then being upon the adoption of the resolution, it was decided in the affirmative.

On motion of Mr. Cook,

The Senate adjourned until Monday morning.

MONDAY MORNING, DECEMBER 9, 1850.

Senate met pursuant to adjournment.

Mr. Leffingwell presented the petition of Wm. Van Tuyl, and fourteen hundred and three others, citizens of this State, praying for the

extension of a ferry charter to John Wilson, across the Mississippi river at Davenport, in Scott county.

Also, the petition of John Walraven, and seventy-two others, citizens of Scott county, praying the passage of an act, authorizing the commissioners of Scott county to set apart a portion of the county revenue, for the payment of interest on railroad bonds.

Both of which were,

On his motion,

Referred to the committee on incorporations.

Mr. Shields, from the committee of ways and means, to whom was referred Senate file No. 4, reported a substitute therefor.

Which was read a first and second time, and,

On his motion,

Was ordered to be engrossed, and read a third time to-morrow.

Mr. Lewis, on leave obtained, offered the following resolution, which was adopted :

Resolved, That the Secretary of the Senate be requested to employ some suitable person to make fires, and otherwise attend to the committee rooms attached to the Capitol for the use of the General Assembly.

Mr. Espy presented a bill for printing due the trustees of the Iowa Freeman ; which was,

On his motion,

Referred to the committee on claims.

Mr. Morton asked leave to introduce a bill, and for that purpose moved a suspension of the twelfth rule.

And on this question, the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Baker, Casady, Cook, Everson, Hendershott, Lefingwell, Lowe, Sales, Spees, Wright and Mr. President—11.

NAYS—Messrs. Espy, Hepner, Howell, Lewis and Shields—5.

So the rule was not suspended.

Mr. Espy, leave being granted, offered a resolution relative to the appointment of a committee to examine and report to each branch of the General Assembly, the code of laws submitted by the revising commissioners. Which,

On motion of Mr. Wright,

Was laid on the table.

Message from the House by Mr. Rockwell, chief clerk.

**MR. PRESIDENT:**—I am directed to inform the Senate that the House of Representatives has appointed Messrs. Harbour, Preston, of Linn, Crawford, Harper and Wilson, of Henry, to act with the committee of the Senate appointed to ascertain what portion of the revised code it may be necessary to publish. Also,

That the House of Representatives has appointed Messrs. Summers, Harbour and Hamil, to act with a similar committee to be appointed by the Senate, to prepare rules for the joint action of the two Houses.

In which the concurrence of the Senate is requested.

I herewith return Senate file No. 2, Joint Resolution relative to the reports and accounts of A. H. Haskell, late Superintendent of the Penitentiary, deceased; the same having passed the House without amendment.

On motion of Mr. Espy,  
Senate adjourned until two o'clock.

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TWO O'CLOCK, P. M.

The message from the House being in order, was taken from the table, and,

On motion of Mr. Lowe,

The Senate concurred therein.

Whereupon the President appointed Messrs. Cook, Hepner and Espy, a committee on the part of the Senate.

Mr. Morton gave notice of a motion for leave to introduce a bill for an act relative to a certain local matter therein mentioned.

Mr. Wright gave notice, that he would on to-morrow, or some subsequent day, introduce a bill, authorizing Wm. Meek and Sons to keep a ferry across the Des Moines river at the town of Bonaparte in Van Buren county.

Mr. Leffingwell, on leave obtained, offered the following resolution.

Resolved, That the Secretary of State be requested to furnish the President, Members and Secretaries of the Senate, each with one of Robbins', Bagly's, or any other pens that he may now have in his office.

The question being upon the adoption of the resolution,

The yeas and nays were requested, and being being ordered, were as follows :

YEAS—Messrs. Casady, Espy, Leffingwell, Morton, and Shields—5.

NAYS—Messrs. Baker, Cook, Everson, Hendersbott, Hepner, Howell, Lewis, Lowe, Sales, Spees, Wright and Mr. President—12.

So the resolution was not adopted.

Message from the House.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed,

H. R. file No. 1, Joint Resolution relative to a military road from Council Bluffs Indian Sub-Agency to Sacramento City. Also,

H. R. file No. 2, Joint Resolution relative to the purchase of Indian titles in Nebraska Territory.

In which the concurrence of the Senate is requested.

On motion of Mr. Lewis,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, DECEMBER 10, 1850.

Senate met pursuant to adjournment.

On motion of Mr. Morton,

Leave of absence was granted to Mr. Cook, for the remainder of this week.

On motion of Mr. Lewis,

Leave of absence was granted to Mr. Alger, for the remainder of the week.

Mr. Casady gave notice, that he would, on to-morrow, or some future day, introduce a bill for an act defining the boundaries of twenty-five new counties.

Also, a bill for an act appointing commissioners to locate the seat of justice of Marshall county.

Also, a bill for an act appointing commissioners to lay out and establish a State road from the west line of Dallas county, to the Council Bluffs, in Pottawattamie county, on the Missouri river.

Mr. Hendershott offered the following resolution, which was adopted:

Resolved, That the Commissioners of Revision be requested to report to this House, at an early day, the result of their deliberations, on the subject of the lands belonging to this State, and the reorganization of a Board of Public Works.

Mr. Wright, from select committee, to act with committee of the House, and ascertain what part, if any, of the code should be printed, reported

That they have found the duties assigned them difficult, it requiring great care to properly discriminate between those parts which required printing, in order to an intelligent consideration thereof, and those which proposing no great change in provision from present laws, could well be considered without printing. Actuated, however, by a sincere belief that we would meet the general desire of the Senate, we have dispensed with the printing of at least one half of the report, so far as we have yet examined it, and have been influenced, in many instances, in dispensing with printing, by the strong conviction, that there is a general disposition to adopt the code without material change.

Your committee found that the code had been divided into different parts, being four in number; that these parts were again divided into titles, and the titles into chapters.

We have examined the first three parts, and the amount of printing here recommended, in the part examined, we believe to be more in proportion than will be necessary in the remaining part. With this general statement of the character of the code, and the manner in which they proceeded to the discharge of their duties, your committee would recommend that the following portions of the said code be printed:

Of part first (1) so much of title 3 as is contained in chapters 5, 6, 7, 8, 9, 12 and 13.

Of Title 4, so much as is contained in chapters 1, 6, 7, 8, 9, 10, 11, and 12.

All of titles 7 and 8.

Of title 5, chapters 1, 2 and 3.

Of title 11, chapter 1.

Of title 12, chapter 1.

Of title 13, chapter 8.

Of title 14, chapter 2.

Of part 2d (II)—title 1, chapter 7.

Title 2, chapter 1.

Of part 3d (III)—all of titles 2 and 4.

Of title 5, chapters 1, 4, 5, 6 and 8.

And that the remaining portions of said three parts be not printed. As will be seen by the foregoing, your committee have not yet fully discharged the duties assigned them, but in order to the expedition of business they have deemed it advisable to report their progress, as above, and having so done they ask for further time to make a final report.

And on motion of Mr. Lowe,

The report was accepted, and further time given the committee to complete their report.

Mr. Espy moved to take from the table resolution relative to the appointment of a committee to examine and report, to each branch of the General Assembly, the code of laws submitted by the Revising Commissioners, which was agreed to. And

On his motion,

The blank in said resolution was filled with the word "four."

The question being on the adoption of the resolution, it was decided in the negative.

SENATE CHAMBER, IOWA CITY,  
December 10, 1850.)

TO THE PRESIDENT OF THE SENATE:

SIR:—In pursuance of the resolution which passed the Senate yesterday, by which the Secretary was requested to "employ some suitable person to make fires, and otherwise attend to the committee rooms," &c.,

I would therefore beg leave respectfully to report, that I have discharged the duty assigned me, by employing for that purpose, Sylvester J. Dunham, who immediately entered upon the discharge of his duties.

Very Respectfully,

Your ob't. Serv't.

P. B. BRADLEY,  
Secretary of Senate.

The message from the House being in order, was taken from the table.

H. R. file, No. 1 :

Was read a first and second time, and

On motion of Mr. Lowe,

Was ordered to be read a third time to-morrow.

H. R. file, No. 2 :

Was read the first and second time, and

On motion of Mr. Morton,

Was referred to the committee on federal relations.

Senate file, No. 4 :

Was read a third time, and

The question being upon the passage of the bill ;

The yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Casady, Hendershott, Leffingwell, Lewis, Lowe, Morton, Sales, Shields, Spees, Wright, and Mr. President.—11.

NAYS—Messrs. Baker, Espy, Everson, Hepner, and Howell.—5.

So the resolution was passed, and title agreed to.

Message from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives has appointed Messrs. Price, Wilson and Updegraff, a committee on the part of the House, to act with a similar committee to be appointed on the part of the Senate, to enquire what mail routes are necessary for a further extension of mail facilities to the people of this State, and report a suitable memorial to Congress, before the close of this session of the Legislature.

In which the concurrence of the Senate is requested.

I herewith return Senate file, No. 1 : Joint Resotution asking our Senators and Representatives in Congress, to use their exertions to procure the passage of a law refunding money or granting lands to the State of Iowa.

The same having passed the House of Representatives without amendment.

On motion of Mr. Wright,

Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Chapter 1st, of title 1st. of part 1st. of the report of the committee to revise the statutes,

Was read a first and second time; and,

On motion of Mr. Lowe,

Was considered as engrossed, and ordered to be read a third time to-morrow.

Message from the House of Representatives by Mr. Rockwell, Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have refused to concur in the action of the Senate in the passage of Senate file, No. 3: Joint Resolution requesting the services of Hon. Charles Mason and Hon. Wm. G. Woodward, in explanation of the new code of laws presented by them to the General Assembly.

Chapter 2nd, of title 1st, of part 1st, of the revised code,

Was read a first and second time; and,

On motion of Mr. Baker,

Was ordered to be laid on the table.

On motion of Mr. Shields,

The Senate adjourned until to-morrow morning.

WEDNESDAY MORNING, DECEMBER, 11, 1860.

Senate met pursuant to adjournment.

Mr. Leffingwell presented a preamble and resolutions, adopted by a public meeting of the citizens of Le Claire, in Scott county, in relation to the subscription of said county, in the Rock Island and LaSalle Rail Road stock.

Which was read, and

On his motion, was

Referred to the committee on incorporations.

Also, petition signed by Robert Wilson, and eighty-six others, citi-

zens of Scott county, praying the passage of an act restraining swine and sheep from running at large.

Which was,

On his motion,

Referred to the committee on agriculture.

Mr. Hendershott, with leave, offered the following resolution, which was adopted :

Resolved, That the Messenger of this House be and he hereby is instructed, to deliver to the Messenger of the House of Representatives, for the use of the Hons. Samuel and Reuben Riggs of that House, the papers and documents properly distributable, to the Hon. John J. Selman until the latter gentleman shall appear in his seat on this floor.

Mr. Espy offered the following resolution, which was adopted :

Resolved, by the Senate, that his Excellency the Governor be requested to inform the Senate, whether the Board of Commissioners to revise and report a code of laws for the State, have reported to him the completion of this work, as required by the ninth section of the law appointing them; and if they have not so reported, what information he has relative to the progress of said work.

Mr. Wright, from select committee, reported as follows :

The select committee to whom was referred the subject of examining the report of the Committee of Revision, in addition to their former report, beg leave to submit the following :

They recommend that chapter 7 of title 1st of part 2nd, known as the "Homestead Exemption" be printed; and having examined part 4th of said code, they have not deemed it advisable to recommend the printing of any portion thereof; and having completed the duties assigned them, they ask to be discharged.

Mr. Hepner moved to lay the report on the table.

Which was disagreed to.

The question being on concurring in the report of the committee, it was decided in the affirmative,

And the committee discharged.

Mr. Casady, in pursuance of notice, introduced Senate file No. 5, bill for an act to establish new counties and define their boundaries.

Which was read a first and second time, and

On his motion,

Was referred to the committee on new counties.

The message from the House of Representatives, in relation to appointing committee on mail facilities, being in order, was taken from the table, and

On motion of Mr. Lowe,

The Senate concurred therein.

Mr. President appointed Messrs. Lowe, Casady and Spees, the committee on the part of the Senate.

House of Representatives file No. 1, Joint Resolution relative to military road;

Was read a third time, passed, and title agreed to.

On motion of Mr. Baker,

The vote taken yesterday, ordering chapter 1st, title 1st, part 1st, of revised code, to be engrossed and read a third time to-day, was reconsidered, and

On motion of Mr. Shields,

Was laid on the table.

On motion of Mr. Hepner,

A committee of three was appointed, to revise the rules of the Senate.

Mr. President appointed Messrs. Hepner, Wright and Baker said committee.

On motion of Mr. Everson.

The Senate adjourned until 2 o'clock P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Wright.

The Senate proceeded to the consideration of the code, reported by the revising committee, and after some time spent therein,

On motion of Mr. Sales,

The Senate adjourned until to-morrow morning.

THURSDAY MORNING, DECEMBER 12, 1850.

Senate met pursuant to adjournment.

Mr. Lowe presented a memorial from Josiah H. Bonney, for compensation for taking depositions, and

On his motion,

Was referred to committee on claims.

Mr. Wright offered the following resolution, which was adopted.

Resolved, That his Excellency, the Governor of this State, be requested to communicate to the Senate all the information in his possession, relative to the lands granted to this State under the recent act of Congress, known as lands "wet and unfit for cultivation" or swamp lands, and particularly whether he has received from the proper departments of the General Government any lists or plats of said lands, and whether any correspondence has been opened in relation thereto, and what steps if any have been taken to secure the benefits of said act to this State.

Mr. Hepner, from the committee on incorporations, reported

Senate file No. 6, an act to renew a ferry charter for the benefit of John Wilson and James Hale.

Which was read a first and second time, and

On motion of Mr. Leffingwell,

Was ordered to be engrossed and read a third time to-morrow.

Also,

Senate file No. 7, an act for the relief of the Rock Island and La Salle Railroad Company.

Which was read a first and second time, and

On motion of Mr. Shields,

Was ordered to be engrossed and read a third time to-morrow.

Also,

Senate file No. 8, an act to authorize the corporation of Davenport to issue bonds to the Rock Island and La Salle Rail Road, and provide for the payment of the interest thereon.

Which was read a first and second time, and

On motion of Mr. Hendershott,

Was referred to the committee on the judiciary.

Also,

## THE SENATE

**Senate file No. 9, An act to authorize the proper officers of Scott county to issue bonds to the Rock Island and La Salle Railroad Company, and to provide for the payment of interest thereon.**

Which was read a first and second time, and

On motion of Mr. Lewis,

Was referred to the committee on the judiciary.

**Mr. Lowe, from the committee on claims, reported Senate file No. 10, An act to pay the trustees of the Iowa Freeman for publishing certain acts of the Legislature.**

Which was read a first and second time, and

On motion of Mr. Wright,

Was ordered to be laid on the table.

Message from the House of Representatives by Mr. Rockwell, Chief Clerk.

**MR. PRESIDENT:**—I am directed to inform the Senate, that the House of Representatives have concurred in the report of the joint committee appointed to prepare rules for the joint action of the two Houses.

Mr. Wright, from the committee on federal relations, to whom was referred H. R. file No. 2, reported the same back to the Senate with one amendment, which,

On motion of Mr. Lewis,

Was concurred in, and the joint resolution read a third time, passed, and the title agreed to.

Mr. Hepner, from the select committee appointed to revise the rules of the Senate, reported as follows :

The committee appointed to revise the rules of the Senate, recommend the adoption of the rules of the last Senate, except to transpose in the 8th rule, the questions "indefinite postponement" and "previous question"—provided, however, when acting on the revised code, the Senate may suspend any rule by a majority of the votes present, and,

On motion of Mr. Lewis,

The report was concurred in.

Mr. Hepner, from the joint committee to report rules for the government of the two Houses, reported as follows :

The joint committee appointed to report rules for the government of the two Houses, recommend the adoption of the joint rules for the government of the last General Assembly.—Provided, however, amendments, conferences, communications, &c., &c., between the

two Houses, when acting on the revised code, either in parts or in whole, may take place on the second reading of said code.

Which report was concurred in.

On motion of Mr. Hepner,

The Senate proceeded to the consideration of the revised code, as far as reported to the Senate ; whereupon,

On motion of Mr. Wright,

The Senate resolved itself into committee of the whole for the consideration of said report,

Mr. Lewis in the chair,

And after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Which leave was granted by the Senate.

On motion of Mr. Sales,

The Senate adjourned until two o'clock P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Lowe,

The Senate again resolved itself into committee of the whole for the further consideration of the code,

Mr. Spees in the chair,

And after some time spent therein, the committee rose, and by the chairman reported the same back to the Senate, without amendment, and asked to be discharged from further consideration thereof.

Whereupon the committee were discharged.

Mr. Wright moved that the entire code be considered as read a first and second time, and that the Secretary of the Senate transmit the same to the House of Representatives.

Mr. Baker moved to amend, by striking out the "entire code" and insert title 1, 2, and 3, of part 1st.

And on this question the yeas and nays being requested, were ordered, and were as follows :

**YEAS**—Messrs. Baker, Espy, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Shields, Spees, and Mr. President.—11.

**NAYS**—Messrs. Casady, Hendershott, Morton, Sales, and Wright—5.

**So the amendment was adopted.**

And the motion, as amended, was decided in the affirmative.

The President then laid before the Senate the following message from his Excellency, the Governor :

*Gentlemen of the Senate :*

In compliance with your resolution requesting information, whether the board of commissioners to revise and report a code of laws for the State, have reported to me, &c. I beg leave to say, that the remainder of the code has this day been placed in my hands, with the exception of the chapters mentioned in the report of the commissioners, to which I respectfully call the attention of the Senate, as explanatory of the reasons why that part of the work has been retained for farther consideration. As those parts are separate and distinct, and may be examined and passed upon at any time, it will not prevent the General Assembly from proceeding with the remainder of the code which is herewith transmitted.

STEPHEN HEMPSTEAD.

December 12, 1850.

*To His Excellency, the Governor, of Iowa :*

SIR:—The undersigned beg leave to transmit to the General Assembly, through you, the accompanying papers constituting the finished work of the commissioners of revision.

In our former report we alluded to the fact of certain chapters or subjects being unfinished. We desire to explain what these are and some of the reasons of their delay.

The delay has not been for the convenience of the commissioners, but on the contrary, it has been much to their inconvenience. It arose from a desire to render those portions more complete, when done.

Title five, relating to the property of the State—the public lands, funds, &c.

Title six, of the revenue, and title seven, of schools.

Embracing in all six chapters relating to subjects upon which the commissioners felt anxious to obtain the reports of the public offices, and to consult the officers of those several departments. In the case of the school law, the head of that department has expressed a desire to render his assistance, which his position and acquaintance with the operation of the system renders exceedingly desirable to the

undersigned. But these objects have not been attainable until since the session of the General Assembly commenced.

The chapters containing the road law, and licenses for railroads, &c., which also have been somewhat delayed, are ready for engrossment, which however need not take place should they be ordered to be printed.

The chapter relating to, and prescribing fees and costs, from its nature and relation, cannot well be prepared until near the conclusion of the whole.

Finally a concluding provision relating to the effect of the revision upon past and existing transactions, can be better prepared and apprehended toward the close of the examination of the work, and has for this reason been postponed.

These chapters might have been prepared earlier, but to the probable inconvenience of the General Assembly and of the people. We believe that the common good required the course which we have pursued, however inconvenient to ourselves.

These chapters will be prepared in their order and will be in readiness at an early day.

W. G. WOODWARD,  
CHARLES MASON,  
Commissioners of Revision.

IOWA CITY, Dec. 12. 1850.

The Senate then proceeded to the consideration of title 4, part 1. of the revised code; and during its consideration,

On motion of Mr. Wright,

The Senate adjourned until to-morrow morning.

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FRIDAY MORNING, DECEMBER 13, 1850.

Senate met pursuant to adjournment.

Mr. Wright, presented a remonstrance of David G. McGuire, and ~~some~~ others, citizens of the town of Des Moines, remonstrating against

attaching the town of Des Moines, to the city of Keosauqua, for corporate purposes; which,

On his motion,

Was referred to the committee on incorporations.

Mr. Espy presented a memorial from the grand jurors of Lee county, on the subject of the retail of ardent spirits; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Morton, presented the petition of fifty-five citizens of New London, in Henry county, praying a grant of the public square, in said town, for the purpose of erecting thereon an institution of learning. Which was,

On his motion,

Referred to a select committee of three.

The President appointed Messrs. Morton, Alger and Lewis, said committee.

Mr. Sales, presented the petition of John P. Grafft, and seventy-six others, citizens of Cedar, Jones and Delaware counties, praying for a State road from Tipton, in Cedar county, by way of Walnut Grove, Anamosa and T. J. Peaks, in Jones county, Delhi and Eads Grove, in Delaware county, to Garnavillo, in Clayton county.

Also, from citizens of Scott, Clinton, Jones and Cedar counties, for a State road from Davenport, in Scott county, to Anamosa, in Jones county.

Also, from Ira B. Ryan, and eighty-three others, citizens of Jones and Clinton counties, for a State road from Anamosa, in Jones county, to Camanche, in Clinton county. All of which,

On his motion,

Were referred to committee on roads.

Mr. Cassady, from the committee on the judiciary, to whom was referred Senate file No. 8, reported the same back without amendment, and recommend its passage.

Mr. Cassady, from the committee on the judiciary, to whom was referred Senate file No. 9, reported the same back, without amendment.

Senate file No. 6, being in order, was read a third time; and,

On motion of Mr. Lewis,

Was laid on the table.

Senate file No. 7, bill for relief of Rock Island and LaSalle rail road company,

Was read a third time, passed, and title agreed to.

Senate file No. 8, was read a second time; and,

On motion of Mr. Leffingwell,

Was ordered to be engrossed, and read a third time to-morrow.

Senate file No. 9, was read a second time.

Mr. Wright moved to amend the same, by adding the following:

Provided, That this State shall never be responsible, either directly or indirectly, for the redemption or payment of said bonds, or the interest thereon.

Which amendment was disagreed to.

Mr. Leffingwell moved that the bill be engrossed, and read a third time to-morrow; and,

And, on this question, the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Casady, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis, Lowe, Morton, Sales, Shields and Mr. President—14.

NAYS—Messrs. Hepner, Spees and Wright—3.

So the bill was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Morton,

Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

The Senate proceeded to the further consideration of the revised code, when title 4th was read a first and second time, and ordered to be transmitted to the House.

Titles 9th, 10th, 11th, read a first and second time, and ordered to be transmitted to the House.

On motion of Mr. Espy,

The Senate adjourned until to-morrow morning.

SATURDAY MORNING, DECEMBER, 14, 1850.

Senate met pursuant to adjournment.

Mr. Lewis offered the following resolution, which was adopted :

Resolved, That twenty-five hundred copies of the report of the Secretary of State, showing an abstract of the population of the State of Iowa, as appears from the census returns for 1849; and an abstract of the criminal returns from the State of Iowa, for the years ending November 1st 1849, and 1850, be printed for the use of the General Assembly.

Mr. Wright, moved,

That so much of the Governor's message, and accompanying documents, as relates to the procuring of a block of marble, for the Washington Monument, be referred to a committee of three, to act with a similar committee to be appointed on the part of the House.

Which motion was agreed to, and

Messrs. Wright, Shields and Espy were appointed said committee.

Mr. Leffingwell, from committee on enrolled bills, reported

Senate file No. 1, Joint Resolution asking our Senators and Representatives, in Congress to use their exertions to procure the passage of a law refunding money, or granting lands to the State of Iowa, and

Senate file No. 2, Joint Resolution relative to the reports and accounts of A. H. Haskell, Esq., late Superintendent of the Iowa Penitentiary, deceased.

As correctly enrolled.

Senate file No. 8, An act to authorize the corporation of Davenport, to issue bonds to the Rock Island and LaSalle Rail Road, and provide for the payment of the interest thereon,

Was read a third time, passed and title agreed to.

Senate file No. 9, An act to authorize the proper officers of Scott county to issue bonds to the Rock Island and LaSalle Rail Road Company and to provide for the payment of the interest thereon,

Was read a third time, and the question being, shall the bill pass?

The yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Casady, Cook, Hendershott, Leffingwell, Lewis, Lowe, Morton, Sales and Mr. President—11.

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**NAYS**—Messrs. Espy, Everson, Hepner, Howell, Shields, Spees and Wright—7.

So the bill was passed and title agreed to.

Mr. Leffingwell moved,

That Senate file No. 6, An act for an extension of a ferry charter to Wilson and Hale, be taken from the table.

On which motion,

The yeas and nays were requested, and being ordered were as follows :

**YEAS**—Messrs. Casady, Cook, Everson, Hepner, Howell, Leffingwell, Lowe, Morton, Sales, Spees and Wright—11.

**NAYS**—Messrs. Alger, Baker, Espy, Hendershott, Lewis, Shields and Mr. President—7.

So the bill was taken from the table, read a second and third time, passed and title agreed to.

Message from the House by Mr. Rockwell, Chief Clerk.

**MR. PRESIDENT**:—I am directed to inform the Senate, that the House of Representatives have passed H. R. file No. 3, A bill for an act to incorporate and establish the city of Muscatine. Also

H. R. file No. 7, Joint Resolution relative to the extension of a military road.

In which the concurrence of the Senate is requested.

The House have concurred in the amendments made by the Senate, to

H. R. file No. 2, Joint Resolution in relation to the purchase of Indian titles in Nebraska Territory.

I herewith present for your signature

H. R. file No. 1, Joint Resolution relative to a military road from Council Bluffs Indian Sub-Agency to Sacramento City.

The same having passed both branches of the General Assembly and received the signature of the Speaker of the House of Representatives.

I herewith return

Senate file No. 1, Joint Resolution requesting our Senators and Representatives in Congress to use their exertions to procure the passage of a law refunding money or granting lands to the State of Iowa.

Senate file No. 2, Joint Resolution relative to the report and

accounts of A. H. Haskel, Esq., late Superintendent of the Penitentiary, deceased.

Both of which have received the signature of the Speaker of the House of Representatives.

Mr. Morton, on leave obtained, introduced

Senate file No. 11, A bill for an act granting the Burlington and Mount Pleasant Plank Road Company the right of way.

Which was read a first and second time.

Mr. Morton offered the following amendment :

“The expense of said publication, however, to be paid by the company.”

Which amendment was agreed to.

On motion of Mr. Morton,

The thirteenth rule was suspended, and the bill considered as engrossed and read a third time now.

So the bill was read a third time, passed and title agreed to.

Message from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT :—I am directed to inform the Senate that the House have ordered the printing of one hundred and thirty copies of the revised code for the use of the General Assembly, commencing that, at chapter 5, title 3, part 1. Said printing to be done in form similar to the Auditor's report.

On motion of Mr. Morton,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

The President laid before the Senate the following message from his Excellency the Governor.

*Gentlemen of the Senate and House of Representatives :*

The distinguished Hungarian patriot, Gov. L. Ujhazy, with a considerable number of his associates, driven from Hungary by the merciless persecution and aggression of the Austrian and Russian Governments, in consequence of their gallant defence of the liberties of their country, have settled in the county of Decatur, in this State, with the determination of making that place their home, and as I am informed,

have petitioned Congress to grant them the land upon which they have thus settled.

For the purpose of aiding those brave and worthy men in their application, and securing to them a home where they can enjoy that liberty for which they exposed their lives and sacrificed their fortunes, I respectfully recommend that the General Assembly memorialize Congress to grant them the land which they have asked.

S. HEMPSTEAD.

December 14, 1850.

On motion of Mr. Lewis

The message from the Governor was referred to a committee of three, and

Messrs. Lewis, Morton and Hendershott were appointed said committee.

The Senate then proceeded to the further consideration of the revised code, when

Titles 12, and 13, were read a first and second time, and

Ordered to be transmitted to the House.

Mr. Shields moved to adjourn.

Which motion was lost.

On motion of Mr. Lowe

The Senate resolved itself into committee of the whole for the consideration of chapter 8th, of title 13th;

Mr. Cook in the Chair,

And after some time spent therein, the committee rose, and by their Chairman reported the same back to the Senate without amendment.

On motion of Mr. Lowe

The Senate adjourned until 10 o'clock on Monday next.

MONDAY MORNING, DECEMBER 16, 1850.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of Benjamin Wilson, and two hundred and thirty-seven others, citizens of Van Buren county, in this State, praying for the removal of the Capitol to Fort Des Moines, which was read; and,

On his motion,

Ordered to lay on the table.

Mr. Leffingwell presented the petition of Samuel Mitchell, and others, praying for the grant of a ferry charter, to said Mitchell, across the Mississippi river, at Camanche, in Clinton county.

Also, petition from William Laurie and ——— others, citizens of this State, praying for a ferry charter to Joseph Wilcoxson across the Mississippi river, at Camanche in Clinton county. Both of which.

On his motion.

Were referred to the committee on incorporations.

Mr. Espy, with leave, presented the claim of John Scott against the State of Iowa,

Which was read, and,

On his motion,

Was referred to the committee on claims.

Mr. Hendershott, from the committee on new counties, to whom was referred Senate file No. 5, reported a substitute therefor.

House file No. 3, A bill for an act to incorporate and establish the City of Muscatine, was read a first and second time, and,

On motion of Mr. Espy,

Was ordered to be laid on the table.

House file No. 7, Joint Resolution in favor of an extension of a military road from Agency City to Council Bluffs, was read a first and second time.

Mr. Leffingwell moved that the bill be laid on the table.

Which motion was disagreed to.

Mr. Hendershott moved the suspension of the 13th rule, and that the Joint Resolution be read a third time now.

And on this question the yeas and nays were requested, and being ordered were as follows:

**YEAS**—Messrs. Baker, Casady, Cook, Everson, Hendershott, Howell, Lewis, Lowe, Morton, Sales, Spees, and Mr. President—12.

**NAYS**—Messrs. Alger, Espy, Hepner, Leffingwell, Shields and Wright—6.

So the rule was not suspended.

Senate file No. 5 was read a second time.

Mr. Espy moved to lay the bill on the table.

Which motion was disagreed to.

On motion of Mr. Casady,

The Senate resolved itself into committee of the whole for the consideration of said bill,

Mr. Leffingwell in the chair,

After some time spent therein, the committee rose, and by their chairman reported the same back to the Senate, with one amendment, and asked leave to sit again on Saturday next at two o'clock P. M.

Which leave was granted.

On motion of Mr. Espy,

The Senate adjourned till 2 o'clock.

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## TWO O'CLOCK, P. M.

The Senate proceeded to the further consideration of the revised code, and title 14 was read a first and second time, and ordered to be transmitted to the House.

Message from the House by Mr. Rockwell, Chief Clerk.

**MR. PRESIDENT**:—I am directed to inform the Senate that the House of Representatives have appointed Messrs. Harbour, Negus and Parvin to act with a committee appointed on the part of the Senate to take into consideration that portion of the Governor's message relating to the procuring of a block of marble for the Washington Monument.

Senate then proceeded to the consideration of part 2nd, when

On motion of Mr. Leffingwell,

All of the revised code now in possession of the Senate, be considered as read a first and second time, and transmitted to the House.

Which motion was agreed to.

Mr. Leffingwell moved to reconsider the vote just passed, considering the code read a first and second time,

Which motion was disagreed to.

Mr. Hepner from the committee on incorporations made the following report:

The committee on incorporations to whom was referred two petitions from the citizens of Clinton county, have had the same under consideration, and report,

That the above petitions referred to, ask the legislature to grant two individuals ferry charters across the Mississippi river at the same place, that the only question to be decided seems to be, which of the applicants shall have the charter.

In the opinion of your committee, the parties should have applied to the commissioners of said county, who have ample powers to determine such questions, under the act entitled an act for extending the powers of the board of county commissioners, in regard to the licensing and regulating ferries, approved Feb 24th, 1847.

That the legislature should interfere in no case, with the powers conferred in the act aforesaid, unless it can be shown one or more of the commissioners, or the county, is interested in granting the charter.

Your committee therefore ask to be discharged from further consideration on this subject.

M. Lewis, moved that the report of the committee be concurred in, and the committee discharged, and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Morton, Sales, Shields, Spees, Wright and Mr. President—18.

NAYS—none.

So the report was concurred in and committee discharged.

Mr. Hendershott gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill to establish a ferry across the Des Moines river, at Eddyville.

On motion of Mr. Lewis

The Senate adjourned until to-morrow morning.

TUESDAY MORNING, DECEMBER 17, 1850.

Senate met pursuant to adjournment.

Message from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives have appointed Messrs. Price, Goodenow and Salmon, a committee on the part of the House, to act with a similar committee to be appointed on the part of the Senate, to prepare a memorial to Congress asking a grant of twenty-five thousand acres of the alternate sections of land lying along Turkey river, to be appropriated in building bridges across said river, at Willowville, Peck's Ferry, Elk Port, and Elkador.

I am also directed to inform the Senate that the House of Representatives have passed substitute for H. R. file No. 4, A bill for an act to provide for the locating of the seat of justice of the several counties therein named.

H. R. file No. 10, A bill for an act to locate a State road from Knoxville, in Marion county, to Winterset, in Madison county.

Substitute for H. R. file No. 18, Joint Resolution for the payment of the claim of James McIntosh.

In all of which the concurrence of the Senate is requested.

I herewith return Senate file No. 11, A bill for an act granting the Burlington and Mt. Pleasant Plank Road Company the right of way, which has passed the House of Representatives with one amendment, in which the concurrence of the Senate is requested.

Mr. Wright introduced Senate file No. 12, memorial to Congress.  
*To the Senate and House of Representatives of the United States :*

Your memorialists, the General Assembly of the State of Iowa, respectfully represent, That a preliminary survey has been made, and a company organized for the construction of a railroad between the cities of Dubuque and Keokuk in this State. That the projected road will commence at the commercial center of the mining region in this State, pass through a country in its whole extent unexcelled in fertility by any portion of this State—a country already overspread to a great extent with cultivated farms, and filled with thriving towns, all requiring augmented facilities for interchanging their commodities with those of other States of the Union and of the world. That

the southern extremity of the road is on the Mississippi river, below the last great obstruction in that stream, and from whence the communication with St. Louis and the South is obstructed by ice but a small portion of the year.

Your memorialists further represent, that various lines of rail roads are proposed between different points on the Mississippi and some point on the Missouri river.

That those proposed routes are intended but as continuations of responding lines of railroads now rapidly making their way from the Atlantic seaboard, some of which will soon find their terminus on the Pacific.

That the face of the country through our State is evidently adapted to the construction of railroads running in that direction. That the necessity of intercommunication between the towns and settlements of the two great rivers of our State will soon render a work of this kind necessary for the use and convenience of our people themselves; and that the geographical position of our State, taken in connection with the various other works of like character, already in progress, or soon to be commenced, point to some one of the proposed routes through the State as one of the links of the great chain that is soon to span the continent.

In view of the want of means, incident to the condition of things in all new countries, and this increased in no small degree by the drain required for the purchase of our new lands, it will be impossible for us, if unaided, to construct either of these lines of rail road for a long period of time.

These roads will be of great importance to the Federal Government by furnishing the means of ready and rapid transportation for troops, supplies and mails and also by augmenting the value of, and thereby causing more ready sale of large districts of the public domain.

Your memorialists therefore ask of your honorable bodies a liberal contribution of the public lands to aid in the construction of the Dubuque and Keokuk Raid Road, on the route the company or the State may select, and for a like contribution for the rail road, across the State from the Mississippi to the Missouri river, on such routes as may be deemed by the State most conducive to the general good.

Resolved, therefore, that our Senators be instructed and our Representatives requested to exert their combined and unremitting ener-

gies, to secure the appropriations or grants of land asked for above, and that the Secretary of State be directed to forward a copy of this memorial and resolution, to each of our Senators and Representatives in Congress.

Which was read a first and second time.

Mr. Cook moved to lay the memorial on the table.

Which motion was disagreed to.

Mr. Wright moved the suspension of the thirteenth rule, and that the memorial be read a third time now.

Which was agreed to, and memorial read a third time, passed and title agreed to.

H. R. file, No. 7: Joint Resolution relative to the extension of military road,

Was read a third time, passed and title agreed to.

Mr. Hendershott, with leave, introduced Senate file, No. 13, a bill for an act to authorize Joseph Roberts and others to establish and keep a ferry across the Des Moines river, at Eddyville,

Was read a first and second time, and

On motion of Mr. Espy,

Was referred to the committee on incorporations.

Message from the House being in order,

The President appointed Messrs. Lewis, Everson, and Sales, a committee on the part of the Senate, to act with a similar committee on the part of the House, to memorialize Congress for a grant of land to be appropriated to building bridges across Turkey river in this State.

H. R. file, No. 4, an act to provide for the locating of the seat of justice of the several counties therein named,

Was read a first and second time.

Mr. Leffingwell moved that the bill be referred to the committee on new counties.

Which motion was disagreed to.

On motion of Mr. Wright,

"H. Allen, of Lucas county," was stricken out of the 1st section, and "P. M. Janny, of Van Buren county," inserted.

Mr. Hendershott moved

That the name of L. M. Boggs be stricken out in second section, and insert John R. Williams.

Which motion was disagreed to.

H. R. file No. 10, a bill for an act to locate and establish a State road from Knoxville to Winterset, in Madison county.

Was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on roads, with instructions to include all state roads in one bill.

H. R. file No. 18, Joint Resolution to provide for the payment of the claim of James McIntosh,

Was read a first and second time.

Mr. Hepner moved to refer the Joint Resolution to the committee on judiciary, with instructions to report this afternoon.

Which motion was disagreed to.

Mr. Wright moved

That the thirteenth rule be suspended and the Joint Resolution read a third time now, and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Casady, Cook, Hendershott, Howell, Leffingwell, Lewis, Lowe, Morton, Spees and Wright—11.

NAYS—Messrs. Baker, Espy, Everson, Hepner, Sales, Shields and Mr. President—7.

So the rule was not suspended.

Mr. Wright, moved to refer the resolution to the committee on claims, with instructions to report this afternoon.

Which motion was agreed to.

On motion of Mr. Morton,

The Senate concurred in the amendment made by the House to Senate file No. 11, A bill granting the Burlington and Mount Pleasant Plank Road Company the right of way.

Mr. Leffingwell moved to take from the table

H. R. file No. 3, A bill to incorporate and establish the city of Muscatine.

Which was agreed to.

Mr. Leffingwell moved to amend by striking out of section eighteen the words "to license and establish ferries across the Mississippi river from said city to the opposite shore."

Mr. Hepner moved to refer the bill to the committee on the judiciary, when

On motion of Mr. Wright,  
The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

The question being on referring H. R. file No. 3, to the committee on the judiciary,

It was decided in the affirmative, and the bill referred.

Mr. Lewis moved to re-consider the vote on the passage of Senate file No. 12, memorial to Congress for grants of land to aid in the construction of rail roads from Dubuque to Keokuk, and from the Mississippi to the Missouri river, and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis, Morton, Sales and Shields—13.

NAYS—Messrs. Hepner, Lowe, Specs, Wright and Mr. President—5.

So the vote was reconsidered.

Mr. Morton moved to refer the memorial to the committee on incorporations.

Which was agreed to.

On motion of Mr. Cook,  
Senate adjourned until to-morrow morning.

WEDNESDAY MORNING, DECEMBER 18, 1850.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of William Montgomery and one hundred others, citizens of Marion county, praying the location of the capitol at Red Rock, in Marion county, which,

On his motion,

Was ordered to lay on the table.

Mr. Baker presented the memorial of S. Morrison and forty-four others, praying the General Assembly to repeal the existing license law, and prevent the sale of ardent spirits, which,

On his motion,

Was referred to a select committee.

The President appointed Messrs. Baker, Alger and Leffingwell said committee.

Mr. Leffingwell introduced the following resolution,

Resolved, That the committee on internal improvements, be requested to inquire into the expediency of diverting the proceeds of the Des Moines River Grant of land, to the purpose of building a railroad from Fort Madison, via Oscaloosa, to intersect the great national rail road across the State at Fort Des Moines; which,

On motion of Mr. Cook,

Was laid on the table.

Mr. Lowe, from the committee on claims, reported back H. R. file No. 18, Joint Resolution for payment of the claim of James M'Intosh, and recommended its passage.

Whereupon said joint resolution was read a third time, passed, and title agreed to.

Mr. Leffingwell, from committee on enrolled bills, reported Senate file No. 11, A bill for an act granting the Burlington and Mt. Pleasant Plank Road Company the right of way, as correctly enrolled.

Mr. Cook, from the committee on incorporations, to whom was referred Senate file No. 12, Memorial to Congress for a grant of land to aid in the construction of railroads from Dubuque to Keokuk and from the Mississippi to the Missouri river, presented a substitute therefor.

Mr. Hepner, from the committee on incorporations, to whom was referred Senate file No. 13, A bill for an act to authorize Joseph Roberts and others, their heirs and assigns, to establish and keep a ferry across the Des Moines river at Eddyville, reported the same back to the Senate, and recommended its indefinite postponement.

Mr. Leffingwell, from the committee on the judiciary, to whom was referred H. R. file No. 3, A bill for an act to incorporate and establish the City of Muscatine, reported the same back to the Senate with three amendments.

Which amendments were adopted by the Senate:

Mr. Baker moved further to amend said bill by striking out in the fourth and fifth lines of the twenty-sixth section the words "exclusive of buildings within the same."

Which was agreed to by the Senate.

Message from the House of Representatives by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to return to the Senate, Senate file No. 11, A bill to grant the Burlington and Mt. Pleasant Plank Road Company the right of way, the same having been signed by the Speaker of the House of Representatives.

The President informed the Senate that he had a message from his Excellency the Governor, which would require an executive session ; and,

On motion of Mr. Morton,

The Senate fixed the hour for its consideration at two o'clock to-morrow.

Senate file No. 12, being in order,

Mr. Hendershott moved to lay the same on the table.

Which motion was lost.

Mr. Casady moved that the Senate concur in the report of the committee.

Mr. Wright moved to refer the memorial and substitute to the committee on internal improvements, with instructions to report to-morrow morning.

Which motion was lost.

The question being on concurring in the report of the committee,

The yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Leflingwell, Lewis, Lowe, Morton, Sales and Shields—12.

NAYS—Messrs. Henderhott, Hepner, Spees, Wright and Mr President—5.

So the report was concurred in ; and,

On motion of Mr. Cook,

The substitute was ordered to be engrossed and read a third time to-morrow.

Senate file No. 13 being in order, and the question being on concurring in the report of the committee on incorporations,

The report was concurred in, and the bill indefinitely postponed.

The President read a communication from ex-Governor Lucas, President of the State Temperance Society, soliciting the members of the General Assembly, who are favorable to the cause of temperance, to attend and participate in the proceedings of said Society, now in session in this city. Whereupon,

On motion of Mr. Cook,

The Senate adjourned until to-morrow morning, and the use of the Senate chamber tendered to the Iowa State Temperance Society.

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THURSDAY MORNING, DECEMBER 19, 1850.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed—

Substitute for H. R. file No. 8, A bill for an act granting the Muscatine, Washington and Oskaloosa road and bridge company the right of way.

H. R. file No. 9, A bill for an act to lay out and establish a state road from Drakesville, in Davis county, to Chariton Point, in Lucas county.

H. R. file No. 22, Joint Resolution authorizing H. B. Hendershott, to dispose of a solar compass.

In all of which the concurrence of the Senate is requested.

Mr. Espy, leave being granted, introduced Senate file No. 14, Joint Resolution relative to adjournment.

Which was read a first and second time.

Mr. Lewis moved to lay the joint resolution on the table.

Which motion was lost.

Mr. Wright moved to indefinitely postpone said resolution.

Upon which question the yeas and nays were called, and being ordered, were as follows:

**YEAS**—Messrs. Baker, Everson, Hendershott, Howell, Lewis, Lowe, Spees, Wright and Mr. President—9.

**NAYS**—Messrs. Alger, Cassady, Cook, Espy, Hepner, Leffingwell, Morton, Sales and Shields—9.

So the motion to postpone was lost.

Mr. Lowe, moved to amend, by adding to the joint resolution the words—"provided the pay of the members and officers of the Legislature shall cease during said adjournment."

Which motion was lost.

So said joint resolution was ordered to be engrossed and read a third time to-morrow.

Mr. Baker offered the following resolution:

Resolved, That there be an additional committee added to the list of standing committees, to be called the standing committee on temperance.

Mr. Morton moved to amend said resolution, by striking out the word "temperance," and inserting in lieu thereof the words "grocery license."

Mr. Wright offered the following, as a substitute for said resolution:

Resolved, That the committee appointed on yesterday, on the petition of citizens of Lee county, on the subject of licensing groceries, be increased to five, to which all petitions on the like subject shall be referred.

Which amendment was accepted by the mover of the resolution.

And upon the question of the adoption of the substitute, the yeas and nays were requested, and being ordered, were as follows:

**YEAS**—Messrs. Alger, Baker, Cassady, Cook, Everson, Hendershott, Hepner, Lewis, Lowe, Morton, Sales, Spees, Wright and Mr. President—14.

**NAYS**—Messrs. Espy, Howell, Leffingwell and Shields—4.

So the substitute was adopted;

And Mr. President appointed Messrs. Lowe and Cook additional members of said committee.

On motion of Mr. Espy,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Senate resolved itself into an executive session, and after some time spent therein, the session rose.

Mr. Morton, from the select committee, to whom was referred the message of the Governor relative to a grant of land to the Hungarian patriots, in Decatur county, made the following report:

The select committee, to whom was referred the message of the Governor, relative to the petition of Governor Ujhazy and his associates, to Congress, have had the same under consideration, and believing that the recommendation contained in said message will meet with the concurrence of the General Assembly, have instructed me to report to the Senate a memorial in accordance therewith, and recommend its passage.

Senate file, No. 15, Memorial to Congress, asking a donation of land to the Hungarian patriots who have settled in Decatur county, Iowa.

Was read a first and second time.

Mr. Wright moved to suspend the thirteenth rule, and that the memorial be read a third time now; and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Casady, Cook, Everson, Leffingwell, Lewis, Morton, Sales, Spees, Wright, and Mr. President.—11.

NAYS—Messrs. Baker, Espy, Hendershott, Hepner, Howell, Lowe, and Shields.—7.

So the rule was not suspended.

On motion of Mr. Wright,

The memorial was ordered to be engrossed, and read a third time to-morrow.

Mr. Casady, from the committee on the judiciary, reported back to the Senate the memorial from the grand jurors of Lee county, on the subject of retailing ardent spirits, with a recommendation that the same be referred to the committee to whom the petitions on the subject of retailing ardent spirits have been referred.

Which report was concurred in by the Senate, and the memorial referred.

H. R. file, No. 3, A bill for an act to establish and incorporate the city of Muscatine, being in order,

Mr. Alger moved to refer the same to the committee on the judiciary.

Which motion was lost.

Mr. Espy moved to refer the bill to the Senator from Muscatine, with instructions to strike out that portion of the bill which refers to the adoption of the same by the people.

Mr. Cook moved to amend, by instructing the committee to report such a bill as he thinks will be satisfactory to his constituents.

Which amendment was adopted, and the bill referred to the senator from Muscatine.

Substitute for Senate file, No. 12, Joint resolution memorializing Congress for grants of land to aid in the construction of rail roads, from Dubuque to Keokuk, and from the Mississippi to the Missouri river.

Was read a third time, when

On motion of Mr. Shields,

The Senate adjourned until to-morrow morning.

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#### FRIDAY MORNING, DECEMBER 20, 1850.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate, that the House of Representatives have passed,

H. R. file, No. 11, A bill for an act to locate a state road from Chariton Point, in Lucas county, to Fort Des Moines, in Polk county.

H. R. file, No. 12, A bill for an act to locate a state road from Chariton, in Lucas county, to Newton, in Jasper county.

H. R. file, No. 13, A bill for an act to locate a state road from Fort Des Moines, to Fort Clark.

H. R. file, No. 16, Joint resolution for the improvement of the Des Moines and Rock River rapids in the Mississippi river.

H. R. file, No. 29, A bill for an act to organize the county of Winneshiek, and locate the county seat thereof.

H. R. file, No. 19, A bill for an act authorizing the county commissioners of Davis county, to have a vote taken in relation to building a court house in said county.

H. R. file, No. 33, A bill for an act authorizing the Governor of the State of Iowa to procure the title to certain ground.

In all of which the concurrence of the Senate is requested.

The House have resolved that a Union mass meeting be held in the Hall of the House of Representatives on the 8th of January.

In which they ask a concurrence on the part of the Senate.

I herewith present for your signature,

Substitute for H. R. file, No. 18, Joint resolution for the payment of the claim of James McIntosh.

H. R. file, No. 7, Joint resolution relative to the extension of military road.

The same having passed both branches of the General Assembly and received the signature of the Speaker of the House of Representatives.

Mr. Morton presented the petition of nine citizens of Henry county, praying the prohibition of the sale of ardent spirits as a beverage in any quantity whatever; which.

On motion of Mr. Morton,

Was referred to the special committee heretofore appointed on similar petitions.

Mr. Wright presented the petitions of A. Waskey, and one hundred and one others, citizens of Keosauqua, in Van Buren county; for an act to incorporate said place, as also a bill for an act for said incorporation annexed to said petition and made part thereof by said petitioners; and

On his motion,

The reading was dispensed with and the said petition and bill referred to the committee on incorporations.

Also, the petition of John M. C. Spain, and forty-six others, praying compensation to the South Benton sport mill company for delay and damages sustained by the improvement of the Des Moines river, which.

On his motion,

Was referred to the committee on internal improvements.

Mr. Baker presented the petition of the Daughters of Temperance, praying "the repeal of all license laws, in this State."

Also memorial from the grand jurors of Lee county, on the same subject.

Also petition of Jacob Hunor and twenty-three others, on the same subject.

Also petition of W. W. Phelps and one hundred and thirty-one others, on the same subject.

All of which,

On his motion,

Were referred to the select committee to whom former petitions on the same subject were referred.

Mr. Shields introduced Senate file No. 16, Joint Resolution in reference to compromise measures passed by the Congress of the United States, which

Was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on federal relations.

Mr. Wright from the select committee to whom was referred that portion of the Governor's message relating to the block of marble for the Washington Monument, made the following report:

That they have been informed and understand that nothing is wanting to the completing of the marble block but a suitable inscription to be placed thereon, and that the workman has been waiting directions upon this subject. To obtain one that would appropriately designate our locality and unchangeable fidelity to the Union, has been our great object.

Your committee after a careful examination, would recommend the following:

#### IOWA.

Her affections, like the rivers of her borders, flow to an inseparable Union.

Your committee further recommend the adoption of the following resolution:

Resolved, That the Secretary of the Senate and Chief Clerk of the House, jointly forward a copy of this report to M. B. Root, Keosauqua, Iowa, with instructions to place the inscription above recommended upon the block of marble by him prepared for the Washington Monument.

All of which is submitted.

On motion of Mr. Lewis,

The Senate concurred in the report of the committee.

Substitute for Senate file No. 12, memorial to Congress for grants of land, to aid in the construction of rail roads from Dubuque to Keokuk, and from the Mississippi river to the Missouri river.

Mr. Cook obtained the unanimous consent of the Senate, to make the following amendment:

Insert after the word "to" and before the word "pass," the words "make an appropriation of land to the State of Iowa," and strike out the words "pass into a law the bill which has already passed the Senate of the United States."

Which amendment was adopted; and

The memorial was read a third time, passed and title agreed to.

Senate file No. 14, Joint Resolution relative to adjournment.

Was read a third time; and

The question being, shall the Joint Resolution pass?

The yeas and nays were requested, and being ordered were as follows:

YEAS—Messrs. Casady and Espy—2.

NAYS—Messrs. Alger, Baker, Cook, Everson, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Morton, Sales, Shields, Speers, Wright and Mr. President—16.

So the Joint Resolution was lost.

Senate file No. 15, memorial to Congress asking a donation of land to the Hungarian patriots, who have settled in Decatur county, Iowa.

Was read a third time, passed, and title agreed to.

The message from the House of Representatives being in order.

H. R. file No. 22, Joint Resolution authorizing H. B. Hendershott, to dispose of a solar compass belonging to the State of Iowa.

Was read a first and second time.

Mr. Lowe moved that the thirteenth rule be suspended, and the Joint Resolution read a third time now; and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Casady, Cook, Everson, Hepner, Howell, Leffingwell, Lowe, Morton and Mr. President—10.

NAYS—Messrs. Baker, Espy, Lewis, Sales, Shields, Speers and Wright—7.

So the rule was not suspended.

The Joint Resolution was ordered to be engrossed and read a third time to-morrow.

H. R. file No. 9, A bill for an act to lay out and establish a State road from Drakesville, in Davis County, to Chariton Point, in Lucas county,

Was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on roads.

Substitute for H. R. file No. 8, A bill for an act granting the Muscatine, Washington and Oskaloosa Road and Bridge Company, the right of way.

Was read a first and second time; and,

On motion of Mr. Alger,

Was referred to the committee on incorporations.

H. R. file No. 12, An act to locate a State road from Chariton, in Lucas county, to Newton, in Jasper county.

Was read a first and second time; and,

On motion of Mr. Cook,

Was referred to the committee on roads.

H. R. file No. 11, An act to locate a State road from Chariton, in Lucas county, to Fort Des Moines, in Polk county.

Was read a first and second time; and,

On motion of Mr. Morton,

Was referred to the committee on roads.

H. R. file No. 16, Joint resolution for an appropriation for the improvement of the Des Moines and Rock River Rapids, in the Mississippi river.

Was read a first and second time; and,

On motion of Mr. Espy,

Was referred to the committee on internal improvements.

H. R. file No. 32, A bill for an act authorizing the Governor of the State of Iowa to procure the title to certain grounds.

Was read a first and second time; and,

On motion of Mr. Sales,

Was referred to the committee on the judiciary.

H. R. file No. 29, A bill for an act to organize the county of Winne-  
sheik, and locate the county seat thereof.

Was read a first and second time; and,

On motion of Mr. Shields,

Was referred to a committee composed of the Senators from Du-  
buque, Jackson and Jones counties.

H. R. file No. 19, A bill for an act authorizing the county commis-  
sioner's court, of the county of Davis, to have a vote taken in relation  
to building a court house in said county.

Was read a first and second time; and,

On motion of Mr. Lowe,

Was referred to committee on the judiciary.

Substitute for H. R. file No. 4, An act to provide for the location of  
the seats of justice of the several counties therein named.

Mr. Wright, by unanimous consent, moved to amend the bill, by  
striking out the last section.

Which amendment was adopted by the Senate.

The bill was then read a third time, passed and title agreed to.

Mr. Hendershott, on leave obtained, introduced Senate file No. 17,  
A bill for an act to prevent and punish injuries to the monuments  
and other evidences on the south boundary of the State.

Was read a first and second time; and,

On his motion,

Was ordered to lay on the table.

On motion of Mr. Baker,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Wright,

The Senate resolved itself into committee of the whole, for the con-  
sideration of substitute for Senate file No. 5, An act to establish new  
counties, and define their boundaries,

Mr. Baker in the Chair;

And after some time spent therein, the committee rose, and by the  
chairman, reported the same back to the Senate, with sundry amend-  
ments thereto. And,

On motion of Mr. Lowe,

The Senate concurred in the amendments generally.

On motion of Mr. Shields,  
The Senate adjourned until to-morrow morning.

SATURDAY MORNING, DECEMBER, 21, 1850.

Senate met pursuant to adjournment.

Message from the House of Representatives by Mr. Rockwell, Chief Clerk.

Mr. PRESIDENT :—I am directed to inform the Senate that the House of Representatives have passed—

H. R. file No. 14, Joint Resolution in relation to Hungarian exiles.

H. R. file No. 31, Joint Resolution relative to the establishment of a Land Office in Black Hawk county.

In which the concurrence of the Senate is requested.

I herewith return

Senate file No. 7, A bill for an act for the relief of the Rock Island and La Salle Railroad.

The same having passed the House without amendment.

I herewith present for your consideration,

H. R. file No. 2, Joint Resolution in relation to the purchase of Indian titles in Nebraska Territory.

Mr. Casady presented the petition of A. S. Alcock and eighty-five others, for the location of a State road from Knoxville, in Marion county, to Winterset, in Warren county; which,

On his motion,

Was referred to the committee on roads.

Mr. Lewis offered the following resolution:

Resolved, That the Secretary of the Senate be and is hereby allowed the sum of three hundred dollars for indexing, distributing, and superintending the printing of ~~—~~ copies of the Journals of the Senate for the present session.

Mr. Morton moved that the blank be filled with five hundred.

Which was agreed to.

The question then being on the adoption of the resolution as amended, it was adopted.

H. R. file No. 22, Joint Resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the State of Iowa, was read a third time, passed, and title agreed to.

Substitute for Senate file No. 5, A bill for an act to establish new counties and define their boundaries, was read a third time.

Mr. Morton, with unanimous consent of the Senate, moved to strike out the name of "Mason" in first section, and insert the word "Union,"

Which was carried.

The bill being on its passage as amended, it was decided in the affirmative and the title agreed to.

H. R. file No. 13, An act to locate a State road from Fort Des Moines to Fort Clarke, was read the first and second time; and,

On motion of Mr. Cook,

Referred to committee on roads.

Mr. Espy offered the following resolution:

Resolved, That the Senate recommend to the people of this State that a Union Mass Meeting be held in the State capitol, on the eighth of January next, in accordance with the proposition of the House of Representatives.

Which was adopted.

H. R. file No. 14, Joint Resolution and preamble in relation to Hungarian exiles, was read a first and second time, and,

On motion of Mr. Morton,

Was laid on the table.

H. R. file No. 31, Joint Resolution relating to the establishment of a land office in Black Hawk county, was read a first and second time, and,

On motion of Mr. Shields,

Was referred to a select committee.

The President appointed Messrs. Shields, Sales and Casady said committee.

On motion of Mr. Casady,

The Senate adjourned until Monday morning.

MONDAY MORNING, DECEMBER 23, 1850.

Senate met pursuant to adjournment.

Mr. Casady presented the petition of Judah Learning and fifty-five others, citizens of Polk, Dallas, and Boone counties, praying for a state road from Fort Des Moines to Fort Clark, on the west side of the Des Moines river, which

On his motion,

Was referred to the committee on roads.

Mr. Shields, from select committee to whom was referred

H. R. file, No. 41, Joint resolution relative to the establishment of a Land Office in Blackhawk county, reported the same back, and

On motion of Mr. Lewis,

The bill was laid on the table.

Mr. Lowe, from the committee on claims, to whom was referred John Scotts bill against the State of Iowa, reported the same back to the Senate.

Mr. Espy asked leave of the Senate to withdraw said bill.

Which was granted.

The President laid before the Senate a communication from the late Governor, in relation to the contingent fund.

Mr. Espy asked leave of absence for Mr. Cook, for a few days.

Which was granted.

Mr. Shields asked leave of absence for Mr. Leffingwell, for a few days.

Which was granted.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed,

H. R. file, No. 36, Joint resolution for an extension of a mail route from Lancaster, in Keokuk county, to Indianapolis, in Mahaska county, to Montezuma, in Powashiek county, to the county seat of Marshall county, via Sugar Grove, in Powashiek county.

In which the concurrence of the Senate is requested.

The House have disagreed to the amendments made by the Senate to

Substitute to H. R. file, No. 4, A bill for an act to provide for the locating of the seat of justice of the several counties therein named.

I am also directed to inform the Senate that titles one and two, of part one, of the report of the committee of revision, have received two separate readings in the House of Representatives, and are herewith returned to the House in which they originated, without amendment.

On motion of Mr. Wright,

The message was taken from the table.

H. R. file, No. 36, Joint resolution for the extension of a mail route from Lancaster, in Keokuk county, to the county seat of Marshall county.

Was read a first and second time, and

On motion of Mr. Casady,

It was referred to the joint select committee to which all petitions for mail facilities were referred.

Substitute for H. R. file, No. 4, An act to provide for the location of the seat of justice of the several counties named therein.

On motion of Mr. Wright,

The Senate insisted upon the amendments made to the said bill.

Title one and two, of part 1, of the revised code, was taken up, and

On motion of Mr. Shields,

Was laid upon the table.

Mr. Shields, from the select committee, to whom was referred

H. R. file, No. 29, A bill for an act to organize the county of Wineshiek, and locate the county seat thereof, reported the same back to the Senate with one amendment, and recommended its passage.

The Senate concurred in the report of the committee; and

The bill was read a third time, passed and title agreed to.

On motion of Mr. Espy,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Wright, from the committee on enrolled bills, reported,

That they have examined Senate file, No. 7, An act for the relief of the Rock Island and LaSalle Rail Road Company, and found the same correctly enrolled.

Mr. Shields moved that the Senate adjourn.

Which motion was lost.

Mr. Lowe, with leave, offered the following resolution:

Resolved, That, when the Senate adjourns on Tuesday evening next, that they will adjourn to meet on Saturday at 10 o'clock.

On motion of Mr. Morton,

The Senate resolved itself into committee of the whole, for the consideration of the resolution.

Mr. Wright in the Chair,

And after some time spent therein, the committee rose, and through their chairman, reported the same back to the Senate, and asked the concurrence of the Senate therein.

Mr. Morton moved that the report of the committee, and resolution be laid on the table.

Which was agreed to.

On motion of Mr. Morton,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, DECEMBER 24, 1850.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed to return title three of part one, of the report of the committee of revision, the same having received two separate readings, and sundry amendments, in the House of Representatives.

In which the concurrence of the Senate is requested.

Amendments made by the House, to the revised code are marked "\*A" (amendment,) on the margin of the page where they occur, with a reference to the amendment—words inserted are known by the reference, and quotation marks and words stricken out, are erased.

I herewith return,

Senate file No. 7, A bill for an act for the relief of the Rock Island and LaSalle Rail Road Company.

The same having received the signature of the Speaker of the House of Representatives.

Mr. Sales presented the petition of W. W. Day, and ninety-three others, citizens of the counties of Cedar, Jones, Clinton, Jackson and Dubuque, praying for the location of a State road from Tipton, in Cedar county, to Dubuque county. Also, from Anamosa, in Jones county, to Belleview, in Jackson county. Which,

On his motion,

Was referred to the committee on roads.

Mr. Morton offered the following resolution,

Resolved, The House concurring, that the two Houses meet in the Hall of the House of Representatives, this afternoon, at 2 o'clock, for the purpose of electing a State printer. Which,

On motion of Mr. Everson,

Was laid on the table.

Mr. Wright, from the committee on internal improvements, to whom was referred,

H. R. file No. 16, Joint resolution for an appropriation for the improvement of the Des Moines and Rock River Rapids, in the Mississippi river.

Reported the same back to the Senate without amendment. Where upon,

Said joint resolution was read a third time, passed and title agreed to.

Title third, part first, of revised code was taken from the table. And,

On motion of Mr. Morton,

The Senate resolved itself into committee of the whole, for the consideration thereof,

Mr. Lowe in the chair; and,

After some time spent therein, the committee rose, and through their chairman, reported the same back to the Senate, and asked the concurrence of the Senate to the amendments made by the House separately.

Which was agreed to.

Title three, part one, being in order, and the question being on concurring in the amendments made by the House, the first, second and fourth amendments, made by the House, to section twelve of

chapter five, were disagreed to; and the third amendment made by the House was concurred in by the Senate.

The Senate concurred in the amendments made by the House to sections fifteen and sixteen, of said chapter.

Senate disagreed to the amendments made by the House to section twenty, of said chapter.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Wright offered the following resolution, which was adopted:

Resolved, That the privilege is hereby given to the Hon. Charles Mason and William G. Woodward, Esq., and they are hereby requested to take seats within the bar of the Senate, and speak to questions arising on the consideration of the revised code.

Chapter eight of said title three, being under consideration,

Mr. Wright moved to strike out, in the first section of said chapter, in the last line, the words "said justice," and insert in lieu thereof "the county judge."

Which motion was lost.

The question then being on concurring in the amendments made by the House, to said section,

Was decided in the negative.

The following message was received from the House, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed substitute to

H. R. file No. 33, A bill for an act to grant the use of Centre market in Iowa City to the Davenport and Iowa City Rail Road Company.

H. R. file No. 26, Joint resolution asking a donation of land to actual settlers.

In which the concurrence of the Senate is requested.

The House have refused to concur with the Senate in the passage of Senate file No. 8, A bill for an act to authorize the corporation of Davenport to issue bonds to the Rock Island and Lasalle Rail Road, and provide for the payment of the interest thereon.

Mr. Wright moved to strike out the last clause of said section one.  
And

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Baker, Everson, Hendershott, Howell, Morton, Spees and Wright—7.

NAYS—Messrs. Alger, Casady, Hepner, Lewis, Lowe, Sales, Shields and Mr. President—8.

So the motion was lost.

Mr. Hendershott moved to substitute the following, for the first clause of section 7:

The attorney shall receive, for his whole compensation for services rendered to the county, an annual salary amounting to forty per cent. upon the salary of county judge, and payable and graduated in the same manner, except as herein otherwise declared.

Which was adopted.

The Senate concurred in the amendments made by the House to section one, chapter twelve.

Mr. Hendershott offered the following as a substitute for section four of said chapter, which was adopted:

When there is a balance of fees, above the amount due the above officers for the year, it shall be paid to the prosecuting attorney, and the residue, if any, after paying this salary, shall go into the county treasury.

Mr. Hendershott offered the following, as an additional section to said chapter:

Any change of salary as herein authorized shall commence on the first day of August next after the taking of a vote, as contemplated in the previous section, or next after the returns of the census are filed in the office of the Secretary of State.

Which was adopted.

Mr. Baker moved to amend the chapter by striking out the sixth section.

Which motion was lost.

The Senate concurred in all the amendments made by the House to chapter thirteenth.

Mr. Wright moved to insert after the first clause of section thirty, chapter five, the words, **Provided that** when the judgment or order for money, as contra distinguished from an act to be performed, no

appeal shall be allowed, unless the amount thereof, shall be at least ten dollars, exclusive of costs."

Which motion was lost.

Mr. Morton moved that the Senate adjourn until to-morrow morning at 10 o'clock.

Which motion was lost.

Mr. Everson moved that the Senate adjourn until Saturday next, at 10 o'clock A. M.; and

On this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Everson, Lowe and Morton—4.

NAYS—Messrs. Baker, Casady, Hendershott, Hepner, Howell, Lewis, Sales, Shields, Spees, Wright and Mr. President—11.

So the motion was lost.

Mr. Shields moved that the Senate adjourn until 8 o'clock A. M. to-morrow.

Which motion was lost.

Mr. Wright moved the appointment of a committee of conference, on the disagreeing vote of the two Houses, on substitute for H. R. file No. 4, An act to provide for the location of the seat of justice of the several counties therein named.

Which motion was adopted, and

The President appointed Messrs. Wright, Hepner and Alger said committee.

Mr. Morton offered the following resolution:

Resolved, by the Senate, the House concurring, that the two Houses of the General Assembly adjourn until Christmas morning at 7 o'clock, A. M.

Which motion was lost.

Mr. Sales, with leave, introduced Senate file No. 18, Joint Resolution for the increase of mail facilities.

Which was read a first and second time, and referred to the select committee to whom all petitions on the same subject have been referred.

On motion of Mr. Baker,

Leave of absence was granted to Mr. Espy for a few days.

On motion of Mr. Wright,

The Senate adjourned until to-morrow morning.

WEDNESDAY MORNING, DECEMBER 25, 1850.

Senate met pursuant to adjournment.

Mr. Lewis presented the petition of Platt Smith, and eight others, of the Dubuque bar, praying a change of the time of holding the Supreme Court, and other matters; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Alger presented the petition of William Block, and one hundred others, asking the repeal of all laws for the collection of debts; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Wright moved that the Senate resolve itself into a committee of the whole for the consideration of the revised code.

Which was agreed to.

Mr. Sales called to the chair.

And after some time spent therein, the committee rose, and through their chairman, reported the same back to the Senate, and asked to be discharged from further consideration.

Which was agreed to, and committee discharged.

Mr. Baker moved that the Senate adjourn until Saturday next at 2 o'clock P. M.

Which motion was lost.

On motion of Mr. Sales,

The Senate adjourned until to-morrow morning.

THURSDAY MORNING, DECEMBER 26, 1850.

Senate met pursuant to adjournment.

Mr. Spees offered the following resolution, which was adopted:  
Resolved, that the committee on ways and means be instructed to

take immediate action to ascertain what amount is now paid yearly for public printing—what deduction it is advisable to make, if any, on present prices. To inquire whether it is advisable to continue the office of State Printer—the propriety of letting the public printing to the lowest responsible bidder. That they open a correspondence with the different printers and proprietors of presses throughout the State on this subject, and report the result of their examinations at an early day.

The message from the House being in order,

H. R. file No 26, Joint Resolution asking a donation of land to actual settlers, was read a first and second time ; and,

On motion of Mr. Morton,

Was referred to the committee on federal relations.

Substitute for H. R. file No. 33, A bill for an act granting the use of Center Market in Iowa City to the Davenport and Iowa City Railroad Company, was read a first and second time ; and,

On motion of Mr. Hepner,

Was referred to the committee on internal improvements.

Mr. Hendershott asked leave of absence for Messrs. Shields, Lowe and Everson for the balance of this week.

Which leave was granted.

The following message was received from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives have passed,

Substitute for H. R. file No. 37, Joint Resolution of the General Assembly of Iowa, instructing our Senators and Representatives in Congress to use their influence to procure a donation of land, to be appropriated to the building of bridges across Turkey river. Also,

H. R. file No. 34, Joint Resolution staying money in the hands of the State Treasurer.

In all of which the concurrence of the Senate is requested.

The House of Representatives have indefinitely postponed Senate file No. 6, A bill for an act to renew a ferry charter for the benefit of John Wilson and James Hale.

The message from the House being in order,

H. R. file No. 37, Joint Resolution of the General Assembly of Iowa, instruction our Senators and Representatives in Congress to use their influence to procure a donation of land to be appropriated

to the building of bridges across Turkey river, was read a first and second time ; and,

On motion of Mr. Wright,

The Senate resolved itself into committee of the whole for the further consideration thereof,

Mr Casady in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, with several amendments and asked to be discharged.

Which was agreed to, and,

On motion of Mr Wright,

The bill and the amendments made in committee of the whole were referred to the committee on internal improvements.

H. R. file No. 43, Joint Resolution staying money in the hands of the State Treasurer, was read a first time ; and,

On motion of Mr. Wright,

The joint resolution was rejected.

Mr. Hendershott moved to take from the table,

Senate file No 17, A bill for an act to prevent and punish injuries to the monuments and other evidences on the south boundary line of the State.

Which was agreed to, and

On his motion,

The bill was referred to the committee on the judiciary.

On motion of Mr. Morton,

The Senate adjourned until two o'clock P. M.

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TWO O'CLOCK, P. M.

Mr. Wright, from the committee on federal relations, to whom was referred so much of the message of his Excellency the Governor as relates to the subject of *slavery*; as also Senate file No. 16, preamble and resolution in reference to the compromise measures passed by the Congress of the United States, submitted the following report;

Which was laid on the table, and fifteen hundred copies of the same ordered to be printed for the use of the General Assembly.

The committee on federal relations, to whom was referred so much of the message of his Excellency the Governor, as relates to the subject of *slavery*; as also Senate file No. 16, "Preamble and Resolution in reference to the compromise measures passed by the Congress of the United States," have had the same under their consideration, and beg leave to submit the following

#### REPORT:

To the mind of every citizen the subjects submitted to your committee are invested with an importance scarcely equalled by any other that could be presented for consideration. Your committee need not refer to the deep and universal interest felt throughout our country during the past protracted session of Congress. As the result of certain important negotiations and treaties the United States had become possessed of a large territory;—a portion of the people of that territory were applying for admission into the Union as independent States;—others were seeking the establishment of territorial governments; one of the States in the south was claiming a portion of this same territory; the northern portion of our Confederacy was demanding one peculiar provision in relation to the governments, State and Territorial, to be formed from said territory, as likewise the abolition of the slave trade in the District of Columbia; the south was demanding other and different peculiar provisions in said governments so to be formed, as also more effective provisions for carrying out the provisions of the constitution relative to "fugitives from labor;" and thus at one and the same time was this vexed question of *slavery* connected with a variety of measures, important in themselves, all of which were to be settled, if possible, so as to give peace and quiet to an excited public mind, and place the government in its wonted safety and prosperity. We say, we need not refer to these things. They are part of the history of the country—a part too full of interest to the present and equally so to the future.

As to the propriety of all the provisions contained in the different measures so passed by Congress, we do not know that it is necessary for us to speak. Your committee regard the measures passed upon as legitimate subjects for legislation by the National Assembly.—While some of your committee might not coincide with all the provisions contained in these different enactments; yet having been past by

the constitutional tribunal, by statesmen whose ability all acknowledge, and whose sincere devotion to the Union and our common country, their many previous acts so clearly demonstrate--and from the further consideration that having just passed a session of unexampled excitement and agitation, the public mind naturally enough seeks to avoid like scenes, your committee deem it inappropriate to here enter into their discussion. Indeed your committee do not know that these matters are within the province of the duties assigned to them. A question vastly more important—one that more intimately concerns our position as a State and the good of our common country would seem to demand more appropriately our attention, and come within the sphere of our duties.

In that portion of the message of His Excellency the Governor, referred to us, we find the following language, to-wit: "But whatever differences of opinion may be entertained in regard to this law, it is now our duty to support it so long as it remains the law of the land." From this it will be observed, that in the opinion of the executive, there is but one of the series of compromise measures (so called) upon which there is any doubt as to the action of the people, so far as the northern or free States are concerned. In the south while much is said and written against these measures, yet we know their complaint is founded upon causes entirely different from those existing north. This measure referred to by the executive is the "act to amend and supplementary to the act entitled an act respecting fugitives from justice, and persons escaping from the service of their masters, approved, Feb. 2, 1793."

That it was the duty of Congress in the general consideration that was being given to this vexed and important question of slavery—to regard the voice of the south in this particular, while they were complying with some of the demands of the north, we think is clear. In view of what had been the action of some of the free states, it was to be expected that the south, in the general attempt to settle controversies, should demand more efficient process and proceedings to enforce the "claim" of their citizens when made for fugitives. In the minds of those who are willing to carry out in good faith the provisions of our national constitution, this demand would reasonably meet with no objection—and as to all others there was a necessity for close, careful and effective legislation.

Before referring to the duty of the citizen under this and all other

laws passed by the constitutional tribunal, your committee beg leave to refer somewhat more at length to what they regard to be the duty and constitutional power of Congress—and this they will do generally and not with reference to the specific provisions of this bill. This duty and power your committee regard to be well settled by numerous decisions by the highest judicial tribunals of the states; as also by the Supreme and inferior courts of the United States, in which the “judicial power” of the government “is invested by the Constitution.” We only refer to a few adjudications to establish this.

In the celebrated case of *Prigg vs. Commonwealth of Pennsylvania*, 16, Peters 539, we find the following:

FIRST—“A claim to a fugitive slave is a controversy in a case, “arising under the Constitution of the United States,” under the express delegation of judicial power given by that instrument, Congress may call that power then into activity, for the very purpose of giving effect to the right; and if so, then it may prescribe the mode and extent to which it shall be applied, and how and under what circumstances, the proceeding shall afford a complete protection and guarantee of the right.”

SECOND—“The natural if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary, is bound through its own proper departments, legislative, executive or judiciary, as the case may require, to carry into effect all the rights and duties imposed upon it by the Constitution.”

THIRD—“It cannot well be doubted that the constitution requires the delivery of the fugitive “or the claim of the master; and the natural inference certainly is that the national government is clothed with the appropriate authority and functions to enforce it. The fundamental principle to all cases of this sort would seem to be, that where the end is required the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is entrusted.”

Other authorities might be referred to, establishing the same position, but this we deem sufficient.

Having said this much as to the duty and power of Congress to legislate on this subject, we now come to the duty of the citizen in relation thereto.

The great distinguishing feature between a well regulated, prosperous and permanent government, and that which affords no safety to

the citizen and no protection to property, is that in the one case the citizen abides by the law, and seeks its repeal or modification, if obnoxious, by proper constitutional and legitimate means; and in the other he sets the law at defiance—acts from his *own* convictions of right, irrespective of the controlling obligation imposed upon him the moment he becomes a citizen of the government. To say that each man shall be allowed to prescribe his own rule of conduct, in violation of law, and in so doing shall be protected and justified, necessarily destroys all ideas of government, and as necessarily destroys the government that may be established. Government pre-supposes obedience to law. Not an obedience, it is true, that destroys freedom of speech and of the press—nor that obedience which would hush argument, or prevent the proper demand for the repeal or modification of law; but that obedience which disavows resistance *by force*, to the execution of the law, and which while deeming the law unjust and impolitic, seeks only constitutional means for its change. To recognize any other rule, throws us into a wide field beset by danger on every side—presents anarchy and confusion instead of law and order—gives us the most cruel of despotisms instead of well regulated *government*.

Upon a proper view of this question and consequent proper action thereon, your committee hesitate not to say, depends the peace, the prosperity, the happiness and even perpetuity of our government. It is a question as they conceive between the supremacy of the law, the constitution and the government, and individual opinion, and a consequent spirit of defiance to law and the constitutional tribunals of the land. This issue they regard as clearly presented in the issue now before the American people. And let this spirit of resistance and the claim of right to be guided by each man's own rule of conduct—originate north or south—in free or slave states—your committee say unqualifiedly that it should meet with unreserved condemnation from all good citizens—fraught as it is with untold evils to our Union and its institutions.

Under these circumstances, your committee will not believe that any citizen of Iowa can hesitate in his action but are bound to believe that he will always be found on the side of safety to his country and in opposition to that doctrine which leads to its destruction. As citizens of a young but prosperous State—situated aloof from those portions of our union in which great excitement has prevailed

and still prevails, our voice should be heard on the side of law, order, the constitution and the Union, and we fondly hope that such voice will not be without its influence. By every motive that binds us to our country—by every feeling that can prompt the American heart—by all the love that we owe to that government, which, commanding the admiration of the world, shields and protects our life and liberty and ensures our happiness—we should feel bound not to evade the requirements of that government or “nullify” its commands. So doing we uphold the supremacy of the law—quell that spirit of forcible resistance which, encouraged, destroys all that we love best in our country, and ensure, as we fondly hope, the perpetuity of that government, upon the existence of which depends not only our own welfare, but even the fate of the citizen, and the civil liberty of all the nations of the earth.

In conclusion, your committee would recommend the adoption of the following preamble and resolutions :

WHEREAS, The Congress of the United States, at its last session, adopted a series of acts, known as the compromise measures, and whereas there has been manifested throughout portions of the north and south, a disposition to set a portion of said acts at defiance, and thereby declare open resistance to the power of the government and its laws :

And whereas, in view of our duty to the government, and for the purpose of showing to all portions of the Union our firm and unyielding devotion to its cause and its institutions, we deem it proper to make some public demonstration of our views and feelings. Therefore,

1. Resolved, That in the opinion of this General Assembly, “the Constitution of the United States is a compact, a fundamental treaty.”—and that in order to our continued prosperity and happiness, that constitution and the laws of the land must be respected and obeyed.

2. Resolved, That we will give no countenance or aid to those, north or south, who would set up “their own rule of conduct” in opposition to and as being higher than the constitution—and while we would give the largest latitude to thought, speech and action, yet such an avowal we regard as meriting unmixed condemnation—its inevitable tendency being hazardous to that Union which we hereby declare ourselves bound to maintain by any and all means in our power.

3. Resolved, That whatever may be the opinions of individuals as

to the policy or details of said compromise measures, yet it is the duty of every good citizen to conform to their requisitions and carry them out in good faith—seeking their modification or repeal, if such should be necessary, in the manner contemplated by the constitution and laws.

4. Resolved, That the constitution should be our guide, “and in questions of doubt we should look for its interpretation to the judicial decisions of the tribunal which was established to expound it, and to the usages of the government, sanctioned by the acquiescence of the country”—that “all its provisions are equally binding”—that it is the will of the people expressed in the most solemn form.”—that no pretence of utility, no honest conviction even of what might be *expedient* can justify “*the assumption of any power not granted*” or the violation of its provisions and that we deem it our first duty not to “evade its requirements or nullify its commands.”

5. Resolved, That the Secretary of State is hereby directed to forward a copy of these resolutions to the Governor’s of each State and Territory, and to each of our Senators and Representatives in Congress.

Mr. Wright, from the committee on internal improvements, to whom was referred

Substitute to H. R. file, No. 37, A bill for an act to grant the use of Centre Market, in Iowa City, to the Davenport and Iowa City Rail Road Company, reported the same back to the Senate without amendment.

Mr. Morton moved that the thirteenth rule be suspended, and the bill read a third time now.

On which question the yeas and nays were requested, and being ordered were as follows:

YEAS—Messrs. Alger, Casady, Lewis, Morton, Sales, and Wright—6.

NAYS—Messrs. Baker, Hendershott, Hepner, Howell, Spees, and Mr. President.—0.

So the rule was not suspended.

On motion of Mr. Sales,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Hendershott in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate.

On motion of Mr. Lewis,  
Senate adjourned until to-morrow morning.

### FRIDAY MORNING, DECEMBER 27, 1850.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to return title four, of part one, of the report of the committee of revision, the same having received two separate readings in the House, with sundry amendments.

I herewith present for your signature,

H. R. file, No. 22, Joint resolution authorizing H. B. Hendershott, to dispose of a solar compass belonging to the State of Iowa.

Mr. Hendershott presented the petition of Jonas Wescott, and seventy-six others, citizens of Davis, Appanoose, and Lucas counties, praying for the location of a state road from Drakesville, in Davis county, to Chariton, in Lucas county; which

On his motion,

Was referred to committee on roads.

Mr. Casady presented the petition of D. P. Palmer and thirty-six others, citizens of Davis county, asking the passage of a law authorising the commissioners of Davis county to levy a tax to build a court house; which,

On motion of Mr. Sales,

Was referred to committee on judiciary.

Mr. Morton, from the select committee to whom was referred the petition of sundry citizens of New London, praying the passage of an act granting the privilege of erecting an institution of learning on the public square in said town, reported

Senate file, No. 19, A bill for an act to authorise the erection of

an institution of learning on the public square, in the town of New London, in Henry county.

Which was read a first and second time.

Mr. Morton moved that the thirteenth rule be suspended and the bill read a third time now.

Which was agreed to, and

The bill read a third time, passed and title agreed to.

Mr. Wright, from the committee on federal relations, reported back H. R. file, No. 26, with a recommendation that the Secretary of the Senate transmit the same to the House of Representatives, with a request that the same be engrossed before its return to this body.

Mr. Lewis moved that the bill be recommitted to the committee on federal relations.

Which was agreed to.

Mr. Lewis gave notice that he would, on to-morrow, ask leave to bring in a memorial to Congress for the laying out and establishing a military road from the Mississippi river to Fort Clark, on the Des Moines river, and from thence to Council Bluff's, on the Missouri river, opposite Council Bluff's Indian agency, in Nebraska Territory.

Substitute for H. R. file, A bill for an act to grant the use of Center Market, in Iowa City, to the Davenport and Iowa City Rail Road Company,

Was read a third time.

And being on its passage,

The yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Casady, Hendershott, Lewis, Morton, Sales, Spees, Wright, and Mr. President.—10.

NAYS—Messrs. Hepner, and Howell.—3.

So the bill was passed, and title agreed to.

On motion of Mr. Hendershott,

The message from the House was taken up, and

On motion of Mr. Wright,

The Senate resolved itself into committee whole for the consideration of title four, part one, of the revised code,

Mr. Morton in the chair,

And after some time spent therein, the committee rose and by their chairman reported the same back to the Senate, and asked leave to sit again at 2 o'clock, P. M.

Which leave was granted.

On motion of Mr. Baker,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Sales,

The Senate again resolved itself into a committee of the whole for the further consideration of the code,

Mr. Morton in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, and asked leave to sit again.

Which leave was granted.

On motion of Mr. Hendershott,

The Senate adjourned until to-morrow morning.

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SATURDAY MORNING, DECEMBER 28, 1850.

Senate met pursuant to adjournment.

The following message was received from the House, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—The House of Representatives insist on their disagreement to the amendments of the Senate to

Substitute to H. R. file, No. 4, A bill for an act to provide for locating the seat of justice of the several counties therein named;

And ask a conference thereon.

They have appointed Messrs. Reuben Riggs, Flint, and Allender, managers to conduct said conference on their part.

The House have also appointed Messrs. Babbitt, Crawford, and Thompson, managers to conduct, on their part, all conferences which

may be asked for on disagreements of either House, to the amendments of the other House, to the report of the committee of revision.

Mr. Lewis, with leave, introduced

Senate file, No. 20, A memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clark, on the Des Moines river, and from thence to the Council Bluffs, on the Missouri river.

Which was read a first and second time, and

Ordered, to be engrossed, and read a third time on Monday next.

On motion of Mr. Baker,

The Senate resolved itself into committee of the whole for the further consideration of the code,

Mr. Morton in the chair.

And after some time spent therein, the committee rose and by their chairman, reported the same back to the Senate, and asked leave to sit again.

Which leave was granted.

On motion of Mr. Spees,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Baker,

The Senate again resolved itself into committee of the whole for the further consideration of the code,

Mr. Morton in the chair,

And after some time spent therein, the committee rose, and by their chairman, Mr. Morton, reported that they had had under consideration title four, of the revised code, that they recommend that the Senate concur in the amendments made by the House, except the amendment to section one, chapter eight, to which they recommend the Senate to disagree.

The committee also reported fifteen amendments to said title, which they recommend for the adoption of the Senate.

On motion of Mr. Wright,

The Senate adjourned until Monday morning.

MONDAY MORNING, DECEMBER 30, 1850.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of Wm. E. Adams, and fifty-eight others, citizens of Van Buren county, asking that our Senators and Representatives in Congress, may be instructed to procure the immediate repeal of the fugitive slave law,

Which was read, and

On motion of Mr. Lowe,

Was laid on the table.

Mr. Shields presented the memorial of the Mayor and Recorder of the city of Dubuque, asking an amendment to said city charter; which,

On his motion,

Was referred to a select committee.

The President appointed Messrs. Shields, Baker, and Sales, said committee.

Mr. Spees presented the petition of John F. Holcomb, and eighteen others, citizens of the town of Portland, Van Buren county, praying the vacation of part of sixth street, in said town;

Which was read; and,

On motion of Mr. Wright,

Was referred to the Senators from Van Buren county.

Mr. Wright, from the committee on internal improvements, to whom was referred,

Substitute for H. R. file, No. 37, Joint Resolution of the General Assembly, of Iowa, instructing our Senators and Representatives in Congress to use their influence to procure a donation of land to be appropriated to the building of bridges across Turkey river;

Reported the same back to the Senate without amendments, and recommended its passage.

When the joint resolution was read a third time;

And the question being, Shall the bill pass?

The yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Casady, Everson, Hendershott, Lewis, Lowe, Merton, Sales, Shields, Spees, and Wright.—10.

**NAYS**—Messrs. Alger, Baker, Hepner, Howell, and Mr. President—5.

So the joint resolution was passed and title agreed to.

Mr. Sales, from the committee on federal relations, to whom was referred

H. R. file, No. 26, Joint Resolution asking a donation of land to actual settlers,

Reported the same back to the Senate with one amendment, and asked the concurrence of the Senate.

The report of the committee was concurred in, and the joint resolution was read a third time, passed and title agreed to.

Senate file, No. 20, A memorial to Congress for the location and construction of a military road from the Mississippi river, to Fort Clark, on the Des Moines river, and from thence to the Council Bluffs, on the Missouri river.

Was read a third time, passed and title agreed to.

The report of the committee of the whole Senate, being in order, was taken up, and

On motion of Mr. Morton,

The Senate concurred in the report of the committee of the whole, on the amendments made by the House.

The question being on the adoption of the amendments made in the committee of the whole,

It was decided in the affirmative, and the amendments were separately adopted.

Mr. Morton moved to further amend the eighteenth section, of chapter two, title four, by adding the following proviso: "Unless he be personally known to at least two judges of the election, to be a legal voter of the county."

And on this question the yeas and nays were requested, and being ordered, were as follows:

**YEAS**—Messrs. Everson, Lewis, Morton, Sales, Shields, and Speer—6.

**NAYS**—Messrs. Alger, Baker, Casady, Hendershott, Hepner, Howell, Lowe, Wright, and Mr. President—9.

So the amendment was lost.

Mr. Morton moved to strike out the first, second, and third sections of chapter five.

Which motion was adopted.

Mr. Baker moved to strike out all after the word "township," in the fourth line, of section three, and insert:

"But one or two additional justices of the peace may be elected in each township which includes an incorporated town, if the trustees so direct, by posting up notices of the same in three of the most public places in the township, at least ten days before said election."

Which motion was agreed to.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to return titles nine, ten, and twelve, of the report of the committee of revision, under the eighteenth joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

Mr. Wright, from the committee of conference, appointed to act with a similar committee on the part of the House, upon the disagreeing vote of the two Houses, on H. R. file, No. 4, made the following report:

That the joint committee have agreed the Senate will not longer insist on its first amendment, and that the House concur in the second amendment.

In which the committee ask the concurrence of the Senate.

Which report was adopted.

Mr. Everson moved to amend section four, of chapter five, by striking out the word "directed," in section sixteen, chapter two, of this title, and insert "in general elections."

Which was carried.

Mr. Everson moved to strike out, in section ten, the words, "in chapter two, of this title," and also the word "other."

Which was agreed to.

Mr. Baker moved to strike out all of section seven, in chapter first.

Which was agreed to.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the

consideration of titles nine, ten, and twelve, of part one, of the revised code,

Mr. Everson in the chair,

And after some time spent therein, the committee rose and by their chairman, reported the same back to the Senate with their action thereon, and asked to be discharged.

Which was granted.

Mr. Morton moved that the titles nine, ten, and twelve, with the amendments made by the committee of the whole, be referred to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Wright,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, DECEMBER 31, 1850.

Senate met pursuant to adjournment.

Mr. Wright offered the following resolution, which was adopted:

Resolved, That the time heretofore fixed for the meeting of the Senate, be changed, so as that the time of meeting each morning shall be 9 o'clock, until otherwise ordered.

Mr. Shields, from the select committee to whom was referred the petition of the mayor and recorder of the city of Dubuque, praying for an amendment to the said city charter; reported,

Senate file, No. 21, A bill to amend an act entitled an act to incorporate and establish the city of Dubuque, approved February 24, 1847,

Which was read a first and second time, and

On his motion, was

Ordered to be engrossed and read a third time on to-morrow.

Mr. Howell, from the committee on agriculture, to whom was referred sundry petitions from citizens of Scott county, praying the passage of a law to restrain swine and sheep from running at large, reported

Senate file No. 32, A bill to restrain swine and sheep from running at large.

Which was read a first and second time, and

On motion of Mr. Baker,

Was ordered to lay on the table.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

Mr. PRESIDENT: I am directed to inform the Senate, that the House of Representatives have passed,

H. R. file No 34, A bill for an act to change the name of Guthenburg or Guttensburg to Prairie la Porte ;

H. R. file No. 34, A bill for an act to grant the right of way to the Davenport and Iowa City railroad company.

In which the concurrence of the Senate is requested.

The House have refused to concur in the amendments made by the Senate to

H. R. file No. 29, A bill for an act to organize the county of Winneshek and locate the county seat thereof.

I herewith return,

Senate file No 15, Memorial to Congress asking a donation to the Hungarian Patriots who have settled in Decatur county.

Senate file No. 19, A bill for an act to authorize the erection of an institution of learning on the public square, in the town of New London, in Henry county.

Both of which have passed the House without amendment.

Also, substitute for Senate file No. 5, A bill for an act to organize new counties and define their boundaries ;

Which has passed the House with sundry amendments, in which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file No. 18, Joint resolution for an appropriation for the improvement of the Des Moines and Rock River rapids, in the Mississippi river; also,

Substitute to H. R. file No. 33, A bill for an act to grant the use of Centre Market, in Iowa City, to the Davenport and Iowa City railroad company.

The same having passed both branches of the General Assembly and received the signature of the Speaker of the House of Representatives.

The report of the committee of the whole Senate being in order, was taken up, and was concurred in by the Senate.

Mr. Hepner moved to amend chapter second, of title twelve, by striking out all after the sixth clause of section second, and insert the following:

A prayer that a quantity of land sufficient for the use of the mill and dam be set apart by metes and bounds, and appraised.

Notice of the filing of such petition must be served on the other owners of the land sought to be so set apart, in the manner provided for serving original notices in civil actions.

Also to strike out all after the fifth clause, in the seventh section and insert the following:

Whether there be any other valid objection to the erection of the dam.

7. And the Jury shall set apart by metes and bounds a quantity of land convenient for the dam and mill, not exceeding one acre on either side of the stream, and shall appraise separately the value of land so set apart, taking into consideration its enhanced value in consequence of the water power connected therewith. The water power and the lands so set apart shall be known as a mill privilege.

Also, strike out all of said chapter after section nine, and insert the following:

10. If no sufficient objections are made to the proceedings under the writ, and if it appears to the court that neither the dwelling house, out houses, yard, garden or orchard of any owner of lands will be overflowed, and that the health of the neighborhood will not be injured in consequence of the erection of the proposed dam, the court shall enter a decree authorizing its construction, and granting the use of the lands set apart as aforesaid for that purpose.

11. Unless the other proprietors of the land so set apart appear and object, such decree may also give to the petitioners the privilege of building the dam and establishing the mill, and to take possession of the lands set apart for that purpose; upon paying the respective proprietors thereof the value of such lands as ascertained by the jury, and to hold the same for the use of such mill and dam, but for no other purpose.

12. But if any of the proprietors of the land so set apart appear and desire to become the proprietor of such mill privilege, the court shall direct the sheriff, at some convenient time and place, to sell such

privilege to the highest bidder among the proprietors of the land set apart as aforesaid. Due notice having been given to all such proprietors of the time and place of the sale.

13. The court may direct such sale to be made on a credit of not more than nine months; the purchaser giving sufficient security for the payment of the purchase money. The highest bidder among those authorised to bid at such sale, becomes the proprietor of such mill privilege, and the decree of the court shall be rendered accordingly.

14. The purchase money for such mill privilege shall be distributed among all the proprietors of the lands set apart and constituting such privilege, in proportion to their respective interests, as ascertained by the jury making the appraisement, the purchaser retaining his own share thereof.

15. If the dam and mill be not commenced within one year, and finished within two years from the date of the decree aforesaid, or if the dam or mill be destroyed or impaired so as to suspend its operations, and be not rebuilt or repaired within two years thereafter, the mill privilege as created by the proceedings hereinbefore authorised ceases, and the land will revert to its original proprietors respectively, or to their heirs or assigns, upon their repaying to the person to whom the mill privilege was decreed, his heirs or assigns, the amount of purchase money received from him without interest.

16. Dams not built in accordance with the directions prescribed by the court, shall be deemed public nuisances and may be dealt with as such, and any person injured thereby may recover double damages.

17. No dam shall be authorised to be constructed in such a manner as to obstruct the navigation of any navigable stream.

18. The word "mill," as used in this chapter, means any machinery propelled by water power.

All of which was agreed to.

Mr. Shields moved to amend chapter one, title nine, part one, by adding an additional section, as follows:

Sec. 8. The Secretary of State must keep and preserve a journal of all the acts of the Census Board.

Which was agreed to.

Mr. Lewis moved to amend section thirty-nine, chapter three, of title twelve, part first, by adding,

"The provisions of the preceding section apply to all cases of roads

and bridges where tolls are legally taken, whether such roads and bridges are licensed, constructed, and regulated in accordance with the provisions of this title or not.

Which amendment was adopted.

Mr. Howell moved to strike out the word "ten," in section forty, chapter three, title twelve, and insert the word "five."

Which was agreed to.

Mr. Hendershott moved to strike out all after the word "if necessary," in ninth line, and insert: "Provided such use shall in no way obstruct said public highway."

Which was agreed to.

Mr. Hendershott moved that the Senate adjourn until 2 o'clock, P. M.,

And on this question the yeas and nays were called, and being ordered, were as follows:

YEAS—Messrs. Baker, Everson, Hendershott, Howell, Lewis, Lowe, Spees, and Wright.—8.

NAYS—Messrs. Alger, Casady, Hepner, Morton, Sales, Shields, and Mr. President.—7.

So the Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Morton,  
The Senate adjourned until Thursday morning, at 9 o'clock, A. M.

THURSDAY MORNING, DECEMBER, 2, 1850.

Senate met pursuant to adjournment.

Mr. Sales presented the petition of Michael Flanigan, and forty-one others, for a State road from Garry Owen, in Jackson county, to Cascade, in Dubuque county;

Also, from Denson's Ferry, to intersect the aforesaid road; which,

On his motion,

Was referred to the committee on roads.

Mr. Casady presented the memorial of Madison Young, and thirty-eight others, citizens of this State, in relation to Normal Schools.

Which,

On his motion,

Was referred to the committee on schools.

Mr. Sales presented two petitions on the same subject.

Which were referred to the same committee.

Mr. Casady presented the petition of John Woods, and sixty others, citizens of Polk, Dallas and Boone counties, praying for the location of a State road from Fort Desmoines to Fort Clarke. Which,

On his motion,

Was referred to the committee on roads.

Mr. Lewis presented the petition of F. E. Bissell, and one hundred and sixty-six others, asking a repeal of all license laws in this State; and the passage of a law prohibiting the traffic in spirituous liquors.

Which,

On his motion,

Was referred to the select committee, to whom all similar petitions have been referred.

Mr. Spees, from the select committee, to whom was referred the petition of the citizens of Portland, in Van Buren county, for vacating certain parts of said town, reported to the Senate,

Senate file No. 23, An act to vacate a part of the town of Portland, in Van Buren county. Which,

Was read a first and second time; and,

Ordered to be engrossed, and read a third time to-morrow.

The following message was received from the House of Representatives, by Mr. Hooten, Clerk—

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed,

H. R. file No. 48, A bill for an act to change the name of John William Branson, to William Allen Scott.

In which the concurrence of the Senate is requested.

The House have also passed, without amendment,

Senate file No. 12, Memorial to Congress for grants of land to aid

in the construction of rail roads from Dubuque to Keokuk, and from the Mississippi to the Missouri river.

Also, that the House have concurred in the amendment made by the Senate to

H. R. file No. 26, Joint Resolution asking a donation of land to actual settlers.

Mr. Casady, from the committee on the judiciary, to whom was referred,

H. R. file No. 19, A bill for an act authorizing the County Commissioner's Court, of the county of Davis, to have a vote taken in relation to building a Court House in said county.

Reported the same back to the Senate, with one amendment, and recommended its passage.

So the bill was read a third time, passed and title agreed to.

Mr. Hepner gave notice, that on to-morrow, or some subsequent day, he would ask leave to introduce a bill to legalize the acts of the school fund commissioners of Des Moines county.

Senate file No. 21, A bill to amend an act, entitled "an act to incorporate and establish the city of Dubuque."

Was read a third time, passed and title agreed to.

The message from the House being in order, was taken up, and

H. R. file No. 34, A bill for an act to grant the right of way to the Davenport and Iowa City Rail Road Company.

Was read a first and second time.

H. R. file No. 41, A bill to change the name of Guthenburg in Clayton county, to Prairie La Porte;

Was read a first and second time.

On motion of Mr. Wright,

The Senate insisted on their amendment made to

H. R. file No. 29, A bill for an act to organize the county of Winnesheik and locate the county seat thereof.

On motion of Mr. Lewis,

A committee of conference was appointed on the disagreeing votes of the two Houses, on H. R. file No. 29, and

Mr. President appointed Messrs. Lewis, Baker and Spees, said committee.

Substitute for Senate file No. 5, A bill for an act to establish new counties and define their boundaries, having been returned from the House with sundry amendments, and

On motion of Mr. Hepner,

The Senate disagreed to the amendments made to said bill by the House.

H. R. file No. 48, A bill for an act to change the name of John William Branzon to William Albert Lett.

Was read a first and second time, and

On motion of Mr. Wright,

Was referred to the Senators from the Dubuque district.

On motion of Mr. Hepner,

Senate file No. 16; Preamble and Resolutions in reference to compromise measures passed by the Congress of the United States.

Was taken up, and read a third time, passed and title agreed to.

The consideration of the report of the committee of revision being in order.

Mr. Lowe moved to amend by inserting, after section twenty-three, in chapter five, title three, as follows:

23a. The judge may also in like manner submit to a vote of the people the question of a removal of the seat of justice of the county to any other point therein which is distinctly designated.

23b. Whenever a petition for that purpose is presented to the judge, signed by at least one fourth of the legal voters of the county, asking such removal, and being accompanied by the deposit hereinafter named the judge shall enter an order accordingly and the vote shall be taken in pursuance thereof at the first regular election that occurs thereafter, either in April or August, and which allows sufficient time to give the requisite notice.

23c. Before such election is ordered, those desiring it must deposit with the county treasurer an amount of money sufficient to pay the expenses likely to be incurred in consequence of taking the proposed vote.

23d. The proposition submitted to the people, and the published notice thereof, must be such in substance as is proposed by those who are seeking to effect the change, and they must fix the terms and conditions on which the change is to be made, and the time when it is to take effect.

23e. Upon the result of the vote being ascertained, if it is in favor of the proposed change, the county court must enter an order in accordance with such result, and a notice thereof must be published in the manner directed by the court.

23f. All the expenses of publishing the notices above contemplated, as well as any other expenses created in consequence of submitting the proposition to a vote of the people as above contemplated, must be paid out of the deposit made as herein required, and the remainder of such deposit shall be restored to the depositors.

Which amendment was read, and

On his motion,

Was laid on the table.

Mr. Cook, with leave, presented the petition of W. Hammond, and two hundred and twenty-five others, citizens of Cedar county, praying the passage of a law restraining swine and sheep from running at large, which

On his motion was referred to the committee on agriculture.

Mr. Casady moved to adjourn until 2 o'clock P. M.

Which motion was lost.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, for the consideration of the code.

Mr. Hepner in the chair.

And after some time spent therein the committee rose, and through their chairman, reported the same back to the Senate.

On motion of Mr. Baker,

The Senate adjourned until 2 o'clock P. M.

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## TWO O'CLOCK, P. M.

Mr. Wright, from the committee on enrolled bills, reported as correctly enrolled, Senate file, No. 15, and 19.

Mr. Lowe, from the select committee on mail facilities, to whom was referred

Senate file, Nos. 18, Joint Resolution for an increase of mail facilities, reported the same back without amendment, and recommended its passage.

And the joint resolution was read a third time, passed and title agreed to.

Mr. Casady, with leave, introduced,

Senate file, No. 24, A bill for an act to establish a state road from

the west line of Dallas county, to Council Bluffs, on the Missouri river, opposite to Council Bluff Indian Agency, in Nebraska Territory.

Which was read a first and second time ; and,

On his motion,

Was referred to the committee on roads.

On motion of Mr. Lewis,

The Senate adjourned until to-morrow morning.

### FRIDAY MORNING, JANUARY 3, 1851.

Senate met pursuant to adjournment.

The following message was received from the House, by Mr. Hooten, Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

H. R. file, No. 49, A bill for an act to lay out and establish a state road from Cedar Falls to Buenavista ; also,

H. R. file, No. 50, Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque, via the Great Bend of St. Peters river, to Red river, and a donation to aid in the construction of a bridge across the Mississippi river, at Dubuque : also,

H. R. file, No. 51, A bill for an act granting a state road from Quasqueton to the north boundary of the State of Iowa ; also,

H. R. file, No. 52, A bill for an act granting a state road from Guttenberg, in Clayton county, to Louisville, in Winneshiek county : and also,

H. R. file, No. 54, Joint Resolution for a mail route from Davenport to Iowa City.

In all of which the concurrence of the Senate is requested.

Mr. Casady presented the petition of M. H. Hare, and one hundred and forty others, citizens of Polk and Dallas counties, praying for the repeal of all existing license laws in this State ; which

On his motion,

Was referred to the committee to whom all petitions on the same subject were referred.

Mr. Lowe presented the petition of George Pinkerton and sixty-three others, citizens of Keokuk county, praying a removal of the Capitol to Oskaloosa; which

On his motion,

Was referred to the committee on public buildings.

Mr. Sales presented the petition of John Kelso, and fifty others, praying the passage of a law restraining swine and sheep from running at large; which,

On his motion,

Was referred to the committee on agriculture.

Mr. Morton presented the petition of E. B. Ogg, and eighty others, citizens of Mount Pleasant, in Henry county, praying the passage of act incorporating said town; which,

On his motion,

Was referred to a select committee, and

Mr. President appointed Messrs. Morton, Cook, and Casady, said committee.

Mr. Hepner offered the following resolution:

Resolved, That the committee of revision be requested to modify their report so as to require persons to pay tax according to what they are worth; abolishing all poll tax, whether for State, county, school, road or other purposes; which,

On his motion,

Was laid on the table.

Mr. Hepner, in pursuance of previous notice, leave being obtained, introduced,

Senate file, No. 25, An act to legalize certain proceedings of the school fund commissioners of Des Moines county, and of school district No. 2, of the township of Burlington, in said county; which

Was read a first and second time, and

Ordered to be engrossed and read a third time to-morrow.

Senate file, No. 23, An act to vacate a part of the town of Portland, in Van Buren county.

Was read a third time, passed and title agreed to.

H. R. file, No. 34, A bill for an act to grant the right of way to the Davenport and Iowa City Rail Road Company.

Was read a third time, passed and title agreed to.

H. R. file, No. 41, A bill to change the name of Guttenberg, or Guthenberg, in Clayton county, to Prairie LaPorte.

Was read a third time, and

On motion of Mr. Lewis,

The bill was laid on the table.

The message from the House being in order, was taken up, and

H. R. file, No. 49, An act to lay out and establish a state road from Cedar Falls to Buenavista.

Was read a first and second time; and

On motion of Mr. Casady,

Was referred to the committee on roads.

H. R. file, No. 51, A bill for an act, granting a state road from Quasqueton to the north line of the State of Iowa.

Was read a first and second time; and

On motion of Mr. Lowe,

The bill was referred to the committee on roads.

H. R. file, No. 52, A bill for an act granting a state road from Guttenberg, in Clayton county, to Louisville, in Winneshiek county.

Was read a first and second time; and

On motion of Mr. Sales,

Was referred to the committee on roads.

H. R. file, No. 50, Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque, via the Great Bend of St. Peters river, to Red river; and a donation to aid in the construction of a bridge across the Mississippi river at Dubuque.

Was read a first and second time; and

On motion of Mr. Shields.

Was referred to the committee on ways and means.

H. R. file, No. 54, Joint resolution for a mail route from Davenport to Iowa City.

Was read a first and second time; and

On motion of Mr. Wright,

Was referred to the select committee on mail facilities.

Mr. Baker moved to take from the table the resolution on the subject of taxation.

Which was agreed to.

On motion of Mr. Baker,

The Senate resolved itself into a committee of the whole, for the consideration of said resolution,

Mr. Alger in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate with one amendment.

And the question being on concurring in the amendment made in committee of the whole.

The yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Cook, Howell, Lewis, Lowe, Sales, Shields, Wright, and Mr. President.—10.

NAYS—Messrs. Casady, Everson, Hepner, and Morton.—4.

So the report was concurred in ; and

On motion of Mr. Lewis,

The resolution was laid on the table.

Mr. Baker, leave being granted, introduced

Senate file, No. 26, Preamble and resolution relative to the mode of supporting the general government.

Which was read a first and second time.

Mr. Wright moved that the preamble and resolution be indefinitely postponed.

And on this question the yeas and nays were requested, pending which,

Mr. Baker moved to lay the preamble and resolution on the table.

Which motion was lost.

Mr. Baker asked leave to withdraw said preamble and resolution.

Which leave was granted, and the preamble and resolution were withdrawn.

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

Mr. Baker moved that the amendment offered to the code on yesterday, in relation to the removal of county seats, be taken from the table.

Which motion was lost.

Mr. Sales presented the petition of George Paddington, and thirty-five others, citizens of Linn county, praying that townships eighty-five and eighty-six, north of range five, west, may be attached to Jones county; which

On his motion,

Was referred to the committee on county boundaries.

Mr. Morton moved that the Senate adjourn.

Which was lost.

On motion of Mr. Lowe,

The Senate resolved itself into a committee of the whole, for the consideration of the code,

Mr. Lewis in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, and asked leave to sit again.

• Which leave was granted.

On motion of Mr. Lowe,

The Senate adjourned until to-morrow morning.

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SATURDAY MORNING, JANUARY 4, 1851.

Senate met pursuant to adjournment.

Mr. Casady presented a remonstrance against making Fairview and Richmond points in the State road from Knoxville to Wintersett, via Indianola, signed by William Genky, and eighty-three others, citizens of Madison and Warren counties. Which,

On his motion,

Was referred to the committee on roads.

Mr. Hepner presented,

Senate file No. 27, Joint Resolution for the establishment of a land office at Fort Des Moines. Which,

Was read a first and second time, and ordered to be engrossed and read a third time on Monday next.

Mr. Casady offered the following resolution:

Resolved, That the Secretary of State be requested to communicate to the Senate an abstract showing the number of inhabitants in each county, as returned by the deputy marshals of the State.

Which was adopted.

Mr. Shields, from the select committee, to whom was referred,

H. R. file No. 48, A bill for an act to change the name of John William Branzon, to William Allen Lett.

Reported the same back to the Senate, and recommended its passage; and,

The bill was read a third time, passed and title agreed to.

Mr. President laid before the Senate a Message from his Excellency the Governor, which will require an executive session.

Senate file No. 25, An act to legalize certain proceedings of the school fund commissioner of Des Moines county; and of school district number two of the township of Burlington, in said county.

Was read a third time, passed and title agreed to.

On motion of Mr. Lewis,

H. R. file No. 41, A bill to change the name of Guttenberg, or Guttenberg, in Clayton county, to Prairie La Porte.

Was taken from the table; and,

Was read a third time, passed and title agreed to.

On motion of Mr. Baker,

The Senate resolved itself into a committee of the whole, for the consideration of the code,

Mr. Lewis in the chair.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed by the House to inform the Senate that the House have passed,

H. R. file No. 42, A bill for an act to locate a State road from Fort Des Moines to Fort Clark. And,

H. R. file No. 55, Joint Resolution for a mail route from Centerville, in Appanoose county, to the Missouri river near Fort Kearney.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 20, A Memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clark.

on the Des Moines river; and from thence to the Council Bluffs, on the Missouri river, which has passed the House, without amendment.

I herewith present, for your signature,

Substitute for H. R. file, No. 37, Joint Resolution of the General Assembly of Iowa, instructing our Senators and Representatives in Congress to use their influence to procure a donation of land, to be appropriated to the building of bridges across Turkey river.

The committee of the whole, for the consideration of the code, after some time spent therein, reported the same back to the Senate, by their chairman.

On motion of Mr. Wright,

The appendix, as reported by the committee of revision, for the consideration of the General Assembly, was referred to the committee on the judiciary.

Mr. Cassady, from the committee on the judiciary, to whom was referred the appendix, as reported by the committee on revision for the consideration of the General Assembly.

Reported the same back to the Senate, without amendment.

Mr. Everson moved that the appendix, as reported by the committee of revision, be considered as part of the code as reported.

Mr. Morton moved to indefinitely postpone all that part of the appendix, under the head of "courts of conciliation."

Pending which,

On motion of Mr. Cook,

The Senate adjourned.

MONDAY MORNING, JANUARY 6, 1851.

Senate met pursuant to adjournment.

Mr. Casady presented the petition of Levi Wright and thirty-three others, citizens of Dallas county, praying for a State road from the west line of Dallas county to Kanessville, or some suitable point at Council Bluffs; which,

On his motion,

Was referred to the committee on roads.

Mr. Espy presented a memorial from the Medical Faculty of the Iowa University; which,

On his motion,

Was referred to the committee on schools.

Mr. Baker presented the petition of Wm. Hall, and forty others, in relation to Normal Schools; which,

On his motion,

Was referred to the committee on schools.

Mr. Alger presented the petition of John H. Martin, and fifty others, citizens of Blackhawk county, asking that the tier of townships on the north and west of said county be added thereto; which,

On his motion,

Was referred to the committee on county boundaries.

Mr. Wright presented the petition of J. Church, and one hundred and forty-seven others, citizens of Polk county, and of S. G. Henderson, and one hundred and forty-nine others, citizens of Warren county, praying that a certain district of Polk county be attached to Warren county; which,

On his motion,

Was referred to the committee on county boundaries.

Mr. Wright presented the petition of John D. Bedelle, and thirty-two others, citizens of Marion county, asking the removal of the seat of government to Red Rock, and an offer to donate certain lands and lots to the State, in consideration thereof; which,

On his motion,

Was referred to the committee on public buildings.

Mr. Baker presented the petition of J. W. Ogden, and two hundred and twenty-six others, citizens of Lee county, praying the establishment of a Lunatic Asylum; which,

On his motion,

Was referred to the committee on public buildings, with instructions to report at an early day.

Mr. Alger presented the petition of John Wright, and forty-six others, citizens of Cedar and Muscatine counties, for the location of a State road from Washington Ferry, in Cedar county, to Overman's mill, in Muscatine county; which,

On motion of Mr. Sales,

Was referred to the committee on roads.

Mr. Selman presented the petition of James A. Senger, and fifty-

six others, citizens of Davis county, praying the passage of a law prohibiting the sale of spirituous liquors; which,

On motion of Mr. Lowe,

Was referred to the select committee on temperance.

Mr. Casady presented the petition of Richard R. Watts, and one hundred and three others, citizens of Marion county, praying the location of the capitol at Fort Des Moines; which,

On motion of Mr. Hepner,

Was referred to the committee on public buildings.

Mr. Sales presented the petition of Ira B. Ryan, and forty others, citizens of Jones county, praying the passage of a law restraining swine and sheep from running at large; which,

On his motion,

Was referred to the committee on agriculture.

Mr. Shields presented

Senate file No. 28, Preamble and Joint Resolution in relation to a grant of land by Congress to the State of Iowa, in aid of the construction of certain rail roads therein named.

Which was read a first and second time, and

On motion of Mr. Hepner,

Was referred to the committee on internal improvements.

Senate file No. 27, Joint Resolution for the establishment of a Land Office at Fort Des Moines.

Was read a third time, passed, and title agreed to.

H. R. file No. 42, A bill for an act to locate a State road from Fort Des Moines to Fort Clarke.

Was read a first and second time, and referred to the committee on roads.

H. R. file No. 55, Joint Resolution for a mail route from Centreville, in Appanoose county, to the Missouri river, near Fort Kearney.

Was read a first and second time, and referred to the committee on mail facilities.

On motion of Mr. Lowe,

The amendments offered to the code in relation to the removal of county seats,

Was taken from the table.

Mr. Lowe moved to amend the amendments by adding two additional sections.

Mr. Selman moved that the amendments be laid on the table.

Which motion was lost,

On motion of Mr. Espy,

The amendments were referred to the committee on the judiciary, with instructions to report at an early day.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

H. R. file No. 56, A bill for an act to establish a State road from Muscatine to the county line of Muscatine county.

H. R. file No. 57, A bill for an act to grant the right of way to the Iowa Western Railroad Company.

H. R. file No. 58, A bill for an act to locate a State road from Winterset, in Madison county, to Adell, in Dallas county.

In all of which the concurrence of the Senate is requested.

The House insists on its disagreement to the amendments made by the Senate to

H. R. file No. 59, A bill for an act to organize the county of Winneshiek and locate the seat of justice thereof;

And grants the conference requested by the Senate thereon, and have appointed Messrs. Price, Samuel Riggs, and Flint, managers to conduct said conference on the part of the House.

The House also refuses to recede from its amendments to substitute to Senate file No. 5, and asks a conference thereon. Messrs. Summers, Allender, and Crawford have been appointed managers to conduct said conference on the part of the House.

The House have Resolved, (the Senate concurring.) That the General Assembly will adjourn *sine die* on the 20th instant.

On motion of Mr. Baker,

The message from the House was taken up.

H. R. file No. 56, A bill for an act to establish a State road from Muscatine to the county line of Muscatine county.

Was read a first and second time, and

Referred to the committee on roads.

H. R. file No. 58, A bill for an act to locate a State road from Winterset, in Madison county, to Adell, in Dallas county.

Was read a first and second time, and

Referred to the committee on roads.

H. R. file No. 57, An act to grant the right of way to the Iowa Western Rail Road Company.

Was read a first and second time, and

On motion of Mr. Baker,

Was referred to the committee on internal improvements.

On motion of Mr. Shields,

The Senate insist on their amendments made to H. R. file No. 29, and,

Mr. President appointed Messrs. Lewis, Baker, and Speers, committee to manage said conference on the part of the Senate.

The President appointed Messrs. Casady, Everson and Lowe a committee to manage a conference on the disagreeing vote of the two Houses; on

Substitute for Senate file No. 5, A bill for an act to establish new counties and define their boundaries.

Mr. Wright presented the claim of Josiah H. Bonney, against the State, which

On his motion,

Was referred to the committee on claims.

On motion of Mr. Wright,

The Hon. John J. Seliman was added to the following standing committees, viz: internal improvements, incorporations, claims and public buildings.

Mr. Sales, with leave, presented the petition of Joshua Sherman and eight others, citizens of Cedar, Jones, Clinton, Jackson and Dubuque counties, praying the location of a State road from Tipton, in Cedar county, to Dubuque, in Dubuque county.

Also from Anamosa, in Jones county, to Bellevue, in Jackson county, which

On his motion,

Was referred to the committee on roads.

On motion of Mr. Wright,

The petitions on the table in relation to the re-location of the seat of government, were taken up, and

Referred to the committee on public buildings.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr. Casady from committee on conference made the following report:

The committee of conference to whom was referred the disagreeing vote between the Senate and House of Representatives, on the substitute for Senate file No. 5, beg leave to report:

That the Senate will agree to the amendments made by the House to the following sections, to wit: three, four, eight, nine, thirteen, nineteen, twenty-three, twenty-four, twenty-eight, thirty-seven, forty-two, forty-three, forty-six and forty-seven; and we recommend that the House will recede from its amendments made to sections twenty, twenty-one, twenty-five, twenty-seven, thirty-one, thirty-three, forty-one, forty-five, forty-nine and fifty. And we further recommend that the following be substituted for the House amendments to section forty-eight, to-wit: insert Dickenson instead of Richmond.

Which report was concurred in.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives, have ordered to be printed five thousand copies of the report of the Superintendent of Public Instruction for the use of the General Assembly.

Mr. Selman moved that the Secretary of the Senate call on the House of Representatives, for the resolution in favor of an adjournment, as mentioned in the message received from the House this morning.

Which motion was agreed to.

On motion of Mr. Leffingwell,  
Senate file No. 22, A bill to restrain swine and sheep from running at large.

Was taken from the table, and

On motion of Mr. Casady,  
The Senate resolved itself into a committee of the whole for the consideration of said bill.

Mr. Baker, in the chair, and

After some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, with one amendment.

And the question being, will the Senate concur in the report of the committee.

It was decided in the negative.

Mr. Sales moved to insert Jones after the word "Scott" whenever it occurs in the bill.

Which was agreed to.

Mr. Shields moved to amend the bill by adding the following proviso:

"Provided, That all sheep and swine owned in the county of Dubuque, within four miles of the Jones county line, be permitted to run at large in Jones county."

Which was agreed to.

Mr. Howell moved that the bill be engrossed and read a third time to-morrow.

Which motion was lost.

Mr. Shields moved that the bill be laid on the table.

Which was agreed to, and the bill laid on the table.

On motion of Mr. Sales,

The Senate resolved itself into a committee of the whole, for the consideration of the appendix, as reported by the committee of revision, for the consideration of the General Assembly.

Mr. Selman in the chair.

And after some time spent therein the committee rose, and by their chairman reported the same back to the Senate, and asked leave to sit again.

Mr. Leflingwell from the committee on enrolled bills, reported Senate file No. 20, as correctly enrolled:

Mr. President laid before the Senate the report of the Superintendent of Public Instruction; which

On motion of Mr. Lowe,

Was laid on the table,

On motion of Mr. Shields,

The Senate adjourned until to-morrow morning.

TUESDAY MORNING, JANUARY 7, 1851.

Senate met pursuant to adjournment.

Mr. Casady presented four remonstrances of A. J. Reynolds, and three hundred and forty-six others, citizens of Polk county, against striking off any portion of Polk county, for the purpose of attaching it to another county. Which,

On his motion,

Was referred to the committee on county boundaries.

Mr. Espy presented the memorial of Ozero Hall for relief. Which,

On his motion,

Was referred to the committee on claims.

Mr. Leffingwell presented the petition of R. Jenks, and thirty-four others, citizens, praying the location of a State road from Tipton, in Cedar county, to some point on the Mississippi river, in the direction of Galena. Which,

On his motion,

Was referred to the committee on roads.

Mr. Baker presented the claim of Charles Jewett, for guarding prisoners. Which,

On his motion,

Was referred to the committee on claims.

Mr. Leffingwell presented the petition of G. W. Parker, and sixty-five others, praying that a certain part of Clinton county be attached to Scott county.

Also, a remonstrance against the same. Which,

On his motion,

Were referred to the committee on county boundaries.

Mr. Casady presented the petition of George B. Warden, and seventy-three others, citizens of Polk and Dallas counties, praying the removal of the Capitol to Fort Des Moines, in Polk county. Which,

On his motion,

Was referred to the committee on public buildings.

Mr. Leffingwell, presented the petition of Ira Gardner, and twenty-seven others, citizens of Scott, Clinton, Cedar and Jones, praying the location of a State road from Davenport to Anamosa, in Jones county. Which,

On his motion,

Was referred to the committee on roads.

Mr. Hepner offered the following resolution:

Resolved, That a committee of three be appointed, whose duty it shall be to ascertain the names of State and judicial officers, who are stockholders in any rail road company within this State. Also, the names of the members of the Legislature owning stock in said companies, the amount of stock subscribed by each, and that said committee have power to send for persons and papers. And

The question being on the adoption of the resolution, the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Espy, Hepner, Howell, Leffingwell, Morton, Sales Sellman, Shields, Spees and Wright—10.

NAYS—Messrs. Alger, Baker, Casady, Everson, Lewis, Lowe and Mr. President—7.

So the resolution was adopted.

And the President appointed Messrs. Hepner, Leffingwell and Selman said committee.

Mr. Wright, from the committee on the judiciary, to whom was referred the amendments to chapter five, title three, part one, with regard to the removal of county seats, reported the same back, with one amendment, requiring one third instead of one fourth of the citizens to petition therefor.

Which report was concurred in by the Senate.

Mr. Lewis, from the committee appointed on the part of the Senate, to manage a conference on the disagreement of the two houses on

H. R. file No. 29, A bill for an act to organize the county of Winneshick, and locate the county seat thereof.

Reported that the joint managers of the conference recommend that the House recede from its disagreement to the amendment made by the Senate.

Which report was concurred in by the Senate.

On motion of Mr. Lowe,

The Senate resolved itself into a committee of the whole, for the consideration of the appendix, as reported by the committee of revision, for the consideration of the General Assembly.

Mr. Shields in the chair.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

Mr. PRESIDENT: I am directed to inform the Senate, that the House of Representatives have passed,

H. R. file, No. 6, A bill for an act to locate a state road from McGregor, in Clayton county, to Fort Clark, on the Des Moines river,

H. R. file, No. 25, A bill for an act to locate a state road from Fort Des Moines to Indian town.

H. R. file, No. 33, A bill for an act to repeal an act to authorize Thomas L. Parks to keep a ferry across the Mississippi river.

H. R. file, A bill for an act to provide for the location of a state road from Bloomfield, in Davis county, to a point on the Missouri river, opposite old Fort Kearney.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 18, Joint Resolution, for an increase of mail facilities, which has passed the House with one amendment.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file, No. 41, An act to change the name of the town of Guttenberg or Guthenberg, to Prairie La Porte.

H. R. file, No. 48, An act to change the name of Wm. Branson to Wm. Allen Lett.

H. R. file, No. 26, Joint Resolution for a donation of land to actual settlers.

H. R. file, No. 19, An act authorising the county commissioners of Davis county to have a vote taken in relation to building a court house in Davis county.

H. R. file No. 34, An act to grant the right of way to the Davenport and Iowa City Rail Road Company.

All of which have passed both branches of the General Assembly.

The committee of the whole after some time spent therein, rose and by their chairman reported progress, and asked leave to sit again at 2 o'clock P. M.

Which leave was granted.

On motion of Mr. Sales,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The message from the House being in order, was taken up.  
Senate file No. 11, Joint Resolution for mail facilities; was

On motion of Mr. Sales,  
Referred to a select committee.

The President appointed Messrs. Sales, Selman and Spees said committee.

H. R. file No. 6, A bill for an act to locate a State road from McGregor's in Clayton county, to Fort Clarke on the Des Moines river.

Was read a first and second time, and

On motion of Mr. Shields,  
Was referred to the committee on roads.

H. R. file No. 25, A bill to locate a State road from Fort Des Moines to Indian Town.

Was read a first and second time, and

On motion of Mr. Casady,  
Was referred to the committee of ways and means.

H. R. file No. 53, A bill for an act to repeal an act to authorize S. Parks to keep a ferry across the Mississippi river.

Was read a first and second time.

H. R. file No. 45, An act to provide for the location of a State road from Bloomfield, in Davis county, to a point on the Missouri river opposite old Fort Kearney.

Was read a first and second time, and

On motion of Mr. Lewis,  
Was referred to the committee on ways and means.

On motion of Mr. Morton,

The Senate resolved itself into a committee of the whole for the further consideration of the appendix.

Mr. Espy in the chair.

And after some time spent therein, the committee rose, and by their chairman, reported progress and asked leave to sit again.

Which leave was granted.

Mr. Casady, with leave, presented a remonstrance of P. Myers, and two hundred and sixty seven others, against altering the boundary of Polk county; which

On his motion,

Was referred to the committee on county boundaries.

Mr. Leffingwell gave notice that he would on to-morrow or some future day bring in a bill for the relief of Daniel Hess.

On motion of Mr. Morton.

The Senate adjourned until to-morrow morning.

WEDNESDAY MORNING, JANUARY 8, 1851.

Senate met pursuant to adjournment.

Mr. Baker presented the petition of D. L. McGugin, of Lee county, asking the establishment of a Lunatic Asylum, accompanied by a plan for the same; which

On motion of Mr. Baker

Was referred to the committee on public buildings.

Mr. Lewis presented the petition of William Redfield, and six hundred and fifty others, praying that a portion of the northern part of Clayton county, and the southern part of Allamakee county, be taken off and a new county established; which

On his motion

Was referred to the committee on county boundaries.

Mr. Sales, from the select committee to whom was referred

Senate file No. 18, Joint Resolution for an increase of mail facilities.

Reported the same back to the Senate, and recommended a concurrence in the amendment made by the House, which report was concurred in.

Mr. Shields, from the committee on ways and means, to whom was referred

H. R. file No. 25, A bill to locate a State road from Fort Des Moines, to Indian Town.

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Baker,

The bill was recommitted to the committee on roads.

Mr. Shields, from the committee on ways and means, to whom was referred

H. R. file No. 45, A bill for an act to provide for the location of a State road from Bloomfield, in Davis county, to a point on the Missouri river opposite to old Fort Kearney.

Reported the same back to the Senate, and recommended its passage.

On motion of Mr. Lowe,

The bill was referred to the committee on roads.

Mr. Leffingwell, from the committee on county boundaries, to whom was referred the petitions of citizens of Polk county asking to be attached to Warren county, reported,

Senate file No. 29, A bill for an act to define the northern boundary of the county of Warren.

Which was read a first and second time.

And the question being on engrossing and reading a third time to-morrow, the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Everson, Leffingwell, Lewis, Lowe, Morton, Sales and Wright—8.

NAYS—Messrs. Baker, Casady, Espy, Hepner, Selman, Shields, Speer and Mr. President—8.

So the motion was lost.

On motion of Mr. Wright,

The bill was laid on the table.

H. R. file No. 53, A bill for an act to repeal an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

Was read a third time, passed, and title agreed to.

Mr. Leffingwell, previous notice having been given, introduced Senate file No. 30, A bill for the relief of Daniel Hess; which

Was read a first and second time.

Mr. Morton moved that the thirteenth rule be suspended, and the bill read a third time now.

Which motion was lost.

And the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Sales,

The Senate adjourned until to-morrow morning.

THURSDAY MORNING, JANUARY 9, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Hooten, Clerk—

MR. PRESIDENT: I am directed to return to the Senate chapter four of title five, part one; chapter one, title two, part one; chapter one, two, three, four, five, six and seven, of title thirteen, part one; chapters one, two, three, four, five, six, seven, eight and nine, of title fourteen, part one; and chapters one, two, three, four, five, six, seven, eight and nine, of title one, part second; under the 18th joint rule of both Houses, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

Mr. Hendershott presented the petition of William C. Drake, and twenty-eight others, for the location of a State road from Drakesville, in Davis county, to Chariton, in Lucas county. Which,

On his motion,

Was referred to the committee on roads.

Mr. Hendershott presented the petition of H. P. Graves, and forty-nine others, members of the Methodist Episcopal Church, praying the passage of a special act of incorporation for the Methodist Episcopal Church of the United States, for the State of Iowa. Which,

On his motion,

Was referred to a select committee.

And the President appointed Messrs. Hendershott, Alger and Lewis, said committee.

Mr. Shields offered the following resolution, which was adopted:

Resolved, That one thousand copies of the report of the Superintendent of Public Instruction be printed for the use of said office.

Mr. Hendershott gave notice that on to-morrow, or some future day, he would ask leave to introduce A bill for an act to secure a more vigorous prosecution and an early completion of the Des Moines river improvement.

Mr. Baker gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act to amend the charter of the city of Keokuk.

Mr. Baker, from the committee on public buildings, made the following report—

The committee on public buildings, to whom was referred a petition for an appropriation to complete the penitentiary, have had the same under consideration and instructed me to report:

That according to the best information your committee are in possession of, it will take about twenty thousand dollars to complete the same, including the walls around the yard, and about half that sum to complete the buildings exclusive of said wall; and about five thousand dollars to put the buildings in such repair as will be necessary for the safety and comfort of convicts.

Therefore your committee are of opinion that an appropriation of at least five thousand dollars should be made for said purpose during the present session of the General Assembly.

Senate file No. 30, A bill for an act for the relief of Daniel Hess.

Was read a third time, passed and title agreed to.

The message from the House being in order;

On motion of Mr. Wright,

The Senate resolved itself into committee of the whole, for the consideration of that part of the code, accompanying said message,

Mr. Sales in the Chair,

And, after some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again:

Which leave was granted.

On motion of Mr. Casady,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The President appointed Messrs. Lewis, Hepner and Wright, a committee on the part of the Senate, to act with a similar committee already appointed by the House, to act on disagreements of each House on amendments to the code.

On motion of Mr. Wright,

The Senate again resolved itself into committee of the whole for the consideration of the code,

Mr. Sales in the chair,

And, after some time spent therein, the committee rose, and reported the same back to the Senate, with a recommendation that the Senate concur in the action of the committee.

Pending which,

On motion of Mr. Lowe,

The Senate adjourned until to-morrow morning.

### FRIDAY MORNING, JANUARY 10, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

H. R. file, No. 60, Joint Resolution in relation to mail facilities.

H. R. file, No. 59, Joint Resolution relative to an appropriation from Congress.

H. R. file, No. 61, Joint Resolution for an increase of mail facilities from Burlington to Keosauqua.

H. R. file, No. 72, A bill for an act to locate the seats of government of several counties therein named.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 23, A bill for an act to vacate a part of the town of Portland, in Van Buren county; which has passed the House without amendment.

Mr. Cook presented the petition of George Goddard, and fifty others, citizens of Cedar county, praying the passage of a law restraining swine and sheep from running at large in said county; which

On his motion,

Was laid on the table.

Mr. Morton offered the following resolution:

Resolved, That the Senate concur in the resolution of the House of

Representatives, providing that the General Assembly adjourn sine die on the 20th instant.

Mr. Shields moved that the resolution be laid on the table.

And on this question the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Casady, Espy, Everson, Hepner, Howell, Lewis, Lowe, Sales, Selman, Shields, Spees, Wright, and Mr. President.—15.

NAYS—Messrs. Cook, Leffingwell, and Morton.—3.

So the resolution was laid on the table.

Mr. Hepner, from the committee on incorporations, to whom was referred

Substitute for H. R. file, No. 8, A bill for an act granting the Muscatine, Washington and Oskaloosa road and bridge company, the right of way.

Reported the same back to the Senate with one amendment.

Which amendment was concurred in, and the bill was read a third time, passed and title agreed to.

Mr. Alger, from the select committee, to whom was referred

H. R. file, No. 3, A bill for an act to incorporate the City of Muscatine, with instructions to amend said bill so as to meet the wishes of the citizens of Muscatine, reported back to the Senate a substitute therefor;

Which was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on incorporations.

Mr. Baker, notice having been given, introduced

Senate file, No. 31, An act to amend the charter of the City of Keokuk.

Which was read a first and second time.

Mr. Baker also presented a remonstrance against any amendment to said charter, signed by G. C. Anderson and one hundred and fifteen others; which

On his motion,

With the aforesaid bill, was referred to the Senators from Lee county.

Mr. Morton, from the select committee, to whom was referred the petitions of citizens of the town of Mount Pleasant, for the incorporation of said town, reported,

Senate file, No. 32, A bill for an act for the incorporation of the town of Mount Pleasant.

Which was read a first and second time; and,

On his motion,

Was referred to the committee on incorporations.

Mr. Leffingwell, with leave, introduced;

Senate file, No. 33, Joint Resolution for a mail route from Albany, Illinois, to Camanche, Iowa, Centre Grove and Bloomfield, to Anamosa, in Jones county, Iowa.

Which was read a first and second time; and

On his motion,

Was referred to the committee on mail facilities.

Mr. Selman, with leave, introduced

Senate file, No. 34, An act providing for the election of an additional justice of the peace in Bloomfield township, in Davis county.

Which was read a first and second time; and

On his motion,

Ordered to be engrossed and read a third time to-morrow.

Mr. Selman, with leave introduced,

Senate file, No. 35, Joint Resolution for a grant of land to aid in constructing a railroad from Keokuk to Missouri river.

Which was read a first and second time; and

On motion of Mr. Casady,

Was referred to committee on federal relations.

Mr. Espy, with leave, presented the petition of H. C. Murphy, for allowance of claim; which,

On his motion,

Was referred to the committee on claims.

Mr. Espy presented the memorial of W. Lessie, J. W. Albright, and Wm. Ritchell, a committee on the part of the citizens of Fort Madison, together with accompanying papers; which,

On his motion,

Was referred to the committee on internal improvements.

The report of the committee of the whole, of yesterday, being in order, and the question being on concurring in House amendment to chapter two, title fourteen.

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A call of the Senate was had when it appeared that Mr. Hepner was absent.

Mr. Hepner appearing a further call was suspended.

The yeas and nays were requested on the question pending at the time of adjournment, and being ordered, were as follows :

YEAS—Messrs. Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, and Spees.—8.

NAYS—Messrs. Alger, Baker, Casady, Cook, Hepner, Lewis, Sales, Selman, Shields, Wright, and Mr. President.—11.

So the Senate refused to concur.

Mr. Hendershott moved to amend by inserting in the last line of section four, chapter two, title fourteen, part one, between the words, "rate" and "is," the words, "does not exceed ten per cent and ;"

And on this question the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, and Spees.—9.

NAYS—Messrs. Alger, Baker, Casady, Hepner, Lewis, Sales, Selman, Shields, Wright, and Mr. President.—10.

So the amendment was not agreed to.

Mr. Leffingwell moved to amend chapter two, title fourteen, part one, by striking out the third section.

Which amendment was lost.

Mr. Morton moved to amend section four, of chapter two, title fourteen, by striking out the words ; "When such rate is," and insert, "such rate if it exceeds six per cent shall be."

Which amendment was adopted.

Mr. Leffingwell moved to add the following proviso to same section :

"Provided no judgment or decree shall draw more than ten per cent interest."

And upon this question the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis, Lowe, Morton, Selman, Shields, Spees, Wright, and Mr. President.—15.

NAYS—Messrs. Baker, Casady, Hepner, and Sales.—4.

So the proviso was adopted.

Mr. Everson moved to strike out the last clause of section four, in chapter four, title fourteen, part first.

And on this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Everson, and Morton.—4.

NAYS—Messrs. Casady, Cook, Espy, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Sales, Selman, Shields, Spees, Wright, and Mr. President.—15.

So said motion was lost.

Mr. Everson moved to strike out of section two, of said chapter, the words "or to deliver a written instrument."

Which motion was lost.

Mr. Leffingwell moved that the Senate resolve itself into a committee of the whole, for the consideration of the appendix, as reported by the committee of revision, for the consideration of the General Assembly.

Which motion was lost.

On motion of Mr. Leffingwell,

The Senate adjourned until to-morrow morning.

## SATURDAY MORNING, JANUARY 11, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT: I am directed by the House, to return to the Senate, under the 18th joint rule of both Houses, "title two of part two," and "title one of part third," of the revised code, with sundry amendments thereto;

In which the concurrence of the Senate is requested.

I am also directed to inform the Senate that the House have passed

H. R. file, No. 76, A bill for an act to change the name of Washington, in Henry county, to Hillsboro.

In which the concurrence of the Senate is also requested.

And I herewith return,

Senate file, No. 20, Memorial to Congress for the location and construction of a Military road, from the Mississippi river to Fort Clark, on the Des Moines river, and from thence to the Council Bluffs, on the Missouri river.

The same having received the signature of the Speaker of the House of Representatives.

Mr. Leffingwell presented the petition of Reuben Seymour and eleven others, praying a grant of the right of way, from Camanche to Council Bluffs, to the Camanche and Council Bluffs railroad company; which,

On his motion,

Was referred to the committee on internal improvements.

Mr. Lewis presented the petition of Mary Spaulding, and three hundred other ladies of Dubuque, praying the passage of a law to prohibit the sale of ardent spirits in this State;

Also, petition of T. V. Goodrich and thirty others, citizens of Dubuque, on the same subject; all of which,

On his motion,

Was referred to the select committee to whom all similar petition have been referred.

Mr. Lewis presented the petition of Elisha Brady, and eighty-six others, citizens of this State, praying the location of a State road from Independence, in Buchanan county, to Dubuque; which,

On his motion,

Was referred to the committee on roads.

Mr. Cook offered the following resolutions:

Resolved, That the committee on the judiciary, be instructed to prepare and report a bill preventing the circulation of all foreign bank bills as money, in this State.

Resolved, That said bill be so framed as to make it a penal offence to pay out or receive a bank bill as money, after the fourth of July next.

Mr. Lowe moved to amend the resolution, by adding after the word prepare, and before the word and, in the first resolution, "enquire into the expediency."

Which amendment was adopted.

Mr. Baker moved that the resolution as amended be laid on the table;

And on this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Hendershott and Mr. President—4.

NAYS—Messrs. Casady, Cook, Espy, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Morton, Sales, Selman, Shields, Spees and Wright—15.

So the motion was lost.

Mr. Casady moved to amend the resolution, by adding to the first section the following:

“Including the bills of any company or association issuing paper as a currency.”

Which amendment was accepted by Mr. Cook.

And the question being on the adoption of the resolution as amended, the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Cook, Espy, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Sales, Sellman, Shields, Wright and Mr. President—15.

NAYS—Messrs. Casady, Everson, Morton and Spees—4.

So the resolution was adopted.

Mr. Sales offered the following resolution:

Resolved, That the committee of ways and means, be requested to enquire into the expediency of making an appropriation for the purpose of getting up a correct map of this State, and that they be required to report by bill or otherwise.

Which resolution was adopted.

Mr. President submitted to the Senate, the report of the State Librarian.

IOWA CITY, January 9th, 1851.

*Gentlemen of the Senate and House of Representatives:*

In compliance with the thirteenth and fourteenth sections of an act entitled “An act to provide for the management of the State Library, and the election of a Librarian”—

I submit to you the following statement of facts required to be brought to your notice; together with a statement of the contingent expenses of the same for the years 1849 and 1850, with the exception

of the last quarter, which does not expire until the 24th February, 1851.

The number of volumes in the State Library is about 1670, besides a number of books in pamphlet form, journals, reports, &c., about one third of the books are law books, the remainder consists of statutes of the different States, miscellaneous works, American State papers, congressional documents, &c.

There has never been any appropriation for the increase of the library, consequently the only increase (which is very small) arises from the exchange of books between the States; and some books sent by Congress, being laws of the United States, Journals, &c.

I received last summer, from the Department of State, a very fine copy of Wilkes' Exploring Expedition, consisting of ten volumes, got up in the best style; with this exception the library is entirely destitute of late works that have been issuing from the press for the last ten years.

The Library was purchased in 1839, and up to this time the State has not made any addition to it.

The books composing the Library are mostly broken sets, that want the filling up to make them useful, especially is it the case with the law reports, the sets of which need completing in order to derive advantage from those we have.

I would respectfully suggest to your consideration the propriety of making a small appropriation for the increase of the library; a small appropriation of, say one thousand dollars, would make it respectable, and an ornament and honor to the State; such appropriation, with a small yearly one of two hundred dollars, would keep it up with the progress of the age.

The Library is greatly in want of some good new maps, as there is not a decent map belonging to the State. There has not been any books lost since the meeting of the last Legislature.

The following is a correct statement of the contingent expenses of the Library, for the years 1849 and 1850:

For wood, candles, stationary, fixing shelves, removing, freight on boxes, painting, carpeting, stove pipe, &c. - - - - \$138 83

The last quarter, ending on the 24th of February, 1851, is not included in the above.

All of which is respectfully submitted.

LEMUEL B. PATTERSON.

State Librarian.

On motion of Mr. Wright,

The report of the State Librarian:

Was referred to the committee on ways and means.

Mr. Hendershott, with leave, introduced,

Senate file No. 36, A bill for an act to secure a more vigorous prosecution and an early completion of the Des Moines River Improvement.

Which was read a first and second time. And

On motion of Mr. Wright,

Was referred to the committee on internal improvements, with instructions to report on Monday next.

Senate file No. 34, A bill for an act providing for the election of an additional justice of the peace in Bloomfield township, in Davis county.

Was read a third time, passed and title agreed to.

On motion of Mr. Lewis,

That part of the report of the committee of revision, which relates to incorporations, was referred to a select committee.

Mr. President appointed Messrs. Lewis, Morton and Baker, said committee.

Mr. Wright moved to amend section thirty-eight, of chapter five, title one, part two, by adding to the section the following:

And in such cases it is no objection to the record that no official seal is appended to the recorded acknowledgment thereof, if when the acknowledgment purports to have been taken by an officer, having an official seal, there be a statement in the certificate of acknowledgment that the same is made under his hand and seal of office, which will be presumptive evidence that the official seal was attached to the original certificate.

The provisions of the preceding section are intended to apply to all instruments heretofore recorded, as well as those hereafter to be recorded.

Which was adopted.

Mr. Espy moved to amend the amendment, by inserting between the word "office" and "which" the words "and the record show by a scroll or otherwise that there was such a seal."

Which amendment was adopted.

Mr. Wright moved to amend section forty, in the same chapter, by adding:

But that the records of all instruments heretofore recorded or hereafter to be recorded, whether properly acknowledged or not, are from the taking effect of this statute, notice to all persons of the interest of such purchaser derived from such instrument. Which,

On his motion,

Was laid on the table.

Mr. Leffingwell, from the committee on enrolled bills, reported: Senate file No. 18, Joint Resolution for mail facilities; Senate file No. 23, An act to vacate the town of Portland; As correctly enrolled.

On motion of Mr. Espy,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The Senate resolved itself into executive session, and after a short time the session rose.

Mr. Cook, from the judiciary committee, reported:

Senate file No. 37, A bill for an act to prevent the circulation of foreign bank bills, and bills of any company.

Was read a first and second time.

Mr. Sales moved that the bill be laid on the table.

Which motion was lost.

Mr. Cook moved that the bill be engrossed and read a third time on Monday next;

And, on this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Cook, Espy, Hepner, Howell, Leffingwell, Sales, Sellman, Shields, Spees and Wright—11.

NAYS—Messrs. Baker, Casady, Everson, Hendershott, Lowe, Morton and Mr. President—7.

So the bill was ordered to be engrossed and read a third time on Monday.

On motion of Mr. Morton,

The Senate adjourned until Monday morning.

MONDAY MORNING, JANUARY 13, 1851.

Senate met pursuant to adjournment.

Mr. Casady presented the petition of A. L. Johns, and one hundred and ten others, citizens of Dallas and Boone counties, praying for a change of the county boundaries of Polk, Dallas and Boone counties ; also

Remonstrance of G. B. Warden, and forty others, citizens of Dallas county, against any change ; both of which,

On his motion

Was referred to the committee on county boundaries.

Mr. Lowe presented the petition of J. B. Whisler, and forty-seven others, citizens of Keokuk county, praying the permanent location of the seat of government of this State at Oskaloosa ; which,

On his motion,

Was referred to the committee on public buildings.

Mr. Lewis presented the petition of Dennis A. Mahony, and twenty others, in relation to normal schools ; which

On his motion,

Was referred to the committee on schools.

Mr. Morton presented the petition of Wm. Thompson, and thirty-seven others, praying the General Assembly to memorialize Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road ; which

On his motion,

Was referred to a select committee.

Mr. President appointed Messrs. Morton, Hepner and Casady said committee.

Mr. Spees presented the petition of Joseph Foster, and some three hundred others, citizens of Van Buren county, praying the location of the Capitol at Oskaloosa.

Mr. Leffingwell moved that the petition be referred to the committee on roads.

Which motion was lost.

On motion of Mr. Lowe,

The petition was referred to the committee on public buildings.

Mr. Hendershott presented the petition of Richard Butcher, and

two hundred and twenty others, citizens of Mahaska and Wapello counties, praying a removal of the seat of government to Fort Des Moines; which

On his motion,

Was referred to the committee on public buildings.

Mr. Casady presented the petition of Harlam Parks, and twenty-two others, citizens of Polk and Jasper counties, for a State road from Tools Point, in Jasper county, to Fort Des Moines; which

On his motion,

Was referred to the committee on roads.

Mr. Hendershott presented the petition of James Hawley, and one hundred and fifty others, praying for the location of a State road from Ottumwa, in Wapello county, to Centreville, in Appanoose county. which

On his motion,

Was referred to the committee on roads.

Also from Coleman Seymour and fourteen others, citizens of Decatur county to locate the court house, jail &c.; which

On his motion,

Was referred to the committee on county boundaries.

Mr. Lowe presented the petition of Butler Dunbar, and seventy-five others, citizens of Keokuk and Mahaska counties, for a State road from Wasson's Mill, on English river, to Duncan's lower mill, on the south fork of Skunk; which

On his motion,

Was referred to the committee on roads.

Mr. Everson introduced,

Senate file No. 38, Joint Resolution respecting saline lands; which Was read a first and second time; and

On motion of Mr. Selman,

Was referred to the committee on federal relations.

Mr. Wright, from the committee of internal improvements, to whom was referred

Senate file No. 36, A bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement. Reported a substitute therefor.

Which report was concurred in by the Senate.

Mr. Baker moved to lay the bill on the table.

Mr. Sales moved to amend the motion, "and fifty copies be printed for the use of the Senate."

Which amendment was lost.

The question then being on laying the bill on the table it was decided in the affirmative.

The President laid before the Senate the account of H. B. Hendershott, Esq., late boundary commissioner; which

Was read and,

On motion of Mr. Everson,

Was referred to the committee on claims.

Mr. President laid before the Senate the following communication and resolution:

*To the Honorable Senate and*

*House of Representatives of the State of Iowa:*

The executive committee of the Iowa State Temperance Society, would respectfully represent to your honorable body, that the above named society at their recent sessions on the 18th instant, unanimously adopted the following resolution:

Resolved, That the Legislature now in session be respectfully requested to repeal all laws now in existence in relation to the retail and vending of ardent spirits, and to prohibit, under severe penalties, the sale of the same, except for mechanical or medicinal purposes.

S. H. HAZARD,

Ch'm'n. Ex. Com. I. S. T. S.

JOSEPH T. FALES, Secretary.

Which was referred to the select committee on temperance.

Senate file, No. 37, A bill for an act to prevent the circulation of foreign bank bills, and bills of any company.

Was read a third time; when,

Mr. Selman moved to refer the bill to a select committee.

And on this question the yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Alger, Baker, Hepner, Howell, Lowe, Sales, Selman, Shields, Spees, and Mr. President.—10.

NAYS—Messrs.—Casady, Cook, Espy, Everson, Leffingwell, Lewis, Morton, and Wright.—8.

So the motion was agreed to.

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And the President appointed Messrs. Selman, Cook, and Lowe, said committee.

Mr. Wright moved that the committee be instructed to report to-morrow morning.

Which motion was lost.

Mr. Wright moved that the committee be instructed to report on Wednesday next.

And on this question the yeas and nays being requested, were ordered, and were as follows :

YEAS—Messrs. Cook, Espy, Everson, Leffingwell, Lewis, Lowe, Morton, Spees, and Wright.—9.

NAYS—Messrs. Alger, Baker, Casady, Hepner, Howell, Sales, Selman, Shields, and Mr. President.—9.

So the motion was lost.

Mr. Lewis, with leave, introduced,

Senate file, No. 39; A bill to repeal an act entitled an act to change the name of Guttenberg or Guthenberg, to Prairie La Porte, approved, Jan. 9, 1851.

Was read a first and second time.

Mr. Espy moved that the bill be referred to the committee on judiciary.

Which motion was lost.

Mr. Shields moved that the thirteenth rule be suspended, and that the bill be read a third time now.

Which was disagreed to.

On motion of Mr. Sales,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Casady asked leave to introduce a bill, which being objected to.

Mr. Casady moved a suspension of the rule twelfth.

And on this question the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Casady, Cook, Howell, Leffingwell, Lewis, Lowe, Morton, Selman, Spees, Wright, and Mr. President.—12.

NAYS—Messrs. Baker, Espy, Everson, Hendershott, Hepner, Sales, and Shields.—7.

So the rule was not suspended.

Mr. Cook moved that the committee on county boundaries be

instructed to bring in a bill for the organization of Pottawattamie county.

Which was disagreed to.

Mr. Casady gave notice that he would on to-morrow, or some subsequent day, introduce a bill for the location of the county seat of Pottawattamie county.

Message from the House being in order, was taken up.

H. R. file, No. 59, Joint Resolution relative to an appropriation from Congress.

Was read a first and second time.

H. R. file, No. 76, A bill for an act to change the name of Washington, in Henry county, to Hillsboro.

Was read a first and second time.

Mr. Leffingwell moved that the bill be indefinitely postponed.

And on this question the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Baker, Espy, Hepner, Howell, Leffingwell, and Wright.—7.

NAYS—Messrs. Casady, Cook, Everson, Hendershott, Lewis, Lowe, Morton, Sales, Selman, Shields, Spees, and Mr. President.—12.

So the motion was lost.

H. R. file, No. 60, Joint Resolution in relation to mail facilities.

Was read a first and second time ; and

On motion of Mr. Lowe,

Was referred to the committee on mail facilities.

H. R. file, No. 61, Joint Resolution for an increase of mail facilities from Burlington to Keosauqua.

Was read a first and second time ; and

On motion of Mr. Wright,

Was referred to the committee on mail facilities.

H. R. file, No. 72, An act to locate the seats of justice of certain counties therein named.

Was read a first and second time ; and

On motion of Mr. Selman,

Was referred to the committee on new counties.

Mr. Wright moved to take from the table the amendment offered to section forty, chapter five, title one, part two, of the revised code.

Which was agreed to.

On motion of Mr. Hendershott,  
The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to return Senate file, No. 4, Joint Resolution relative to Green's reports, which has passed the House with one amendment.

In which the concurrence of the Senate is requested.

I also return

Senate file, No. 15, Memorial to Congress asking a donation of lands to the Hungarian patriots, who have settled in Decatur county; the same having received the signature of the Speaker of the House of Representatives.

The question being on the adoption of the amendment under consideration at the time of adjournment.

It was decided in the negative.

So the amendment was lost.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Morton in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate and asked the concurrence of the Senate in their action.

On motion of Mr. Wright,

The Senate disagreed to the action of the committee on section eight, chapter one, title two.

On motion,

The Senate concurred in the report of the committee of the whole, generally.

Mr. Hendershott moved to amend section eight, by striking out in last line, all after the word, "and," and insert "the husband separately."

And on this question the yeas and nays were requested, pending which,

Mr. Baker offered the following as a substitute for the amendment :  
 "Strike out all after the word "wife," in third line, and insert the words  
 "and in relation thereto, they may be sued jointly."

Which was not adopted.

And on the adoption of the motion to amend section eight, the yeas  
 and nays were ordered, and were as follows :

YEAS—Messrs. Baker, Casady, Cook, Espy, Hendershott, Howell,  
 Lewis, Lowe, and Morton.—9.

NAYS—Messrs. Alger, Everson, Hepner, Selman, Shields, Spees,  
 Wright, and Mr. President.—8.

So the amendment was adopted.

On motion of Mr. Alger,

The message from the House was taken up; and

On motion of Mr. Lewis,

The Senate concurred in the amendment made by the House, to  
 Senate file, No. 4, Joint Resolution in relation to Green's reports.

On motion of Mr. Cook,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, JANUARY 14, 1851.

Senate met pursuant to adjournment.

Mr. Sales introduced,

Senate file, No. 40, Joint resolution asking for an increase of mail  
 facilities.

Was read a first and second time, and

On motion of Mr. Casady,

Was referred to the select committee on mail facilities.

Mr. Leffingwell, from the committee on enrolled bills, to whom was  
 referred

Substitute for Senate file, No. 5, A bill for an act to establish new  
 counties and define their boundaries.

Reported the same as correctly enrolled.

Mr. Wright, from the committee on federal relations, to whom was referred.

Senate file, No. 38, Joint resolution respecting saline lands.

Reported the same back without amendment, and recommended its passage.

And the Joint resolution was read a third time, passed and title agreed.

Mr. Hepner, from the committee on incorporations, to whom was referred,

Substitute for H. R. file, No. 3, A bill for an act to establish and incorporate the city of Muscatine.

Reported the same back to the Senate with sundry amendments thereto.

And the question being on concurring in the amendments separately,

The Senate refused to concur in the first amendment.

On the adoption of the second amendment reported by the committee, to the fifth clause of the twentieth section, which is as follows, to-wit:

“Provided, nothing in this section shall be so construed as to affect the rights of the State or counties, nor to prevent the county of Muscatine from granting ferry charters within said county.”

The yeas and nays were requested and were as follows:

YEAS—Messrs. Casady, Cook, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lowe, and Shields.—10.

NAYS—Messrs. Alger, Baker, Lewis, Morton, Sales, Selman, Spees, Wright, and Mr. President.—9.

So the amendment was concurred in.

The Senate refused to concur in the third and fourth amendments, as reported by the committee.

On the adoption of the amendment made to section thirty-first, which is as follows, to-wit:

“Strike out from the word ‘and’ to the word ‘valuation’ inclusive.”

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Espy, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Sales, Shields and Mr. President—12.

NAYS—Messrs. Alger, Baker, Hendershott, Morton, Selman, Spees and Mr. President—7.

So the amendment was concurred in.

On the adoption of the sixth amendment, made by the committee as follows: To strike out of section thirty-two, all after the word "omitted," to the word "assessing" in the last line.

The yeas and nays were requested and were as follows:

YEAS—Messrs. Cassady, Cook, Espy, Everson, Hepner, Howell, Leffingwell, Lewis, Morton, Sales, Shields, Specs, and Mr. President—13.

NAYS—Messrs. Alger, Baker, Hendershott, Lowe, Selman and Wright—6.

So the amendment was concurred in.

The bill was then read a third time, passed, and title agreed to.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

Substitute for H. R. file No. 24. A bill for an act to change certain roads therein named.

H. R. file No. 47, A bill for an act to re-locate a portion of the State road from Fairfield to Oskaloosa.

H. R. file, No. 68, A bill for an act to incorporate the city of Davenport.

H. R. file No. 70, A bill for an act to locate the county seat of Fayette county.

H. R. file No. 69, A bill for an act to locate the county seat of Allamakee county.

H. R. file No. 71, A bill for an act granting the Burlington and Toolsboro Plank Road Company the right of way.

H. R. file No. 74, Joint Resolution for the establishment of a mail route from Sabula to Pioneer Grove.

H. R. file, No. 77, A bill for an act to establish a State road from the Des Moines river, to Bloomfield, in Davis county; and

H. R. file No. 78, Joint Resolution for a pension for Silas Messenger.

In all of which the concurrence of the Senate is requested.

The House of Representatives have appointed Messrs. Flint, Summers and Harper, to act with a similar committee on the part of the Senate, to consider the account of H. B. Hendershott, late boundary commissioner.

I herewith return Senate file No. 21, A bill for an act to amend an

act entitled an act to incorporate and establish the city of Dubuque, which has passed the House without amendment.

I am also directed to return title two, of part three, of the report of the committee of revision, under the eighteenth joint rule of both Houses with sundry amendments thereto.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file No. 53, A bill for an act to repeal an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river; and

H. R. file No. 29, A bill for an act to organize the county of Poweshiek, and locate the county seat thereof; both of which have passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

I am also directed to return chapter twenty-one, of title thirteen, of part one, of the revised code, under the eighteenth joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

Mr. Cook from the committee on county boundaries, made the following report:

The committee on county boundaries to whom was referred the petition of citizens of Linn county, asking to set off a portion of said county, to the county of Jones, have instructed me to report against the prayer of said petitioners.

Your committee deem it inexpedient to interfere with the boundaries of any county, unless it be for the interest of the county whose limits are to be interfered with.

Your committee therefore beg leave to be discharged from the further consideration of this subject.

Mr. Sales from the same committee, submitted a minority report, as follows:

As the majority of the committee on county boundaries have concluded to report against granting the petition of certain citizens of Linn county, asking to be attached to Jones county, the minority of said committee deeming it improper to pass over a petition setting forth so many grievances, so universally admitted, and unanimously signed by those on the territory in question, have thought it just and proper, to report the following bill:

Senate file No. 41, An act to change the eastern boundary of Linn county.

Which, together with said reports, were

On motion of Mr. Cook,

Laid on the table.

Mr. Hendershott, from the committee on new counties, to whom was referred,

H. R. file No. 72, reported the same back to the Senate, without amendment, and recommend its passage.

Mr. Selman moved to strike out in section five, the name of "William McDermott, of the county of Lucas" and insert "John Willis, of the county of Davis."

Which motion was disagreed to.

Mr. Selman moved to refer the bill to a select committee.

Which motion was lost.

On motion of Mr. Selman,

The bill was laid on the table.

Mr. Morton, from the select committee to whom was referred the petition of W. Thompson, and thirty-seven others, praying the General Assembly to memorialize Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road, reported

Senate file No. 42, Memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road.

Which was read a first and second time; and

Ordered to be engrossed and read a third time to-morrow.

Mr. Wright presented the account of M. B. Root, against the State; which

On his motion,

Was referred to the committee on claims.

Senate file No. 39, A bill to repeal an act entitled an act to change the name of Guttenberg or Guthenberg to Prairie La Porte, approved January 9, 1851.

Was read a third time, passed, and title agreed to.

H. R. file No. 59, Joint Resolution relative to an appropriation from Congress;

Was read a third time, passed and title agreed to.

H. R. file No. 76, A bill to change the name of Washington, in Henry county, to Hillsboro;

Was read a third time, and

On the passage of the bill the yeas and nays were requested, and being ordered, were as follows :

YEAS—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Howell, Lewis, Lowe, Morton, Sales, Selman, Shields, Spees, and Mr. President.—15.

NAYS—Messrs. Baker, Hepner, Leffingwell, and Wright.—4.

So the bill was passed and title agreed to.

Mr. Baker gave notice that he would on to-morrow, or some day thereafter, introduce a bill granting the right of way from Keokuk, in Lee county, via Charleston, to Birmingham, in Van Buren county, to the Keokuk and Des Moines Valley Plank Road company.

Mr. Espy gave notice that he would on to-morrow, or some subsequent day, present a bill granting the right of way for the construction of a plank road from Fort Madison, in Lee county, via West Point, to Fairfield, in Jefferson county.

Mr. Cook gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act authorizing the people of the State to vote for or against the alteration of the constitution.

Mr. Alger gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend the charter of the city of Burlington.

Mr. Casady, previous notice having been given, introduced Senate file No. 43, A bill for an act to provide for the location of the county seat of Pottawattamic county.

Which was read a first and second time, and

On motion of Mr. Wright,

Was referred to the committee on new counties.

Mr. Wright moved to amend chapter one, title fifteen, part one, by adding as follows :

Sec. 2. All officers heretofore elected shall continue in office until the expiration of the time for which they were elected, unless the same is incompatible with the provisions of this statute.

Sec. 3. The judge of probate shall continue to discharge his duties as such until the election and qualification of the county judge, who will thenceforth be deemed his successor.

Sec. 4. All other duties, except those connected with probate matters, which by this statute are imposed upon the judge of the county court, devolves upon the board of county commissioners until the judge of the county court, in their county, is elected and qualified.

Which amendment was adopted.

Mr. Shields moved to amend section twenty-four, chapter three, title one, part three, by adding to the section as follows :

“But the terms of said court shall not be holden at more than one place in any county.”

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr. Wright, leave being granted, presented the petition of J. H. Bonney, and ninety-seven others, citizens of Keosauqua, asking the passage of a law authorizing the city authorities to levy a tax of two and half per cent. for the purpose of building a bridge across the Des Moines river.

Also, the remonstrance of William Warren, and twenty-four others, against the levy of said tax; both of which,

On his motion,

Were referred to the committee on incorporations.

Mr. Lewis, on leave granted, presented the remonstrance of A. D. Griswold, and three hundred and ninety others, citizens of Clayton county, remonstrating against any change in the county lines of said county; which was,

On motion of Mr. Shields,

Referred to the committee on county boundaries.

The question being on the adoption of the amendment offered previous to adjournment.

Mr. Cook moved the previous question, which being seconded,

The yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Cook, Hepner, Lowe, Morton, Selman, and Spees.—7.

NAYS—Messrs. Baker, Casady, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis, Sales, Shields, Wright, and Mr. President—12.

So the motion was lost.

And the question being on the adoption of the amendment;

The yeas and nays were requested, and were as follows :

YEAS—Messrs. Espy, Hendershott, Howell, Leffingwell, Lewis, Sales, and Shields—7.

NAYS—Messrs. Alger, Baker, Casady, Cook, Everson, Hepner, Lowe, Morton, Selman, Spees, Wright, and Mr. President—12.

So the amendment was not adopted.

Mr. Leffingwell moved to amend section thirty-three, of chapter one, title one, part three, by adding the following proviso:

“Provided the court shall always be held at the county seat.”

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Espy, Hendershott, Howell, Leffingwell, and Shields—5.

NAYS—Messrs. Alger, Baker, Casady, Cook, Everson, Hepner, Lewis, Lowe, Morton, Selman, Spees, Wright, and Mr. President—13.

So the amendment was not adopted.

On motion of Mr. Morton,

The Senate adjourned until to-morrow morning.

### WEDNESDAY MORNING, JANUARY 15, 1851.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have agreed to the amendment made by the Senate to

Substitute for H. R. file No. 8, A bill for an act granting the Muscatine, Washington, and Oskaloosa road and bridge company, the right of way.

The House has passed,

H. R. file, No. 38, A bill for an act to provide for a State loan.

Substitute No. 1, for H. R. file, No. 40, A bill for an act to grant the right of way to the Dubuque and Keokuk rail road, south.

Substitute No. 2, for H. R. file, No. 40, A bill for an act entitled an act granting the right of way to the Dububue and Keokuk rail road company, north.

H. R. file No. 62, A bill for an act to incorporate the town of Guttenberg.

H. R. file, No. 64, A bill for an act to be entitled an act to locate a state road from Council Bluff's to Indian town.

H. R. file, No. 65, A bill for an act to locate a state road from Unionville to Pisgah.

H. R. file, No. 67, A bill for an act to vacate the town of Pleasant Plain.

H. R. file, No. 73, A bill for an act to lay out and establish a state road from Independence to Cedar Falls.

H. R. file, No. 75, Joint Resolution to procure for the State of Iowa a donation of Fort Atkinson, and the lands attached thereto.

H. R. file, No. 79, A bill for an act to establish a state road from Ezekiel Clark's mill, in Johnson county, to Cedar Rapids, in Linn county.

H. R. file, No. 81, A bill for an act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county.

H. R. file, No. 84, A bill for an act to locate a state road from Independence, in Buchanan county, to Lancaster, in Keokuk county; and

H. R. file, No. 88, A bill for an act to locate a state road from Winterset to the south line of the State.

In all of which the concurrence of the Senate is requested.

I am also directed to return title three, of part third, of the report of the committee of revision, under the eighteenth joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 16, Preamble and resolution in reference to compromise measures passed by the Congress of the United States.

Senate file, No. 25, A bill for an act to legalize certain proceedings of the school fund commissioner of Des Moines county, and of school district No. 2, of the township of Burlington, in said county.

Senate file, No. 27, Joint Resolution for the establishment of a land office at Fort Des Moines.

Senate file, No. 30, A bill for an act for the relief of Daniel Hess, and,

Senate file, No. 34, A bill for an act providing for the election of an additional justice of the peace in Bloomfield, in Davis county.

All of which have passed the House of Representatives without amendment.

I herewith present for your signature.

Substitute for H. R. file, No. 8, A bill for an act granting the Muscatine, Washington, and Oskaloosa road and bridge company, the right of way; and

Substitute for H. R. file, No. 4, A bill for an act to provide for the location of the county seat of several counties therein named.

Which have passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

I herewith return,

Senate file No. 18, Joint Resolution for mail facilities.

Senate file, No. 23, An act to vacate a part of the town of Portland, in Van Buren county.

Substitute for Senate file, No. 5, A bill for an act to establish new counties and define their boundaries.

Both of which have received the signature of the Speaker of the House of Representatives.

Mr. Selman presented the petition of John R. Craig, and sixty-five others, citizens of Davis county, praying the passage of an act prohibiting the sale of intoxicating liquors.

Which was referred to the select committee on temperance.

Mr. Casady presented the petition of Samuel Turrentine, and sixty others, citizens residing north of the county of Boone, praying for the organization of a county; and also, for the appointment of commissioners to locate the county seat; which,

On his motion,

Was referred to a select committee.

The President appointed Messrs. Casady, Leffingwell, and Sales, said committee.

Mr. Alger introduced,

Senate file, No. 44, Joint Resolution and memorial to Congress for the location and construction of a military road from the Mississippi river, to Fort Clark, on the Des Moines river.

Which was read a first and second time; and

• On motion of Mr. Lewis,

Was referred to the committee on internal improvements.

Mr. Lewis offered the following resolution, which was adopted:

Resolved, That the committee on public buildings be instructed to enquire into the expediency of making an appropriation for the purpose of enclosing the square of the capitol, with a good and substantial fence, and otherwise improving the same; and that they report by bill or otherwise.

Mr. Leffingwell, from the committee on county boundaries, to whom was referred the petition of citizens of Clayton and Alamakee counties, praying for the formation of a new county out of a part of those counties, have had the same under consideration and have instructed him to report,

That the alteration prayed for, will result to the disadvantage of the county of Alamakee, and will be ruinous to the county of Clayton. Yet, at the same time, the new county proposed, will be one of the finest in our State, selected as it is proposed to be, from all that portion of Clayton and Alamakee which characterizes them as the finest agricultural counties in the State. Your committee deem the demand upon these counties too unjust to receive from them a favorable consideration; the effect of which would be to enhance the interests of some private individuals, at the expense of the great mass of the citizens of said counties.

The policy of altering the boundaries of any county, is looked upon with distrust by this committee, and unless the advantages will be greatly superior to the disadvantage secured by the result, your committee will accordingly oppose any attempted alteration.

The petition praying for locating the county seat of Decatur county, is reported back with the accompanying bill, and a recommendation that it pass.

The petition of citizens of Boone, asking an alteration of the boundaries of their county, is reported against for the same reasons that apply to the above petition of Clayton and Alamakee.

And the petitions of Blackhawk for the same reason.

W. E. LEFFINGWELL, Chairman.

Report concurred in.

Senate file, 45, an act to locate the county of Decatur.

Was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Hepner, from the committee on incorporations, to whom was referred the petition of the citizens of Keosauqua, praying an act of incorporation for said town; reported

Senate file No. 46, An act to incorporate the city of Keosauqua;

Which was read a first and second time.

Mr. Leffingwell moved to strike out all that portion of section sixteen, after the word "reward" to the word "and the city council;" and

On this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lewis and Lowe—10.

NAYS—Messrs. Alger, Baker, Morton, Spees, Wright and Mr. President—6.

So the amendment was adopted.

On motion of Mr. Wright,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Hendershott from the committee on new counties, to whom was referred,

Senate file No. 43, A bill for an act to provide for the location of the county seat of Pottawattamie county,

Reported the same back to the Senate, with sundry amendments and asked the concurrence of the Senate.

The report of the committee was concurred in.

And the bill was read a first and second time, and

Ordered to be engrossed and read a third time to-morrow.

Mr. Baker from the select committee to whom was referred a bill for an act supplemental to, and amendatory to an act incorporating the city of Keokuk, and the remonstrance against the passage of the same.

Reported the same back to the Senate, and recommended the indefinite postponement thereof.

Which report was concurred in.

And the bill indefinitely postponed.

Mr. Baker, in pursuance of previous notice given, introduced Senate file No. 47, An act granting the Keokuk and Des Moines Valley Plank Road Company, the right of way; which

Was read a first and second time; and

On motion of Mr. Lowe,

Was referred to the committee on incorporations.

Senate file No. 42, Memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road.

Was read a third time, and passed.

Mr. Wright moved to amend the title of the memorial, by adding "with a branch to Keosauqua."

Which amendment was adopted; and the title as amended was agreed to.

Mr. Casady moved to take from the table

H. R. file No. 72, An act to locate the seats of justice of certain counties therein named.

Which was agreed to.

Mr. Cassady moved to strike out of the bill the fifth section.

Which was agreed to; and

The bill was read a third time, passed, and title agreed to.

Mr. Casady gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act appointing commissioners to locate the county seats of Cass, Adair, Yell, and Riley counties.

Mr. Espy moved that the code be taken from the table.

Which was agreed to.

Mr. Selman moved that the Senate resolve itself into a committee of the whole for the consideration of the code.

Which motion was lost.

Mr. Espy moved to amend section twenty-four, chapter third, part third, title one, by adding—

"Provided that in any county where by the laws now in force terms of the district court are holden within any incorporated city or town, not being the seat of justice of such county, the said city or town shall provide and furnish the necessary rooms and places for such terms of said court, free from charge to the said county."

Which amendment was adopted.

On motion of Mr. Selman,

The code was laid on the table.

Mr. Wright moved to take from the table,

Substitute for Senate file No. 36, A bill for an act to secure the more vigorous prosecution and early completion of the Des Moines river improvements.

Which was agreed to.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration of the said bill,

Mr. Selman in the chair.

And after some time spent therein the committee rose, and by their chairman, reported the same back to the Senate with sundry amendments, and asked leave to sit again.

Which leave was granted.

Mr. Wright moved to take from the table chapter one, title two, part two, of the revised code.

Which was agreed to; and

On his motion,

Was made the order of the day, in the committee of the whole, for Friday next, at 2 o'clock, P. M.

Mr. Leffingwell moved to take from the table,

Senate file No. 22, A bill for an act to restrain swine and sheep from running at large.

Which was disagreed to.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

Message from the House being in order, was taken up, and

On motion of Mr. Selman,

The Senate resolved itself into a committee of the whole for the consideration of that part of the code communicated with the message,

Mr. Lewis in the chair.

After some time spent therein the committee rose, and by their chairman, reported progress and asked leave to sit again.

Which leave was granted.

Mr. Leffingwell, from the committee of enrolled bills, reported

Senate file No. 21, A bill for an act to amend an act entitled an act to incorporate the city of Dubuque.

As correctly enrolled.

On motion of Mr. Espy,  
The Senate adjourned until to-morrow morning.

THURSDAY MORNING, JANUARY 16, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

H. R. file No. 82, A bill for an act to lay out and establish a State road from Independence to the Rice trading House, in the Upper Big Woods of Cedar.

H. R. file No. 86, A bill for an act to locate a State road from Washington, in Henry county, to Farmington, in Van Buren county.

H. R. file No. 63, A bill for an act to legalize certain roads in Jefferson county.

H. R. file No. 96, Memorial and Joint Resolution asking a donation of land to bridge the principal streams on the State road from Ottumwa to Council Bluffs.

H. R. file No. 98, A bill for an act to legalize the acts of the trustees of the Methodist Episcopal Church of Muscatine.

In which the concurrence of the Senate is requested.

I am directed to return title four, of part third, of the report of the committee of revision, under the 18th joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file, No. 59, Joint Resolution for procuring an appropriation from Congress; and,

H. R. file, No. 76, A bill for an act to change the name of the town of Washington, in Henry county, to Hillsboro; the same having

passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Hepner, from the committee on incorporations, to whom was referred,

Senate file, No. 47, An act granting the Keokuk and Des Moines Valley Plank Road Company, the right of way.

Reported the same back without amendment.

Mr. Baker moved to insert after the word Birmingham, "Van Buren county."

Which was agreed to, and the bill was read a third time, passed and title agreed to.

Mr. Lewis asked leave to withdraw the petition of citizens of Allamakes and Clayton counties, asking for a new county.

Which leave was granted.

Senate file, No. 45, An act to locate the county seat of Decatur county.

Was read a third time; and

On motion of Mr. Hendershott,

Was referred to a select committee

Mr. President appointed Messrs. Casady, Selman, and Hendershott, said committee.

Senate file, No. 46, A bill for an act to incorporate the City of Keosauqua.

Was read a third time, passed and title agreed to.

Senate file, No. 43, A bill for an act to provide for the location of the county seat of Pottawatamie county.

Was read a third time, passed and title agreed to.

The messages from the House of Representatives were taken up, and

H. R. file, No. 77, A bill for an act to establish a state road from the Des Moines river to Bloomfield, in Davis county.

Was read a first and second time; and

On motion of Mr. Selman,

Was laid on the table.

H. R. file, No. 74, Joint Resolution for the establishment of a mail route from Sabula to Pioneer's Grove,

Was read a first and second time; and

On motion of Mr. Everson,

Was referred to the committee on mail facilities.

H. R. file, No. 69, A bill for an act to locate the county seat of Allamakee county.

Was read a first and second time.

Mr. Leffingwell moved to strike out "two," and insert "twenty."

Which motion was lost.

Substitute for H. R. file, No. 24, A bill for an act to change a certain road therein named.

Was read a first and second time ; and

On motion of Mr. Wright,

Was referred to the committee on roads.

H. R. file, No. 47, A bill for an act to relocate a portion of the state road from Fairfield to Oskaloosa.

Was read a first and second time ; and

On motion of Mr. Baker,

Was referred to the committee on roads.

H. R. file, No. 70, A bill for an act to locate the county seat of Fayette county.

Was read a first and second time.

H. R. file, No. 71, A bill for an act granting the Burlington and Toolsboro Plank Road company, the right of way.

Was read a first and second time.

H. R. file, No. 78, Joint memorial for a pension for Silas Messenger.

Was read a first and second time ; and

On motion of Mr. Shields,

Was referred to the committee on federal relations.

H. R. file, No. 68, A bill to incorporate the City of Davenport.

Was read a first and second time ; and

On motion of Mr. Leffingwell,

Was referred to the committee on incorporations.

Substitute for H. R. file, No. 38, A bill for an act to provide for a state loan.

Was read a first and second time.

Mr. Morton moved that the bill be indefinitely postponed.

Mr. Lowe moved that the bill be referred to the committee on ways and means.

Which was agreed to.

H. R. file, No. 62, A bill for an act to incorporate the town of Guttenberg.

Was read a first and second time; and

On motion of Mr. Shields,

Was referred to the committee on incorporations.

Substitute No. 1, for H. R. file, No. 40, A bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company, south.

Was read a first and second time; and

On motion of Mr. Lewis,

Was referred to the committee on internal improvements.

Substitute No. 2, for H. R. file, No. 40, A bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company, north.

Was read a first and second time; and

On motion of Mr. Baker,

Was referred to the committee on internal improvements.

H. R. file, No. 81, An act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county.

Was read a first and second time.

H. R. file, No. 88, A bill to locate a state road from Winterset to the south line of the State.

H. R. file, No. 79, An act to establish a state road from Ezekiel Clark's mill, in Johnson county, to Cedar Rapids, in Linn county.

H. R. file, No. 73, A bill for an act to lay out and establish a state road from Independence to Cedar Falls.

H. R. file, No. 64, A bill for an act to be entitled an act to locate a state road from Council Bluffs to Indian town.

H. R. file, No. 65, A bill to locate a state road from Unionville to Pisgah.

H. R. file, No. 84, An an act to establish a state road from Independence, in Buchanan county, to Lancaster, in Keokuk county.

H. R. file, No. 63, A bill for an act to legalize certain roads in Jefferson county, therein named.

H. R. file, No. 86, A bill for an act to locate and establish a state

road from Washington, in Henry county, to Farmington, in Van Buren county.

H. R. file, No. 82, A bill for an act to lay out and establish a state road from Independence to Rice's trading house, in the upper big woods, of Cedar.

All of which, were read a first and second time, and

On motion

Were referred to the committee on roads.

H. R. file No. 75, Joint Resolution to procure to the State of Iowa a donation of Fort Atkinson and the lands attached thereto.

Was read a first and second time; and

On motion of Mr. Everson,

Was referred to the committee on military affairs.

H. R. file No. 67, A bill to vacate the town of Pleasant Plains.

Was read a first and second time.

H. R. file No. 96, memorial and Joint Resolution asking a donation of land to build bridges over Grand and Nodaway rivers.

Was read a first and second time; and

On motion of Mr. Hepner,

Was referred to the committee on federal relations.

H. R. file No. 98, A bill for an act to legalize the acts of the trustees of the Methodist Episcopal church of Mascatawa.

Was read a first and second time; and

On motion of Mr. Hepner,

Was referred to the committee on the judiciary.

Mr. Casady, in pursuance of notice given, introduced

Senate file No. 48, A bill for an act to locate the county seats of Cass and Adair counties.

Was read a first and second time; and

Ordered to be engrossed and read a third time to-morrow.

Mr. Sales gave notice that on to-morrow, or some future day he will introduce a bill providing for the medical department of the Iowa University.

Mr. Casady gave notice that he would on to-morrow, or some future day, introduce a bill attaching certain counties to the fifth judicial district.

Also a bill for an act to amend an act to re-organize the supreme court.

Mr. Hendershott gave notice that on to-morrow, or some subsequent day, he would introduce a bill granting the right of way to the Ottumwa and Libertyville Plank Road Company.

Also a bill providing for the location of the seat of justice of Taylor county.

On motion of Mr. Hepner,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Hepner in the chair.

And after some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again.

Which leave was granted.

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock P. M.

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TWO O'CLOCK, P. M.

Mr. Cook, in pursuance of previous notice, introduced

Senate file, No. 49, A bill for an act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State; which

Was read a first and second time; and

On his motion,

Was referred to the committee on ways and means.

Mr. Morton, from the committee on military affairs, to whom was referred

H. R. file, No. 75, Joint Resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto.

Reported the same back to the Senate without amendment, and recommend its passage.

The question being on concurring in the amendments made in committee of the whole.

It was decided in the affirmative.

Mr. Morton moved to strike out section seventy-one, in title four, of justices of the peace and their courts.

Which motion was lost.

Mr. Everson moved to amend section one hundred and eighteen, of the same title, by inserting between the words "on" and "any" the words "or give transcript of"

Which amendment was agreed to.

Mr. Baker moved to amend section four, chapter eleven, title two, part three by striking out all after the word amount.

Which motion was lost.

Mr. Hendershott moved to amend section two, chapter three, title two, part three, by inserting between the words court and may, the following: "Shall order the same at the costs of the plaintiff and."

Which amendment was adopted.

Mr. Wright moved to amend title four, of Justices of the Peace and their courts by adding after section eighty-seven, the following:

87a. If an appeal is taken for delay, the district court shall award such damages not exceeding ten per cent on the amount of the judgment below as may seem right.

Which amendment was agreed to.

On motion of Mr. Morton,

The Senate resolved itself into an executive session, and after some time spent therein the session rose.

Mr. Lewis offered the following resolution:

Resolved, That no new business shall be offered in the Senate after the 20th instant, except such as properly belongs to the code, during the present session.

Mr. Everson moved that the resolution be laid on the table.

Which was agreed to.

On motion of Mr. Sales,

The Senate adjourned until to-morrow morning.

FRIDAY MORNING, JANUARY 17, 1851.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of June Suttan, and eighty-seven others, citizens of Van Buren county, praying the removal of the seat of government to Fort Des Moines, which

Was referred to the committee on public buildings.

Mr. Hendershott presented the remonstrance of Robt. Ralster, and ninety-five others, against the passage of a law establishing a State road from Ottumwa to Centreville, in Appanoose county, which

Was referred to the committee on roads.

Mr. Hendershott from the select committee, to whom was referred the petition of Heman P. Graves and forty-nine others, members of the Methodist Episcopal church of the State of Iowa, setting forth among other things, that the present law entitled "An act to authorize general incorporations for other purposes than those of pecuniary profit," approved February 24th, 1847, does not afford that church, in consequence of its peculiar organization, the same facilities for holding and securing their church property that it does to other churches, and asking the passage of a special act of incorporation for the "Methodist Episcopal church of the United States for the State of Iowa," have had the same under their consideration and have instructed me to report, that from an examination of the provisions of the above entitled act—a full knowledge of the peculiar organization of the said church, and from all the lights before your committee, they cannot conceive that any other or further legislation is necessary on the subject set forth in the said petition, but every facility is afforded the said church or any association of persons comprising a part of the said church in any particular locality, to acquire, hold and secure their church property, that could be desired. It is provided in the act above referred to that any number of persons desiring to incorporate themselves together for the establishment of any church or other lawful purposes, unconnected with motives of pecuniary profits, may do so by adopting articles of association, not incompatible with the constitution and laws of this State, containing the name, object

and location of their association, which said articles are to be recorded. It will thus be perceived that the most simple and easy mode possible is afforded to all persons so desiring to perfect an organization for the purpose set out in the petition.

When thus organized the association has power to purchase, hold and manage their property by and under such corporate name as they may select.

Inasmuch, therefore, as the said petitioners do not set out in their said petition what particular legislation is desired, and inasmuch as your committee, in view of the provisions of the above recited act, do not conceive that any other or different facilities could be afforded to the petitioners than those already afforded, they would recommend that no further legislation be now had on the subject, and that the said petitioners have leave to withdraw their petition.

The committee ask to be discharged from a further consideration of the matter.

HENDERSHOTT, Chairman.

Which report was concurred in and the committee discharged.

Mr. Wright, from the committee on federal relations, to whom was referred,

H. R. file No. 96, Memorial and Joint resolution asking a donation of land to bridge Grand river and Nodaway.

Reported the same back without amendment, and recommended its passage.

And the bill was read a third time, passed and title agreed to.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk:

Mr. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed,

H. R. file No. 100, A bill for an act to establish a State road from the south west corner of section eighteen, of Franklin township, in Lee county, to Plymouth, in Van Buren county; and,

H. R. file No. 107, A bill for an act to establish a State road from Cedar Rapids, in Linn county, to Fremont, in Benton county.

In which the concurrence of the Senate is requested.

I am directed to return title eight of part one, and chapter eight of

title thirteenth of the report of the committee of revision, under the eighteenth joint rule, with sundry amendments.

In which the concurrence of the Senate is requested.

Mr. Wright, from the committee on federal relations, to whom was referred

H. R. file No. 78, Joint Resolution for a pension for Silas Messenger.

Reported back a substitute therefor; which

Was read a third time, passed, and title agreed to.

Mr. Baker, from the select committee to whom was referred chapter one, of incorporations as reported by the committee of revision.

Reported back to the Senate a substitute therefor.

Which report was adopted.

Mr. Selman from the select committee to whom was referred

Senate file No. 37, reported a substitute therefor.

Mr. Cook from the same committee, reported back the original bill and recommended its passage.

Mr. Baker moved to indefinitely postpone the substitute:

Mr. Cook moved a division of the question to postpone the original bill and the substitute.

Mr. Hepner moved to amend the substitute, by striking out all after the enacting clause, and inserting the following:

SEC. 1. That any person, company, association, or body corporate and politic, who shall pass or convey to an other person, company, association, or body corporate and politic, any bank note, post note, or any other kind which contains a promise to pay a specific sum of money shall be held and bound to the assignee thereof for the amount which such instrument purports to promise to pay.

SEC. 2. Any instrument as contemplated in the preceeding section may be transferred by delivery, blank assignment, or by an instrument of writing showing the transfer by the assignor.

SEC. 3. The assignor shall not be held for a longer term than twelve months from the date of assignment, nor shall the assignee be required in law to go out of the State to make demand or enter suit against the original maker of any such instrument as aforesaid, but where the original maker is not within the limits of the State the

holder may maintain his action against the assignor, as on promissory notes of hand.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Hepner, Howell, Sales and Shields—5.

NAYS—Messrs. Baker, Casady, Cook, Espy, Everson, Hendershott, Leffingwell, Lewis, Lowe, Morton, Selman, Spees and Wright—13.

So the amendment was not adopted.

And the question being on the indefinite postponement of the substitute for the bill; and

On this question the yeas and nays were requested and were as follows :

YEAS—Messrs. Baker, Casady, Cook, Espy, Hendershott, Leffingwell, Lowe, Morton, Spees, Wright and Mr. President—11.

NAYS—Messrs. Alger, Everson, Hepner, Howell, Lewis, Sales, Selman and Shields—8.

So the substitute was indefinitely postponed.

Mr. Leffingwell from the committee on enrolled bills; reported Senate file No. 25, 27 and 34, as correctly enrolled.

Mr. Espy from the standing committee on internal improvements to which was referred Senate file No. 28, Preamble and Joint Resolution in relation to a grant of land by Congress to the State of Iowa, in aid of the construction of certain railroads therein named, have had the same under consideration, and a majority of the committee instruct me to report thereon as follows :

The preamble and Joint Resolutions, may fairly be presumed to contemplate a grant of land conditioned for the completion of said roads by the State within ten years, as passed by the Senate of the United States at the last session of Congress. Your committee doubt the propriety of the acceptance on the part of the State of a grant of lands so conditioned and restricted by the general government inasmuch as such grant might be the means of involving the State unintentionally in debt to the general government.

Your committee are therefore of opinion that no action should be taken by the General Assembly requiring the selection of lands for internal improvement purposes, granted by the Congress of the United States, until the State has accepted said grant and conditions or

restrictions if any such should attend such grant. The selection of the lands as contemplated in the Preamble and Resolutions (should such grant thereafter be refused by the State) would be attended by a useless expense on the part of the State.

We therefore recommend the postponement of further action on said Preamble and Joint Resolution until the grant of lands contemplated be made and the same accepted by the State.

THOMAS S. ESPY, Chairman.

Mr. Cook moved that the report and resolution be laid on the table.

And on this question the yeas and nays were called for, and were as follows :

YEAS—Messrs. Alger, Casady, Cook, Everson, Hendershott, Lef-fingwell, Lewis, Morton, Sales, Shields, Wright, and Mr. President—12.

NAYS—Messrs. Baker, Espy, Hepner, Howell, Lowe, and Spees—6.

So the report and resolution were laid on the table.

Senate file No. 48, A bill for an act to locate the county seats of Cass and Adair counties.

Was read a third time, passed and title agreed to.

H. R. file, No. 67, A bill to vacate the town of Pleasant Plains.

Was read a third time, passed and title agreed to.

H. R. file, No. 69, A bill for an act to locate the county seat of Allamakee county.

Was read a third time, passed and title agreed to.

H. R. file, No. 70, A bill for an act to locate the county seat of Fayette county.

Was read a third time, passed and title agreed to.

H. R. file, No. 71, A bill for an act granting the Burlington and Tooleboro Plank Road company, the right of way.

Was read a third time, passed and title agreed to.

H. R. file, No. 75, Joint Resolution to procure for the State of Iowa a donation of Fort Atkinson, and the lands attached thereto.

Was read a third time.

Mr. Hepner moved that the joint resolution be referred to the committee on schools, with instructions to amend by substituting therefor the following :

That our Senators and Representatives in Congress, if they deem

it expedient to use their influence to procure a donation to this State of all the lands within its limits, to be disposed of by the Legislature in such manner as they may deem necessary, for educational purposes.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Everson and Hepner—2.

NAYS—Messrs. Alger, Baker, Casady, Cook, Espy, Hendershott, Howell, Leffingwell, Lowe, Morton, Sales, Selman, Shields, Spees, Wright, and Mr. President—17.

So the motion was lost.

And the question being on the passage of the joint resolution, it was decided in the affirmative, and the bill was passed and title agreed to.

H. R. file, No. 81, An act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county.

Was read a third time, passed and title agreed to.

Mr. Selman gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill to provide for a removal of the Capitol.

Mr. Casady, in pursuance of previous notice, introduced,

Senate file, No. 50, A bill for an act to amend an act to reorganise the supreme court.

Was read a first and second time ; and

On motion of Mr. Wright,

Was referred to the committee on the judiciary.

Mr. Espy, moved to instruct the committee to amend the bill by inserting "and at Fort Madison."

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Baker, Espy, Hendershott, Selman, Shields, and Spees.—7.

NAYS—Messrs. Casady, Cook, Everson, Hepner, Howell, Lewis, Lowe, Morton, Sales, Wright, and Mr. President.—11.

So the amendment was lost.

Mr. Espy moved to instruct the committee on the judiciary to

enquire into the expediency of uniting the supreme court at the Capitol of the State.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Cook, Espy, Everson, Leffingwell, Lewis, Sales, Selman, Shields, and Spees.—10.

NAYS—Messrs. Baker, Casady, Hendershott, Howell, Hepner, Lowe, Morton, Wright, and Mr. President.—9.

So the motion was agreed to.

Mr. Sales, with leave, introduced,  
Senate file No. 51, A bill providing for the medical department of the Iowa University.

Was read a first and second time ; and

On motion of Mr. Selman,

Was referred to committee on schools.

Mr. Hendershott, with leave, introduced,  
Senate file, No. 52, A bill for an act to provide for the location of the seat of justice of Taylor county.

Was read a first and second time ; and

On motion of Mr. Selman,

Was referred to a select committee.

Mr. President appointed Messrs. Selman, Hendershott, and Spees. said committee.

Mr. Lewis gave notice that he would on to-morrow, ask leave to introduce a bill for an act to provide for the establishment of a State Lunatic Asylum.

On motion of Mr. Hendershott,

The Senate adjourned until 2 o'clock P. M.

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TWO O'CLOCK, P. M.

Mr. Cook, from select committee, reported,  
Senate file, No. 37, A bill for an act to prevent the circulation of foreign bank bills in this State ; which,

On motion of Mr. Lowe,

Was laid on the table.

On motion of Mr. Sales.

The Senate resolved itself into a committee of the whole, for the consideration of the code,

Mr. Lowe in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported progress and asked leave to sit again, at half past six o'clock, P. M.

Leave was granted.

On motion of Mr. Morton,

Senate adjourned until half past six o'clock, P. M.

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HALF PAST SIX O'CLOCK, P. M.

On motion of Mr. Morton,

The Senate resolved itself again into committee of the whole,

Mr. Lowe in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported progress and asked leave to sit again.

Which leave was granted.

On motion of Mr. Lowe,

The Senate adjourned until to-morrow morning.

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SATURDAY MORNING, JANUARY 18, 1851.

Senate met pursuant to adjournment.

Mr. Morton presented the petition of John B. Abbe and others, citizens of Henry county, praying the passage of an act legalizing the doings of the officers of school district No. 3, in Baltimore township, in said county; which

On motion of Mr. Morton,  
Was referred to a select committee of three.

The President appointed Messrs. Morton, Alger, and Sales, said committee.

Mr. Wright offered the following resolution:

Resolved, By the Senate, the House concurring, that the two Houses of the General Assembly will adjourn sine die on Wednesday the 29th instant.

On motion of Mr. Casady,  
The resolution was laid on the table.

Mr. Morton, from the select committee to whom was referred the petition of sundry citizens of Henry county, praying the passage of an act to legalize the action of certain school officers in said county; reported,

Senate file, No. 53, A bill for an act to legalize the acts of the officers of school district No. 3, in Baltimore township, in Henry county.

Which was read a first and second time.

And was ordered to be engrossed and read a third time to-morrow.

Mr. Shields, from the committee on ways and means, to whom was referred,

H. R. file No. 50, Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque, via the great bend of the St. Peters river, to Red river; and a donation to aid in the construction of a bridge across the Mississippi river at Dubuque.

Reported a substitute therefor.

Which was read a third time, passed and title agreed to.

Mr. Lewis, from the committee on schools, to whom was referred, Senate file No. 51, A bill for an act providing for the medical department of the Iowa University.

Reported the same back without amendment.

And the bill was read a third time, passed and title agreed to.

Mr. Leffingwell, from the committee on enrolled bills, reported back,

Substitute for Senate file No. 46, as correctly enrolled.

Mr. Hendershott, from the select committee to whom was referred, Senate file No. 45, A bill for an act to provide for the location of the seat of justice of Decatur county.

Reported back a substitute therefor; which

On motion of Mr. Casady,

Was laid on the table.

Mr. Espy, from the committee on internal improvements, to whom was referred the petition of the Camanche and Council Bluffs Rail Road Company, asking the right of way; reported

Senate file, No. 54, An act granting to the Camanche and Council Bluffs Rail Road Company, the right of way.

Which was read a first and second time.

And ordered to be engrossed and read a third time on Monday.

Mr. Shields gave notice that on to-morrow, or some subsequent day, he would introduce a bill for a state road from Paint Rock, in Allamakee county, to Fort Atkinson, in Winnesheik county.

Message from the House was taken up, and

H. R. file, No. 100, An act to establish a state road from south-west corner of section sixteen, of Franklin township, in Lee county, to Plymouth, in Van Buren county; and

H. R. file No. 107, A bill for an act to establish a state road from Cedar Rapids, in Linn county, to Fremont, in Benton county.

Both of which were read a first and second time,

And referred to the committee on roads.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives have passed

H. R. file, No. 108, Joint Resolution for the appointment of a librarian.

H. R. file, No. 109, Joint Resolution relative to the establishment of a land office at Albia, in Monroe county, Iowa.

H. R. file, No. 110, A bill for an act to establish a state road from Birmingham, in Van Buren county, to Teesboro, in Henry county;

H. R. file, No. 111, Joint Resolution for the appointment of a Warden of the State Penitentiary.

In which the concurrence of the Senate is requested:

I herewith return,

Senate file, No. 34, A bill for an act providing for the election of

an additional justice of the peace in Bloomfield township, in Davis county.

Senate file, No. 30, A bill for an act for the relief of Daniel Hess.

Senate file, No. 27, Joint Resolution for establishing a land office at Fort Des Moines.

Senate file, No. 25, A bill for an act to legalise certain proceedings of the school fund commissioner of Des Moines county, and of school district No. 2, of Burlington, in said county; and

Senate file, No. 21, A bill for an act to amend an act entitled an act to incorporate and establish the City of Dubuque, approved, February 24, 1847.

All of which have received the signature of the Speaker of the House of Representatives.

I am also directed to inform the Senate of the following agreements and disagreements of the House to the report of the committee of revision.

The House of Representatives has receded from its first and second amendments to section twelve, chapter five, title three, part one, and have insisted on their fourth amendment to said section.

The House has insisted on its amendment to section twenty, of said chapter.

The House have disagreed to the amendments of the Senate to section twenty-three, of said chapter.

The House has receded from all its amendments to section one, chapter eight, of title three, part one.

The House insists on its amendment to section four, chapter twelve, title three, part one; and concurs in the amendment of the Senate to section seven, of said chapter.

The House concurs in all the amendments of the Senate to chapters one, two, three, four, five, six and seven, of title four, part one.

The House recedes from its amendments to section one, chapter eight, of said title.

The House concurs in the amendments of the Senate to sections one, and two, and disagrees to the Senate amendment to section seven, of chapter ten, of said title.

The House also concurs in the Senate amendment to chapter twelve, of said title.

I am also directed to request of the Senate that all disagreements to amendments to titles one, two, three and four, of part one, of the report of the committee of revision, may be referred to the standing conference appointed for their consideration.

On motion of Mr. Cook,

The Senate resolved itself into committee of the whole, for the consideration of the code,

Mr. Casady in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, and asked leave to sit again.

Which leave was granted.

The question being on concurring in the action of the committee of whole; pending which,

On motion of Mr. Lowe,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Lewis, in pursuance of notice, introduced Senate file No. 55, A bill for an act to provide for the establishment of a State Lunatic Asylum; which  
Was read a first and second time, and

On motion of Mr. Baker,

Was referred to the committee on schools.

Mr. Hendershott, with leave, introduced Senate file, No. 56, A bill for an act granting the Ottumwa and Libertyville Plank Road Company, the right of way.

Was read a first and second time; and

Referred to the committee on incorporations.

The question being on concurring in the action of the committee of the whole.

It was decided in the affirmative.

Mr. Lowe moved to amend chapter eight, title thirteen, part one, by adding an additional section, as follows:

**SEC. 15.** Provided nothing in this act shall be so construed as to prevent the county judge from granting license under the regulations of law now in force on application by petition signed by a majority of the legal voters of any township.

And on this question the yeas and nays were requested and were as follows:

**YEAS**—Messrs. Casady, Espy, Howell, Leffingwell, Lowe and Shields—6.

**NAYS**—Messrs. Alger, Baker, Cook, Everson, Hendershott, Hepner, Lewis, Morton, Spees, Wright and Mr. President—11.

So the amendment was lost.

Mr. Leffingwell offered the following amendment:

**SEC. 15.** That before this act shall take effect and be enforced, it shall be submitted to a vote of the qualified electors of this State at the August election A. D. 1851, and if a majority of the votes cast shall be for the law regulating the sale of spirituous liquors, then the same shall be the law of the State, but if a majority shall be against the same, be absolutely void and inoperative.

And on this question the yeas and nays were requested and were as follows:

**YEAS**—Messrs. Casady, Howell, Leffingwell, Lewis, Lowe and Shields—6.

**NAYS**—Messrs. Alger, Baker, Cook, Espy, Everson, Hendershott, Hepner, Morton, Spees, Wright and Mr. President—11.

So the amendment was lost.

Mr. Cook moved that the code be laid on the table.

Which motion was lost.

Mr. Espy offered the following amendment:

**SEC. 15.** Provided that the county judge in any county may as in other cases when petitioned to for that purpose order that an election be held in such county, to decide whether a license may be granted to retail spirituous liquors within the county, at which election a majority of the votes polled shall determine the question.

And on this question the yeas and nays were requested and were as follows:

**YEAS**—Messrs. Espy, Howell, Leffingwell, Lowe and Shields—5.

**NAYS**—Messrs. Alger, Baker, Casady, Cook, Everson, Hendershott, Hepner, Lewis, Morton, Spees, Wright and Mr. President—12.

So the amendment was not adopted.

Mr. Leffingwell moved to amend the chapter by adding:

**SEC. 15.** Any person who is convicted under this act, is hereby declared to be and rendered infamous, and shall forever be disqualified from holding an office of profit or trust under the laws of this State.

And on this question the yeas and nays were requested, and were as follows:

**YEAS**—Mr. Leffingwell—1.

**NAYS**—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Howell, Lewis, Lowe, Morton, Shields, Spees, Wright and Mr. President—16.

So the amendment was lost.

On motion of Mr. Lowe,

The Senate resolved itself into committee of the whole for the further consideration of the code.

Mr. Casady in the chair.

And after some time spent therein, the committee rose and by their chairman reported the same back to the Senate with sundry amendments, and asked the concurrence of the Senate.

On motion of Mr. Cook,

The Senate concurred in the action of the committee.

Mr. Cook, from judiciary committee, with leave, reported back H. B. file, No. 98, A bill for an act to legalize the acts of the trustees of the Methodist Episcopal church at Muscatine; which

Was read a third time, passed, and title agreed to.

On motion of Mr. Wright,

The Senate adjourned until to-morrow morning.

MONDAY MORNING, JANUARY 20, 1851.

Senate met pursuant to adjournment.

Mr. Leffingwell presented the petition of Robert Welsh, and eleven others, citizens of Clinton county, praying for a change of a school district; which

On his motion,

Was referred to the committee on schools.

Mr. Lewis presented the petition of Nelson Goodenough, and thirty-four others, citizens of Guthenberg, praying the passage of an act to incorporate said town; which

On his motion,

Was referred to the committee on incorporations.

Mr. Selman offered the following resolution :

Resolved, That the thirteenth rule of the Senate be suspended for the remainder of the session.

And on the adoption of the resolution, the yeas and nays were requested and were as follows :

YEAS—Messrs. Casady, Morton and Selman—3.

NAYS—Messrs. Baker, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Shields, Spees, Wright and Mr. President—13.

So the resolution was not adopted.

Mr. Hepner, from the committee on incorporations, to whom was referred

Senate file, No. 56, A bill for granting the Ottumwa and Libertyville Plank Road Company the right of way.

Reported the same back to the Senate without amendment; and

The bill was read a third time, passed, and title agreed to.

Senate file No. 53, A bill for an act to legalize the acts of the officers of school district No. 3, in Baltimore township, in Henry county.

Was read a third time, passed, and title agreed to.

Senate file No. 54, A bill for an act granting to the Camanche and Council Bluffs Rail Road Company the right of way.

Was read a third time, passed, and title agreed to.

The committee of the whole Senate resumed its session on Substitute for Senate file No. 36, A bill for an act, to secure a more vigorous prosecution and early completion of the Des Moines river improvement.

Mr. Lowe in the chair; and

After some time spent therein, the committee rose, and by their chairman reported the same back to the Senate.

On motion of Mr. Lowe,

The Senate concurred in the action of the committee of the whole.

On motion of Mr. Casady,

The Bill was referred to the committee on internal improvements.

Message from the House was taken up; and

H. R. file, No. 108, Joint Resolution for the appointment of a Librarian.

Was read a first and second time.

Mr. Morton moved that the thirteenth rule be suspended, and the bill read a third time now.

Which motion was lost.

H. R. file, No. 109, Joint Resolution relative to the establishment of a land office at Albia, in Monroe county.

Was read a first and second time; and

On motion of Mr. Hepner,

Was referred to the committee on federal relations.

H. R. file No. 110, A bill to lay out and establish a State road from Birmingham, in Van Buren county, to Hillsboro in Henry county.

Was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee on roads.

H. R. file, No. 111, Joint Resolution for the appointment of a Warden of the State Penitentiary.

Was read a first and second time.

Mr. Espy moved to refer the Joint Resolution to the committee on public buildings.

And on this question the yeas and nays were called for and were as follows:

**YEAS**—Messrs. Baker, Casady, Espy, Everson, Hendershott, Lowe, Selman, Shields, Spees, Wright and Mr. President—11.

**NAYS**—Messrs. Hepner, Howell, Leffingwell, Lewis and Morton—5.

So the joint resolution was referred to the committee on public buildings.

Mr. Shields, with leave introduced

Senate file No. 57, An act to locate a State road from Paint Rock, in Allamakee county, to Fort Atkinson, in Winneshiek county.

Which was read a first and second time; and

On his motion,

Was referred to the committee on roads.

Mr. Lowe moved that the Senate amendments made to the code, in which the House have disagreed, be taken up.

Which was agreed to.

On motion of Mr. Lowe,

The Senate insisted to its amendment made to section twenty-three in chapter five, title three, part one.

Which was agreed to.

Mr. Wright moved that the Senate concur in the amendment made by the House to the Senate amendment, made to section seven, chapter ten, title four, part —.

And on this question the yeas and nays were requested, and were as follows :

**YEAS**—Messrs. Baker, Casady, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Shields, and Mr. President—12.

**NAYS**—Messrs. Morton, Selman, Spees, and Wright—4.

So the amendment was agreed to.

Mr. Lewis gave notice that he would on to-morrow, introduce a bill for an act to dispose of the saline lands belonging to this State, and appropriate the proceeds thereof.

Mr. Selman, in pursuance of previous notice, introduced,

Senate file, No. 58, A bill for an act to locate the seat of government of this State.

Which was read a first and second time.

Mr. Lowe moved that the bill be referred to the committee on public buildings.

Mr. Baker moved to lay the bill on the table.

And on this question the yeas and nays were called for, and were as follows:

YEAS—Messrs. Baker, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Morton, Shields, Wright, and Mr. President—11.

NAYS—Messrs. Casady, Espy, Hendershott, Selman, and Spees—4.  
So the bill was laid on the table.

Mr. Selman moved to take from the table,  
H. R. file No. 77, A bill for an act to establish a state road from the Des Moines river, to Bloomfield, in Davis county.

Which was agreed to; and

On motion of Mr. Wright,  
The bill was referred to the committee on roads.

On motion of Mr. Leffingwell,  
Senate file, No. 22, A bill for an act to restrain swine and sheep from running at large, was taken from the table and read a third time, passed and title agreed to.

Mr. Hendershott moved to take from the table  
Substitute to Senate file, No. 45, A bill for an act to locate the county seat of Decatur county.

Which was agreed to.

And the bill was taken up, and

On his motion,

The said bill was indefinitely postponed.

On motion of Mr. Leffingwell,  
The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

Mr. Hendershott, from the committee on internal improvements, to whom was referred,

Substitute for Senate file, 36, A bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement, &c.

Reported the same back to the Senate with one amendment there to, and asked the concurrence of the Senate thereto.

Which amendment was concurred in.

Mr. Wright moved that the bill be engrossed and read a third time to-morrow.

Which was agreed to.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, for the consideration of chapter one, title two, part two.

Mr. Lowe in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back, and asked the concurrence of the Senate in the action of the committee.

The Senate disagreed to the first amendment, and concurred in the second, third, fourth, and fifth, amendments.

Mr. Morton moved that the Senate concur in the House amendments, except as to sections nine, ten, eleven, twelve and thirteen.

Which motion was lost.

The question then being on concurring in the House amendment, as amended by the Senate.

The yeas and nays were requested, pending which,

A call of the Senate was had, when it appeared that Messrs. Cook, Leffingwell, Sales, Selman, and Shields, were absent.

On motion of Morton,

A further call was suspended.

And the yeas and nays on the question, were as follows :

YEAS—Messrs. Everson, Howell, and Morton—3.

NAYS—Messrs. Alger, Baker, Casady, Espy, Hendershott, Hepner, Lewis, Lowe, Spees, Wright, and Mr. President.—11.

So the chapter as amended was not stricken out.

The following message was received from the House of Representatives, by Mr. Hooten, Clerk.

Mr. PRESIDENT:—I am directed to inform the Senate that the House have concurred in the amendment of the Senate to

II. R. file, No. 72, A bill for an act to locate the seat of justice of several counties therein named.

The House have passed,

H. R. file, No. 103, A bill for an act to amend an act entitled an act granting James Weed, and his associates, the right of way, and the privilege of constructing a road from Bloomington, in Muscatine, via Tipton, in Cedar county, to the county seat of Benton county, approved January 8, 1849.

H. R. file, No. 114, A bill for an act to locate a state road therein named; and

H. R. file, No. 115, A bill for an act to amend the charter of the city of Burlington.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file, No. 67, An act to vacate the town of Pleasant Plain.

H. R. file, No. 69, An act to locate the county seat of Allamakee county.

H. R. file No. 70, An act to locate the county seat of Fayette county.

H. R. file, No. 71, An act granting the Burlington and Toolsboro Plank Road Company the right of way.

H. R. file, No. 72, An act to locate the seat of justice of certain counties therein named.

H. R. file, No. 75, Joint Resolution to procure for the State of Iowa a donation of Fort Atkinson, and the lands attached thereto.

H. R. file, No. 81, An act to authorize John H. Franklin to transcribe the records of the probate court of Jasper county.

H. R. file No. 96, Memorial and joint resolution asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs.

All of which have passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

I herewith return,

Substitute for Senate file, No. 16, Preamble and resolution in reference to the compromise measures passed by the Congress of the United States.

The House insists on striking out chapter two, title twelve, part one, and refuses to consider the Senate amendment thereto.

The House recedes from its amendment to section one, chapter three, title twelve, part one.

I am also directed to inform the Senate of the following agreements and disagreements of the House to the revised code.

The House concurs in the Senate amendment to section twenty-four, and disagrees to the amendment of the Senate to section thirty-nine, of said chapter.

The House insists on additional section forty-seven, to said chapter.

The House also insists on its amendments to sections twenty, twenty-one, forty-two, forty-four and forty-five, of chapter one, title thirteen, of part one.

Also, to its amendments to chapter two, title thirteen.

The House disagrees to the Senate amendment to section ten of chapter three, title thirteen.

The House insists on its amendments to chapter six, title thirteen, also,

To its amendments to chapter five of said title.

The House recedes from its amendment to chapter five, title fourteen.

The House insists on its amendments to chapter one, title fourteen.

The House disagrees to Senate amendment to section four, chapter two, title fourteen, and insists on its own amendment to section five, of said chapter.

The House requests that all disagreements herein contained may be referred to the standing conference appointed for the consideration of the same.

Part one, chapter one, title six, was taken up; and

On motion of Mr. Hendershott,

Was referred to a select committee.

Mr. President appointed Messrs. Hendershott, Howell, and Espy, said committee.

On motion of Mr. Wright,

The message from the House was taken up, and

H. R. file, No. 118, An act to amend an act entitled an act granting to James Weed, and his associates, the right of way, and the privilege of constructing a road from Bloomington, in Muscatine

county, via Tipton, in Cedar county, to the county seat of Benton county, approved, January 8, 1849.

Was read a first and second time.

Mr. Morton moved that the 13th rule be suspended, and the bill be read a third time now.

Which motion was lost.

On motion of Mr. Wright,

The bill was referred to the committee on internal improvements.

H. R. file No. 114, An act to locate a state road therein named ;

Was read a first and second time ; and

Referred to the committee on roads.

H. R. file No. 115, A bill for an act to amend the city charter of Burlington.

Was read a first and second time ; and

On motion of Mr. Baker,

Was referred to the Senators from Des Moines county.

On motion of Mr. Wright,

The Senate insisted on its amendments made to chapter two, title twelve, part one.

On motion of Mr. Wright,

The Senate receded from its amendment to section thirty-nine, chapter three, title twelve, part one.

On motion of Mr. Lowe,

The Senate receded from its amendment to section forty-seven in same chapter.

The Senate insisted to its disagreements to the amendments made by the House to chapter one, title thirteen, part one.

The Senate recedes from its disagreement to the amendment made by the House to section two, chapter two, title thirteen.

The Senate recedes from its disagreement to the amendment made by the House to section ten, chapter three, title thirteen.

The Senate insists upon its disagreements to the amendment made by the House to chapter five, title thirteen.

The Senate receded from its disagreement to the amendment made by the House to chapter six, title thirteen.

The Senate insists upon its disagreement to the first amendment made by the House to chapter one, of title fourteen, and recedes from

its disagreement to the second amendment made by the House to the same chapter.

The Senate insists upon their amendment to section four, of chapter two, title fourteen.

Mr. Lowe moved that the Senate recede from its disagreement to the amendment made by the House as to section five, of said chapter.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Espy, Everson, Hendershott, Howell, Lowe, Morton, and Spees.—7.

NAYS—Messrs. Alger, Baker, Casady, Hepner, Lewis, Wright, and Mr. President.—7.

So the Senate refused to recede.

Mr. Morton gave notice for leave to introduce a bill for an act abolishing capital punishment.

Mr. Hepner, from the committee on incorporations, to was referred H. R. file No. 115, A bill for an act to amend the charter of the city of Burlington.

Reported the same back to the Senate without amendment, and recommended its passage.

Mr. Morton moved that the 13th rule be suspended, and that the bill be read a third time now.

Which motion was lost.

On motion of Mr. Wright,  
The bill was laid on the table.

On motion of Mr. Everson,  
The Senate adjourned until to-morrow morning.

TUESDAY MORNING, JANUARY 21, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk:

Mr. PRESIDENT: I herewith return,

Senate file No. 38, Joint resolution relative to saline lands.

Senate file No. 39, A bill for an act to repeal an act entitled an act to change the name of the town of Guttenburg to Prairie la Porte, approved January 9th, A. D., 1851.

Senate file No. 43, A bill for an act to provide for the location of the county seat of Pottawattamie county.

Senate file No. 48, A bill for an act to locate the county seats of Cass and Adair counties, and

Senate substitute for H. R. file No. 78, Joint resolution relative to Silas Messenger.

All of which have passed the House without amendment.

Mr. Baker moved to reconsider the vote taken yesterday in relation to concurring in the House amendments as amended by the Senate, to chapter one, title two, part two.

Which was agreed to.

And the question being,

Will the Senate concur in the House amendment as amended by the Senate.

Pending which,

Mr. Morton moved to refer the chapter to the committee on the judiciary.

Which motion was lost.

And the question recurring on concurring,

The yeas and nays were called for, pending which,

The President adjourned the question for further consideration.

Mr. Leffingwell presented the petition of E. W. Westbrook, and thirty others, asking the grant of a charter to G. W. French and

others, to erect a mill dam across the mouth of the slough at the upper end of the town of Sabula, in Jackson county ; which,

On his motion,

Was referred to the committee on internal improvements.

Mr. Baker presented the petition of Wichleff Kitchell, praying the passage of a law, to protect the people of this State from the evils of a black population ; which,

On his motion,

Was referred to the committee on federal relations.

Mr. Espy presented the petition of D. W. Kilbourn and fifty others, citizens of Lee county, asking for relief of Mrs. Haskell, widow of the late superintendent of Iowa Penitentiary ; which,

On his motion,

Was referred to the committee on ways and means.

Mr. Baker presented the petition of E. I. Hamlit, and one hundred and fifty others, citizens of Lee county, asking an amendment to the general incorporation law ; which,

On his motion,

Was referred to the committee on incorporations.

Mr. Shields, from the committee on ways and means, to whom was referred Senate file No. 49, submitted the following

#### REPORT.

The majority report of the committee on ways and means, to which was referred Senate file No. 49, a bill for an act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State.

The committee have carefully examined the bill under consideration, and are of opinion that the passage of such a law is not expected, required or demanded by the people of this State. This alligation is based upon the fact that no petitions have been presented to the General Assembly, asking or advising that the question of calling a convention to amend the constitution should be submitted to them. The result of the election in August last, when this question was made a direct issue by the Whig party, for State officers and members of the General Assembly, ought to be sufficient evidence to them that their ideas of amending the constitution are not sustained by a ma-

majority of the people of this State. The political party to which they belong, were opposed to the adoption of the constitution, and have continued that opposition to the present time, and from whence in the opinion of your committee originates the bill under consideration.

It is presumed that if a majority of the people of this State desired a convention to amend this constitution, that they would have made known their wishes to their Representatives, that they might act understandingly upon a question of such great magnitude and importance. Yet without any evidence from a majority of the people (as in fact any evidence at all) that they are in favor of the proposition, it is proposed by a small minority in the General Assembly to thrust the question upon them, and if possible to excite local animosity and civil discord. Your committee have good reasons to believe that a large majority of the people are in favor of the provisions of the present constitution, and that there is no necessity or justice in this General Assembly raising the question of a convention to amend the constitution, unless a majority (or at least some portion of the people) evince dissatisfaction and desire a change. In view of the foregoing facts a majority of your committee do respectfully but earnestly recommend the indefinite postponement of the bill.

J. G. SHIELDS, Chairman.

Mr. Morton, from the minority of the committee on ways and means, to whom was referred Senate file, No. 49, A bill for an act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State, submit the following

#### REPORT:

The undersigned, members of said committee, beg leave to report that they cannot coincide in the conclusions of the majority of the committee.

That in any view of the case, they can perceive no impropriety in submitting to the people a proposition to call a convention to amend the constitution.

That the vote thereon, being taken at a general election, no expense would be incurred thereby, and a full, definite, and deliberate expression of the will of the people would be obtained.

That in the opinion of the undersigned, the organic law of the State

should be in conformity with the will of the people; that this proposition is so reasonable and just, and in such accordance with the principle of democracy, that it cannot be successfully denied or consistently evaded; that the only method by which the will of the people can be ascertained with certainty, is by a direct vote as provided by the constitution.

That it is evident that until a decision of the question at the ballot box, as contemplated by this bill, the agitation of the subject will continue, both before the people and the legislature.

In view of the facts then, that a submission of the question to the people in the manner proposed by the bill now before the Senate is strictly republican—that it acknowledges in a proper and becoming manner, the sovereignty of the people: that it can be productive of no evil results: that it is a measure contemplated by the constitution itself—that no objection, even on the score of economy, can be urged against it; and that in any event it will settle for a considerable time at least, the question of a vexatious and often exciting controversy. The undersigned the minority of the committee, report in favor of the principal propositions of said bill, and of taking the sense of the people upon the question of calling the proposed convention.

In view of the case thus taken, we have not deemed it necessary to discuss the merits or demerits of the constitution; the acknowledged fact that a great difference of opinion exists upon the subject, and that a large and respectable number (if not a majority) of the citizens of the State are in favor of an amendment, being in our opinion a sufficient reason for the action of the General Assembly in the matter.

In thus sanctioning the proposition to submit the question to the people, the undersigned, believing that it will be found inconvenient, and perhaps impossible, for the next General Assembly to call a convention within six months after the August election, in 1852, (in case the vote is in favor of a convention,) as the General Assembly will not be in session until four months after said election will have elapsed, (and as the constitution requires that said convention shall meet within six months after said vote is taken,) report an amendment to said bill, and with that amendment recommend the passage of the bill.

J. T. MORTON.

J. B. SPEES.

On motion of Mr. Morton,

The reports and bill were laid on the table.

Mr. Baker, from the committee on public buildings, to whom was referred,

H. R. file No. 111, Joint Resolution for the appointment of a Warden of the State Penitentiary.

Reported the same back to the Senate with the following amendment.

"Strike out the word "Warden," wherever it occurs, and insert Superintendent.

Which report was concurred in; and

On motion of Mr. Espy,

The joint resolution was laid on the table.

Mr. Shields, from the committee on ways and means, to whom was referred,

Substitute for H. R. file No. 33, A bill for an act to provide for a State loan, made the following

#### REPORT:

Your committee have had the same under mature deliberation, and would beg leave to submit the following report:

Article eighth of the constitution of this State, it may be found that the General Assembly shall not in any manner, create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in cases as therein stated. Your committee are well satisfied that the purposes for which the bill under consideration proposes to borrow money, is not such as is contemplated by this article of the constitution; and after a thorough examination in reference to the liabilities of the State, according to the auditor's report submitted to the General Assembly at its present session, find it to be ninety thousand two hundred and thirteen dollars and sixty-seven cents. This amount, together with the ten thousand dollars proposed to be borrowed, you will readily perceive, would swell the amount beyond our constitutional limits, without having first submitted the same to the qualified voters of this State for their sanction.

And further your committee are of opinion that if such loan was

warranted under the constitution, that the money could not be obtained at the rate of interest as specified in the bill.

In view of these facts your committee recommend the indefinite postponement of the bill.

J. G. SHIELDS, Chairman.

Mr. Morton moved to lay the report on the table.

Which motion was lost.

And the question being on concurring in the report of the committee, it was decided in the affirmative.

And the bill was indefinitely postponed.

Mr. Lewis, from the committee on schools, to whom was referred the petition of the citizens of Camanche township, in Clinton county, in relation to the change of a school district, report:

That inasmuch as ample provision is made by law for effecting the object therein named, the committee would recommend that the prayer of said petitioners be not granted, and that the committee be discharged from the further consideration of the subject.

Which report was concurred in and the committee discharged.

Mr. Casady, from the committee on the judiciary to whom was referred

H. R. file No. 32, A bill for an act authorizing the Governor of the State to procure the title to certain ground.

Reported the same back to the Senate and recommended its passage.

And the bill was read a third time, passed and title agreed to.

Mr. Lewis, from the committee of conference of the two houses, who were charged with the disagreeing vote of the two houses upon the code, report:

That on part one, title three, chapter five, section twelve, as to disagreements on the addition to said section, the committee recommend that the Senate concur in this amendment.

Section twenty. That the Senate concur in the House amendment.

Additional section twenty-five a. That the Senate recede from its amendments.

Chapter twelve, section four. That the Senate concur in the House amendment.

Which report was concurred in.

Mr. Hendershott, from select committee, submitted the following

REPORT:

The select committee to whom was referred chapter one, title six, part one, of the report of the committee on revision, have had that chapter under consideration, and have made sundry amendments thereto and instruct me to report the same to the Senate and ask its concurrence therein.

In section twelve, strike out all after the words "companies" in the second line and insert the following:

"Must be valued at their current rate, and credits must be valued at such sum as the assessor believes can be collected thereon, and annuities at such sum as he believes them to be worth in money."

In the fourteenth section, strike out after the word "thereof," in the eighth line, the word "merchant" and insert the word "assessor."

Same section, ninth line, strike out the word "his" and insert the word "the," and insert in same line after the word "control" the words "of the merchant."

Same section, tenth line, strike out the words "he have" and insert "the merchant has."

Same section, eleventh line, strike out the word "he" after the word "them," and insert "the assessor."

Same section, in the last line, after the word "commencing" strike out "he" and insert "the assessor."

In fifteenth section, in sixth line, strike out the words "average value of such," and insert after the word "estimated" in the seventh line the words "and value."

In same section, after the word "hands" in the seventh line, insert the words "to be"

In the seventeenth section, fifth line, strike out the words "and the value thereof."

In same section, eighth line, strike out the words "with the value of each."

In same section, second subdivision, strike out the words "and their value" whenever they occur.

In section twenty-one, strike out all the form of the oath from the word "knowledge" where it first occurs to the word "and" in the last line of said form.

Strike out all of section twenty-five, after the word "personalty" and insert "whether listed or not."

Strike out in section twenty-seven, in the last line but two, the words "and value."

Which report was concurred in.

Mr. Hepner gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to grant the Burlington, Dodgeville and Virginia Grove Plank Road Company the right of way.

Mr. Espy gave notice that he would to-morrow, or some subsequent day, introduce a bill to authorize the county commissioners of Lee county to purchase a farm and build a poor house.

Also, for a bill to repeal an act entitled "an act to repeal an act entitled an act for the relief of the poor," approved January 12, 1849.

Mr. Alger gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill for an act making an appropriation for the State House at Iowa City.

Mr. Sales gave notice that on to-morrow, or some future day, he would introduce a bill to authorize Thomas Denson to transcribe the records of the probate court of Jones county.

Mr. Everson gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act respecting the swamp lands in the county of Louisa.

Mr. Casady, from the committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of creating the sixth judicial district, reported the following bill, and recommended its passage.

Senate file, No. 59, A bill for an act to create the sixth judicial district.

Which was read a first and second time; and

Ordered to be engrossed and read a third time to-morrow.

Mr. Casady, from the committee on the judiciary, to whom was referred

Senate file, No. 50, A bill for an act to amend an act to reorganize the supreme court.

Reported the same back to the Senate and recommend its passage.

The bill was read a third time, passed and title agreed to.

Mr. Lewis, in pursuance of previous notice, introduced Senate file, No. 60, A bill for an act to dispose of the saline lands of this State, and appropriate the proceeds thereof.

Was read a first and second time; and

On motion of Mr. Hendershott,

The bill was referred to the committee on schools.

H. R. file, No. 108, Joint Resolution for the appointment of a librarian.

Was read a third time passed, and title agreed to.

Substitute to Senate file, No. 36, A bill for an act to secure the more vigorous prosecution and early completion of the Des Moines river improvement.

Was read a third time.

Mr. Lowe moved to refer the bill to the committee on internal improvements, with instructions to amend.

Which motion was lost.

Mr. Lowe offered the following amendment:

SEC. — That the Secretary of the Board of Public Works be, and he is hereby authorised to make and have executed and recorded, all deeds for lands sold at his office prior to the taking effect of this act, as now provided by the fifth section of "an act providing for the reorganization of the Board of Public Works," and that he be allowed therefor the fee now provided for.

Which amendment was lost.

And the question being on the passage of the bill, the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Everson, Hendersott, Howell, Leffingwell, Lowe, Sales, Selman, Shields, Spees, and Wright.—12.

NAYS—Messrs. Alger, Baker, Hepner, Lewis, Morton, and Mr. President—6.

So the bill was passed and title agreed to.

Mr. Morton, in pursuance of notice given, introduced

Senate file, No. 61, A bill for an act abolishing capital punishment. Which was read a first and second time; and

On motion of Mr. Lowe,  
Was laid on the table.

The following message was received from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House has resolved, (the Senate concurring,) That each chapter of the revised code be amended by offering a title thereto expressive of the subject therein contained, and that each chapter be considered as a single bill or law, and read a third time and passed upon as such; and that for the purpose of preparing and arranging said amendments a select committee of five be appointed on the part of the House, to act with a similar committee on the part of the Senate, with instructions to arrange the title and style to said chapters or laws in accordance with the constitution of the State of Iowa.

And have appointed Messrs. Preston, of Linn, Babbitt, Negus, McCulloch, of Lec, and Samuel Riggs, said committee.

The House have also resolved, (the Senate concurring,) That the committee of conference on the disagreements of the two Houses upon the revised code, are authorized and required to make such alterations and amendments to the revised code as the sense requires, not inconsistent with the spirit and intent of the law and amendments.

The House have also appointed Messrs. Harbour, Parvin, Hamill, Reuben Riggs, and Robinson, a joint committee to act with a similar committee on the part of the Senate, to report when the present session of the General Assembly may be brought to a close without injury to the interests of the State.

Mr. Baker moved that the Senate adjourn until 2 o'clock, P. M.  
Which motion was lost.

The message from the House being in order, was taken up, and

On motion of Mr. Espy,  
The message was laid on the table.

On motion of Mr. Sales,  
The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Lewis, from the committee on schools, to whom was referred Senate file, No. 55, A bill for an act to provide for the establishment of a State Lunatic Asylum.

Reported the same back to the Senate without amendment, and recommend its passage.

On motion of Mr. Lowe,

The Senate resolved itself into a committee of the whole, for the consideration of said bill,

Mr. Shields in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate with one amendment, and recommended that the bill be referred to a select committee consisting of one from each judicial district.

Which report was concurred in, and the bill so referred.

The message from the House was taken from the table; and

On motion of Mr. Baker,

A committee of five were appointed to act with a similar committee on the part of the House, to report when the present session of the General Assembly may be brought to a close without injury to the interests of the State.

The President appointed Messrs. Baker, Howell, Shields, Morton, and Lowe, said committee.

On motion of Mr. Baker,

The Senate refused to concur in the action of the House in appointing a committee to prefix titles to the different chapters, as reported by the committee of revision.

On motion of Mr. Casady,

The Senate reconsidered the vote refusing to concur in the action of the House, in the appointment of a committee to prefix titles to the chapters of the code.

On motion of Wright,

The Senate reconsidered the vote taken yesterday, receding from the amendments made by the Senate to section thirty-nine, chapter three, title twelve, part one.

Mr. Wright moved that the Senate insist on its amendments made to section thirty-nine, chapter three, title twelve, part one.

Which was agreed to.

Mr. Casady gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act authorizing Thomas M'Mullen, and his associates, to erect a toll bridge across the Des Moines and Racoon rivers, at Fort Des Moines.

Mr. Everson gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act respecting the swamp lands given to this State, pursuant to an act of Congress, approved September 28, 1850.

On motion of Mr. Morton,  
The Senate adjourned until to-morrow morning.

### WEDNESDAY MORNING, JANUARY 22, 1851.

Senate met pursuant to adjournment.

The following message was received from the House, by Mr. Hooten, Clerk.

Mr. PRESIDENT: I am directed by the House to inform the Senate that the House of Representatives have passed

H. R. file No. 85, A bill for an act to incorporate the town of Bellevue, in the county of Jackson, also

H. R. file No. 106, A bill for an act authorizing F. J. Wheeling, M. H. Clark and associates, to erect a toll bridge across East Nishnobotony river, and also

H. R. file No. 136, A bill for an act to establish a State road therein named.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate substitute for H. R. file No. 3, A bill for an act to incorporate and establish the city of Muscatine, the same having passed the House of Representatives with two amendments.

In which the concurrence of the Senate is requested.

Mr. Hepner presented the remonstrance of Levi Hager, and three hundred and sixty others, citizens of Burlington township, remonstrating against the extension of the city limits of Burlington; which,

On his motion,

Was laid on the table.

Mr. Sales presented the petition of Pierce Mitchell, and three hundred and fifty others, citizens of Jackson county, praying the passage of an act requiring the county commissioners to levy a tax to build a bridge across the Maquoketa river; which,

On his motion,

Was referred to a select committee.

Mr. President appointed Messrs. Sales, Alger and Selman said committee.

Mr. Lewis, from the committee of conference of the two houses, appointed to take charge of the disagreeing votes of the two houses upon the code, reported

Part one, title twelve. Senate insist on their amendment.

House insist upon striking out chapter—. The committee recommend that the Senate recede.

Title thirteen, chapter one, sections twenty and twenty-one, the House recede.

Title thirteen, chapter one, section forty-two, Senate recede.

Title thirteen, chapter one, section forty-four, Senate recede.

Title thirteen, chapter one, section forty-five, House recede.

Title thirteen, chapter five, section three, Senate recede.

Title thirteen, chapter five, section eight, Senate recede.

Title fourteen, chapter one, section three, House recede.

Title fourteen, chapter two, section four, House recede, and agrees to Senate amendment.

The President laid before the Senate a communication from the Secretary of State, in relation to Census returns; which,

On motion of Mr. Lowe,

Was laid on the table.

Mr. Hepner, in pursuance of previous notice, introduced

Senate file No. 62, A bill for an act granting the Burlington, Dodgeville and Virginia Grove plank road company the right of way.

Was read a first and second time and ordered to be engrossed and read a third time on to-morrow.

Mr. Leffingwell, from the committee on engrossed bills, reported Senate file No. 38, 39, 43, 48 and 78, as correctly enrolled.

Mr. Espy, in pursuance of previous notice, introduced Senate file No. 63, A bill for an act to authorize the Board of Commissioners of Lee county, to purchase a farm and build a poor house.

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Espy also introduced,

Senate file No. 64, A bill for an act to repeal an act entitled "an act to repeal an act entitled an act for the relief of the poor."

Which was read a first and second time, and referred to the committee on the judiciary.

Mr. Sales, in pursuance of previous notice, introduced,

Senate file No. 65, A bill for an act to authorize Samuel Chandler and his associates to construct a dam across the Maquoketa river, in Jackson county.

Which was read a first and second time; and

On motion of Mr. Everson,

Was referred to the committee on incorporations.

Mr. Leffingwell gave notice that on to-morrow he would introduce a bill for an act to grant the junction railroad company the right of way to construct a railroad from Dubuque to intersect the Camanche railroad at Cedar river.

Senate file No. 59, A bill for an act to create the sixth judicial district.

Was read a third time.

Mr. Hendershott moved to lay the bill on the table.

Which motion was lost.

Mr. Leffingwell moved that the Senate reconsider the vote just taken on laying the bill on the table.

Which was agreed to.

And the question recurring on laying the bill on the table.

It was agreed to.

On motion of Mr. Lowe, of Des Moines,

H. R. file No. 115, A bill for an act to amend the charter of the city of Burlington, and the remonstrance thereto,

Were taken from the table, and

On his motion,

Were referred to a select committee.

And the President appointed Messrs. Lowe, of Des Moines, Lewis, and Howell, said committee.

Mr. Morton presented the petitions of Joseph D. Hoag and John Brown, late Commissioners to locate the Seat of Government.

Which were read, and

On his motion,

Were referred to the committee on public buildings.

Message from the House of Representatives being in order, was taken up, and

H. R. file No. 85, A bill for an act to incorporate the town of Bellevue, in the county of Jackson,

Was read a first and second time, and

On motion of Mr. Espy,

Was referred to the committee on incorporations.

H. R. file, No. 136, A bill for an act to establish a State road.

Was read a first and second time,

And referred to the committee on roads.

H. R. file No. 106, A bill for an act authorizing F. J. Wheeling, and associates, to erect a toll bridge across the East Nishnabotany,

Was read a first and second time,

And referred to the committee on incorporations.

Senate substitute for H. R. file No. 3, A bill for an act to incorporate and establish the city of Muscatine;

Having been reported from the House with two amendments,

The Senate concurred in the amendment made to section twenty, and disagreed to the amendment made to section thirty-two.

On motion of Mr. Shields,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. President appointed Messrs. Espy, Lewis, Wright, Everson and Casady, a committee of one from each judicial district, to whom was referred

Senate file No. 55, A bill for an act to provide for the establishment of a State Lunatic Asylum.

Mr. Baker moved to take from the table

H. R. file No. 111 Joint Resolution for the appointment of a Superintendent of the State Penitentiary.

Which was agreed to.

Mr. Espy moved to amend the joint resolution by striking out the words "date hereof," and insert, "15th day of February, 1851."

Which amendment was agreed to.

And the joint resolution was read a third time, passed and title agreed to.

Mr. Espy, from the committee on internal improvements, to whom was referred,

Senate file, No. 44, Memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clark, on the Des Moines river.

Reported the same back to the Senate.

Which was read a third time.

Mr. Lowe moved to amend by striking out all intermediate points.

Which was disagreed to.

And the question being on the passage of the memorial, the yeas and nays were called, and were as follows:

YEAS—Messrs. Alger, Baker, Casady, Espy, Everson, Hendershott, Leffingwell, Lowe, Sales, Shields, Wright, and Mr. President—12.

NAYS—Messrs. Hepner, Howell, Lewis, Morton, and Selman—5.

So the memorial was passed and title agreed to.

Mr. Casady, from the committee on the judiciary, to whom was referred,

Senate file, No. 64, A bill for an act entitled an act to repeal an act entitled an act for the relief of the poor.

Reported the same back to the Senate with two amendments, and asked the concurrence of the Senate thereto.

Which report was concurred in.

And the bill was ordered to be engrossed and read a third time tomorrow.

Mr. Sales offered,

Senate file, No. 66, Joint Resolution relative to the election of

President and Vice President of the United States, and United States Senators.

Was read a first and second time;

Mr. Selman moved to refer the joint resolution to the committee on federal relations.

Mr. Shields moved that the joint resolution be laid on the table.

Which was agreed to.

On motion of Mr. Lowe,

That part of the message from the House of Representatives, which relates to the appointment of a committee to prefix titles to the different chapters of the report of the committee of revision, was taken up.

Mr. Espy moved that the subject be referred to the committee on judiciary.

Which was agreed to.

Mr. Espy, with leave, introduced,

Senate file, No. 67, A bill for an act granting to the Fort Madison, West Point, and Salem Plank Road Company the right of way.

Which was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee on internal improvements.

Mr. Alger, with leave, introduced,

Senate file, No. 68, A bill for an act making an appropriation for the State House at Iowa City.

Which was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee on public buildings.

On motion of Mr. Lowe,

The substitute reported by the select committee for the original chapters reported by the commissioners of revision, of corporations for pecuniary profit.

Was taken from the table; and

On motion of Mr. Sales,

The Senate resolved itself into committee of the whole, for its consideration,

Mr. Everson in the chair,

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And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate without amendment.

Mr. Espy moved to strike out the words, "as hereinafter provided," in first section.

Which motion was lost.

Mr. Espy moved to strike out the fifth specification, in the second section.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Espy, Hendershott, Howell, Leffingwell, Sales, Selman and Shields.—7.

NAYS—Messrs. Alger, Baker, Everson, Hepner, Lewis, Lowe, Morton, Spees, Wright and Mr. President.—10.

So the amendment was lost.

Mr. Espy moved to amend section fourteen, by striking out the words, "those guilty thereof, to fine and imprisonment, or both, at the discretion of the court," and insert, "the private property of the stockholders to liability for the debts of the corporation."

Which motion was lost.

Mr. Espy moved to strike out the seventh specification, in the sixth section.

Which motion was lost.

Mr. Hendershott moved to amend section four, by adding the following:

"Subscribed: provided, that in no case shall stock be considered as subscribed for the purposes of this section, until the payment thereof be first made and secured by bond executed to the State, with freehold security, approved by the judge of any county through which said improvement is designed to pass. Such bond is to be filed and preserved in the office of the judge approving the same, and may be sued upon in any court of competent jurisdiction, by any person having debts due against said corporation, whenever such debts cannot be made out of the corporate property."

And on this question the yeas and nays were called for, and were as follows:

YEAS—Messrs. Casady, Espy, Hendershott, Howell, and Sales.—5.

NAYS—Messrs. Alger, Baker, Hepner, Leffingwell, Lewis, Lowe, Morton, Selman, Shields, Spees, Wright, and Mr. President.—12.

So the amendment was lost.

On motion of Mr. Everson,

The Senate adjourned until to-morrow morning.

### THURSDAY MORNING, JANUARY 23, 1851.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

Mr. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed

H. R. file No. 101, A bill for an act to establish a State road from Washington, in Washington county, to the county seat, of Marshall county.

H. R. file No. 99, A bill for a State road from Cedar Falls to the county seat of Marshall county.

H. R. file No. 121, A bill for an act to establish a State road from Jefferson, in Henry county, to Washington, in Washington county.

H. R. file No. 119, A bill for an act for a State road from Ottumwa to Hill's mill.

H. R. file No. 95, A bill for an act entitled an act supplemental to an act entitled an act to re-organize the Supreme Court, approved January 22, 1848, and to repeal an act entitled an act to amend an act to re-organize the Supreme Court, approved January 15, 1849.

H. R. file No. 117, A bill for an act to lay out and establish a State road from Cedar Falls to Fort Clark.

H. R. file No. 116, Joint resolution for an appropriation for the survey of the unsurveyed lands of the State of Iowa.

H. R. file No. 94, Joint memorial for a mail route from Quasqueton to Fort Des Moines, a mail route from Cedar Falls to Fort Clark, and a mail route from Independence to the Rice trading house, in the Upper Big Woods of Cedar.

H. R. file No. 112, Memorial and joint resolution for the organization of Nebraska Territory.

H. R. file No. 92, Joint resolution asking a grant of land to construct a graded road from Fort Des Moines to Council Bluffs.

H. R. file No. 103, A bill for an act for a State road from Cedar Rapids to Fort Clark.

H. R. file No. 91, Joint Resolution for a military road from Fort Clark to Muscatine, and from Fort Clark to the Mississippi river opposite Fort Crawford.

H. R. file No. 138, A bill for an act to establish a State road between Muscatine and Iowa City.

H. R. file No. 123, A bill for an act to relocate the county seat of Clayton county.

H. R. file No. 102, A bill for an act to lay out and establish a State road from Delhi to Quasqueton; also, for a State road from Quasqueton, to the county seat of Marshall county; also, for a State road from the county seat of Marshall county to Fort Des Moines; and

H. R. file No. 122, A bill for an act to establish a State road from the Lower Big Woods of Cedar river to McGregor's landing.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate substitute for H. R. file No. 50, Memorial to Congress for a donation of land to aid in the construction of a railroad from Dubuque, by the way the great bend of St. Peters river, to Red river, and an additional donation of land or money sufficient to build a bridge across the Mississippi river at Dubuque; and

Senate file No. 51, A bill for an act providing for the Medical Department of the Iowa University.

The same having passed the House without amendment.

The House has receded from its amendment to Section thirty-two of Senate substitute for H. R. file No. 3, A bill for an act to incorporate and establish the City of Muscatine.

I herewith return,

Senate substitute for H. R. file No. 78, Joint Resolution for the pension of Silas Messinger.

Senate file No. 38, Joint Resolution respecting saline lands.

Senate file No. 43, An act to locate the county seat of Pottawattamie county; and

Senate file No. 48, An act to locate the county seat of the counties of Cass and Adair.

All of which have received the signature of the Speaker of the House of Representatives.

I herewith present for your signature,

H. R. file No. 32, an act authorizing the Governor of the State of Iowa to procure a title to certain grounds.

H. R. file No. 98, A bill for an act legalizing the acts of the trustees of the Methodist Episcopal Church at Muscatine; and

H. R. file No. 108, Joint Resolution for the appointment of a Librarian.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

I herewith return,

Chapter ten, of title fourteen, of part one, of the report of the committee of revision under the eighteenth joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

I herewith return,

Title five, of part three, of the revised code under the eighteenth joint rule, with sundry amendments thereto;

In which the concurrence of the Senate is requested.

Also, the three first divisions of the appendix under the eighteenth joint rule being stricken out by the House.

Mr. Espy from the committee on internal improvements, to whom was referred

S. F. No. 67, A bill for an act granting to the Fort Madison, West Point and Salem Plank Road Company the right of way,

Reported the same back to the Senate and recommended its passage.

And the bill was read a third time, passed and title agreed.

Mr. Wright from the committee on federal relations, to whom was referred

H. R. file, No. 109, Joint Resolution relative to the establishment of a land office at Albia, in Monroe county.

Reported the same back to the Senate and recommended its indefinite postponement.

Which report was concurred in,

And the joint resolution was indefinitely postponed.

Mr. Lewis from the committee on schools, to whom was referred

S. F. No. 60, A bill for an act to dispose of the Saline lands of this State and appropriate the proceeds thereof,

Reported the same back and recommended its passage.

Which was read a third time; and

On motion of Mr. Espy,

Was laid on the table.

S. F. No. 62, A bill for an act granting the Burlington, Dodgeville and Virginia Grove Plank Road Company the right of way.

Was read a third time, passed, and title agreed to.

S. F. No. 63, A bill for an act to authorize the board of county commissioners of Lee county to purchase a farm and build a poor house,

Was read a third time, and

On motion of Mr. Baker,

The bill was referred to the Senators from Lee county.

S. F. No. 64, A bill for an act to repeal an act entitled an act to repeal an act entitled an act for the relief of the poor,

Was read a third time, passed, and title agreed to.

The message from the House was taken up, and

H. R. file, Nos. 99, 101, 102, 103, 117, 119, 121, 122, and 138, bills for certain State roads therein named,

Were read a first and second time, and

Referred to the committee on roads.

H. R. File, No. 94, Joint resolution for a mail route from Quasqueton to Fort Des Moines; a mail route from Cedar Falls to Fort Clark, and a mail route from Independence to Rice's Trading House in the Upper Big Woods,

Was read a first and second time, and

Referred to the committee on mail facilities.

H. R. file, No. 95, A bill for an act entitled an act supplemental to an act entitled an act to reorganize the Supreme Court, approved January 22, 1848, and to repeal an act entitled an act to reorganize the Supreme Court, approved, January 15, 1849,

Was read a first and second time; and

On motion of Mr. Casady,

Was referred to the committee on the judiciary.

H. R. file, No. 91, Joint resolution for a military road from Fort Clarke to Muscatine, and from Fort Clarke to the Mississippi river opposite to Fort Crawford;

Was read a first and second time; and

On motion of Mr. Wright,

Was laid on the table.

H. R. file No. 92, Joint Resolution asking a grant of land to construct a graded road from Fort Des Moines to Council Bluffs.

Was read a first and second time; and

On motion of Mr. Leffingwell,

Was laid on the table.

H. R. file No. 123, A bill for an act to relocate the county seat of Clayton county.

Was read a first and second time; and

On motion of Mr. Shields,

Was referred to the committee on county boundaries.

H. R. file No. 112, Memorial and joint resolution for the organization of Nebraska Territory.

Was read a first and second time; and

On motion of Mr. Leffingwell,

Was laid on the table.

H. R. file, No. 116, Joint Resolution for an appropriation for the survey of the unsurveyed lands of the State of Iowa.

Was read a first and second time; and

On motion of Mr. Hendershott,

Was laid on the table.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration of that part of the code reported in the message of this morning,

Mr. Hepner in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate and asked the concurrence of the Senate in their action therein.

The question being on concurring in the action of the committee separately.

And on concurring in the first amendment to section one, chapter one, title five, part three.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Casady, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Sales, Shields, and Mr. President—11.

NAYS—Messrs. Baker, Espy, Everson, Morton, Selman, Spees and Wright—7.

So the report was concurred in.

On concurring in the action of the committee to section four.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Espy, Everson, Hepner, Howell, and Morton—7.

NAYS—Messrs. Alger, Hendershott, Leffingwell, Lewis, Lowe, Sales, Selman, Shields, Spees, Wright, and Mr. President—11.

So the report was not concurred in.

On the question of concurring in the action of the committee in relation to section eleven.

The yeas and nays were called for, and were as follows:

YEAS—Messrs. Baker, Casady, Espy, Everson, Hendershott, Hepner, Howell, and Morton—8.

NAYS—Messrs. Alger, Leffingwell, Lewis, Lowe, Sales, Selman, Shields, Spees, Wright, and Mr. President—10.

So the action of the committee was disagreed to.

On motion of Mr. Sales,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Espy, from the select committee to whom was referred

Senate file, No. 63, A bill for an act to authorize the board of commissioners of Lee county, to purchase a farm and build a poor house.

Reported the same back with one amendment.

And the bill was read a third time, passed and title agreed to.

Mr. Selman, from the select committee, to whom was referred,

Senate file, No, 52, A bill for an act to provide for the location of the seat of justice of Taylor and Ringgold counties.

Reported the same back to the Senate with one amendment, and asked the Senate to concur therein.

Which was agreed to.

And the bill was read a third time, passed and title agreed to.

Mr. Sales, from the select committee, to whom was referred the petition of citizens of Jackson county, in relation to a bridge across the Maquoketa river, introduced

Senate file No. 69, A bill for an act to authorize the county commissioners of Jackson county to levy a tax to build a bridge across Maquoketa river.

Which was read a first and second time;

And ordered to be engrossed and read a third time to-morrow.

The question being on concurring in the action of the committee, striking out section three, of chapter one, title five.

The Senate concurred therein.

On concurring in the action of the committee on the appendix.

The Senate concurred in the action of the committee in relation to striking out that portion relating to courts of conciliation and offers of compromise.

On concurring in the action of the committee in relation to striking out that portion relative to abolition of actions in certain cases.

The yeas and nays were called for, pending which,

A call of the Senate was had, when it appeared that Messrs. Lefingwell, Shields, and Morton; were absent.

Mr. Morton appearing,

On motion of Mr. Lowe,

The further call of the Senate was suspended.

On motion of Mr. Espy,

The question pending was laid on the table.

The Senate concurred in the action of the committee on section ten.

Mr. Hendershott moved to amend section one, chapter ten, title fourteen, part one, by adding at the end of said section the words "or furnishing the materials."

Which amendment was adopted.

Mr. Wright moved to amend said chapter by adding an additional section.

Sec. 30: "If the owner shall die before the proceedings herein contemplated are commenced, the heirs and administrators or executor of such decedent shall be made parties to said suit."

Which amendment was concurred in.

Mr. Morton offered the following resolution:

Resolved, That the committee heretofore appointed by the Senate to ascertain what members of the General Assembly and State officers, are stockholders in the rail road company, &c., be instructed to report to-morrow morning, and if unable to make a final report, that they report what progress they have made in their investigations.

On the adoption of which,

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Espy, Hendershott, Howell, Lowe, Morton, Sales, Selman, Spees, and Wright—10.

NAYS—Messrs. Baker, Casady, Everson, Hepner, Lewis, and Mr. President—6.

So the resolution was adopted.

On motion of Mr. Wright,  
The Senate adjourned until to-morrow morning.

#### FRIDAY MORNING, JANUARY 24, 1851.

Senate met pursuant to adjournment.

Mr. Selman presented the petition of William S. Burge, and fifty others, citizens of Page county, praying the removal of the seat of government to Fort Des Moines.

Which was referred to the committee on public buildings.

Mr. Shields presented the petition of W. L. Johnson, and forty-four others, praying the passage of a law relative to the grants of land asked for from Congress for the Dubuque and Keokuk and Davenport and Council Bluffs rail roads.

Mr. Sales presented the petition of Joseph Mann, and one hundred and ten others, on the same subject.

Which were referred to the committee on internal improvements.

Mr. Lewis offered the following resolution :

Resolved, That the Secretary of the Senate be authorized to employ such clerk hire as may be necessary to complete the enrolling of the code at an early day.

Mr. Wright moved to lay the resolution on the table.

Which was agreed to.

Mr. Wright, from the judiciary committee, to whom was referred the subject of prefixing an enacting clause to each chapter of the revised code, submitted the following report :

The Committee to whom was referred so much of a recent message of the House of Representatives, as relates to the appointment of a joint committee for the purpose of prefixing an enacting clause to each chapter of the revised code, and taking other steps for the purpose of rendering each chapter a complete act in itself, beg leave to

#### REPORT:

That they have fully considered the subject, and are satisfied that it is wholly inexpedient to make the change contemplated by the message of the House of Representatives. It would be attended with much trouble, would consume time that is needed for other purposes and would greatly disfigure the appearance of the work. It is also unusual in modern revisions. Within the last twenty years, we know of no instance, in which a work intended as a complete and entire revision of the laws of any State in the Union, has been drawn up in such a manner.

But we are aware that the main argument in favor of the contemplated course, grows out of a supposed requirement of the constitution to that effect. The constitution requires that "every law shall embrace but one object, which shall be expressed in its title." We do not believe this requirement renders the proposed course necessary.

Without straining any rule of legal construction, we think the revised code may be regarded as a law with but one object, the title of which would be fully expressed by declaring it to be, "an act for revising and consolidating the general statutes of the State of Iowa." In other words, it is an act for the government of the State. It is true,

that it includes within itself many *subjects*, but they all tend to the accomplishment of that *one object*.

The intention of the constitution was doubtless to prevent several independent matters, having no natural connection with each other from being incorporated in one act. It was aimed particularly at acts of special legislation, and was intended to prohibit incongruous measures of that character, from being carried by force of combination, when singly and each standing upon its own merits alone, they would not meet with the approval of the legislature. But it certainly was never designed to prevent one entire law from being adopted as a whole. The revised code is of this very character, very few if any of its chapters could be annihilated without essentially effecting the symmetry of the whole. It is like one of those pieces of machinery composed of many parts, but where the removal of any one would prevent the harmonious action of all. Must we create these independently and in detail? Must we adopt one absolutely without any reference to the kind and character of all the others? Your committee is clearly of the opinion that the constitution is not liable to the charge of intending so great an absurdity.

It is true that there are many provisions of the revised code, which if either of them had been made the subject of an independent enactment, could not under our constitution have been united with any of the others. But the case is changed when each is made a portion of one general law which properly embraces both. Thus, a law for punishing a person for peddling clocks without license, has no apparent connection with one exempting burying grounds from taxation, and an act which should embrace these two objects and nothing else, would be a violation of our constitution. But when both are made portions of a revenue law the objection vanishes.

Upon the same principle, under our constitution an act allowing the claim of A, could not be united in the same special law with a provision allowing the claim of B, but a general appropriation bill which allows the claims of all persons generally, may embrace both.

We believe this distinction to be clear and just, and that its observance will enable us to avoid inextricable difficulties. If a contrary view be adopted, the constitutional provision will not be complied with by prefixing the enacting clause to each chapter, but the chapters themselves must be dissected, re-written and enacting clauses

prefixed to the different portions. The school law, revenue law, probate law, road law and justice's law in particular would be liable to this constitutional objection. Most of the other chapters of the code would, to a greater or less extent, be in a similar predicament, nay if the idea is to be carried out in all its strictness, many of the sections of the code must be split into fragments, as they are for convenience and brevity made to contain two or more independent ideas.

But perhaps the examples best adapted to illustrate the views entertained by your committee, are furnished by acts of incorporation of cities and towns, some of which have without question on the score of constitutionality, been passed at this very session of the General Assembly. These embrace to no inconsiderable extent the same range of provisions as are to be found in the revised code. These provide for an executive, a legislative and sometimes a judicial department and prescribe the functions of each, they provide for roads or streets, and schools, and for revenue and police regulations. They even make regulations relative to criminal jurisprudence. They in fact create a government on a smaller scale than that of the State, but embracing nearly all its essential features. If it is competent to provide in one act for the government of a city, cannot we in one act provide for the government of the State? Cannot the latter law be said to embrace but one object as well as the former? Your committee believe these questions can only be answered in the affirmative and so believing they recommend that the Senate do not concur in the action of the House and that the further consideration of the subject be indefinitely postponed.

Which report was concurred in.

Mr. Hepner moved that the report be laid on the table and one hundred copies be printed.

Mr. Baker moved to amend by striking out "one hundred," and inserting "fifteen hundred."

Which amendment was lost.

Mr. Howell moved to strike out "one hundred" and insert "one thousand."

Which motion was lost.

Mr. Lowe moved to strike out "one hundred" and insert "five hundred."

Which motion was agreed to.

And the report was laid on the table, and five hundred copies ordered to be printed.

The following message was received from the House of Representatives, by Mr. Hooten, Clerk:

MR. PRESIDENT: I am directed by the House to inform the Senate that the House of Representatives have passed

H. R. file No. 97, A bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9, A. D. 1847.

H. R. file No. 105, A bill for an act to perfect the title to half-breed lands in the State of Iowa.

H. R. file No. 133, A bill for an act to provide for a loan from the school fund.

H. R. file No. 134, A bill for an act to incorporate Iowa City.

H. R. file No. 139, A bill for an act to locate and establish a State road from Marengo, in Iowa county, to Fort Clark, on the Des Moines river.

H. R. file No. 141, Joint Resolution asking a grant of land to aid in constructing bridges on the post route from Dover to Fort Kearney on Missouri river.

H. R. file No. 142, Joint Resolution for a mail route.

H. R. file No. 143, A preamble and joint resolution for a donation of land to improve the navigation of the Maquoqueta river.

H. R. file No. 144, A bill for an act to amend the charter of the city of Keokuk; and also,

H. R. file No. 145, A bill for an act to change the name of certain persons mentioned.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file No 22, A bill to restrain swine and sheep from running at large,

The same having passed the House with sundry amendments.

In which the concurrence of the Senate is requested.

Also, all of part four of the revised code, except chapters one and two of title one, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

Mr. Hepner, from select committee appointed to ascertain what State and Judicial officers, as well as members of the legislature, own stock in any corporation, &c., within this State, reported that the means within the control of your committee as yet, do not afford any authentic information in relation to the matter of which they were appointed to enquire.

Mr. Hendershott, from judiciary committee, reported as follows:

The committee on the judiciary, to whom was referred Senate file, No. 17, "A bill for an act to prevent and punish injuries to the monuments and other evidences, on the south boundary line of the State," have had the same under their consideration, and have instructed me to report the same back to the Senate and recommend that it do not pass, but in lieu thereof, they recommend the accompanying section to be inserted as a thirteenth section of chapter seven, title one, part four, of the revised code.

SEC. 13. If any person shall wilfully dig up, pull down, break, deface, disfigure, destroy, or in any other manner injure or remove any of the cast iron pillars, or other evidences planted and fixed, or which may hereafter be planted and fixed, in and along any part of the boundaries of this State, every person so offending may be indicted therefor, and upon conviction, before any court having competent jurisdiction, shall be punished by a fine not less than fifty nor more than two hundred dollars, or by imprisonment in the penitentiary for a term not less than six months, or by both such fine and imprisonment, at the discretion of the court.

On motion of Mr. Lowe,

That part of the report relative to the amendment to the code, was laid on the table.

Mr. Baker, from the committee on public buildings, presented a communication signed by Joseph T. Fales, agent to superintend the completion of the public buildings, and the said committee state that they have examined the law making an appropriation for said purpose, and believe said law required work to be done, which was known at the time of the passage of the same, would exceed in expense the amount of said appropriation; and believing that said agent done no work only that which said law required to be done, and believing that due regard was had to economy, in the expenditure of the appropriation, and the debt incurred—therefore, said committee are of opin-

ion that an appropriation should be made for the amount of debt incurred, as set forth in said communication.

On motion of Mr. Wright,

The report and communication were referred to the committee on claims.

Mr. Espy, from the committee on internal improvements, to whom was referred the petition of E. W. Westbrook, and others, in relation to the erection of a mill dam opposite Sabula, in Jackson county, introduced

Senate file, No. 70, A bill for an act authorising George M. French, and his associates to erect a mill dam.

Which was read a first and second time,

And ordered to be engrossed and read a third time to-morrow.

Mr. Espy, from the committee on internal improvements, to whom was referred

H. R. file No. 113, A bill for an act to amend an act entitled an act granting James Weed, and his associates, the right of way, and the privilege of constructing a road from Bloomington, in Muscatine county, via Tipton, in Cedar county, to the county seat of Benton county, approved January 8, 1849.

Reported the same back to the Senate without amendment.

And the was read a third time, passed and title agreed to.

Senate file, No. 69, A bill for an act to authorize the county commissioners of Jackson county to levy a tax to build a bridge across the Maquoketa river.

Was read a third time, passed and title agreed to.

Mr. Selman moved to take from the table

Senate file, No 58, A bill for an act to relocate the seat of government of this State.

Which was disagreed to.

That portion of the report of the committee of the whole in relation to the abolition of action in certain cases, being in order, was taken up,

And the question being on concurring in the report of the committee.

The yeas and nays were requested, and being ordered, were as follows:

YEAS—Messrs. Baker, Casady, Cook, Espy, Everson, Hendershott,

Howell, Leffingwell, Lewis, Lowe, Morton, Shields, Spees, and Mr. President—14.

NAYS—Messrs. Alger, Hepner, Sales, Selman, and Wright—5.

So the report of the committee was concurred in.

Mr. Hendershott moved to take from the table Senate file No. 59, A bill for an act to create the sixth judicial district.

Which was agreed to.

And the bill was read a third time; and

On the passage of the bill, the yeas and nays were called for, and were as follows;

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Lewis, Lowe, Morton, Sales, Spees, Wright, and Mr. President—15.

NAYS—Messrs. Howell, Leffingwell, Selman, and Shields—4.

So the bill was passed and title agreed to.

The message from the House was taken up, and the Senate concurred in the House amendment to section fourteen, chapter three, title one, part four.

And on concurring in the House amendment to strike out section fourteen and fifteen, of chapter four, of title one, part four.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Cook, Espy, Everson, Hendershott, Howell, Lewis, Lowe, Morton, Shields, Spees, and Wright—13.

NAYS—Messrs. Casady, Hepner, Leffingwell, Sales, Selman, and Mr. President—7.

So the amendment was concurred in.

Mr. Leffingwell moved to reconsider the vote taken yesterday, on concurring in the report of the committee of the whole on section eleven, chapter one, title five, part three.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lewis, Morton, and Sales—10.

NAYS—Messrs. Alger, Casady, Cook, Lowe, Selman, Shields, Spees, Wright, and Mr. President—9.

So the vote was reconsidered.

And the question being on concurring in the amendment made by the House.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Morton, and Sales—10.

NAYS—Messrs. Alger, Baker, Lewis, Lowe, Selman, Shields, Speer, Wright, and Mr. President—9.

So the amendment was concurred in.

Mr. Morton gave notice of motion for leave to introduce a bill for an act for the preservation of game.

Mr. Hendershott gave notice that he would on to-morrow, or some subsequent day during this session, ask leave to introduce a bill to reorganize the third judicial district.

And also for an act to provide for taking appeals and writs of error to the supreme court of the third judicial district.

The Senate resolved itself into executive session for the consideration of a message from the Governor, and after a short time spent therein, the session rose, and the Senate resumed its session.

On motion of Mr. Cook,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Senate file No. 22, A bill to restrain swine and sheep from running at large.

Was read as amended by the House.

And the amendments concurred in.

H. R. file, No. 143, Preamble and joint resolution for a donation of land to improve the navigation of Maquoketa river.

Was read a first and second time; and

On motion of Mr. Leffingwell,

Was laid on the table.

H. R. file, No. 144, A bill for an act to amend the charter of the City of Keokuk.

Was read a first and second time.

Mr. Leffingwell moved to amend by adding as follows:

"And the sixteenth section of the act to which this is amendatory, be amended, by striking out the words, "to license and establish ferries across the Mississippi river, and fix the rates of toll on the same."

And on this question the yeas and nays were called for, and were as follows:

YEAS—Messrs. Casady, Cook, Everson, Hepner, Howell, Leffingwell, Lewis, Lowe, Selman, Spees, and Wright—11.

NAYS—Messrs. Alger, Baker, Espy, Morton, Sales, Shields, and Mr. President—7.

So the amendment was adopted.

H. R. file No. 105, A bill for an act to perfect the title to half-breed lands in the State of Iowa.

Was read a first and second time; and

On motion of Mr. Cook,

Was referred to the committee on the judiciary.

H. R. file, No. 145, A bill for an act to change the names of certain persons therein named.

Was read a first and second time; and

On motion of Mr. Casady,

Was laid on the table.

H. R. file, No. 97, A bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9, 1847.

Was read a first and second time,

Mr. Shields moved to amend by adding the following:

"Provided the expenses of said publication shall be paid by said town."

Which was adopted.

Mr. Morton moved to amend by adding the following section:

"Nothing in this act contained shall be so construed as to confer any right upon the corporation to control or grant ferry licenses."

Which was adopted.

H. R. file, 142, Joint Resolution for a mail route.

Was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee on mail facilities.

H. R. file, No. 132, A bill for an act to provide for a loan from the school fund.

Was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee on ways and means.

H. R. file, No. 139, A bill for an act to locate and establish a state road from Marengo, in Iowa county, to Fort Clark, upon the Des Moines river.

Was read a first and second time; and

On motion of Mr. Lowe,

Was referred to the committee on roads.

H. R. file, No. 141, Joint Resolution asking a grant of land to aid in constructing bridges on post routes from Dover to Fort Kearney, on the Missouri river.

Was read a first and second time.

Mr. Selman moved to suspend the 13th rule and read the bill a third time now.

Which motion was lost.

Mr. Baker moved to lay the joint resolution on the table.

Which motion was not agreed to.

H. R. file, No. 134, A bill for an act to incorporate Iowa City.

Was read a first and second time; and

On motion of Mr. Cook,

Was referred to the committee on incorporations.

Mr. Everson moved that the Senate reconsider the vote taken yesterday, on striking out section three, chapter one, title five.

Which motion was lost.

On motion of Mr. Cook,

The Senate resolved itself into a committee of the whole for the consideration of the code;

Mr. Espy in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate with sundry amendments.

Mr. Everson gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill granting the Port Louisa, Wapello and Virginia Cross Plank Road and Bridge company the right of way.

On motion of Mr. Morton,  
The Senate adjourned until to-morrow morning.

SATURDAY MORNING, JANUARY 25, 1851.

Senate met pursuant to adjournment.

Mr. Baker presented the petition of C. D. Hamilton, and ninety-two others, asking that the land the State expects to obtain from the general government for railroads be transferred to the legally organized Rail Road Companies in the State of Iowa.

Which was referred to the committee on internal improvements.

Mr. Everson offered,

Senate file No. 71, Joint Resolution for the printing and distribution of the laws of the present session.

Which was read a first and second time, and was referred to the committee on the Judiciary.

Mr. Baker, from the committee on public buildings, to whom was referred sundry petitions, praying the removal of the seat of government, reported:

That the request of said petitioners ought not to be granted.

On motion of Mr. Selman,

The report was laid on the table.

Mr. Lowe, of Des Moines, from the committee to whom was referred,

H. R. file No. 115; A bill for an act to amend the charter of the city of Burlington.

Reported the same back to the Senate with sundry amendments thereto, and recommended its passage.

Which amendments were concurred in.

Mr. Leffingwell moved to amend; by adding to the seventeenth section the words, "provided the said city authorities shall have no power to grant ferry licences."

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Cook, Everson, Hendershott, Howell, Leffingwell, Lowe, Selman, Spees and Wright—9.

NAYS—Messrs. Alger, Baker, Casady, Espy, Hepner, Lewis, Morton, Sales, Shields and Mr. President—10.

So the amendment was lost,

And the bill was read a third time.

And on the passage of the bill the yeas and nays were called for, and were as follows:

YEAS—Messrs. Alger, Baker, Casady, Hepner, Lewis, Lowe, Morton, Sales, Shields, Wright and Mr. President—11.

NAYS—Messrs. Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Selman and Spees—8.

So the bill was passed and the title agreed to.

The following message from the House was received, by Mr. Rockwell, Chief Clerk.

M. PRESIDENT: I am directed to inform the Senate that the House have passed,

H. R. file No. 144, A bill for an act to establish a State road from Dankin's mills, in Mahaska county, to Douglas', in Johnson county.

I am also directed to inform the Senate of the following agreements and disagreements of the House to title one, of part third of the revised code.

The House agrees to Senate amendment to section twenty-four, chapter one; also

Insists to its own amendment to sections twenty-five and twenty-eight; also,

Recedes from its amendments to sections forty-one and forty-two: also

Insists on its amendments to sections fifty-three and fifty-four, and Disagrees to the Senate amendment to section fifty-five.

The House insists on its amendment to section three, chapter five.

I am also directed to inform the Senate of the agreements and disagreements to title two.

The House insists on its amendment to chapter one, and to sections thirteen, fourteen, fifteen, sixteen and seventeen, to chapter two, title two of part third.

The House agrees to Senate amendments to section two and thirteen, of chapter three.

The House concurs to Senate amendment to section twenty-two, chapter eleven; also

To sections fifteen and sixteen of chapter twelve; and insists on its amendment to sections three, twenty and twenty-two.

Mr. Lewis moved to reconsider the vote taken yesterday, on the amendment made to section sixteen in H. R. file No. 144, A bill to amend the city charter of Keokuk.

And, on this question the yeas and nays were called for and were as follows.

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Howell, Lewis, Morton, Sales, Shields, Spees, Wright and Mr. President—16.

NAYS—Messrs. Leffingwell and Selman—2.

So the vote was re-considered.

Mr. Selman moved to refer the bill to the committee on incorporations.

Which motion was lost.

And the question recurring on the adoption of the amendment; pending which.

On motion of Mr. Spees,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The question being on the adoption of the amendment pending at the time of adjournment.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Everson, Hendershott, Howell, Leffingwell, Lowe, and Selman—6.

NAYS—Messrs. Baker, Casady, Espy, Hepner, Lewis, Morton, Sales, Shields, Spees, Wright and Mr. President—11.

So the amendment was not concurred in.

Mr. Espy, from the committee on internal improvements, to whom was referred

H. R. file No. 57, A bill for an act to grant the right of way to the Iowa Western Rail Road Company,

Reported the same back with sundry amendments.

Which were concurred in,

And the bill was read a third time, passed and title agreed to.

Mr. Espy, from the same committee, reported back

Substitute No. 1, for H. R. file No. 40, A bill for an act granting the right of way to the Dubuque and Keokuk rail road company, south; also,

Substitute No. 2 for H. R. file No. 40, A bill for an act granting the right of way to the Dubuque and Keokuk rail road company, north;

With one amendment to each.

Which amendments were concurred in.

And the said bills were read a third time, passed and titles agreed to.

Mr. Shields, from the committee on ways and means, to whom was referred

H. R. file No. 133, A bill for an act to provide for a loan from the school fund.

Reported the same back with one amendment.

Which was concurred in.

And the bill was read a third time, passed, and title agreed to.

Mr. Baker, from the select committee, appointed to confer with a similar committee on the part of the House, to ascertain at what time the present session of the General Assembly can be brought to a close without detriment to the interests of the State, reported the following resolution:

Resolved by the Senate, (the House concurring,) that the General Assembly adjourn *sine die* on Wednesday the fifth day of February next.

Mr. Lowe moved to amend by striking out Wednesday the fifth, and inserting Saturday the first.

And on this question the yeas and nays were called, and were as follows:

YEAS—Messrs. Casady, Lewis, Lowe, Selman, Spees, and Wright—6.

NAYS—Messrs. Aiger, Baker, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Morton, Sales, Shields, and Mr. President—19.

So the amendment was not adopted.

And the question being on the adoption of the resolution;

It was agreed to.

Senate file No. 70, A bill for an act authorizing George W. French, and his associates, to erect a mill dam.

Was read a third time, passed and title agreed to.

H. R. file No. 97, A bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9, A. D. 1847.

Mr. Lowe moved to reconsider the vote taken yesterday in relation to the amendment to section nine.

Which was agreed to.

And the question recurring on the adoption of the amendment.

The yeas and nays were called for, and were as follows:

YEAS—Messrs. Baker, Espy, Howell, Leffingwell, Morton, and Spees—6.

NAYS—Messrs. Alger, Casady, Everson, Hendershott, Hepner, Lewis, Lowe, Sales, Selman, Shields, Wright and Mr. President—12.

So the amendment was not concurred in.

And the bill was read a third time, passed and title agreed to.

H. R. file No. 141, Joint Resolution asking a grant of land to aid in constructing bridges on post routes from Dover, in Davis county, to Fort Kearney, on the Missouri river.

Was read a third time, passed and title agreed to.

H. R. file No. 144, A bill for an act to amend the charter of the city of Keokuk.

Was read a third time, passed and title agreed to.

Mr. Everson, in pursuance of notice, introduced:

Senate file No. 72, A bill for an act granting the Port Louisa, Wappello, and Virginia Grove Plank Road and Bridge Company the right of way.

Which was read a first and second time; and,

On motion of Mr. Wright,

Was referred to the committee on incorporations.

Mr. Hendershott, notice having been given, introduced:

Senate file No. 73, A bill for an act to reorganize the Supreme Court.

Which was read a first and second time; and,

On motion of Mr. Wright,

Was referred to the committee on the judiciary.

Mr. Casady, notice having been given, introduced:

Senate file No. 74, A bill for an act to attach certain counties to the fifth judicial district.

Was read a first and second time; and,

On motion of Mr. Selman,

Was referred to the committee on the judiciary.

Mr. Hendershott, notice having been given, introduced:

Senate file No. 75, A bill for an act to attach certain counties to the third judicial district, and to fix the time of holding courts therein.

Was read a first and second time; and,

On motion of Mr. Wright,

Was referred to the committee on the judiciary.

Mr. Casady, notice having been given, introduced:

Senate file No. 76, A bill for an act to amend an act to establish Normal Schools.

Which was read a first and second time; and,

On motion of Mr. Howell,

Was referred to the committee on schools.

Mr. Wright, with leave granted, introduced:

Senate file No. 77, Memorial and Resolution relative to the pay of those engaged in the difficulty between Iowa and Missouri, as to southern boundary.

Which was read a first and second time; and,

On motion of Mr. Selman,

Was referred to the committee on military affairs.

Mr. Wright gave notice that he would, on Monday, or some subsequent day, introduce a bill for an act to incorporate the Farmington Bridge Company.

Also, a bill to incorporate the Keosauqua Bridge Company.

Mr. Leffingwell, gave notice that he would, on Monday, introduce a bill for an act concerning ferry licenses.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, for the consideration of the code,

Mr. Morton in the chair,

After some time spent therein the committee rose, and by their chairman reported the same back with one amendment.

On motion of Mr. Everson,  
The Senate concurred in the action of the committee.

Mr. Wright moved, that the Senate adjourn until Monday morning.  
Which was agreed to.

### MONDAY MORNING, JANUARY 27, 1851.

Senate met pursuant to adjournment.

Mr. Everson offered the following resolution :

Resolved, That the use of the Senate Chamber, for the remainder of the session, shall not be disposed of, neither day nor night, for any purpose whatever.

Which resolution was adopted.

Mr. Baker, from the committee on public buildings, to whom was referred

Senate file No. 68, A bill for an act making appropriation for the State House at Iowa City.

Reported the same back to the Senate, and recommended that it be indefinitely postponed.

On motion of Mr. Leffingwell,

The bill was re-committed to the committee on public buildings.

Mr. Hendershott, from the committee on the judiciary, to whom referred

H. R. file No. 95, and Senate file No. 73, Bills for an act to re-organize the Supreme Court.

Reported back substitute therefor.

And on the adoption of the substitute, the yeas and nays were requested, and were as follows :

YEAS—Messrs. Baker, Casady, Cook, Everson, Hendershott, Hepner, Morton, Sales, Selman, Spees, and Wright—11.

**NAYS—Messrs. Espy, Howell, Leffingwell, Lewis, Lowe, Shields, and Mr. President—7.**

So the substitute was adopted.

And the bill was read a third time, passed and title agreed to.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

**MR. PRESIDENT:** I am directed to inform the Senate that the House of Representatives have passed

H. R. file No. 140, Joint Resolution relative to printing the Constitution of this State in the German language.

H. R. file No. 149, A bill for an act to lay out and establish a State road from Cedar Rapids, in Linn county, to Tallbott's mill, in Poweshick county.

H. R. file No. 137, A bill for an act to secure grave yards from obstruction, and set apart other lands for grave yards.

H. R. file No. 148, A bill for an act to lay out and establish a State road therein named.

H. R. file No. 151, A bill for an act authorizing W. and G. Folsom to build a toll-bridge across the Iowa river.

H. R. file No. 146, A bill for an act to authorize the Secretary of State to have bound the census returns of 1850.

H. R. file No. 150, A bill for an act to lay out and establish a road from the southern boundary of Fremont county to the Mississippi river.

Substitute for H. R. file No. 20, A bill for an act to establish a State road from Iowaville to intersect the State road from Lancaster to the south line of Keokuk county.

In all of which the concurrence of the Senate is requested.

Thomas H. Benton, Superintendent of Public Instruction, to whom was referred the claims and accounts of A. H. Haskell, deceased, late Superintendent of the Penitentiary, submitted his report.

Which was read, and

On motion of Mr. Espy,

Was referred to the committee on claims.

Mr. Espy gave notice that on to-morrow or some subsequent day, he would introduce a bill to authorize the holding of one term of the

supreme court, in Lee county, and that one term of the district court be held in each township in said county of Lee, every year hereafter.

Mr. Wright, in pursuance of notice, introduced,  
Senate file No. 78, An act to incorporate the Farthington Bridge Company.

Which was read a first and second time, and referred to the committee on incorporations.

The message of the House being in order, was taken up, and H. R. file Nos. 20, 144, 148, 149 and 150 were read a first and second time, and

On motion of Mr. Wright,

Were referred to the committee on roads,

H. R. file No. 140, Joint Resolution relative to printing the constitution of Iowa, in the German language.

Was read a first and second time, and

On motion of Mr. Lewis,

Was referred to the committee on ways and means.

H. R. file No. 137, A bill for an act to secure grave yards from obstruction, and to set apart other lands for grave yards.

Was read a first and second time, and

On motion of Lowe,

Was referred to the committee on the judiciary.

H. R. file No. 146, A bill for an act to grant the right of way for a graded plank road from Muscatine to Iowa City,

Was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on internal improvements.

H. R. file No. 151, A bill for an act authorizing Winthrop Folsom and Gilman Folsom and their successors to build a bridge across Iowa river.

Was read a first and second time, and

On motion of Mr. Lowe,

Was referred to the committee on incorporations.

Mr. Sales moved to take from the table,

Senate file No. 41, A bill for an act to change the eastern boundary of Linn county.

And on this question the yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Casady, Espy, Everson, Hendershott, Howell, Hepner, Leffingwell, Lewis, Lowe, Sales, Selman, Shields and Speer—13.

**NAYS**—Messrs. Baker, Cook, Morton, Wright and Mr. President—5.

So the bill was taken from the table and read a third time.

And on the passage of the bill the yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Espy, Hepner, Howell, Leffingwell, Lowe, Sales, Speer, and Mr. President—8.

**NAYS**—Messrs. Baker, Casady, Cook, Everson, Hendershott, Lewis, Morton, Selman, Shields, and Wright—10.

So the bill was lost.

Mr. Leffingwell, in pursuance of notice, introduced

Senate file No. 79, A bill for an act granting to the junction rail road company the right of way.

Which was read a first and second time.

And the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Selman moved to take from the table

Senate file No. 58, A bill for an act to re-locate the seat of government of this State.

Which was agreed to; and

On motion of Mr. Wright,

The bill was referred to the committee on public buildings.

Mr. Morton, in pursuance of notice, introduced

Senate file No. 80, A bill for an act for the preservation of game.

Which was read a first and second time, and referred to the committee on military affairs.

Mr. Cook moved that the vote on the adoption of the resolution offered this morning in relation to the Senate Chamber, be reconsidered.

Which was agreed to.

And the question being on the adoption of the resolution.

Mr. Cook moved to lay the resolution on the table.

Which motion was agreed to.

Mr. Leffingwell, from the committee on enrolled bills, reported Senate file, No. 22, as correctly enrolled.

Mr. Espy moved to take from the table,

Senate file No. 10 A bill for an act to pay the trustees of the Iowa Freeman for publishing an act of the legislature.

Which was agreed to; and

On his motion,

The bill was referred to the committee on claims.

On motion of Mr. Shields,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Morton, from the committee on military affairs, to whom was referred

Senate file, No. 77, Memorial and joint resolution relative to pay of those engaged in the difficulty between Iowa and Missouri, as to the southern boundary.

Reported a substitute therefor.

And the bill was read a third time, passed and title agreed to.

Mr. Shields moved to take from the table

Senate file No. 49, A bill for an act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State; and the majority and minority report and amendments.

Which was agreed to.

And the question being on concurring in the report of the majority.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Espy, Hendershott, Hepner, Howell, Leffingwell, Lewis, Lowe, Sales, Shields, and Mr. President—12.

NAYS.—Messrs. Cook, Everson, Morton, Selman, Spees, and Wright—6.

So the bill was indefinitely postponed.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Leffingwell in the chair,

And after some time spent therein, the committee rose, and by their

chairman, reported the same back to the Senate, and asked the concurrence of the Senate in their action.

The report was concurred in.

Mr. Lewis gave notice that he would, on to-morrow, ask leave to introduce a bill for the relief of Ambrose Kennedy, of Clayton county.

Also, a Joint Resolution in relation to mail facilities.

Mr. Baker gave notice that he would, on to-morrow, or some day thereafter, introduce a bill for an act to provide for the completion of the penitentiary.

Mr. Morton, from the committee on military affairs, to whom was referred

Senate file No. 80, A bill for an act for the preservation of game.

Reported the same back to the Senate without amendment, and recommended its passage.

Mr. Hepner, from the committee on incorporations, to whom was referred

H. R. file No. 68, A bill for an act to incorporate the city of Davenport.

Reported the same back to the Senate, and recommended its indefinite postponement.

On motion of Mr. Leffingwell,

The bill and report were laid on the table.

Mr. Casady moved to take from the table,

H. R. file No. 145, A bill for an act to change the name of certain persons therein named.

Which was agreed to; and,

The bill was read a third time, and on the passage of the bill the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Everson, Lowe, Morton, Sales, Selman, Spees and Mr. President—9.

NAYS—Messrs. Baker, Espy, Hendershott, Hepner, Howell, Leffingwell, Lewis, Shields and Wright—9.

So the bill was not passed.

Mr. Espy, from the committee on internal improvement, to whom was referred

H. R. file No. 146, A bill for an act granting the right of way for a graded or plank road from Muscatine to Iowa city.

Reported the same back without amendment.

Mr. Leffingwell, from the committee on enrolled bills, reported:  
Senate substitute to H. R. file No. 50, as correctly enrolled.

Mr. Hepner, from the committee on incorporations, to whom was referred:

Senate file No. 72, A bill for an act granting the Port Louisa, Wap-  
pello and Virginia Grove Plank Road and Bridge Company the right  
of way.

Reported the same back to the Senate without amendment; and  
The bill was read the third time, passed and title agreed to.

Mr. Shields, from the committee on ways and means, to whom was  
referred:

H. R. file No. 140, Joint Resolution relative to printing the Consti-  
tution of the State of Iowa in the German language.

Reported the same back without amendment.

On motion of Mr. Wright,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, JANUARY 28, 1851.

Senate met pursuant to adjournment.

Mr. Wright offered the following resolution:

Resolved, That the committee on ways and means be instructed to  
enquire what further legislation is necessary to provide for the pay-  
ment of the interest on the State debt, and that they report by bill or  
otherwise.

Which resolution was adopted.

Mr. Hepner, from the committee on incorporations, to whom was  
referred

Senate file No. 65, A bill for an act to authorize Samuel Chandler  
and his associates to construct a dam across the Maquoketa river, in  
Jackson county.

Made the following report:

That the third section of an act of Congress, entitled an act for the admission of the States of Iowa and Florida into the Union, approved March 3d, 1845, provides among other things. "That the said river Mississippi and the navigable waters leading into the same, shall be common highways and forever free as well to the inhabitants of said State, as to all other citizens of the United States, without any tax duty, impost, or toll therefor, imposed by the said State of Iowa.

The first question to be considered is whether the Maquoketa sought to be damned, is a navigable stream, if so the legislature is not authorized to obstruct its navigation. Your committee are aware it has been meandered in making the survey by the government of the United States, which would seem to be prima facie evidence of its being susceptible of navigation to some extent, otherwise the bed of said stream would have been surveyed and sold as so much land.

That if the Legislature cannot authorize an obstruction, then it would seem the applicant can do without just what he can do with the right sought, that is, to build the dam and lock without obstructing the navigation of the stream.

The power to build dams across the Des Moines as well as other streams has been given (or attempted) by the Territorial Legislature, the grantee being required by the terms of the grant, to build good and sufficient locks, but unfortunately for the country, and particularly the Des Moines Valley, the grantees have built the dams, but the locks never or seldom, so as to let the boats pass and re-pass according to the requirements of the grant by the Legislature, thereby creating an obstruction in said streams that otherwise would afford an outlet for the produce of the country, to the great advantage of the agriculture portion of the community.

Your committee therefore ask that the bill be indefinitely postponed, and the committee discharged from further consideration of the same subject.

Mr. Cook moved that the bill and report be re-committed to the committee on incorporations.

Mr. Espy from select committee to whom was referred Senate No. 55, A bill for an act to provide for the establishment of a State Lunatic Asylum.

Reported the same back with sundry amendments, and asked the concurrence of the Senate to the amendments.

Which was agreed to.

Mr. Lowe moved to reconsider the vote just taken on agreeing to the amendments made by the committee.

Which motion was lost.

Mr. Espy moved to amend by adding to the first section the words: "Provided, that in making selection for the location of said Asylum, they shall not purchase any lands about which there is an existing legal doubt relative to the title.

Which amendment was agreed to.

Mr. Selman moved to amend by adding:

"Which location shall not be more than forty miles from the geographical centre of the State."

Mr. Baker moved to amend the amendment by striking out "forty" and inserting "twenty."

Which was lost.

And the question being on the adoption of the amendment.

It was disagreed to.

And the bill was ordered to be engrossed and read a third time to-morrow.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

Mr. President:—I am directed to inform the Senate that the House have passed

H. R. file No. 93, A bill for an act to authorise Robert Gower, James H. Gower, Jacob Shawver, Peter Dilts, and others, to erect a toll bridge across Cedar river, in Cedar county.

H. R. file No. 160, A bill for an act to locate a state road therein named.

H. R. file No. 120, A bill for an act for a state road from Lancaster, in Keokuk county, to Fairfield, in Jefferson county.

H. R. file No. 159, A bill for an act to legalize the acts of Isaac Magee, a justice of the peace of Marshall county.

H. R. file, No. 157, A bill for an act granting the Mount Pleasant, Trenton, Deedsville and Brighton Plank Road company the right of way.

H. R. file, No. 154, Joint Resolution appointing trustees of the branch of the Iowa State University at Fairfield.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 54, A bill for an act granting to the Camanche and Council Bluffs Rail Road company the right of way; and

Senate file, No. 36, A bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement, and amendatory and supplemental to all other acts in relation thereto; with sundry amendments thereto.

In which the concurrence of the Senate is requested.

Mr. Lewis, from the committee on schools, to whom was referred Senate file, No. 76, A bill for an act to amend an act to establish normal schools.

Reported that the act which said bill proposes to amend provides that the normal school for the third district shall be located at Oskaloosa, in Mahaska county. From the information received by your committee, the citizens of said town have provided a house for said school, consequently it would operate as a hardship upon the citizens aforesaid; and as your committee can see no good reason for a change they would respectfully report said bill back to the Senate and ask its indefinite postponement.

On motion of Mr. Cook,

The bill and report were laid on the table.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT; I am directed to return the fourth division of the appendix to the revised code, with one amendment.

Also, chapter's one, and two, of title one, part four, of the revised code, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

I am also directed to inform the Senate that the House have concurred in the action of the Senate on the following:

Resolved, by the Senate, the House concurring, that the General Assembly adjourn *sine die* on Wednesday the 5th day of February next.

I herewith return,

Senate file, No. 51, A bill for an act to provide for the medical department of the Iowa University.

Senate substitute to H. R. file, No. 50, Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque, by the way of St. Peters river, to Red river, and an additional donation of land or money sufficient to build a bridge across the Mississippi river at Dubuque.

The same having received the signature of the Speaker of the House of Representatives.

Mr. Espy, from the committee on claims, to whom was referred the report of the Hon. Thomas H. Benton, Jr., on certain claims against the Iowa Penitentiary, reported,

Senate file, No. 81, Joint Resolution relative to the accounts of the Iowa Penitentiary.

Which was read a first and second time.

Mr. Selman moved to amend by adding,

Provided further, That said commissioner, before entering upon the discharge of his duties, shall take and subscribe an oath for the faithful and impartial discharge of his duties, which oath shall be filed in the office of the Secretary of State.

Which amendment was agreed to.

And the joint resolution was ordered to be engrossed and read a third time to-morrow.

Senate file, No. 79, A bill for an act granting to the junction rail road company the right of way.

Was read a third time, passed and title agreed to.

Senate file, No. 80, A bill for an act for the preservation of game.

Was read a third time.

And on the passage of the bill the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Casady, Cook, Everson, Hendershott, Hepner, Leffingwell, Morton, Selman, and Spees—10.

NAYS—Messrs. Baker, Espy, Howell, Lewis, Lowe, Sales, Shields, Wright, and Mr. President—9.

So the bill was passed and title agreed to.

H. R. file, No. 149, Joint Resolution relative to printing the constitution of the State of Iowa in the German language.

Was read a third time, passed and title agreed to.

H. R. file, No. 146, A bill for an act to grant the right of way for a graded or plank road from Muscatine to Iowa City.

Was read a third time, passed and title agreed to.

The amendment offered by Mr. Spees to chapter nine, title one, part four, was taken up by the Senate.

The question being on the adoption of the amendments.

And on the first amendment the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Casady, Cook, Everson, Lowe, Morton, Spees, and Wright—8.

NAYS—Messrs. Baker, Espy, Hendershott, Hepner, Howell, Lefingwell, Lewis, Sales, Selman, Shields, and Mr. President—11.

So the first amendment was not adopted.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The following message was received from the House by Mr. Hooten, clerk.

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed

H. R. file, No. 160, A bill for an act granting the right of way to the Lyons Iowa Central Rail Road company.

H. R. file No. 131, Joint Resolution for a mail route from Rochester, in Cedar county, to Mount Vernon, in Linn county.

H. R. file No. 167, A bill for an act authorising the commissioners of Jackson county to require petitioners to pay expenses for locating roads.

H. R. file No. 166, A bill for an act to establish a state road from the county seat of Fremont county to Indian town.

In which the concurrence of the Senate is requested.

The question pending on the adjournment, on the second amendment to chapter nine, title one, part four, being in order,

Mr. Sales moved to amend by striking out the words "on the Sabbath day."

Which amendment was agreed to.

And the question being on concurring in the amendment as amended.

It was disagreed to.

Mr. Leffingwell, moved to take up,

H. R. file 160, A bill for an act granting the right of way to the Lyons Iowa Central Rail Road Company.

Which was agreed to.

And the bill was read a first and second time.

Mr. Leffingwell moved that the thirteenth rule be suspended, and the bill read a third time now.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Casady, Cook, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, Sales, Shields, Spees, Wright and Mr. President—13.

NAYS—Messrs. Baker, Espy and Hepner—3.

So the rule was suspended.

And the bill was read a third time, passed and title agreed to,

Mr. Morton, offered the following resolution,

Resolved, That the rules of the Senate be so amended as to require a vote of two-thirds only to suspend any rule.

And on the adoption of the resolution, the yeas and nays were called for, and were as follows:

YEAS—Messrs. Casady, Cook, Hendersbott, Howell, Leffingwell, Morton, Sales, Sellman, Spees, Wright and Mr. President—11.

NAYS—Messrs. Baker, Espy, Everson, Hepner, Lowe, and Shields—6.

So the resolution was adopted.

Mr. Baker moved to take up,

Senate file, No. 36, A bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement.

Which was agreed to; and,

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration thereof,

Mr. Cook in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate and asked the concurrence of the Senate in their action therein.

Mr. Casady moved that the Senate concur in the amendments made by the House.

Which was agreed to.

Mr. Leffingwell moved to take from the table,

H. R. file No. 68, A bill for an act to incorporate the town of Davenport.

Which was agreed to; when,

On motion of Mr. Shields,

The bill was referred to a select committee, composed of the Senators from Clinton and Cedar.

Which was agreed to.

Message from the House was taken up; and,

H. R. file, No. 130, Joint Resolution for a mail route from Rochester, in Cedar county, to Mount Vernon, in Linn county.

Was read a first and second time; and

Referred to the committee on mail facilities.

H. R. file No. 166, A bill for an act to establish a state road from the county seat of Fremont county, to Indian town.

Was read a first and second time; and

Referred to the committee on roads.

H. R. file No. 167, A bill for an act authorizing the county of Jackson to require petitioners to pay expenses for locating roads.

Was read a first and second time; and

Referred to the committee on roads.

H. R. file No. 93, A bill for an act authorizing Robert Gower, James H. Gower, Jacob Shawver and Peter Dilts, and others to erect a toll bridge across Cedar river, in Cedar county.

Was read a first and second time; and

Referred to the committee on incorporations.

H. R. file No. 120, An act to establish a State road from Lancaster, in Keokuk county, to Fairfield, in Jefferson county.

Was read a first and second time; and

Referred to the committee on roads.

H. R. file No. 154, Joint Resolution appointing trustees to the branch of the State University, at Fairfield.

Was read a first and second time; and  
 Referred to the committee on schools.

H. R. file No. 157, A bill for an act granting the Mount Pleasant, Trenton, Deedsville and Brighton Plank Road and Bridge Company the right of way.

Was read a first and second time; and

On motion of Mr. Morton,

Was referred to a select committee.

Mr. President appointed Messrs. Morton, Everson and Sales said committee.

H. R. file No. 159, A bill for an act to legalize the acts of Isaac Meyer, a justice of the peace of Marshall county.

Were read a a first and second time, and

Referred to the committee on the judiciary.

H. R. file, No. 160; A bill for an act to locate a State road therein named,

Was read a first and second time, and

On motion,

Was referred to the committee on roads.

Mr. Hepner, from the committee on incorporations, to whom was referred

H. R. file No. 106, A bill for an act authorizing F. J. Wheeling, M. W. Clark and associates, to erect a toll bridge across East Nishna-  
 botany,

Reported the same back, and

The bill was read a third time, passed and title agreed to.

Also, H. R. file No. 151, A bill for an act authorizing Winthrop Folsom and Gilman Folsom, and their successors, to build a bridge across the Iowa river.

Which was read a third time, passed and title agreed to.

Also, Senate file No. 78, An act to incorporate the Farmington bridge company,

And recommended its indefinite postponement.

Mr. Leffingwell moved to lay the bill on the table.

Which was agreed to.

Mr. Espy presented the claim of Josiah Cowles, against the State of Iowa, and

On his motion,  
The account was referred to the committee on claims.

On motion of Mr. Leffingwell,  
The Senate adjourned until to-morrow morning.

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WEDNESDAY MORNING. JANUARY 29, 1851.

Senate met pursuant to adjournment.

Mr. Selman presented the petition of John A. Drake, and fifty-one others, citizens of Bloomfield township, Davis county, praying for an additional election precinct; which,

On his motion,  
Was referred to the committee on the judiciary.

Mr. Everson, from the committee on roads, to whom was referred H. R. file Nos. 84, 88, 107, 121, and 136, Bills for certain State roads therein named,

Reported the same back and recommended their indefinite postponement.

Which report was concurred in.

Mr. Baker, from the committee on public buildings, to whom was referred

Senate file No. 58, A bill for an act to re-locate the seat of government of this State,

Reported the same back and recommended its indefinite postponement.

Mr. Casady moved that the bill be laid on the table.

Which was agreed to.

Mr. Baker also reported back

Senate file No. 68, A bill for an act making an appropriation for the State House at Iowa City,

And recommended its indefinite postponement.

Mr. Shields moved to refer the bill to a select committee.

And on this question the yeas and nays were requested, and were as follows :

**YEAS**—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Lowe, Morton, Sales, Shields, Wright and Mr. President—11.

**NAYS**—Messrs. Baker, Casady, Everson, Hepner, Howell, Selman and Spees—7.

And Mr. President appointed Messrs. Shields, Leffingwell and Cook said committee.

Mr. Espy, from the committee on internal improvements, reported Senate file No. 82, A bill for an act to amend an act entitled "an act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws and parts of laws heretofore enacted on the subject."

Which was read a first and second time.

Mr. Leffingwell moved to refer to a select committee.

Which motion was lost.

And the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Cook, from the committee on the judiciary, to whom was referred

H. R. file No. 105, A bill for an act to perfect the title to half breed lands in the State of Iowa.

Reported they have had the same under consideration and find its provisions objectionable, in this: that it is retrospective and could not be enforced.

Our Supreme Court has already decided enactments of this kind a nullity; and the constant passage of such laws only tend to mislead those whom its provisions are intended to benefit, and create a spirit of litigation injurious alike to all parties concerned.

Your committee therefore recommend that said bill be indefinitely postponed.

On motion of Mr. Espy,

The report and bill were laid on the table.

Mr. Cook, from the committee on incorporations, to whom was re-committed

Senate file No. 63, A bill for an act to authorize Samuel Chandler and his associates to construct a dam across the Maquoketa river, in Jackson county.

Reported the same back to the Senate.

And the bill was read a third time, passed and title agreed to.

Mr. Shields asked leave of absence for Mr. Lewis, for the remainder of the session.

Which leave was granted.

Mr. Wright moved to take from table,

Senate file No. 60, A bill for an act to dispose of the saline lands of this State, and appropriate the proceeds thereof.

Which was agreed to, and

On his motion,

Was referred to the committee on schools.

Senate file No. 55, A bill for an act to provide for the establishment of a State Lunatic Asylum.

Was read a third time, passed and title agreed to.

Senate file No. 81, Joint Resolution relative to the accounts of the Iowa Penitentiary.

Was read a third time, passed and title agreed.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, for the consideration of the code,

Mr. Lowe in the chair.

And after some time spent therein the committee rose, and by their chairman, reported the same back to the Senate, and asked the concurrence of the Senate in their action therein.

The question being on concurring in the action of the committee, A call of the Senate was had, when it appeared that Mr. Hendershott was absent.

Mr. Hendershott appearing,

On motion of Howell,

A further call was dispensed with.

And on concurring in the report of the committee on the first amendment made by the House to section two, chapter two, title one, part four,

The yeas and nays were requested and were as follows:

YEAS—Messrs. Alger, Casady, Hendershott, Hepner, Leffingwell, Morton, Sales, Selman, Wright and Mr. President—10.

NAYS—Messrs. Baker, Cook, Espy, Everson, Howell, Lowe, Shields and Spees—8.

So the amendment was agreed to.

And on concurring in the action of the committee on amendment to section seventeen, of same chapter.

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Gasady, Cook, Eapy, Everson, Hendershott, Howell, Sales, Spees, Wright and Mr. President—11.

NAYS—Messrs. Alger, Hepner, Leffingwell, Lowe, Morton, Selman and Shields—7.

So the report was concurred in.

The Senate concurred in the action of the committee on the amendment to section thirty.

The question being on concurring in the report of the committee on that part of the appendix relating to capital punishment; pending which,

Mr. Selman moved to adjourn.

Which motion was lost.

The Senate then resolved itself into an executive session, and after some time spent therein, the session rose, and the Senate resumed its session.

On motion of Mr. Shields,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

The following message was received from the House, by Mr. Flood, clerk.

Mr. President:—I am directed to return

Senate file, No. 42, Memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road.

Senate file, No. 77, Preamble and resolution relative to the pay of those engaged in the difficulty between Iowa and Missouri as to the southern boundary, without amendment.

Senate file, No. 72, A bill for an act granting the Port Louisia, Wapello and Virginia Grove Plank Road and Bridge company the right of way, with one amendment.

In which the concurrence of the Senate is requested.

Senate file, No. 56, A bill for an act granting the Ottumwa and Libertyville Plank Road company the right of way.

Senate file, No. 67, A bill for an act granting to the Fort Madison, West Point and Salem Plank Road company the right of way.

Senate file, No. 53, A bill for an act to legalize the acts of the officers of school district No. 3, of Baltimore township, in Henry county.

Senate file, No. 59, A bill for an act to create the sixth judicial district.

Senate file, No. 44, A memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clark, on the Des Moines river.

Senate file, No. 52, A bill for an act to provide for the location of the seat of justice of Taylor and Ringgold counties.

Senate file, No. 79, A bill for an act granting the junction rail road company the right of way.

Senate file, No. 47, A bill for an act granting the Keokuk and Des Moines Valley Plank Road company the right of way.

Senate file, No. 46, A bill for an act to incorporate the City of Keosauqua.

All of which have passed the House of Representatives without amendment. Also,

Senate file, No. 50, A bill for an act to amend an act to reorganize the supreme court, with one amendment.

In which the concurrence of the Senate is requested.

The House have passed,

H. R. file, No. 60, A bill for an act to prohibit the immigration of free negroes into this State.

H. R. file, No. 153, Joint Resolution relative to the accounts of J. W. Cohick.

H. R. file, No. 115, A bill for an act to establish a state road from the fourteen mile post, on the Davenport and Marion road, via Thoms mill, to Anamosa, in Jones county,

H. R. file, No. 131, A bill for an act to lay out and establish a state road from Delhi to Marion, and

H. R. file, No. 163, A bill for an act for the encouragement of agriculture.

The House have indefinitely postponed

Senate file, No. 80, A bill for an act for the preservation of game.

Mr. Wright moved to re-consider the vote taken on concurring in the action of the committee of the whole, on the amendment made by the House to section two, chapter two, title one, part four.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Baker, Casady, Cook, Everson, Hendershott, Hepner, Spees, Wright, and Mr. President—10.

NAYS—Messrs. Espy, Howell, Leffingwell, Lowe, Morton, Sales, Selman and Shields—8.

So the vote was reconsidered.

And the question recurring on concurring in the report of the committee.

The yeas and nays were requested and were as follows :

YEAS—Messrs. Everson, Howell, Leffingwell, Morton, Sales, and Selman—6.

NAYS—Messrs. Alger, Baker, Casady, Cook, Espy, Hendershott, Hepner, Lowe, Shields, Spees, Wright and Mr. President—12.

So the report was not concurred in.

The question being on concurring in the report of the committee of the whole on the appendix, pending at the adjournment.

Mr. Cook moved to strike out the first five sections in relation to capital punishment.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Cook, Espy, Everson, Howell, Lowe and Shields—6.

NAYS—Messrs. Alger, Baker, Casady, Hendershott, Hepner, Leffingwell, Morton Sales, Selman, Spees, Wright, and Mr. President—12.

So the motion was lost.

And on the question of concurring in the report of the committee.

The yeas and nays were requested, and were as follows :

YEAS—Messrs. Casady, Cook, Espy, Howell, Lowe, Morton, Sales, Selman, Shields, and Wright—10.

NAYS—Messrs. Alger, Baker, Everson, Hendershott, Hepner, Leffingwell, Spees, and Mr. President—8.

So the report was concurred in.

Mr. Morton moved to strike out "three," in the second section, and insert "two."

Which was agreed to.

On motion of Mr. Howell,

The Senate adjourned until to-morrow morning.

### THURSDAY MORNING, JANUARY 30, 1851.

Senate met pursuant to adjournment.

The following message from the House was received, by Mr. Rockwell, Chief Clerk.

M. PRESIDENT: I am directed to inform the Senate that the House have passed,

H. R. file, No. 145, A bill for an act to authorise the Secretary of State, to have bound the census returns of 1850.

H. R. file, No. 183, A bill for an act to declare a part of a survey therein named a state road.

H. R. file, No. 126, A bill for an act making an appropriation for the repair of the bridges across English and Waubesaipineon rivers, on the military road.

H. R. file, No. 180, A bill for an act to vacate the town of Harrisburg, in Van Buren county.

H. R. file, No. 187, A bill for an act to amend an act entitled an act to grant the Lyons Iowa Central Rail Road company the right of way.

H. R. file, No. 179, A bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the City of Farmington, in Van Buren county.

H. R. file, No. 177, A bill for an act to locate and establish a state road therein named.

In all of which the concurrence of the Senate is requested.

I am directed to return

Senate file, No. 69, A bill for an act to authorize the county com-

missioners of Jackson county to levy a tax to build a bridge across the Maquoketa river, with one amendment. Also,

Senate file, No. 69, A bill for an act granting the Burlington, Dodgeville and Virginia Grove Plank Road company the right of way, with an amendment to the title, and the bill.

In all of which the concurrence of the Senate is requested.

Mr. Morton presented the petition of forty ladies of Henry county, praying the repeal of all laws licensing groceries.

Also, petition of eighty-five citizens of Henry county, on the same subject.

Both of which,

On his motion,

Were laid on the table.

Mr. Casady, from the committee on the judiciary, to whom was referred

H. R. file, No. 157, A bill for an act to legalize the acts of Isaac Meyer, a justice of the peace of Marshall county.

Reported the same back to the Senate and recommended its passage.

And the bill was read a third time, passed, and title agreed to.

Mr. Leffingwell, from the committee on county boundaries, to whom was referred

H. R. file, No. 123, A bill for an act to relocate the county seat of Clayton county.

Reported as follows:

That unsupported by an expression of the opinions of the citizens of said county (by petition) as it is; and ample provision having been made by the revised code, to attain the object sought by the bill, your committee deem it a useless expenditure of time and money, upon a subject which is already provided for by a general law, and therefore recommend its indefinite postponement.

Mr. Sales moved to lay the bill and report on the table.

Which was agreed to.

Mr. Shields, from the select committee, to whom was referred Senate file, No. 68, A bill for an act making an appropriation for the State House at Iowa City.

Reported a substitute therefor.

Mr. Selman moved that the bill be referred to the committee on ways and means.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Everson, Hendershott, Morton, Selman, and Spees—7.

NAYS—Messrs. Alger, Cook, Espy, Hepner, Howell, Leffingwell, Lowe, Sales, Shields, Wright, and Mr. President—11.

So the bill was not referred.

Mr. Baker moved to fill the blank with "Auditor of State."

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Espy, Everson, Hendershott, Morton, and Selman—7.

NAYS—Messrs. Alger, Cook, Hepner, Howell, Leffingwell, Lowe, Sales, Shields, Spees, Wright, and Mr. President—11.

So the motion was lost.

Mr. Shields moved to fill the blank with the name of Joseph T. Fales.

Which was agreed to.

Mr. Lowe moved to amend by adding to section three the following:

Provided that the superintendent shall in no case expend more money than is by this act appropriated, or incur a greater liability.

Which amendment was agreed to.

Mr. Wright moved to strike out of the fifth section all but the first clause.

Which motion was lost.

Mr. Espy moved to strike out the whole of section five.

Which was agreed to.

Mr. Baker moved to recommit the bill to the committee of ways and means, with instructions to report a bill for the completion of the capitol.

Which motion was lost.

Mr. Cook moved that the bill be engrossed and read a third time to-morrow.

And on this question the yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Sales, Shields, and Mr. President—8.

**NAYS**—Messrs. Baker, Casady, Everson, Hepner, Howell, Lowe, Morton, Selman, Spees, and Wright—10.

So the motion was lost.

Mr. Baker moved that the bill be indefinitely postponed.

And on this question the yeas and nays were requested, and were as follows :

**YEAS**—Messrs. Baker, Casady, Everson, Hepner, Howell, Lowe, Morton, Selman, and Spees—9.

**NAYS**—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Sales, Shields, Wright, and Mr. President—9.

So the motion was lost.

Mr. Wright moved to strike out "three thousand" and insert "two thousand."

Which motion was agreed to.

Mr. Everson moved to refer the bill to a select committee, with instructions to bring in a bill providing for fencing the public square. Pending which,

On motion of Mr. Wright.

The bill was laid on the table.

Mr. Leffingwell, from the committee on enrolled bills, reported substitute for H. R. file, No. 3, as correctly enrolled:

Mr. Cook, from the select committee, to whom was referred,

H. R. file, No. 68, A bill for an act to incorporate the City of Davenport.

Reported the same back to the Senate with one amendment.

Which amendment was concurred in by the Senate.

The bill was read a third time.

And on the passage of the bill the yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, Sales, Selman, Shields, Wright, and Mr. President—16.

**NAYS**—Mr. Hepner—1.

So the bill was passed, and title agreed to.

Mr. Hepner, from the committee on incorporations, to whom was referred

H. R. file, No. 85, A bill for an act to incorporate the town of Bellevue, in the county of Jackson.

Reported the same back to the Senate.

And the bill was read a third time, passed and title agreed to.

Also, H. R. file, No. 134, A bill for an act to incorporate Iowa City.

Which was read a third time, passed and title agreed to.

Also, H. R. file, No. 62, A bill for an act to incorporate the town of Guttenberg; with one amendment.

Which amendment was agreed to.

And the bill was read a third time, passed and title agreed to.

Also, Senate file No. 32, A bill for an act for the incorporation of the town of Mount Pleasant.

Which was read a third time, passed and title agreed to.

Also, H. R. file No. 93, A bill for an act to authorize Robert Gower, James H. Gower, Jacob Shawver and Peter Dilts, and others, to erect a toll bridge across Cedar river, in Cedar county; with one amendment.

Which amendment was concurred in.

And the bill was read a third time, passed and title agreed to.

Mr. Casady, from the committee on the judiciary, to whom was referred

H. R. file No. 137, A bill for an act to secure grave yards from obstructions, and to set apart other lands for grave yards.

Reported the same back and recommended its indefinite postponement.

Which report was concurred in.

And the bill was indefinitely postponed.

Mr. Morton, from the select committee, to whom was referred

H. R. file No. 157, A bill for an act granting the Mount Pleasant, Trenton, Deedsville and Brighton Plank Road and Bridge company the right of way.

Reported the same back and recommended its passage.

And the bill was read a third time, passed and title agreed to.

Mr. Baker, with leave, introduced

Senate file No. 83, A bill for an act to provide for the completion of the Penitentiary.

Which was read a first and second time; and

On motion of Mr. Cook,  
Was referred to the committee on the judiciary.

Mr. Wright offered the following resolution:

Resolved, That the consideration of the code be made the special order of the day, for each day, at 10 o'clock, until finally disposed of.

Mr. Morton moved to amend by striking out "10 o'clock," and inserting "7 o'clock, P. M."

Which amendment was disagreed to.

And the resolution was adopted.

Mr. Espy moved to take from the table the report of committee and H. R. file No. 105, A bill for an act to perfect the title to half-breed lands in the State of Iowa.

Mr. Cook moved to adjourn.

Which motion was lost.

And the question being on taking from the table the report, and H. R. file No. 105.

It was agreed to.

And on concurring in the report of the committee.

The yeas and nays were called for, and were as follows:

YEAS—Messrs. Alger, Casady, Cook, Everson, Hendershott, Hepner, Howell, Leffingwell, Lowe, Shields, Spees, Wright, and Mr. President—13.

NAYS—Messrs. Baker, Espy, Morton, Sales, and Selman—5.

So the report of committee was concurred in.

And the bill indefinitely postponed.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Baker in the chair,

And after some time spent therein, the committee rose, and by

their chairman, reported the same back to the Senate and asked their concurrence.

On motion of Mr. Wright,  
The Senate adjourned until to-morrow morning at 9 o'clock, A. M.

FRIDAY MORNING, JANUARY 31, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed

H. R. file No. 152, A bill for an act to amend an act entitled an act to establish common schools, approved January 15, 1849.

H. R. file No. 147, A bill for an act to enable the counties of Bremen, Butler and Grundy, to be attached to Black Hawk county, and to attach said county to Buchanan county.

H. R. file No. 184, Joint Resolution in relation to mails in this State.

H. R. file No. 185, A bill for an act to re-apportion the State and define the boundaries of Representative and Senatorial districts; and

Substitute for H. R. file No. 172, A bill for an act to relocate the seat of justice of Jackson county.

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 81, Joint resolution relative to the accounts of the Iowa Penitentiary.

Senate file No. 63, A bill for an act to authorize the board of commissioners of Lee county to purchase a farm and build a poor house.

Both of which have passed the House without amendment.

The House have indefinitely postponed,

Senate file No. 89, A bill for an act for the preservation of game; and

Senate file No. 65, A bill for an act to authorize Samuel Chandler and his associates to construct a dam across the Maquoketa river, in Jackson county.

The House have refused to concur in the action of the Senate in the passage of

Senate file No. 70, A bill for an act authorizing Geo. M. French to construct a mill dam.

The House have concurred in the amendments of the Senate to

H. R. file No. 115, A bill for an act to amend the charter of the city of Burlington.

H. R. file No. 68, A bill for an act to incorporate the city of Davenport.

Substitute No. 1, for H. R. file No. 40, A bill for an act to grant the right of way to the Duquque and Keokuk Rail Road Company, South.

H. R. file No. 97, A bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9, 1847.

H. R. file No. 133, A bill for an act to provide for a loan from the school fund; and,

H. R. file No. 111, Joint Resolution for the appointment of a Superintendent of the State Penitentiary; and,

H. R. file No. 57, A bill for an act to grant the right of way to the Iowa Western Rail Road Company.

Mr. Baker presented the petition of Julius A. Sagner, and one hundred and twenty-five others, relating to the disposition of the lands asked for from Congress in aid of the Davenport and Council Bluffs and Dubuque and Keokuk Rail Roads.

Which was referred to the committee on internal improvements.

Mr. Wright presented the claim of John M. Whitaker against the State of Iowa.

Which was referred to the committee on claims.

Mr. Baker presented the account of Palmer and Paul, State Printers, for printing done by order of the Senate; which,

On his motion,

Was referred to the committee on claims.

Mr. Shields presented the petition of Wm. Cook, and forty-six

others, in relation to the disposition of lands asked for from Congress for certain rail roads.

Which was referred to the committee on internal improvements.

Mr. Shields presented the petition of James Huff, and two hundred and seventy others, citizens of Dubuque, for an amendment to the city charter of Dubuque, which,

On his motion,

Was referred to a select committee.

Mr. President appointed Messrs. Shields, Baker and Hepner said committee.

Mr. Hendershott offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of having the accompanying "index" marked "A" printed as an appendix to the local acts passed at this General Assembly, and that they report on to-morrow morning.

Which was adopted.

Mr. Hendershott offered the following resolution:

Resolved, That the committee on federal relations be instructed to enquire into the expediency of memorializing Congress to establish a United States Land Office at Chariton, in Lucas county.

Which was adopted.

Mr. Sales introduced,

Senate file No. 85, Joint Resolution for the purchase of Barner's School Architect.

Which was read a first and second time, and

On his motion,

Referred to the committee on schools.

Mr. Baker introduced

H. R. file No. 84, An act to amend an act to divide the State into two congressional districts.

Which was read a first and second time.

Mr. Wright moved to refer the bill to the committee on elections.

Which motion was lost.

Mr. Wright moved to refer to a select committee of two from each congressional district.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Cook, Everson, Morton, Sales, Shields, Spees and Wright—8.

NAYS—Messrs. Baker, Casady, Espy, Hendershott, Hepner, Howell, Lowe and Mr. President—8.

So the motion was lost.

Mr. Espy moved to refer to the committee on new counties.

Which was not agreed to.

Mr. Morton moved to insert "Lee" after "Henry" in the bill.

Pending which,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Baker in the chair.

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, and asked the concurrence of the Senate in their action therein.

Which action was concurred in.

Mr. Wright moved to refer chapter six, title five, part three, to a select committee.

Which was agreed to.

And Mr. President appointed Messrs. Cook, Baker and Hepner said committee.

Mr. Wright moved to strike out in section one, chapter one, title seven, "twelve hundred," and insert "one thousand."

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Cook, Espy, Everson, Lowe, Morton, Selman, Spees and Wright—9.

NAYS—Messrs. Alger, Casady, Hendershott, Hepner, Howell, Lefingwell, Sales, Shields and Mr. President—9.

So the motion was lost.

Mr. Wright, with leave, introduced

Senate file No. 86, A bill for an act to authorize the Keosauqua bridge company to build a bridge across the Des Moines river, at Keosauqua.

Was read a first and second time; and

Referred to the committee on incorporations.

Mr. Wright, with leave, introduced

Senate file No. 87, A bill for an act authorizing the Farmington bridge company to build a bridge across the Des Moines river, at Farmington.

Was read a first and second time; and

Referred to the committee on incorporations.

Mr. Shields gave notice that, on to-morrow or some subsequent day, he would introduce a bill to legalize the appointment of Joseph W. Foster, to the office of school fund commissioner.

Mr. Shields offered the following resolution,

Resolved, That the Secretary, Assistant Secretary and Engrossing Secretary be and they are hereby allowed the sum of four dollars each per day.

The Sergeant-at-Arms, Messenger and Fireman each two dollars per day, for their services, during the present session of the General Assembly.

Which resolution was adopted.

Senate file No. 82, A bill for an act to amend an act entitled "An act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws and parts of laws heretofore enacted."

Was read a third time, passed and title agreed to.

The message being in order, was taken up; and

Senate file No. 72, A bill for an act granting the Port Louisa, Wapello and Virginia Grove plank road and bridge company the right of way.

Returned from the House with one amendment.

Which amendment was concurred in.

The Senate refused to concur in the amendment made by the House to

Senate file No. 50, A bill for an act to amend an act to reorganize the supreme court.

Substitute for H. R. file No. 72, A bill for an act to relocate the seat of justice of Jackson county.

Was read a first and second time.

Mr. Shields moved that the bill be indefinitely postponed.

Which motion was lost.

H. R. file, Nos. 165 and 131, Bills for certain roads therein named.

Were read a first and second time; and

Referred to the committee on roads.

Substitute for H. R. file No. 153, Joint Resolution relative to the accounts of J. W. Cohick.

Was read a first and second time.

H. R. file No. 163, A bill for an act for the encouragement of agriculture.

Was read a first and second time; and

Referred to the committee on agriculture.

H. R. file No. 66, A bill for an act to prohibit the immigration of free negroes into this State.

Was read a first and second time.

Mr. Morton moved to amend, by adding an additional section, as follows:

Section 5. This act to take effect and be in force by publication in the Iowa Free Democrat, a weekly newspaper published in Mount Pleasant.

Which amendment was adopted.

Mr. Espy moved to refer the bill to the committee on the judiciary.

Which motion was lost.

Mr. Baker moved that the bill be indefinitely postponed.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Cook, Everson, Morton, Selman, Spees and Wright—7.

NAYS—Messrs. Alger, Casady, Espy, Hendershott, Hepner, Howell, Leffingwell, Lowe, Sales, Shields and Mr. President—11.

So the motion was lost.

Mr. Espy moved that the bill be laid on the table.

Which was agreed to.

On motion of Mr. Wright,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

The President laid before the Senate a communication from the Governor, accompanied by chapter four, title one, part one.

Which chapter was read a first and second time; and

On motion of Mr. Cook,

Was referred to the committee on the judiciary.

Mr. Wright, with leave, introduced  
Senate file No. 88, Joint Resolution relative to a line of mail ships.  
Which was read a first and second time; and

On motion of Mr. Morton,  
Was referred to the committee on federal relations.

H. R. file No. 126, A bill for an act making an appropriation for  
the repair of the bridge across English river, on the military road.

Was read a first and second time.

Mr. Shields moved that the bill be indefinitely postponed.

And on this question the yeas and nays were requested, and were  
as follows:

YEAS—Messrs. Alger, Baker, Cook, Hendershott, Hepner, Howell,  
Leffingwell, Lowe, Shields and Wright—10.

NAYS—Messrs. Casady, Everson, Morton, Sales, Sellman, Spees  
and Mr. President—7.

So the bill was indefinitely postponed.

Senate file No. 69, A bill for an act to authorize the county com-  
missioners of Jackson county to levy a tax to build a bridge across  
the Maquoketa river.

Having been returned from the House, with one amendment.

On motion,

The Senate concurred in said amendment.

The Senate concurred in the amendment made by the House to  
Senate file No. 62, A bill for an act granting the Burlington, Dodge-  
ville and Virginia Grove plank road company the right of way.

H. R. file No. 145a, A bill for an act to authorize the Secretary of  
State to have bound the census returns of 1850.

Was read a first and second time.

H. R. file No. 177, A bill for an act to locate and establish a state  
road therein named.

Was read a first and second time and referred to the committee on  
roads.

H. R. file No. 180, A bill for an act to vacate the town of Harris-  
burg, in the county of Van Buren.

Was read a first and second time.

H. R. file No. 183, A bill for an act to declare a part of a survey  
therein named a state road.

Was read a first and second time, and referred to the committee on roads.

H. R. file No. 181, A bill to amend an act entitled an act to grant the Lyons Iowa Central rail road company the right of way.

Was read a first and second time.

Mr. Cook moved that the bill be indefinitely postponed.

Which was not agreed to.

Mr. Cook moved to refer the bill to a select committee.

Which motion was lost.

On motion of Mr. Everson,

The bill was laid on the table.

H. R. file No. 179, A bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington, in Van Buren county, Iowa.

Was read a first and second time.

H. R. file No. 147, A bill to enable the counties of Bremen, Butler and Grundy to be attached to Blackhawk county, and to attach said counties to Buchanan county.

Read a first and second time.

Mr. Shields moved to refer the bill to the committee on the judiciary.

Which motion was lost.

Mr. Shields moved to refer the bill to the committee on county boundaries.

Which was agreed to.

H. R. file No. 152, A bill for an act to amend an act entitled an act to establish Normal schools, approved January, 1849.

Was read a first, and second, and

On motion of Mr. Morton,

Was referred to a select committee.

Mr. President appointed Messrs. Morton, Wright and Selman said committee.

H. R. file No. 184, Joint Resolution in relation to the mails in this State.

Was read a first and second time, and

On motion of Mr. Morton,

Was laid on the table.

H. R. file No. 185, A bill for an act to re-apportion the State and

define the boundaries of Senatorial and Representative districts therein.

Was read a first and second time, and

On motion of Mr. Shields,

Was referred to a committee of one from each judicial district.

Mr. President appointed Messrs. Espy, Sales, Wright, Alger and Casady said committee.

Mr. Cook offered sundry amendments to chapter twenty-one, of part four, title three.

Which were concurred in by the Senate.

On motion of Mr. Baker,

The Senate adjourned until to-morrow morning.

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### SATURDAY MORNING, FEBRUARY 1, 1851.

Senate met pursuant to adjournment.

Mr. Casady, from the committee on the judiciary, to whom was referred

Senate file, No. 74, A bill for an act to attach certain counties to the fifth judicial district.

Also, Senate file, No. 75, A bill for an act to attach certain counties to the third judicial district, and to fix the time of holding courts therein.

Reported back a substitute therefor.

Which substitute was adopted.

Mr. Lowe, from the committee on claims, to whom was referred the examination of the accounts of H. B Hendershott, as commissioner to make out and establish the southern boundary of the State, reported,

That the whole amount of money placed in Mr. Hendershott's hands by the State of Iowa, is \$2,363 35, and that he has expended

in all \$2,505 60, being more by \$142 25, than the amount received by him from this State.

But a portion of the expenses incurred by him are justly chargeable to the State of Missouri. On the part of that State there has already been advanced to Mr. Hendershott the sum of \$365 75, and it is supposed that more will be due from Missouri on a final adjustment of accounts between the two States.

The whole amount advanced to Mr. Hendershott thus far, is as follows :

By the State of Iowa, .....	\$2,363 35
By the State of Missouri, .....	365 75

In all, .....	\$2,729 10
The whole amount expended by him, .....	\$2,505 60

Leaving still in his hands, .....	\$223 50
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The expenditures above referred to do not include any compensation to him for his services.

Mr. Baker, from the committee on public buildings, to whom was referred sundry petitions in favor of establishing an insane asylum.

Reported said petitions back to the Senate, and asked to be discharged from the further consideration thereof.

Which was agreed to.

Mr. Wright, from the committee on federal relations, to whom was referred

Senate file, No. 88, Joint Resolution relative to a line of mail steamships.

Reported the same back without amendment and recommended its passage.

Mr. Wright, from the committee on schools, to whom was referred

Senate file No. 85, Joint Resolution for the purchase of Barnum's school architect.

Reported the same back, and recommended its indefinite postponement.

Mr. Hepner, from the committee on incorporations, to whom was referred

Senate file No. 86, A bill for an act to authorize the Keosauqua

bridge company to build a bridge across the Des Moines river, at Keosauqua.

Senate file No. 87, A bill for an act authorizing the Farmington bridge company to build a bridge across the Des Moines river, at Farmington.

Reported the same back without amendment, and recommended their passage.

Mr. Wright, from the committee on schools, to whom was referred H. R. file No. 154, Joint Resolution appointing trustees for the branch of the State University at Fairfield.

Reported the same back without amendment, and recommended its passage.

Mr. Wright, with leave, introduced the following resolution:

Resolved, That the committee on schools be instructed to bring in a bill repealing all laws on the subject of Normal schools and branches of the State University, and to provide for uniting these branches and schools at one point.

And on the adoption of the resolution, the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Shields, Spees, Wright and Mr. President—13.

NAYS—Messrs. Howell, Lowe, Morton and Sales—4.

So the resolution was adopted.

Mr. Baker, from the select committee to whom was referred all petitions relative to the sale of ardent spirits, reported:

That the chapter reported in the code relative to the sale of ardent spirits, will in the opinion of the committee effect the object prayed for by said petitioners, and as the same has received the sanction of both branches of the General Assembly the committee deem it unnecessary for the General Assembly to take any further action on said petitions, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Hendershott, from the committee on the judiciary, to whom was referred the resolution of the Senate "instructing them to enquire into the expediency of having the accompanying "index" marked "A,"

printed as an appendix to the local acts passed at the present session of the General Assembly.

Reported the same back to the Senate and recommended that it be printed and bound with the local laws of this session, as an appendix thereto.

Which report was concurred in.

Mr. Cook from the select committee, to whom was referred the fee bill as reported by the committee of revision.

Reported the same back to the Senate; and moved, it be laid on table and taken up in committee of the whole with the other portions of the code.

Which was agreed to.

Mr. Wright, from the committee on federal relations, to whom was referred the memorial of Wickliff Kitchell, reported.

That in their opinion the general objects aimed at have been virtually passed upon by the former action of the General Assembly, and asked to be discharged from further consideration thereof.

Which was agreed to and committee discharged.

Mr. Casady with leave introduced,

Senate file, No. 89, A bill for an act supplemental to an act to establish new counties and define their boundaries.

Which was read a first and second time, and referred to the committee on new counties.

Mr. Shields, notice having been given, introduced

Senate file, No. 90, A bill for an act to legalize the appointment of Joseph W. Roster.

Which was read a first and second time.

Mr. Espy, from the committee on claims, to whom was referred the claims of Ozron Hall, Charles Jewit and H. C. McMurphy severally, on penitentiary scrip; as also the claim of Josiah Cowles for medical services at Penitentiary, and for expenses incurred in behalf of the State as administrator of the estate of A. H. Haskell, late Superintendent, deceased.

Reported the same back, as coming within the provision of the duties of commissioner to be appointed by the Governor to settle all accounts and claims relating to the Iowa Penitentiary, by joint resolution, adopted at the present session of the General Assembly.

Senate file, No. 84, A bill for an act to divide the State into two Congressional districts.

Being in order, was taken up.

And the question being on the adoption of the amendment, to insert "Lee" after Henry.

Pending which.

The hour appointed for the consideration of the code, by special order, having arrived,

The Senate resolved itself into a committee of the whole for the consideration of the code,

Mr. Selman in the chair,

And after some time spent therein the committee rose, and by their chairman, reported the same back to the Senate and asked their concurrence in their action.

Which was concurred in.

Mr. Morton moved to strike out section eight of chapter six, title five, part three.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Leffingwell, Morton and Wright—5.

NAYS—Messrs. Alger, Baker, Espy, Everson, Hendershott, Hepner, Howell, Lowe, Sales, Selman, Shields and Mr. President—12.

So the motion was lost.

Mr. Everson offered a substitute for section sixteen of said chapter.

Which was adopted.

Section 16. The fees allowed the recorder must be paid him in advance, and he will be chargeable with them as so much money actually received by him.

Mr. Shields, from select committee, introduced

Senate file No. 92, A bill for an act supplemental to an act, approved January 16th, 1851, amendatory to an act entitled an act to incorporate and establish the city of Dubuque.

Which was read a first and second time.

Mr. Leffingwell moved that the 18th rule be suspended, and the bill be read a third time now.

Which was agreed to.

And the bill was read a third time, passed and title agreed to.

Mr. Espy offered the following resolution,

Which was adopted.

Resolved, That the committee on ways and means be instructed to enquire into, and report as early as Monday next, what amount of appropriation will be required for the coming two years, for salaries for the Governor, and other State officers, judges of the supreme and district courts, the contingent expenses of each department, and amount for the general contingent fund, required for the same term.

Mr. Leffingwell, from the committee on enrolled bills, reported Senate file Nos. 53, 54, 52, 59, 44, 47, 42 and 77, as correctly enrolled.

Mr. Baker moved to take up

Senate file No. 84, A bill for an act to amend an act to divide the State into two congressional districts.

Which motion was lost.

Mr. Selman presented the claim of William Stricklin, against the State of Iowa. Which

On his motion,

Was referred to the committee on claims.

Mr. Espy moved to take up

Senate file No. 84, A bill for an act to amend an act to divide the State into two congressional districts.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Casady, Espy, Hendershott, Hepner, Howell, Leffingwell, Lowe, Selman and Mr. President—12.

NAYS—Messrs. Cook, Everson, Morton, Sales, Spees and Wright—6.

So the bill was taken up.

Mr. Morton moved to refer the bill to the committee on elections.

Which motion was lost.

Mr. Selman moved that the bill be indefinitely postponed.

Which was disagreed to.

The following message was received from the House of Representatives by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed to inform the Senate of the following agreements and disagreements of the House to the amendments of the Senate, to the revised code.

Part three, title three, the House insists on its amendments to section fifteen, of chapter five.

Title four, the House insists on its amendment to section sixty-nine, and concurs in Senate amendments to sections eighty-seven and one hundred and eighteen.

Title five, the House concurs in the Senate amendment to section three, and insists on its own amendment to section four, all of chapter one.

Appendix, House recedes from its amendments to the first and second division, and concurs in the amendments of the Senate to the fourth division.

Part two, title one, the House concurs in the Senate amendment, and recedes from its own amendment to chapter eight.

The House concurs in Senate amendments to chapter four.

Title two, the House insists on striking out chapter one, and refuses to consider the amendments of the Senate thereto.

The House insists on its amendment to section ten, of chapter two, and also to chapter three.

The House insists on its amendments to chapter four.

Part one, title thirteen, the House insists on striking out sections seven and eight of chapter four, and refuses to entertain the Senate amendment thereto, and concurs in Senate amendment to sections fourteen and nineteen, also to chapter four.

Title fourteen, the House insists on its amendments to chapter ten, and concurs in the Senate amendment to section one, and disagrees to the Senate's amendment to section thirty, of said chapter.

The House insists on striking out chapter nine.

I herewith return substitute for Senate file No. 36; and Senate file No. 39; and

Senate substitute for H. R. file No. 3.

The same having received the signature of the Speaker of the House of Representatives,

The House have concurred in the second report of the standing conference of the two Houses, upon disagreements to the revised code.

I am also directed to return chapter one, title eight, part one, of the revised code, under the 18th joint rule, with sundry amendments thereto, in which the concurrence of the Senate is requested.

The question being on the amendment to Senate file, No. 84, to insert "Lee" after Henry.

On motion of Mr. Cook,  
The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

The consideration of that part of the code received from the House, being in order, was taken up; and

On motion of Mr. Wright,

The Senate resolved itself into committee of the whole for the consideration thereof,

Mr. Hepner in the chair,

And after some time spent therein the committee rose, and by their chairman, reported the same back to the Senate, and asked the concurrence of the Senate in their action therein.

Which was concurred in.

Senate file, No. 84, A bill for an act to amend an act to divide the State into two congressional districts.

Was taken up, and

On motion of Mr. Leffingwell,

Was laid on the table.

Mr. Cook, from the committee on the judiciary, to whom was referred

Chapter four, title one, part one, of the code.

Reported the same back to the Senate.

And the chapter was read a first and second time, and ordered to be transmitted to the House.

H. R. file No. 145a, A bill for an act to authorize the Secretary of State to have bound the census returns.

Was read a third time, passed and title agreed to.

Substitute for H. R. file No. 153, Joint Resolution relative to the accounts of J. W. Cohick.

Was read a third time; and

On motion of Mr. Wright,

Was referred to the committee on public buildings.

Substitute for H. R. file No. 172, A bill for an act to re-locate the seat of justice of Jackson county.

Was read a third time, passed and title agreed to.

H. R. file No. 179, A bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the City of Farmington, in Van Buren county, Iowa.

Was read a third time, passed and title agreed to.

H. R. file, No. 180, A bill for an act to vacate the town of Harrisburg, in the county of Van Buren.

Was read a third time, passed and title agreed to.

Mr. Alger, with leave, introduced

Senate file No. 93, A bill amendatory to an act providing for the more vigorous prosecution of the Des Moines river improvement, &c. approved, February 1, 1851.

Which was read a first and second time; and

On motion of Mr. Wright,

Was referred to the committee internal improvements.

Mr. Leffingwell offered the following resolution, which was adopted :

Resolved, That Enos Lowe be allowed the sum of two dollars per day extra for his services as presiding officer during this session.

Mr. Shields offered the following resolution, which was adopted :

Resolved, That George G. Wright be allowed four dollars extra, for two days services as presiding officer.

Substitute for Senate file No. 74 and 75, A bill for an act to attach certain counties to the fifth judicial district, and to fix the times of holding courts in the fifth and sixth districts.

Was read a third time.

And on the passage of the bill the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hepner, Howell, Leffingwell, Morton, Sales, Selman, and Shields—13.

NAYS—Messrs. Hendershott, Lowe, Spees, and Wright—4.

So the bill was passed and title agreed to.

Senate file No. 88, Joint Resolution relative to a line of mail steamships.

Was read a third time, passed and title agreed to.

Senate file No. 86, A bill for an act to authorize the Keosauqua

bridge company to build a bridge across the Des Moines river, at Keosauqua.

Was read a third time, passed and title agreed to.

Senate file No. 87, A bill for an act to authorize the Farmington bridge company to build a bridge across the Des Moines river, at Farmington.

Was read a third time, passed and title agreed to.

H. R. file No. 154, Joint Resolution appointing trustees for the branch of the State University at Fairfield.

Was read a third time, passed and title agreed to.

Mr. Leffingwell moved to take from the table

Substitute for Senate file, No. 68, A bill for an act making an appropriation for the State House at Iowa City.

Pending which,

A call of the Senate was had, when it appeared that Mr. Lowe, of Des Moines, was absent.

Mr. Lowe appearing.

Mr. Casady moved a further call of the Senate be dispensed with.

Which was agreed to.

And the bill was taken from the table.

Mr. Cook moved to amend the bill by striking out "two thousand," and inserting "three thousand."

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Morton, Sales, Shields, and Mr. President—9.

NAYS—Messrs. Baker, Casady, Everson, Hepner, Howell, Lowe, Selman, Spees, and Wright—9.

So the motion was lost.

Mr. Cook moved to amend by striking out "two thousand" and inserting "twenty-five hundred."

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Morton, Sales, Shields, and Mr. President—9.

NAYS—Messrs. Baker, Casady, Everson, Hepner, Lowe, Selman, Spees, and Wright—8.

So the motion was agreed to.

Mr. Selman moved that the bill be engrossed and read a third time on Tuesday next.

Which was not agreed to.

Mr. Cook moved to suspend the 13th rule, and read the bill a third time now.

And on this question the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Cook, Leffingwell, Morton, Sales, Shields, Wright, and Mr. President—8.

NAYS—Messrs. Baker, Casady, Espy, Everson, Hendershott, Hepner, Howell, Lowe, Selman, and Spees—10.

So the motion was lost.

Mr. Selman moved that the Senate adjourn.

Which motion was lost.

Mr. Espy, with leave, introduced

Senate file, No. 94, Joint Resolution relative to appointing a watchman at the capitol.

Which was read a first and second time,

Mr. Morton, with leave, introduced

Senate file, No. 95, Joint Resolution relative to the distribution of the laws.

Which was read a first and second time.

Mr. Morton, with leave, introduced

Senate file, No. 96, Joint Resolution relative to the printing and distributing the laws.

Which was read a first and second time ; and

On motion of Mr. Cook,

Referred to the committee on the judiciary.

On motion of Mr. Everson,

The Senate adjourned until Monday morning.

## MONDAY MORNING, FEBRUARY 8, 1851.

Senate met pursuant to adjournment.

Mr. Morton presented the remonstrance of A. Sanders, and one hundred and forty others, citizens of Henry county, against the removal of the Normal school from Mount Pleasant.

Which was referred to the select committee on Normal schools.

Mr. Shields, from the committee on conference, made the following report :

Part one, title thirteen, chapter four, section seven, House recedes.

Part one, title thirteen, chapter eight, section twelve, Senate recedes.

Part one, title fourteen, chapter ten, section twenty-nine, House recedes.

Part one, title fourteen, chapter ten, section thirty, Senate recedes.

Part one, title fourteen, chapter ten, section thirty a, House recedes.

Part one, title fourteen, chapter nine, Senate recedes.

Part two, title two, chapter two, fourth clause to section ten, House recedes.

Part two, title two, chapter six, House recedes.

Part two, title two, chapter six, section eighteen, Senate recedes.

Part three, title four, section seventy, House recedes.

Part three, title five, chapter one, section four, Senate recedes.

Part two, title two, chapter one, House recedes.

Part one, title six, chapter six, section three, Senate recedes.

Part one, title six, chapter six, section eleven, Senate recedes.

Part one, title six, chapter six, section sixteen, Senate recedes.

Part one, title six, chapter six, first line of section seventeen, House recedes.

Part one, title six, chapter six, second line of section seventeen Senate recedes.

Part one, title six, chapter six, ninth line of section seventeen, Senate recedes.

Part one, title six, chapter six, seventh and eighth line of second clause, of section seventeen, Senate recedes.

Part one, title six, chapter six, section nineteen, Senate recedes.

Part one, title six, chapter six, section twenty, Senate recedes.

Part one, title six, chapter six, section twenty-one, House recedes.

Part one, title six, chapter six, section twenty-four, Senate recedes.

Part one, title six, chapter six, section twenty-eight, Senate recedes.

Part one, title six, chapter six, section twenty-nine, Senate recedes.

Part one, title six, chapter six, section thirty-one, Senate recedes.

Part one, title six, chapter six, section thirty-two, Senate recedes.

Part one, title six, chapter six, section thirty-three, House recedes.

Part four, title one, chapter seven, addition to section one, Senate recedes.

Part four, title one, chapter two, section two, House recedes.

Part four, title one, chapter two, section seventeen, Senate recedes.

Part four, title one, chapter two, section thirty, House recedes.

Part three, title one, chapter three, sections twenty-five and twenty-eight, Senate recedes.

Part three, title one, chapter four, section fifty-three, House recedes.

Part three, title one, chapter four, section fifty-four, House recedes.

Part three, title one, chapter four, section fifty-five, Senate recedes.

Part three, title one, chapter five, section three, committee recommend, as to the supreme and district courts, the fine shall be not more than fifty dollars, and imprisonment of not more than five days.

And as to the balance of the amendment, fine stands as fixed by the House, and there is to be one day's imprisonment.

Part three, title two, chapter one, fourth clause to section one, House recedes.

Part three, title two, chapter one, section one, fifth clause, House recedes.

Part three, title three, chapter one, section one, fifth clause, House recedes.

Part three, title three, chapter one, section one, twelfth clause, House recedes.

Part three, title two, chapter one, section seventeen, new section, House recedes.

Part three, title two, chapter two, section seventeen, House recedes.

Mr. Shields, from the committee on ways and means, to whom was referred a resolution in relation to the salaries of State officers, made the following report:

That they have adopted generally the estimates made by the Auditor in his report to the present session of the General Assembly.

The committee, however, beg leave to recommend that the several items of contingent expense for the several State officers, as also the Governor, should be increased. When we consider the rapid increase of our population, and as inseparable therefrom, a corresponding increase and importance of the various duties incumbent upon these officers, we perceive a strong argument in favor of a liberal contingent fund in each case; that the duties of the several officers are daily increasing and becoming more important, cannot be doubted, while a sufficient safe guard is thrown around such appropriations, by requiring the several officers to report to the General Assembly what amount of said fund has been drawn, and to what purpose applied.

The executive, being considered the head of the state government, necessarily requires a liberal appropriation to meet the contingent expenses of its proper department, corresponding with other States.

The transfer of mail matter required to be met promptly by the department, requisitions for fugitives from justice, as well as many others now not to be foreseen, demands such liberal action by the General Assembly as will meet all necessary contingencies; the same might appropriately be said of all of the departments of our state government.

We therefore recommend the following appropriations for the purposes contemplated in the resolution of instructions.

Compensation of the Governor,.....	\$2.000 00
Contingent expenses of the Governor,.....	600 00
Compensation of Secretary of State,.....	1.000 00
Contingent expenses of Secretary,.....	400 00
Compensation of Auditor of State,.....	1.200 00
Contingent expenses of Auditor,.....	400 00
Compensation of Treasurer of State,.....	800 00
Contingent expenses of Treasurer,.....	400 00
Compensation of Superintendent of Public Instruction,...	2.400 00
Contingent expenses of Superintendent,.....	500 00
Compensation of Judges of Supreme Court,.....	6.000 00
Contingent expenses of Supreme Court,.....	1.000 00
Compensation of Judges of District Court,.....	10.000 00
Compensation of the Librarian,.....	300 00
Contingent expenses of Librarian,.....	125 00
General contingent fund,.....	2.000 00

Which report was read; and

On motion of Mr. Selman,

Was referred to the committee on claims.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Senate that the House have concurred in the third report of conference on the agreements and disagreements to the amendments made to the revised code.

MR. PRESIDENT:—I am directed to inform the Senate of the following agreements to the amendments to the revised code.

Part four, title one, chapter two, the House insists on its amendments thereto.

Chapter seven, the House has amended, and also agreed to Senate amendment to section one, additional, and concurs to Senate amendment to section thirteen.

Part one, title six, chapter one, the House insists on its amendments to sections eleven, sixteen, seventeen, nineteen, twenty, twenty-four, twenty-eight, thirty-one, thirty-two, thirty-three, and recedes from its amendments to section twenty-two.

The House concurs to Senate amendments to sections twenty-one, twenty-five, and fifty-five.

Mr. Espy, from the committee on internal improvements, to whom was referred

Senate file, No. 93, A bill supplemental to an act providing for the more vigorous prosecution of the Des Moines river improvement, &c., approved February 1, 1851.

Reported the same back with one amendment.

Which amendment was concurred in.

Mr. Cook moved to strike out the third section.

Which was agreed to.

And the bill was read a third time.

And on its passage the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Cook, Espy, Everson, Hendershott, Hepner, Howell, Sales, Shields, and Mr. President—11.

NAYS—Messrs. Casady, Morton, Selman, and Wright—4.

So the bill was passed and title agreed to.

Mr. Baker, from the committee on public buildings, to whom was referred

H. R. file No. 153, Joint Resolution relative to the accounts of J. W. Cohick.

Reported a substitute therefor.

Which was read a third time, passed and title agreed to.

Mr. Morton, from the select committee, to whom was referred

H. R. file, No. 152, An act to amend an act entitled an act to establish normal schools, approved January 15, 1849.

Reported the same back with one amendment and recommended its passage.

And the bill was read a third time, passed and title agreed to.

Mr. Wright, from the committee on schools, to whom was referred

Senate file, No. 60, An act to dispose of the saline lands of this State, and appropriate the proceeds thereof.

Reported the same back with sundry amendments, and recommended its passage.

Which report was concurred in.

And the bill was read a third time, passed and title agreed to.

Mr. Alger, from the committee on roads, to whom was referred

sundry bills and petitions on the subject of state roads.

Reported back sundry petitions and recommended their indefinite postponement, and introduced

Senate file No. 97, A bill for an act to locate and establish certain state roads therein named.

Which was read a first and second time; and

On motion of Mr. Wright,

Was laid on the table.

The Senate concurred in the recommendation of the committee to postpone certain bills.

Mr. Wright, from the committee on schools, introduced

Senate file, No. 98, A bill for an act to repeal certain acts therein named.

Which was read a first and second time; and

On motion of Mr. Shields,

Was referred to a select committee, with instructions to report this afternoon.

Mr. President appointed Messrs. Howell, Wright and Hendershott, said committee.

Mr. Hendershott, from the committee on new counties, to whom was referred

Senate file, No. 89, A bill for an act supplemental to an act to establish new counties and define their boundaries.

Reported the same back and recommended its passage.

And the bill was read a third time, passed and title agreed to.

Mr. Espy offered the following resolution :

Resolved, That a committee be appointed to examine into and report whether the appendix so called, be part of the revised code, as reported by the committee of revision, and by what authority the same was printed in connection therewith.

And on the adoption of the resolution, the yeas and nays were called for, and were as follows :

YEAS—Messrs. Alger, Baker, Cook, Espy, Everson, Howell, Leffingwell, Shields, Wright, and Mr. President—10.

NAYS—Messrs. Casady, Hendershott, Hepner, Lowe, Morton, Sales and Selman—7.

So the resolution was adopted.

The President appointed Messrs. Espy, Morton, and Hepner, said committee.

Substitute for Senate file, No. 68, A bill for an act making an appropriation for the State Houe at Iowa City.

Mr. Espy moved a call of the Senate, which was had, when it appeared that Mr. Spees was absent.

A further call was suspended.

Mr. Wright asked leave of absence for Mr. Spees for the balance of the session.

Which was granted.

Mr. Selman moved to lay the bill on the table.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Everson, Hepner, and Selman—5.

NAYS—Messrs. Alger, Cook, Espy, Leffingwell, Lowe, Morton, Sales, Shields, Wright, and Mr. President—10.

So the motion was lost.

And the bill was read a third time.

And on its passage the yeas and nays were requested, and were as follows :

**YEAS**—Messrs. Alger, Cook, Espy, Hendershott, Leffingwell, Lowe, Morton, Sales, Shields, Wright, and Mr. President—11.

**NAYS**—Messrs. Baker, Casady, Everson, Hepner, and Selman—5.

So the bill was passed and title agreed.

Senate file No. 95, Joint Resolution relative to the distribution of the laws.

Was read a third time, passed and title agreed to.

Senate file No. 90, A bill for an act to legalize the appointment of Joseph W. Foster.

Was read a third time, passed and title agreed.

Senate file No. 94, Joint Resolution relative to appointing a watchman at the Capitol.

Was read a third time.

Mr. Cook moved to lay the bill on the table.

And on this question the yeas and nays were requested, and were as follows.

**YEAS**—Messrs. Baker, Cook, Everson, Hendershott, Hepner, Lowe, Morton, Sales, Selman, Wright and Mr. President—11.

**NAYS**—Messrs. Alger, Casady, Espy, Howell, Leffingwell and Shields—6.

So the bill was laid on the table.

H. R. file No. 28, A bill for an act to restrain swine from running a large in Jackson county.

Was read a first and second time.

And the 13th rule was suspended, and the bill was read a third time, passed and title agreed to.

H. R. file No. 174, Joint Resolution asking an increase of mail facilities.

Was read a first and second time.

And the rule was suspended and the bill read a third time, passed and title agreed to.

H. R. file, No 175, Joint Resolution asking an appropriation for an increase of mail facilities.

Was read a first and second time.

Mr. Alger introduced,

Senate file No. 98, Joint Resolution relative to the appointment of trustees for the State University.

Which was read a first and second time, and referred to a select committee.

Mr. President appointed Messrs. Sales, Alger and Morton said committee.

Mr. Selman moved to take from the table,

Senate file No. 58, A bill for an act to relocate the seat of government of this State.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Hendershott, Selman and Wright—4.

NAYS—Messrs. Alger, Baker, Cook, Espy, Everson, Hepner, Howell, Leffingwell, Lowe, Morton, Sales, Shields and Mr. President—13.

So the motion was lost.

On motion of Mr. Leffingwell,

The Senate adjourned until 2 o'clock, P. M.

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## TWO O'CLOCK, P. M.

Mr. Wright, from the select committee, to whom was referred Senate file No. 98, An act to repeal certain acts therein named.

Made a majority report.

Mr. Howell, from the same committee, made a minority report.

Mr. Morton moved to lay the bill and reports on the table.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Casady, Howell, Leffingwell, Lowe, Morton, Sales and Mr. President—8.

NAYS—Messrs. Alger, Cook, Espy, Everson, Hendershott, Hepner, Selman and Wright—8.

So the motion was lost.

And the question being on concurring in the report of the majority of the committee.

It was agreed to.

Mr. Lowe moved to indefinitely postpone the bill.

And on this question the yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Baker, Howell, Leffingwell, Lowe, Morton, Sales and Shields—7.

**NAYS**—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Wright and Mr. President—10.

So the motion was lost.

Mr. Morton moved that the bill be engrossed and read a third time on Wednesday next.

Which motion was lost.

Message from the House, being in order, was taken up, and

H. R. file No. 176, A bill for an act to amend an act entitled an act to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29, 1849.

Was read a first and second time.

Mr. Lowe moved to amend by striking out the second section.

Mr. Alger moved to refer the bill to the committee on ways and means.

Which motion was lost.

And the question recurring on the motion to strike out second section.

The yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Baker, Leffingwell, Lowe, Sales, Selman, and Mr. President—6.

**NAYS**—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Hepner, Morton, Shields, and Wright—10.

So the question was lost.

Mr. Leffingwell moved to strike out "thirty-three" in first section, and insert "ten."

Mr. Cook moved a division of the question.

And the question being on striking out "thirty-three."

The yeas and nays were requested, and were as follows:

**YEAS**—Messrs. Alger, Baker, Hendershott, Leffingwell, Lowe, Sales, and Selman—7.

**NAYS**—Messrs. Casady, Cook, Espy, Everson, Hepner, Howell, Morton, Shields, Wright, and Mr. President—10.

Mr. Leffingwell moved to refer to a select committee.

Which motion was lost.

Mr. Leffingwell moved to refer to the committee on claims.

Which was agreed to.

The following resolution from the House was taken up.

Resolved, The Senate concurring, that the two Houses of the General Assembly of the State of Iowa, will meet in the Hall of the House of Representatives on Tuesday the 4th instant at half past six o'clock, P. M., for the purpose of electing State Printer.

And the question being on concurring in the resolution.

Mr. Lowe moved to lay the resolution on the table.

Mr. Casady moved to take from the table,

Senate file, No. 97, A bill for an act to locate and establish certain state roads therein named.

Which was agreed to.

Mr. Leffingwell offered a substitute for section thirty-one.

Which was adopted.

Mr. Hepner moved to amend the bill by adding an additional section.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Hepner, Selman, Shields, and Mr. President—5.

NAYS—Messrs. Alger, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, Sales, and Wright—11.

So the motion was lost.

Mr. Casady moved that the rule be suspended, and the bill be read a third time now.

Which was agreed to.

And the bill was read a third time, passed and title agreed to.

Mr. Espy moved that the select committee appointed in relation to the Appendix, be increased to five.

Which was agreed to.

Mr. President appointed Messrs. Cook, and Leffingwell, on said committee.

Mr. Selman moved that the committee be composed of one from each senatorial district.

Which was lost.

Mr. Lowe, from the committee on claims, to whom was referred H. R. file No. 176, reported the same back with one amendment.

And on concurring in the report of the committee,

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Espy, Hendershott, Hepner, Howell, Leffingwell, Lowe, Sales, Selman, Shields, and Mr. President—11.

NAYS—Messrs. Alger, Casady, Cook, Everson, Morton, and Wright—6.

So the amendment was agreed to.

Mr. Lowe moved to suspend the thirteenth rule, and read the bill a third time now.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, Shields, Wright, and Mr. President—11.

NAYS—Messrs. Alger, Baker, Espy, Hepner, Sales, and Selman—6.  
So the rule was not suspended.

Mr. Morton moved to take from the table,

II. R. file, No. 123, A bill for an act to relocate the county seat of Clayton county.

Which motion was lost.

On motion of Mr. Leffingwell,

The Senate adjourned until to-morrow morning.

## TUESDAY MORNING, FEBRUARY 4, 1851.

Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Senate of the following agreements and disagreements to the revised code.

Part one, title eight, chapter one, the House recedes from its amendments to section nine, and concurs in the Senate amendments to sections eight, fifty-two and ninety-five.

I herewith return,

Chapter six, title five, part three, under the eighteenth joint rule, with sundry amendments thereto.

In which the concurrence of the Senate is requested.

The House have concurred in Senate amendments to said chapter; Also to chapter four, title one, part one, without amendment.

The House have accepted Senate substitute for chapter one, of corporations for pecuniary profit.

I herewith return.

Senate file No. 77, southern boundary question.

Senate file No. 53, An act to legalize the acts of the officers of school district No. 3, in Baltimore township, in Henry county.

Senate file No. 52, an act to provide for the location of the seat of justice of Taylor and Ringgold counties.

Senate file, No. 59, an act to create the sixth judicial district.

Senate file No. 47, An act granting the Des Moines and Keokuk plank road company the right of way.

Senate file No. 42, Memorial to Congress for a grant of land to aid in the construction of the Burlington and Fort Des Moines railroad.

Senate file No. 81, Joint Resolution relative to the accounts of the Iowa Penitentiary; and

An act to grant to the Camanche and Council Bluffs railroad company the right of way.

The same having received the signature of the Speaker of the House of Representatives.

The House have passed,

H. R. file Nos. 187, 189; and

Substitute for H. R. file No. 104.

Also substitute for Senate file Nos. 74 and 75.

Senate file Nos. 64 and 92.

Without amendment.

I herewith present for your signature,

H. R. file Nos. 151, 134, 141, 113, 144, 106, 162, 115, 146, 140, 59 and 111.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Wright, from the committee on the judiciary, to whom was referred,

Senate file Nos. 96 and 71, Joint Resolutions relative to the printing and distributing the laws of the present session.

Reported a substitute therefor.

Which report was concurred in.

Mr. Morton moved to strike out Jackson and Wapello in the second section, and insert the same in the first section.

Which was agreed to.

Senate file No. 98, A bill for an act to repeal certain acts therein named.

Was read a third time.

Mr. Howell moved that the bill be laid on the table.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Howell, Leffingwell, Lowe, Morton, Sales and Shields—7.

NAYS—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Wright and Mr. President—10.

So the motion was lost.

Mr. Morton moved that the Senate resolve itself into a committee of the whole, for the consideration of the code.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Espy, Hendershott, Hepner, Howell, Leffingwell, Lowe, Morton, Sales and Shields—10.

NAYS—Messrs. Alger, Casady, Cook, Everson, Selman, Wright and Mr. President—7.

So the motion was agreed to.

And Mr. Sales was called to the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back to the Senate, and asked the concurrence of the Senate in their action.

Mr. Cook moved to lay the report of the committee on the table.

Which was agreed to.

Mr. Wright, with leave, introduced,

Senate file No. 100, A bill for an act relative to publishing the revised code.

Which was read a first and second time, and

On motion of Mr. Wright,

The bill together with substitute for Senate file Nos. 96 and 71 be referred to the committee on the judiciary.

Mr. Howell, from the committee on agriculture, to whom was referred,

H. R. file No. 163, A bill for an act for the encouragement of agriculture.

Which was read a third time.

And on the passage of the bill, the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Baker, Espy, Hendershott, Howell, Lowe, Morton, Sales, Shields and Mr. President—10.

NAYS—Messrs. Casady, Everson; Hepner, Selman and Wright—5.

So the bill was passed and title agreed to.

Mr. Sales, from the select committee to whom was referred,

Senate file No. 99, Joint Resolution relative to the appointment of trustees of the State University.

Reported the same back with sundry amendments.

Which amendments were concurred in.

And the Joint Resolution was read a third time, passed and title agreed to.

Mr. Alger, from the committee on roads, to whom was referred

H. R. file, No. 167, A bill authorizing the commissioners of Jackson county to require petitioners to pay expenses for locating roads.

Reported the same back with one amendment.

Which amendment was agreed to,

And the bill was read a third time, passed and title agreed to.

Mr. Hendershott introduced,

Senate file, No. 101, A bill for an act to amend an act to re-organize the supreme court, approved January 22, 1848.

Which was read a first and second time; and

On motion of Mr. Everson,

The 13th rule was suspended, and the bill was read a third time, passed and title agreed to.

The Senate resolved itself into an executive session, and after some time spent therein, the session rose, and the Senate resumed its session.

On motion of Mr. Howell,  
The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file No. 176, A bill for an act to amend an act entitled an act to create the office of State Printer, and to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29, 1849.

Was read a third time.

And on its passage the yeas and nays were requested, and were as follows :

YEAS—Messrs. Baker, Casady, Cook, Espy, Everson, Hendershott, Howell, Lowe, Morton, Shields, and Wright—12.

YEAS—Messrs. Alger, Leffingwell, Sales, Selman, and Mr. President—5.

So the bill was passed and title agreed to.

Mr. Cook, with leave, introduced

Senate file, No. 102, A bill for an act to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in Cedar Rapids.

Which was read a first and second time ; and

On motion,

The rule was suspended, and the bill was read a third time, passed and title agreed to.

Mr. Howell moved to take from the table,

H. R. file No. 66, A bill for an act to prohibit the immigration of free negroes into this State.

Which was agreed to.

And the bill was read a third time.

And on its passage the yeas and nays were requested, and were as follows :

YEAS—Messrs. Alger, Casady, Espy, Hendershott, Hepner, Howell, Leffingwell, Lowe, and Shields—9.

NAYS—Messrs. Baker, Cook, Everson, Morton, Sales, Selman, and Wright—7.

So the bill was passed and title agreed to.

Mr. Morton offered the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to the Hon. Enos Lowe, for the able, impartial and satisfactory manner in which he has discharged the duties of President of the same during the present session.

Which resolution was adopted.

H. R. file No. 175, Joint Resolution for an increase of mail facilities.

Was read a third time, passed and title agreed to.

Mr. Espy, from the select committee, made the following report :

The select committee appointed to enquire into and report whether the appendix, so called, is part and parcel of the revised code as reported by the board of revision, and also by what authority the same was printed therewith, have had the subject under consideration and would respectfully present the following report.

The majority of your committee are of the opinion that said appendix does not constitute any part of said code as reported, and further that without express action of the General Assembly affirmatively making it part and parcel of the code, the said appendix, nor any part thereof, can properly be considered as incorporated in said code of law.

By reference to the act of the General Assembly entitled "an act to provide for the appointing of commissioners to draft, revise and arrange a code of laws" approved January 25, 1848, we find that the said commissioners, (naming them.) Sec. 1, "Be and they are hereby appointed a committee to draft, revise and prepare a code of laws for the State of Iowa." and again, in section three of same act, we find the following directions: "Each bill, as it is prepared, shall be examined and considered by them when in session, and altered or amended as a majority of them may decide, and when finally acted upon shall be recorded by them, or under their direction, in a plain legible hand, in a book to be provided by them for that purpose, with plain marginal notes to each act."

Without entering further into the details of said act above quoted, your committee deem the caption to said appendix as conclusive that it was not adopted by said committee of revision as required in section three above referred to. The said caption or preface, reads as follows: "The adoption of the following chapters was deemed by some

of the committee of doubtful propriety; at the same time they were deemed of sufficient importance to merit the consideration of the General Assembly."—This language in the opinion of the committee is sufficiently clear to warrant the conclusion that the appendix was not reported by the board of revision as part of the code of laws.

The next enquiry is, has the General Assembly made it part and parcel of such code by any action had upon it? In the first place we refer again to the law appointing them and regulating their duties. Section five is as follows: "Said commissioners shall prepare a complete and perfect code of laws, as nearly as may be, of a general nature only, and furnish a complete index to the same when completed." This appendix your committee deem a law if passed, one of a general nature, but cannot come to the conclusion that it is part of the code: First, because not reported by a majority of the committee: Secondly, because its provisions conflict directly, in some respects, with portions of the code as reported, therefore rendering the whole inconsistent with itself should the appendix be adopted as part of the same; and lastly, because it has not been expressly incorporated by the action of the General Assembly. Is this necessary? Your committee believe it is; otherwise any law of a general nature passed at this session of the General Assembly would necessarily become part and parcel of the code under consideration, and its success made to depend on the passage of the code as an entirety. Take for instance, the general law or bill pending, regulating the laying out and opening state roads, although standing alone, yet it is *general* in its character and objects, but to say that because it is general in its operations, it is necessarily part of the code, and the code being an entirety, it must stand or fall with it, your committee cannot concede.

How is the appendix difficulty situated, unless necessarily connected with the code to prove its consistency? But we have above adverted to this, as inconsistent with portions of the code. The conclusion therefore necessarily follows, that the appendix, like any other bill, stands alone, so far as any action yet has been had upon it, and no action being taken to incorporate it into the code as part of the same it ought not to be so considered.

So far as authority to have the said appendix printed with the code, your committee have not been to procure the original resolution of the House ordering the printing, but it is conceded that the House of Representatives ordered the printing of a certain portion of the code;

but it is not conceded by your committee that such order incorporated the appendix as part of the code—and this being the case the appendix was printed without any order for that purpose on the part of the General Assembly.

Your committee would therefore, in connection with their report, recommend the adoption of the following resolution.

THOMAS S. ESPY, Chairman.

**Resolved, That the appendix so called, to the report of the committee of revision to revise and report a code of laws for the State of Iowa, does not constitute a part or portion of the code of laws reported to the General Assembly.**

Mr. Hepner moved to lay the report and resolution on the table.

Which was agreed to.

Mr. Wright, from the committee on the judiciary, to whom was referred Senate file, Nos. 100 and 98, reported Senate file, No. 100 back, with sundry amendments, and recommended its passage.

Which report was concurred in.

Mr. Espy moved to fill the blank with the name of W. J. Woodward.

Which was agreed to.

Mr. Cook moved to insert the words, "be allowed such sum as the Governor of the State shall determine."

Mr. Espy moved to amend by inserting "four hundred dollars."

Which amendment was agreed to.

Mr. Hendershott moved to insert after Governor's of States, the word "Governor's of Territories."

Which was agreed to.

Mr. Morton moved to amend by adding in second line of second section, the words, "and laws of a general nature passed at this session."

Which motion was lost.

Mr. Cook moved to refer the bill to a select committee.

Which motion was lost.

On motion,

The 13th rule was suspended, and the bill read a third time, passed and title agreed to.

Mr. Espy moved to take from the table

Senate file, No. 94, Joint Resolution relative to appointing a watchman at the Capitol.

And on this question the yeas and nays were requested, and were as follows.

YEAS—Messrs. Alger, Casady, Espy, Hendershott, Howell, Leffingwell, Sales, and Shields—8.

NAYS—Messrs. Baker, Cook, Everson, Hepner, Lowe, Morton, Selman, Wright, and Mr. President—9.

So the motion was lost.

Mr. Cook, from the committee on the judiciary, to whom was referred

Senate file, No. 83, A bill for an act to provide for the completion of the Penitentiary.

Reported the same back with sundry amendments.

Which amendments were concurred in.

And the bill was read a third time, passed and title agreed to.

Mr. Leffingwell, from the committee on enrolled bills, reported Senate file, 46, A bill for an act to incorporate the City of Keosauqua, as correctly enrolled.

Senate file, 98, being in order.

Mr. Morton moved to refer the bill to a select committee.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Baker, Howell, Leffingwell, Lowe, Morton, Sales, and Shields—7.

NAYS—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Wright, and Mr. President—10.

So the motion was lost.

Mr. Lowe moved to indefinitely postpone the bill.

And on this question the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Howell, Leffingwell, Lowe, Morton, Sales, and Shields—8.

NAYS—Messrs. Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Wright, and Mr. President—10.

So the motion was lost.

And on the passage of the bill the yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Casady, Cook, Espy, Everson, Hendershott, Hepner, Selman, Wright, and Mr. President—10.

NAYS—Messrs. Baker, Howell, Leffingwell, Lowe, Morton, Sales, and Shields—7.

So the bill was passed and title agreed to.

Substitute for H. R. file No. 104, a bill for an act relative to the swamp lands within this State.

Was read a first and second time; and

On motion of Mr. Wright,

Was referred to a select committee.

The President appointed Messrs. Wright, Selman, and Casady, said committee.

H. R. file, No. 187, Joint Resolution making an appropriation for the benefit of Clarissa Haskel.

Was read a first and second time.

Mr. Sales moved to suspend the 13th rule, and read the bill a third time now.

Which was agreed to.

Mr. Espy moved a call of the Senate, when it appeared that Messrs. Alger, Baker, and Hendershott, were absent.

The absent members appearing.

On motion of Mr. Shields,

A further call was suspended.

And the question recurring on the passage of the bill,

The yeas and nays were requested, and were as follows:

YEAS—Messrs. Alger, Baker, Espy, Howell, Leffingwell, Lowe and Sales—7.

NAYS—Messrs. Casady, Cook, Everson, Hendershott, Hepner, Morton, Selman, Shields, Wright and Mr. President—10.

So the bill was lost.

H. R. file, No. 189, A bill for an act to repeal the fourteenth clause of the second section of an act entitled "an act making appropriation for the support of the State government, for the fiscal years of 1849 and 1850," approved January 15, 1849.

Was read a first and second time, and

On motion of Mr. Cook,

Was referred to the committee on the judiciary.

Mr. Shields moved to take from the table the resolution from the House, in relation to State Printer.

Which was agreed to.

Mr. Alger moved to amend the resolution by striking out "six" and inserting "nine."

Which was agreed to.

And on the adoption of the resolution, the yeas and nays were requested, and were as follows:

YEAS—Messrs. Casady, Cook, Everson, Hepner, Howell, Lowe, Morton, Sales, Shields and Wright—10.

NAYS—Messrs. Alger, Baker, Espy, Hendershott, Leffingwell, Selman and Mr. President—7.

So the resolution was adopted.

The following message from the House was received, by Mr. Rockwell, Chief Clerk.

Mr. PRESIDENT: The House have stricken out substitute for title three, chapter three, part one.

Also of part one, title seven, chapters one, two, three, four, five, six and seven.

Also substitute for chapter one, title five, part one.

The House have passed,

H. R. file, No. 192, A bill for an act supplemental to an act to establish a system of common schools.

In which the concurrence of the Senate is requested.

Mr. PRESIDENT: I am directed to inform the Senate that the House insists on its amendments to substitute for chapter three, title five, part one.

Also to title seven, part one, also to chapter one, title five.

Message was taken up.

And the Senate disagreed to all the amendments made by the House to substitute for title five, chapter three, part one.

Also of part one, title seven, chapters one, two, three, four, five, six and seven, also to chapter one, title five, part one.

Mr. Leffingwell introduced,

Senate file No. 103, A bill fixing the price for binding the revised code.

Which was read a first and second time, and referred to the committee on ways and means.

The Senate insists on its amendments made to Senate file No. 50.

And the President appointed Messrs. Casady, Sales and Alger as committee of conference on the disagreeing vote of the two Houses.

H. R. file No. 194, A bill for an act making an appropriation for the pay of members and officers of the General Assembly.

Read a first and second time, and

On motion of Mr. Wright,

Was referred to the committee on claims.

Mr. Wright, from the judiciary committee to whom was referred,

Substitute for H. R file No. 104, A bill for an act in relation to the swamp land of this State.

Reported the same back to the Senate with one amendment.

Which was concurred in.

And the bill was read a third time, passed and title agreed to.

The message from the House was taken up,

And the Senate disagreed to all the amendments made to that part of the code contained in the message.

On motion of Mr. Morton,

The Senate adjourned until 8 o'clock, P. M.

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### EIGHT O'CLOCK, P. M.

The following message was received from the House by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT: I am directed to inform the Senate that the House have passed,

H. R. file No. 193, A bill for an act making appropriations for the support of the state government for the fiscal years 1851 and 1852, and

H. R. file No. 191, Joint Resolution for the printing and binding of the Declaration of Independence, Constitution of the United States, and other documents and laws with the revised code.

In which the concurrence of the Senate is requested.

The House have passed without amendment,

Senate file No. 82, A bill for an act to amend an act entitled an act

to incorporate the town of Fort Madison and for revising and repealing all laws heretofore enacted on that subject.

Senate file No. 93, A bill for an act providing for the more vigorous prosecution of the Des Moines river improvement, approved Feb. 1st. 1851.

Senate file No. 87, A bill for an act to authorize the Farmington bridge company, to build a bridge across the Des Moines river at Farmington.

Senate file No. 97, A bill for an act to locate and establish certain roads therein named.

Senate file No. 70, A bill for an act to legalize the appointment of Joseph W. Foster.

Senate file No. 86, A bill for an act to authorize the Keosauqua bridge company to build a bridge across the Des Moines river at Keosauqua.

Senate file No. 89, A bill for an act supplemental to an act to establish new counties and define their boundaries.

Senate file No. 95, Joint Resolution relative to the distribution of the laws; and

Senate substitute for H. R. file No. 153, Joint Resolution relative to the accounts of J. W. Cohick.

I herewith present for your signature,

H. R. file No. 176, 153, 97, 40, 154, 145, 62, 160 and 183.

All of which have passed both branches of the General Assembly and received the signature of the Speaker of the House of Representatives.

Mr. Morton moved to reconsider the vote on the passage of H. R. file, No. 187, Joint Resolution making an appropriation for the benefit of Clarissa Haskell,

Which was agreed to.

And the question recurring on the passage of the Joint Resolution,

The yeas and nays were requested and were as follows:

YEAS.—Messrs. Alger, Baker, Hendershott, Howell, Lowe, Morton, Sales and Selman—8.

NAYS.—Messrs. Casady, Cook, Hepner, Shields, Wright and Mr. President—6.

So the bill was passed and title agreed to.

H. R. file No. 193, A bill for an act making appropriation for the support of the State Government for 1851 and 1852.

Was read a first and second time; and

On motion of Mr. Lowe,

Was referred to the committee of ways and means.

H. R. file No. 191, Joint Resolution for the printing and binding of the declaration of independence, the constitution of the United States and other documents and laws with the revised code.

Was read a first and second time; and

On motion of Mr. Wright,

The bill was laid on the table.

Mr. Selman moved a call of the Senate,

When it appeared that Messrs. Leffingwell and Espy were absent.

Mr. Baker moved to excuse Messrs. Espy and Leffingwell.

Which motion was lost.

A message was received from the House of Representatives by Mr. Rockwell Chief Clerk, informing the Senate, that the House was ready to meet the Senate in joint convention for the election of State Printer.

On motion,

A further call of the Senate was suspended; and

The Senate adjourned to the Hall of the House of Representatives to meet the House in joint convention.

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#### NINE O'CLOCK P. M.

Joint convention for the election of printer.

Roll called fifty-one members answered.

On motion of Mr. Wright,

A further call was suspended.

Mr. President appointed Mr. Shields, teller on the part of the Senate.

Mr. Speaker appointed Mr. Harper on the part of the House.

Mr. Shields nominated Holt & Keesecker for State Printer.

Mr. Everson nominated Dr. Ballard.

The convention proceeded to ballot for Printer.

Which resulted as follows:-

Holt & Keesecker.....42 votes.  
 Ballard.....8 "  
 Flag Staff.....1 "

The President announced that Messrs. Holt & Keesecker were duly elected, they having received a majority of all votes polled.

HALL OF THE HOUSE OF REPRESENTATIVES.  
 February 4, 1851. }

This is to certify that at a joint convention of both branches of the legislature, held in the Hall of the House of Representatives on the evening of the fourth day of February, A. D. 1851, Messrs. Holt and Keesecker, were duly elected State Printers, for the State of Iowa, for two years from the first day of May next.

J. G. SHIELDS, }  
 WM. HARPER, } Tellers.

ENOS LOWE,

President of Joint Convention and President of Senate.

Mr. Shields, from the committee of conference on the disagreeing vote to amendments made to the revised code, submitted the following report:

The committee of conference to whom was referred the disagreeing vote of the two Houses of the General Assembly, to amendments made to the revised code, have instructed me to make the following recommendations.

First. That the Senate recede from its disagreeing vote to the action of the House striking out substitute for chapter one, title five, part one, "of the lands of the State."

Also, substitute for chapter three, title five, part one, "of loaning the school and university funds."

Also, chapters one, two, three, four, five, six, and seven of title seven, of part one.

The committee also recommend the adoption of supplemental bill, No. 192, with the following amendment, as chapter two, section seven, of part one of the revised code.

Sec. 1. Each school district, formed and organized under any former law, is hereby recognized, notwithstanding any informalities in the proceedings, and is created a body corporate for the purpose in

this title designated, under the name of school district No. — in — county.

Your committee also recommend the adoption of the accompanying Joint Resolution.

H. R. file No. 197, Joint Resolution authorizing the Superintendent of Public Instruction to compile the school laws.

Which was read a first and second time.

And the thirteenth rule was suspended, and the Joint Resolution read a third time, passed and title agreed to.

Message was received from the House by Mr. Rockwell, informing the Senate that the House had concurred in the report of the committee of conference.

On motion of Mr. Morton,

The Senate adjourned until to-morrow morning at 8 o'clock.

### WEDNESDAY MORNING, FEBRUARY 5, 1851.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Rockwell, the Chief Clerk.

MR. PRESIDENT: I am directed to inform the Senate that the House has concurred in the report of the committee of conference on the disagreeing vote of the two Houses on

Senate file No. 50, A bill for an act to amend an act to re-organize the supreme court.

I herewith return,

Senate file No. 102, A bill for an act to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in Cedar Rapids.

The same having passed the House without amendment; also

Senate file No. 101, A bill for an act to amend an act to re-organize the supreme court, approved January 22 1848.

The same having passed the House with one amendment.

The House have also passed,

H. R. file No. 198, Joint Resolution requiring the school fund commissioners to report to the Superintendent of Public Instruction yearly, and requiring the Superintendent to report biennially to the Generally Assembly, on the first day of the session.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

Senate file No. 46, An act to incorporate the city of Keosauqua.

The same having received the signature of the Speaker of the House of Representatives.

Mr. Shields presented the petition of sundry citizens of the State, asking the passage of a law vesting and confirming certain lands on the lines of the Dubuque and Keokuk and Davenport and Council Bluffs rail roads, to said companies.

Which was referred to the committee on internal improvements.

On motion of Mr. Shields,

Resolved, That the committee on internal improvements be instructed to report forthwith, by bill or otherwise, the propriety of submitting to a vote of the people the question of any grant of lands that may be made by the general government to the State of Iowa.

Mr. Espy, from the committee on internal improvements, reported Senate file No. 194, A bill for an act relative to a grant of land by Congress.

Which was read a first time.

Mr. Selman presented the petition of J. A. Drake, and fifty-two others, citizens of Davis county, praying for the removal of the seat of government to Fort Des Moines.

Said petition was referred to the committee on public buildings.

Mr. Casady from the committee of conference, to whom was referred the disagreeing vote of the Senate and House of Representatives on

Senate file No. 50, A bill for an act to amend an act to re-organize the supreme court.

Have had the matter under consideration, and recommend that the House recede from its amendment.

The report was concurred in.

Mr. Lowe, from the committee on claims, reported back H. R. file No. — with sundry amendments.

A motion was made by Mr. Wright to strike out an allowance of thirty dollars to Geo. S. Hampton, clerk of the supreme court, for office rent.

Which was decided in the negative. Yeas 8, Nays 9.

Those who voted in the affirmative were,

Messrs. Baker, Casady, Everson, Hendershott, Hepner, Morton, Shields and Wright.

Those who voted in the negative were,

Messrs. Alger, Cook, Espy, Howell, Leffingwell, Lowe, Sales, Selman and Mr. President.

A motion was made by Mr. Sales to so amend the bill as to allow S. J. Dunham twenty dollars for cutting wood for the committee rooms.

When Mr. Everson moved to amend the amendment as follows:

And that each member be allowed the sum of twenty-five dollars as a contingent fund.

Which was not agreed to. Yeas 6, Nays 11.

Those who voted in the affirmative were,

Messrs. Casady, Everson, Hepner, Howell, Leffingwell, and Selman.

Those who voted in the negative were,

Messrs. Alger, Baker, Cook, Espy, Hendershott, Lowe, Morton, Sales, Shields, Wright and Mr. President.

The question then recurred on the amendment offered by Mr. Sales, and was decided in the affirmative. Yeas 9, Nays 8.

Those who voted in the affirmative were,

Messrs. Alger, Baker, Casady, Espy, Hendershott, Leffingwell, Lowe, Morton and Sales.

Those who voted in the negative were,

Messrs. Cook, Everson, Hepner, Howell, Selman, Shields, Wright, and Mr. President.

A motion was made by Mr. Selman to reconsider the vote by which an allowance was made to Geo. S. Hampton, clerk of the supreme court, for office rent.

Which was agreed to.

And the question recurring on striking out the said allowance.

It was decided in the affirmative. Yeas 10, Nays 7.

Those who voted in the affirmative were,

Messrs. Baker, Casady, Everson, Hendershott, Hepner, Morton, Selman, Shields, Wright and Mr. President.

Those who voted in the negative were,

Messrs. Alger, Cook, Espy, Howell, Leffingwell, Lowe and Sales.

A motion was made by Mr. Wright to so amend the bill as to allow John M. Whitaker, agent for selecting university lands, the sum of twelve dollars for postage, stationery and clerk hire.

Which was agreed to.

And on motion of Mr. Wright, J. H. Bonney, was allowed the sum of eighteen dollars and fifty-nine cents for taking depositions in the southern boundary case.

On motion of Mr. Casady,

The bill was so amended as to allow C. Bates two dollars and twenty-five cents, Sherman seventy-five cents and H. D. LaCossit six dollars, for newspapers furnished the Senate.

A motion was made by Mr. Espy to add to the appropriation to P. B. Bradley the sum of fifty dollars.

Which was agreed to.

A motion was made by Mr. Shields, that the sum of five hundred dollars be placed at the disposal of the Governor for purchasing books for the library.

Which was agreed to. Yeas 8, Nays 7.

Those who voted in the affirmative were,

Messrs. Alger, Cook, Espy, Morton, Sales, Shields, Wright and Mr. President.

Those who voted in the negative were,

Messrs. Baker, Casady, Everson, Hendershott, Hepner, Lowe and Selman.

On motion of Mr. Shields,

The sum of fifteen dollars was allowed to Anson Hart for enrolling bills of the Senate.

The bill was then read a third time, passed and title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Hooten, Assistant Clerk.

MR. PRESIDENT: I herewith present for your signature,

H. B. file Nos. 166, 175, 167, 187, 66, 28, 152, 170, 172, 93, 157 and 174.

The same having passed both branches of the General Assembly and received the signature of the Speaker of the House of Representatives.

Also Senate file Nos. 82 and 92, substitutes for Nos. 74 and 75; 93, 50, 67, 72, 79, Senate substitute for H. B. file No. 153, Senate file Nos. 75 and 87.

All having been signed by the Speaker of the House of Representatives.

Mr. Hepner submitted the following:

The undersigned, constituting a minority of the committee, to whom was referred the enquiry, as to whether the appendix is a part of the revised code,

#### REPORT:

That, by the act of January 25, 1848, commissioners were appointed, "to draft, revise and prepare a code of laws for the State of Iowa;" and they were directed to report the same to the Governor, at the earliest practicable period, for the evident purpose of having the same laid before the General Assembly for its consideration. The whole report thus to be made, was most manifestly intended as a mere proposition—possessing no vitality whatever until it received the legislative sanction.

At an early day of this present session, this report was made. It embraced among other things four separate chapters or distinct subjects, which were styled and have been known as the "appendix." In presenting this portion of their report, the commissioners state that its adoption had been deemed by some of their number of doubtful propriety. It was therefore so framed that its adoption or rejection would not derange any other part of the code, but with this modification it formed just as much a portion of the report of the commissioners as any other chapter therein contained, and was like, all the other portions of their report, submitted to the consideration of the General Assembly. If adopted it was to be law, and was so arranged as to be, in harmony with the other portions—the whole forming an unit.

With the exception of a few chapters, the report of the commissioners was by the House of Representatives ordered to be printed.

It had (the appendix included) been reported to the Governor—had been transmitted by him to this House—been considered as read a first and second time, and transferred to the other branch of the General Assembly, and from thence to the public printer.

It is well known that at the present session, a peculiar rule has been established in relation to the transmission from one house to the other of subjects under consideration when on their second reading; but that this rule was confined strictly to the revised code. Under this rule the "appendix" has several times been interchanged between the two Houses, without any question being made as to the propriety of such a course.

But the intention of the General Assembly on this subject has been expressed more unequivocally still. The two Houses have acted upon this appendix directly and affirmatively. The three first chapters were struck out of the code in the House of Representatives. Why should they be struck out, if they had not previously been in. The fourth chapter of the appendix was adopted by the House after having been amended, and that action was concurred in by the Senate. This body, however, refused to concur in striking out the two first chapters of the appendix. That action was reported to the other house, which thereupon receded from its amendment in striking out; whereupon these two chapters as well as the fourth became as much a portion of the code as any others therein contained, if they had not been so previously. After all this, to strike out the appendix or even to separate it from the body of the code, after the whole has gone to a third reading, merely on the ground that its adoption was not unqualifiedly recommended by the revising commissioners, would, in the opinion of the undersigned, be a specimen of superlative legislative trifling. The action of the General Assembly has been brought to bear directly on this subject. What matters it then whence it came, or with what intent it was presented.

As to the position that any other law of a general nature passed at the present session, is as much a portion of the code as this appendix is, the undersigned would merely reply that if any law of a general nature had been introduced and passed to its third reading, without an enacting clause prefixed to it—if it had been passed backward and forward between the two Houses, under the rule that is solely applicable to the chapters of the revised code—if it had been uniformly treated from beginning to end, as a portion of that code, it would be

a portion of it. We trust that the intention of this General Assembly may be safely inferred from what it does as well as from what it says.

But it is alleged that some of the provisions of the appendix are in conflict with other portions of the code. What those conflicting provisions are we have not been told, and probably for the very sufficient reason that they do not in fact exist. The act which passed this House on yesterday, fixed the time for the taking effect of the code, on the *first* day of July next. One of the provisions of this act punishes murder with death. The appendix declares that from and after the *fourth* day of July next, such punishment shall be mitigated. The law then which takes effect on the first, is modified on the fourth. People may be induced to wonder why a law should be enacted which was to remain in full force only four days; but the two laws are thereby rendered no more in conflict than though four years were to elapse between the times when they respectively took effect. It is at most but an impropriety. As such it results from an amendment made to the code by the General Assembly. We may indeed consider ourselves fortunate if no worse discrepancies are found to have been created by our amendments to other portions of the code.

Believing then that the "appendix" was (at least conditionally) a portion of the code as reported, the undersigned are averse to the adoption of the resolution, reported by the majority of the committee. But even if that resolution is adopted, it only covers a small and unimportant portion of the ground of discussion. It is wholly immaterial whether the appendix forms a portion of the code of laws, reported to the General Assembly, or not. It has been made a portion of the code as amended and adopted by us. We, therefore, recommend the adoption of the following resolution:

Resolved, That whether the "appendix" was originally a portion of the revised code or not, it has become so by the deliberate, affirmative, continuous action of both branches of the General Assembly; that it cannot now be separated without a material amendment of subjects which had passed to their third reading, and that at this late hour it is inexpedient, if not dangerous in precedent, to innovate upon the salutary parliamentary rule, that amendment can not be made to any bill on its third reading, except by unanimous consent.

That the passage of the resolution, reported by a majority of the Committee, would have no practicable effect. That to separate the

appendix, or any other part of the code from the whole, would require the joint action of both houses.

GEORGE HEPNER.

The report having been read, was,

On motion,

Laid upon the table.

Mr. Casady submitted the following report, which was laid upon the table.

The committee on the judiciary to whom was referred the petition of John A. Drake, and others, citizens of Bloomfield township, Davis county, praying for a special precinct at Drakesville, in said township, have had the same under consideration and instructed him to report that it is inexpedient to grant the prayer of said petitioners.

P. M. CASADY, Chairman.

A message from the House of Representatives, by Mr. Hooten, the assistant clerk.

MR. PRESIDENT:—I herewith present for your signature,

H. R. file, Nos. 104, 192, and 197, the same having passed both Houses and received the signature of the Speaker of the House of Representatives.

Mr. Alger, from the committee, to whom was referred the bill to re-apportion the State, submitted a substitute for H. R. file No.—

Which was read, and laid over for the present.

Mr. Shields, from the committee on ways and means, presented Senate file, No. 103, A bill fixing the price of binding the revised code.

Which was read three several times and passed.

Mr. Shields, from the committee on ways and means, reported a substitute for H. R. file No.—, when a motion was made by Mr. Espy to suspend the order of the day.

Which was decided in the affirmative.

Those who voted in the affirmative were,

YEAS—Messrs. Alger, Cook, Espy, Everson, Howell, Leffingwell, Lowe, Shields, and Wright—9.

Those who voted in the negative were,

**YAYS**—Messrs. Baker, Casady, Hendershott, Hepner, Morton, Sales, Selman, and Mr. President—8.

H. R. file, No. 199, Joint Resolution relative to the appendix, was read twice, when a motion was made by Mr. Cook to suspend the 13th rule in order that the resolution may be read a third **now**.

Which was decided in the affirmative.

Those who voted in the affirmative were,  
Messrs. Alger, Baker, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Morton, Sales, Shields, and Wright—13.

Those who voted in the negative were,  
Messrs. Casady, Hepner, Selman, and Mr. President—4.

The question then recurred on the passage of the resolution. And was decided in the negative, yeas 7, nays 10.

Those who voted in the affirmative were,  
Messrs. Cook, Espy, Everson, Howell, Leffingwell, Lowe, and Shields.

Those who voted in the negative were,  
Messrs. Alger, Baker, Casady, Hendershott, Hepner, Morton, Sales, Selman, Wright, and Mr. President.

A motion was made by Mr. Baker to take up an act for revising and consolidating the general laws of the State.

Which was agreed to.

And the question being, shall the act pass?

It was decided in the affirmative, yeas 14, nays 3.

Those who voted in the affirmative were,  
Messrs. Alger, Baker, Casady, Hendershott, Hepner, Howell, Leffingwell, Lowe, Morton, Sales, Selman, Shields, Wright, and Mr. President.

Those who voted in the negative were,  
Messrs. Cook, Espy, and Everson.

A motion was made by Mr. Leffingwell, to add to the title the words "with an appendix."

Which was decided in the negative, yeas 6, nays 11.

Those who voted in the affirmative were,  
Messrs. Cook, Espy, Everson, Howell, Leffingwell, and Shields.

Those who voted in the negative were,  
Messrs. Alger, Baker, Casady, Hendershott, Hepner, Lowe, Morton, Sales, Selman, Wright, and Mr. President.

Ordered, That the Secretary notify the House of Representatives of the passage of said act.

A message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk, informing the Senate of the passage by the House, of an act making an appropriation for the Penitentiary.

Also, of a bill supplemental to an act making an appropriation for the members, officers, and Printers of the present session of the General Assembly and for other purposes.

Mr. Shields, on leave, introduced

Senate file, No. 106, Joint Resolution authorising the Governor to protect school, university, saline, and swamp lands, against waste.

Which was read three several times, passed and title agreed to.

Senate file, No. 101, A bill for an act to amend an act to re-organize the supreme court, as amended by the House of Representatives.

Was concurred in.

H. R. file No. 198, Joint Resolution requiring the school fund commissioners to report to the superintendent.

Was read a first, second and third times, and passed.

H. R. file No. 202, A bill supplemental to an act making appropriations for the members and officers of the General Assembly.

Was read a first and second time.

And referred to the committee on claims.

Mr. Everson, with leave, introduced

Senate file, No. 197, A bill for an act respecting the bridge across English river, on the military road.

Which was read a first and second time.

On motion of Mr. Leffingwell,

The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

A message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—The House of Representatives has indefinitely postponed

Senate file No. 98, A bill for an act to repeal certain acts therein named.

And has passed

Senate file No. 100, A bill for an act relative to publishing the revised code.

Also, Senate file No. 69, A bill for an act making an appropriation for the State House at Iowa City, with an amendment.

I also return,

Senate file No. 64, A bill for an act to repeal an act entitled an act to repeal an act entitled an act for the relief of the poor. And

Senate file No. 56, An act granting the Ottumwa and Libertyville plank road company the right of way.

The House has passed

Substitute for H. R. file No. 200, Joint Resolution providing for the publication of the general and local laws of the present session.

And then he withdrew.

The Senate resumed the consideration of Senate file No. 107.

When it was read a third time and passed.

Senate file No. 68, as amended by the House of Representatives, was considered, and

On motion of Mr. Hepner,

The Senate disagreed to the amendment of the House of Representatives.

Substitute for H. R. file No. 200, Joint Resolution providing for the publication of the general and local laws.

Was read twice.

A motion was made by Mr. Wright, to strike out "three thousand" copies, and insert "two thousand" copies.

Which was disagreed to.

The resolution was then read a third time and passed.

Substitute for H. R. file No. 185, An act to re-appoint the State into senatorial and representative districts.

Was read a second time.

And the question being: Will the Senate adopt the substitute?

It was decided in the negative.

A motion was made by Mr. Alger, to amend the original bill so as to read,

The counties of Johnson, Iowa and Poweshiek, one Senator, and

the county of Johnson one Representative, and the counties of Johnson, Iowa and Poweshiek, one Representative jointly.

Which was agreed to.

The question was then taken: Shall the bill pass?

And it was decided in the affirmative, yeas 12, nays 5.

Those who voted in the affirmative were,

Messrs. Baker, Casady, Cook, Espy, Everson, Hendershott, Hepner, Leffingwell, Lowe, Morton, Sales, and Shields.

Those who voted in the negative were,

Messrs. Alger, Howell, Selman, Wright, and Mr. President.

A message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I am directed by the House of Representatives, to inform the Senate that the House insists on its amendment to

Senate file No. 68, A bill making an appropriation for the State House at Iowa City.

And then he withdrew.

The question recurring on the above entitled bill.

A motion was made the Senate recede from its disagreement to the amendment of the House.

And it was decided in the affirmative.

Mr. Lowe, from the committee on claims, reported back

H. R. file No. 202, A bill supplemental to an act making an appropriation to the members, officers, &c., of the General Assembly, with amendments.

Which were agreed to.

The bill was then a third time, passed and sent to the House.

A message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT:—I herewith present for your signature

H. H. file Nos. 85, and 200, the same having been signed by the Speaker of the House of Representatives.

A motion was made by Mr. Cook, to appoint a committee of conference relative to the disagreeing vote between the two Houses on a joint resolution relative to the appendix.

Which was decided in the affirmative; yeas 10, nays 5.

Those who voted in the affirmative were,

Messrs. Cook, Espy, Everson, Hendershott, Howell, Lowe, Morton, Shields, Wright, and Mr. President.

Those who voted in the negative were,

Messrs. Alger, Baker, Casady, Hepner, Sales, and Selman.

Messrs. Hendershott, Morton, and Baker, were appointed said committee.

A message from the House of Representatives, by Mr. Hooten, Assistant Clerk.

MR. PRESIDENT:—I herewith return

Senate file No. 99; Joint Resolution relative to the appointment of trustees for the State University.

Senate file No. 103, A bill fixing the price of binding the revised code.

Senate file No. 60, A bill to dispose of the saline lands of the State. All of which have passed the House without amendment.

I herewith return,

Senate file Nos. 64, 101, 83, and 100, the same having received the signature of the Speaker of the House of Representatives.

Also, Joint Resolution to pay for distributing the revised codes.

And then he withdrew.

Mr. Leffingwell reported back H. R. file No. 147.

Which was read a third time and passed.

Substitute for H. R. file, No. 193, A bill making appropriations for the support of the State government for the fiscal years of 1851 and 1852.

Was taken up, slightly amended, read a third time and passed.

A message from the House of Representatives, by Mr. Rockwell, Chief Clerk.

MR. PRESIDENT: I present, for your signature, H. R. file No. 185.

I also return,

Senate files Nos. 32, 79, 89 and 90.

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

Mr. Morton, from the committee of conference, reported.

That the committee of conference, appointed on the disagreeing vote of the two Houses, on the joint resolutions relating to the appen-

dix, had met and agreed to defer the consideration of the matter until the further action of the House of Representatives.

The report was laid upon the table.

H. R. file No. 206, A Joint Resolution to pay for the distribution of the revised code.

Was read twice.

A motion was made by Mr. Leffingwell to strike out the sum of \$400, and insert \$600.

Which was not agreed to.

A motion was made by Mr. Wright to strike out the sum of \$400, and insert \$300.

Which was decided in the negative yeas 5, nays 9.

Those who voted in the affirmative were:

Messrs. Cook, Everson, Hepner, Morton and Wright.

Those who voted in the negative were:

Messrs. Alger, Hendershott, Howell, Leffingwell, Lowe, Sales, Selman, Shields and Mr. President.

The rule was then suspended, and the bill read a third time and passed.

The President laid before the Senate the following communication from the Governor:

Gentlemen of the Senate—

I return, with objections, "An act to authorize the Farmington Bridge Company to build a bridge across the Des Moines river, at the town of Farmington," which was this day presented for my approval.

The act provides that certain persons "or either of them, and any person they may see proper to associate with them," under the name and style of the Farmington Bridge Company, are authorized to erect a toll bridge across the Des Moines river, opposite the town of Farmington, in Van Buren county, with the exclusive privilege of bridging said river at said point, and for one mile up and down said river, for the term of twenty years, &c.

Does this act create a corporation? To determine this question let me observe that: "a corporation may be defined to be a body of persons connected together by law, either contemporaneously or in succession, and endowed with a capacity of acting for one or various purposes, as a single person."

Apply this rule to the act under consideration, and we find a body of persons connected by law, under the name and style of the "Farmington Bridge Company," with succession for the term of twenty years, and with the exclusive privilege of bridging said river for one mile up and down the same. This act, in my judgment, is clearly intended to establish a private corporation—it has a name—succession—an object and whatever is necessary for that purpose, and is to be established upon private means.

The second section of the ninth article of the Constitution declares that "corporations shall not be enacted in this State, by special laws, except for political or municipal purposes; but the General Assembly shall provide, by general laws, for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited."

It cannot be contended that this is a "political or municipal" corporation, because all such are of a public character, beginning with the government of the United States, and descending down through states, counties, townships, school districts and the like.

The General Assembly, in compliance with the provisions of the Constitution, passed "An act authorizing General Incorporations," approved February 22d, 1847, (now in force,) granting to every citizen the right of forming a company or association, for the purpose of transacting "any business which may be the lawful subject of a general partnership, including the establishment of ferries, the construction of rail roads, and other works of internal improvement."

The language and intention of the Constitution cannot be mistaken, it asserts a great and just principle, which is worthy of the highest consideration by those who are entrusted with legislative power—the object being to prevent special and partial legislation, and place the citizens of this State upon an equality as to those privileges which should be equal to all. Is it necessary, is it desirable, that the time of the General Assembly should be consumed, and the money of the people expended, in granting to private individuals for private gain franchises and privileges of the character of the act in question. Is it desirable, that under the plea of benefiting the public, exclusive privileges and monopolies should be granted to a few individuals. Having discharged what I conceive to be my duty, I now return the act for your further consideration.

**S. HEMPSTEAD.**

February 5th, 1851.

The communication having been read, and the question being, shall the act pass with the constitutional majority, notwithstanding the objections of the Governor?

It was decided in the negative, yeas 4, nays 13.

Those who voted in the affirmative were:

Messrs. Alger, Cook, Morton and Wright.

Those who voted in the negative were:

Messrs. Baker, Casady, Espy, Everson, Hendershott, Hepner, Howell, Leffingwell, Lowe, Sales, Sellman, Shields and Mr. President—13.

A message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk, notifying the Senate of the passage of the revised code, with an amendment, which was the striking out of the same "the appendix."

And the question was immediately taken, Will the Senate concur?

It was decided in the affirmative, yeas 13, nays 4.

Those who voted in the affirmative were:

Messrs. Alger, Baker, Casady, Cook, Espy, Everson, Hendershott, Howell, Leffingwell, Lowe, Shields, Wright and Mr. President.

Those who voted in the negative were:

Messrs. Hepner, Morton, Sales and Selman.

On motion of Mr. Leffingwell,

Senate adjourned until half past six o'clock, P. M.

#### HALF PAST SIX O'CLOCK, P. M.

A message from the House of Representatives, by Mr. Rockwell, Chief Clerk:

MR. PRESIDENT: I am directed to present, for your signature, H. R. files Nos. 447, 198, 290 and 206, all of which have passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

The President laid before the Senate the following communication from the Governor:

Gentlemen of the Senate—

I herewith return to you, with my objections, An act to authorize the Keosauqua Bridge Company to build a bridge across the Des Moines river, at Keosauqua, which has just been presented for my approval.

For my objections to the passage of acts of this character, I respectfully refer you to my message of this date, disapproving An act to authorize the erection of a bridge at Farmington, by the Farmington Bridge Company.

S. HEMPSTEAD.

February 5th, 1851.

The communication having been read, and the question being Shall the act pass, with the constitutional majority, notwithstanding the objections of the Governor?

It was decided in the negative, yeas 5, nays 10.

Those who voted in the affirmative were:

Messrs. Baker, Cook, Everson, Morton and Wright.

Those who voted in the negative were:

Messrs. Casady, Espy, Hendershott, Hepner, Howell, Lowe, Sales, Selman, Shields and Mr. President.

A message was received from the House of Representatives, by Mr. Rockwell, Chief Clerk, informing the Senate of the passage by the House of

H. R. file No. 207, A bill to provide for the erection of a bridge across the Iowa river.

Said bill was read a first and second time.

When a motion was made to suspend the 13th rule, in order that the bill might be read a third time;

And was decided in the negative yeas 7, nays 7.

Those who voted in the affirmative were:

Messrs. Alger, Baker, Casady, Hendershott, Morton, Selman and Mr. President.

Those who voted in the negative were:

Messrs. Cook, Espy, Hepner, Lowe, Sales, Shields and Wright.

A motion was made by Mr. Sales to reconsider the vote just taken, which was decided in the negative.

A message from the House of Representatives, by Mr. Hooten, Assistant Clerk:

Mr. PRESIDENT: I herewith return Senate file Nos. 60, 68, 99 and 103.

Also, An act for revising and consolidating the General Statutes of the State of Iowa.

The same having received the signature of the Speaker of the House of Representatives.

The House has passed

Senate file No. 107, A bill for an act respecting the bridge across English river, on the military road.

Also, Senate file No. 106, A Joint Resolution authorizing the Governor to protect school, university, saline and swamp lands against waste.

And then he withdrew,

On motion of Mr. Espy,

He had leave to withdraw, from the files of the Senate, the report of Thomas H. Benton, jr. relative to the accounts of the Penitentiary.

Mr. Wright offered the following, which was adopted unanimously:

Resolved, That the thanks of the Senate are hereby tendered to the principal, assistant and enrolling Secretaries, for the very attentive and highly satisfactory manner in which they have discharged the duties of their respective offices during the present session.

A motion was made by Mr. Morton, to take from the table, Senate file No. 61, A bill for an act to abolish capital punishment.

Which was agreed to.

A motion was made by Mr. Shields, to lay said bill upon the table.

To which the Senate disagreed.

The question was then taken,

Shall the bill pass?

And was decided in the affirmative.

Ordered, by the President,

That Mr. Morton notify the House of Representatives of the passage of said bill.

Mr. Shields was appointed a committee, on the part of the Senate, to act with a committee to be appointed on the part of the House of Representatives, to wait upon the Governor, and inform him that the

two houses had disposed of the business before them, and to inquire if he had any further communications to make to them.

After a short time, Mr. Shields reported that the committee of the two Houses had discharged the duty assigned them, and that the Governor informed them that he had no further communications to lay before the General Assembly.

On motion of Mr. Wright,

Ordered, That a committee be appointed to wait upon the House of Representatives, and inform that body that the Senate had disposed of all its business, and was now ready to adjourn *sine die*.

Messrs. Wright and Casady were appointed, and in a short time reported that they had performed the duty assigned them.

Messrs. Summers and Preston of Monroe, a committee from the House of Representatives, were announced, who informed the Senate that the House of Representatives had disposed of all the business before it, and was now ready to adjourn.

A motion was made by Mr. Morton, that the Senate adjourn *sine die*.

When the President arose, and addressed the Senate as follows:

SENATORS—The complimentary resolution passed unanimously by you a day or two since in relation to myself, will ever be cherished by me with no ordinary degree of appreciation, as evidence of your kind regard.

But a moment more and I shall have performed the only remaining act which devolves upon me as your presiding officer, and let that short moment be devoted to a few parting words of kindness and friendship, though faintly expressive they may be of the thoughts which now impress me on this occasion.

If under the excitement of difficult legislation anything has been uttered, in its nature calculated to ruffle the uniform and calm current of our feelings, it will, I know, be consigned to the oblivion of forgetfulness,—that it will be permitted to pass with the occasion which gave rise to it.

A session unequalled in the history of our State legislation, in the magnitude of its labors, and weight of its responsibilities ;—a session

remarkable for patient industry, and a patriotic disregard of emolument, is now about to close.

Our laws were deranged, dispersed, and technical—in a word so incomprehensible as sometimes to deceive even lawyers themselves, and were of course much less suited to the conventional wants of the people at large, in the every day affairs of life.

To remedy this great public evil, so universally and justly complained of, has been the chief aim and business of us all, and if we have succeeded in some degree, in better adapting the laws to the wants of the people, by rendering them less ambiguous, and as a consequence more respectable, an important work has been done.

The revisory labors of the session, though assisted by the able revising commissioners who prepared the code for our action, have been arduous and tedious, and I trust your honest and faithful efforts to serve the State may be correctly appreciated and justly rewarded by your fellow citizens.

We came together some of us strangers to each other, but by daily association, governed by kindness, dignity, and a just appreciation of mutual interests, ties have been created which in the language of my own heart, cannot be severed without feelings of sadness.

It is the thought, aye, the certainty that our next separation will be to some of us final, that saddens the heart, and clouds for the moment the joyous anticipation of soon meeting the loved ones of home.

“When shall we all meet again?” is a solemn and unanswerable question, which doubtless addresses itself to each of us at this time. And it is true generally that the best of friends must part, and this is especially so of us at this time.

Soon we shall pass hence, some of us to return no more, and this Chamber, the theatre of stirring scenes and eloquent debate will be deserted and silent.

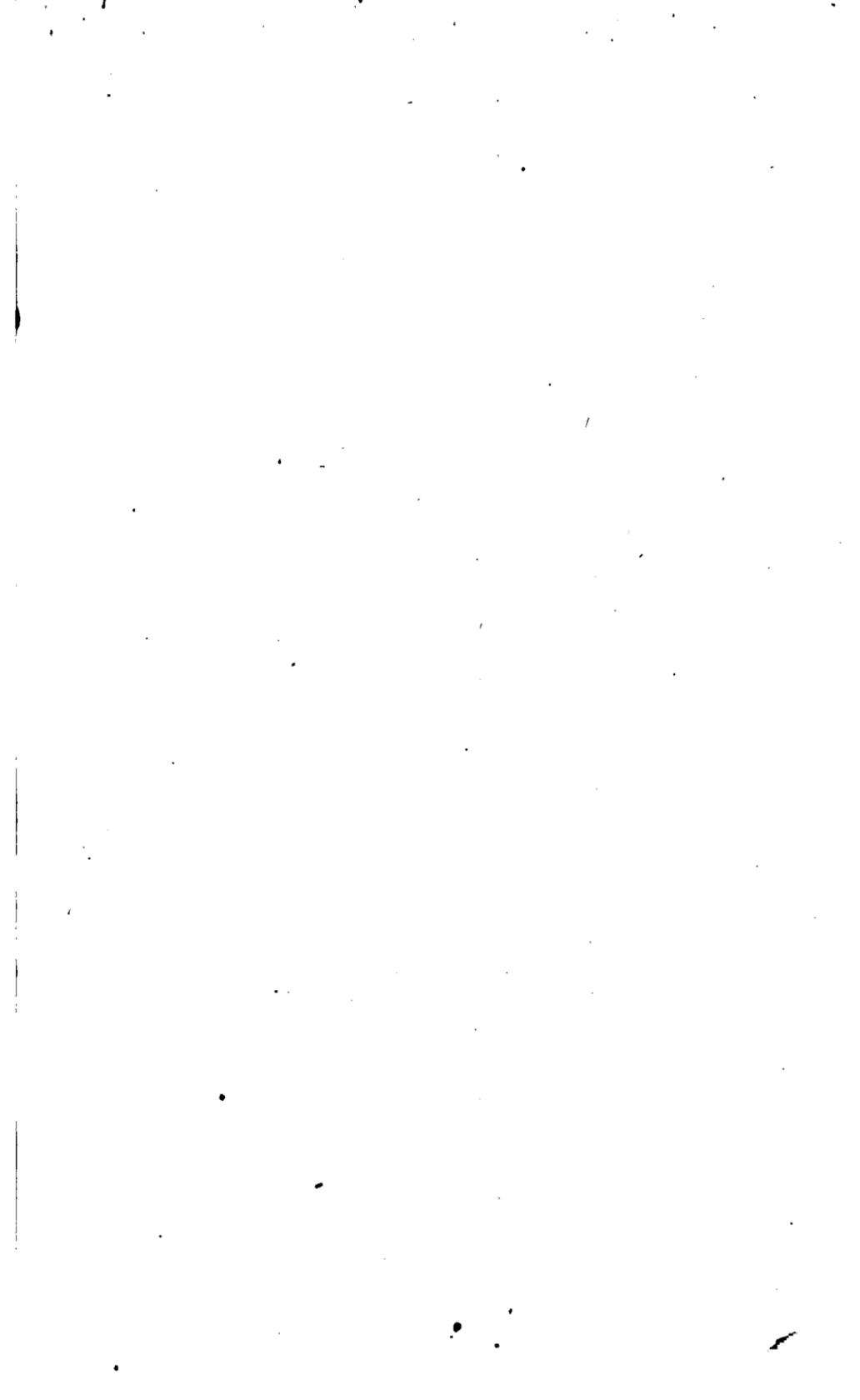
But in parting with you it is with mingled feelings of pride and satisfaction that I can look back over the field of our difficult labors, without seeing ought to mar the pleasure of the retrospect.

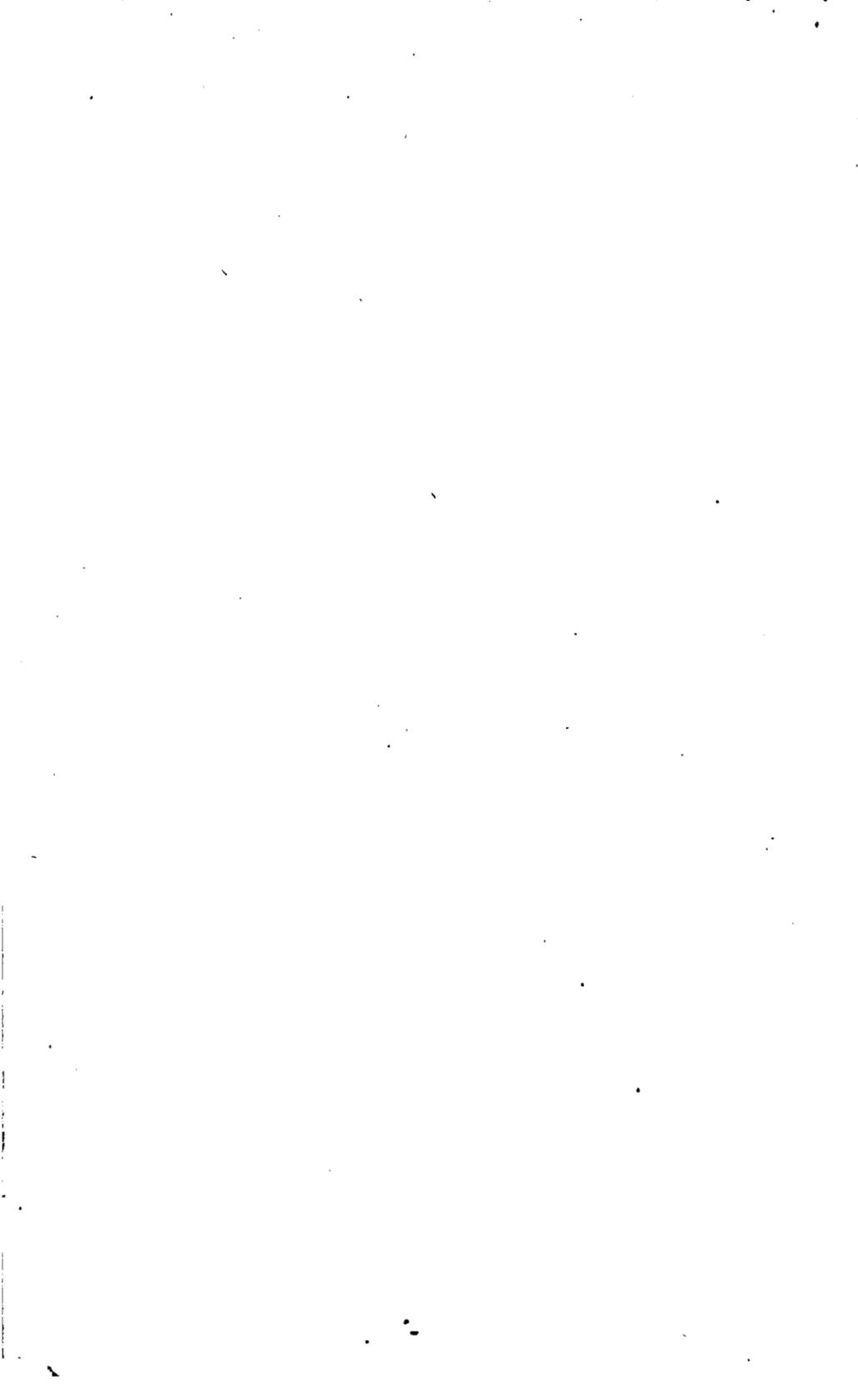
Your concession and observance of order have rendered the duties of the chair comparatively easy, and from your courtesy and indulgence not a single appeal has been taken from its decisions. For

your kindness towards me personally, as well as officially, I tender you my cordial and unfeigned thanks.

In conclusion, let me congratulate you upon the prospect of soon entering the dwellings of your own homes—the quiet scene where man's greatest happiness chiefly lies, and may you ever find the road smooth and the sun bright and cheerful when returning to the joys and comforts “of wife, children and friends.”

It is in no ordinary formality that I assure each and every member and officer of this Senate, that I part with you in heart felt sorrow. You will carry with you my most earnest good wishes in all that concerns your welfare and happiness in time and eternity. I bid you an affectionate farewell and pronounce the Senate adjourned *sine die*.





# A P P E N D I X .

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[A]

## REPORT OF THE AUDITOR OF STATE.

AUDITOR'S OFFICE, IOWA,  
Iowa City, Dec. 2, 1850. }

*Gentlemen of the Senate  
and House of Representatives:*

The undersigned has the honor to submit the following as a complete statement of the revenues, resources, incomes, and property of the State, under the control of this office, together with an account of the expenditures of the two fiscal years, ending on the 30th of November, 1850, with suggestions and statistical information deemed interesting to the General Assembly.

The items are presented under the following heads:

- I. A statement of the receipts into the Treasury since the 30th day of November, 1848.
- II. A statement showing the expenditures, or amount of warrants drawn on the Treasury since the 30th day of November, 1849.
- III. A statement showing the amount of Territorial and State taxes unpaid, previous to the assessment of the year 1850.
- IV. A tabular statement of the Funded Debt.
- V. A tabular statement of the number of polls, acres of land, with the value of the same, and all other property assessed in the several counties in the year 1849.
- VI. A comparative table, showing the increase or decrease in the several counties between the years 1848 and 1849.
- VII. A tabular statement of the number of polls, acres of land, with the value of the same, and all other property assessed in the several counties in the year 1850.
- VIII. A comparative table showing the increase in the valuation

of property in the several counties, from the year 1849 to the year 1850.

IX. A table showing the quantity of land entered at the several Land Offices in the year 1849, and assessed in the year 1850.

X. A statement of the account kept against the Hon. M. Reno, Treasurer of State.

### I.—A STATEMENT.

Of the receipt into the State Treasury since the 30th day of November, 1848, from taxes, Pedlar's licenses, and interest from delinquents :

From the County of Allamakee,.....	\$ 22 00
“ “ “ “ Appanoose,.....	163 63
“ “ “ “ Benton,.....	87 24
“ “ “ “ Boone,.....	11 00
“ “ “ “ Buchanan,.....	147 14
“ “ “ “ Cedar,.....	2,225 05
“ “ “ “ Clayton,.....	1,379 63
“ “ “ “ Clinton,.....	1,092 36
“ “ “ “ Dallas,.....	47 50
“ “ “ “ Davis,.....	1,240 41
“ “ “ “ Delaware,.....	531 73
“ “ “ “ Des Moines,.....	10,538 56
“ “ “ “ Dubuque,.....	5,224 39
“ “ “ “ Henry,.....	4,112 48
“ “ “ “ Iowa,.....	140 42
“ “ “ “ Jackson,.....	2,105 01
“ “ “ “ Jasper,.....	271 02
“ “ “ “ Jefferson,.....	3,375 22
“ “ “ “ Johnson,.....	3,125 37
“ “ “ “ Jones,.....	808 96
“ “ “ “ Keokuk,.....	1,153 00
“ “ “ “ Lee,.....	8,002 52
“ “ “ “ Linn,.....	2,393 38
“ “ “ “ Louisa,.....	2,464 97
“ “ “ “ Lucas,.....	14 20
“ “ “ “ Madison,.....	27 83
“ “ “ “ Mahaska,.....	1,746 44
“ “ “ “ Marion,.....	893 37
“ “ “ “ Monroe,.....	405 33
“ “ “ “ Muscatine,.....	3,510 33
“ “ “ “ Polk,.....	400 30
“ “ “ “ Poweshiek,.....	165 50

From the county of Scott,.....	3,100 65
“ “ “ “ Van Buren,.....	5,615 60
“ “ “ “ Wapello,.....	2,908 67
“ “ “ “ Warren,.....	29 88
“ “ “ “ Washington,.....	2,588 05
Total amount received from taxes, &c,.....	\$72,019 15
From Clerk District Court, Jackson county, as a fine to the school fund,.....	10 00
From U. S. Marshal for keeping prisoners,.....	34 05
From the five per cent school fund, as a loan for five years,.....	16,442 05
Balance in the Treasury on the 30th Nov. 1848,.....	1,938 87
Total amount applied to disbursements in the years 1849 & 1850,.....	\$90,444 12

## II.—A STATEMENT

Showing the amount of warrants drawn on the State Treasury since the 30th day of November, 1848.

Convention of the year 1845,.....	\$84 00
Governor's Salary,.....	2,000 00
Secretary's Salary,.....	1,000 00
Auditor's Salary,.....	1,200 00
Treasurer's Salary,.....	800 00
Salary of Superintendent of Public Instruction,.....	3,300 00
Salary of the Superintendent of the Penitentiary,.....	700 00
Penitentiary debts,.....	129 00
Supreme Court account,.....	2,265 36
Salaries of Judges of the Supreme Court,.....	5,958 34
Salaries of Judges of the District Court,.....	10,750 00
Governor's Contingent Fund,.....	300 00
Secretary's " ".....	300 00
Auditor's " ".....	300 00
Treasurer's " ".....	300 00
Librarian's " ".....	147 58
Librarian's Salary,.....	337 50
Penitentiary keepers salary to 16th March, 1849,.....	150 00
Public Buildings,.....	3,200 00
Fund for arresting fugitives from justice,.....	320 37
General Contingent Fund,.....	600 55
Interest and expenses on "State Stocks,".....	10,237 41
Interest for loan of School Fund,.....	1,321 12
Interest paid John Brown on bonds,.....	133 28
Presidential Electors,.....	66 08
Per diem and mileage of the members of the General Assembly,.....	5,796 00
Per diem of the officers of the General Assembly,.....	1,662 00

Public Printing,.....	8,027 75
Sundry accounts per appropriation act,.....	1,415 70
Fuel,.....	200 00
Stationary,.....	668 89
Indexing and distributing the laws,.....	300 00
Indexing and distributing the journals,.....	600 00
John Taylor, Monroe City Commissioner,.....	204 40
Abstracts of lands in 1847,.....	300 00
Postage of General Assembly,.....	977 33
Selecting Salt Springs,.....	200 00
Selecting University Lands,.....	294 00
Selecting School Lands,.....	2,399 00
Recording and plating State Roads,.....	480 61
Appanoose county, criminal case,.....	265 71
Abstracts of lands from Land Offices,.....	271 46
Copying and forwarding abstracts of land,.....	300 00
Sword for Capt. B. S. Roberts, U. S. A.....	100 00
Prosecuting Pedlars in Dubuque county,.....	15 00
Keeping U. S. Prisoners,.....	34 05
Prosecuting Attorneys per appropriation act.....	250 00
Commissioners for revising the laws,.....	1,500 00
Expenses of Commissioners of Revision,.....	202 50
Contingent fund of Superintendent of Public Instruction,.....	300 00
Monroe City certificates redeemed,.....	1,344 91
Deaf and Dumb.....	500 00
Blind,.....	150 00
Reports of the Supreme Court,.....	750 00
<b>Total,.....</b>	<b>\$75,409 90</b>

## III.—A STATEMENT

Showing the amount due from the several counties, previous to the year 1850, for Territorial and State taxes:

Allamakee,.....	\$9 97	Kcokuk,.....	\$624 80
Appanoose,.....	69 32	Lee,.....	3,843 25
Benton,.....	92 28	Linn,.....	623 80
Boone,.....	8 95	Louisa,.....	968 13
Buchanan,.....	11 56	Lucas,.....	1 21
Cedar,.....	613 42	Madison,.....	11 83
Clayton,.....	417 62	Mahaska,.....	336 27
Clinton,.....	317 17	Marion,.....	284 12
Dallas,.....	47 76	Monroe,.....	193 41
Davis,.....	366 22	Muscatine,.....	1,136 14
Delaware,.....	95 26	Polk,.....	271 01
Des Moines,.....	2,461 93	Pottawattamie,.....	398 82
Dubuque,.....	2,216 83	Poweshiek,.....	14 61
Fremont,.....	8 91	Scott,.....	555 10
Henry,.....	1,167 70	Van Buren,.....	2,383 45
Icwa,.....	60 52	Wapello,.....	657 75
Jackson,.....	1,180 55	Warren,.....	22 86
Jasper,.....	76 33	Washington,.....	560 84
Jefferson,.....	796 86		
Johnson,.....	776 99	Total,.....	\$24,164 83
Jones,.....	481 29		

It will be observed, from the foregoing statement, that some of the counties are in arrears to a large amount, which will be reduced the present month, in all probability, several thousand dollars; still there will be a considerable sum unpaid, which is of long standing, and ought to have been liquidated years ago, and every exertion has been used on my part to bring about such a result. In some cases I have succeeded, but in others I have been unable to bring prosecution against the delinquents from a defect in our system.

Our Prosecuting Attorneys are the legal officers of the counties and of the county officers, and cannot be employed by the State against them, yet our law seems to indicate that they shall act for the State when called upon. The State should have an Attorney General, to bring suits in all cases in which the State is interested, and to give legal advice to the State officers when necessary; by this means the State's interest would be more carefully guarded, and delinquents would know that they could be made accountable.

It is useless to levy a uniform tax throughout the State, if a portion can pay or not, as they please. It is believed that an efficient and punctual set of collectors can collect and pay into the Treasury nearly every dollar of tax levied. It is done in some few of the counties, and

if it can be done by a little extra exertion in some, it can be done much better than it has been in others.

Our system of collecting is very imperfect, and it is desirable that the present session will not pass without something better being adopted. A prompt collection and payment of the revenue into the Treasury, would enable the State to meet all her liabilities at the per cent. now levied, and it would be but a short time before we could reduce the levy to a much less amount.

The funded debt of the State amounts to the sum of seventy-nine thousand four hundred and forty-two dollars and five cents, which, with the present liabilities in Auditor's warrants unpaid, makes the total debt of the State \$90,213 67. The interest on the funded debt has been promptly paid at maturity, which has been the means of raising our credit in the east to as fair a standard as any of the States of the Union. A more particular description of the funded debt and the times of payment will be seen by a reference to tabular statement No. IV.

Under the act of the 12th of January, 1849, which provides for funding a portion of the State debt, in the redemption of Auditor's warrants, only two thousand dollars have been redeemed, for which a bond has been issued payable in the year 1853.

By reference to the tables of assessments of the years 1849 and 1850. it will be observed that great inequalities exist in the way property is taxed in the several counties. In the first place, I would call your attention to the county of Henry in the assessment of 1849, by which it will appear, that the value of property was less in that year than in 1848, by the sum of \$145,034, or 14 per cent., when, in fact, there was no doubt an increase of that amount, if not more, as the adjoining county of Jefferson increased \$162,244, or 23 per cent. In 1848 there was 184,990 acres of land placed upon the tax list of Henry county, but in 1849 there was but 178,300 acres, notwithstanding a list containing 9,146 acres of new lands was sent from this office, to be added to the original list, making a decrease of 15,835 acres. Now how can such decrepancies be accounted for, except they be attributed to gross ignorance, or wilful dereliction of duty? A decrease in the value of property can be accounted for by a low assessment, but when near sixteen thousand acres of land in one county are not assessed at any price, and consequently none of the improvements and per-

sonal property connected therewith, it is time that we had a law to prevent such glaring inconsistencies.

The necessary forms are sent from this office, to all the Assessors, similar to the headings of tabular statement VII, requesting them to conform to them, as they contain the words of the revenue law, but from some cause or other, the returns are very defective with regard to certain portion of property. A few facts will be submitted. Look at the county of Des Moines in 1849, under the head of "value of gold and silver coin, or bank notes in actual possession," which reports \$65,905, and the county of Muscatine which reports nothing, not one cent. Who will believe that there is no money of any kind in Muscatine county? No one. And whilst there is the full amount of money, if not more, than is reported in Des Moines, yet under the head of "value of claim or demand for money or other consideration," there is not a dollar assessed, yet the comparatively new county of Wapello reports \$96,330, and doubtless there is twice that amount in Des Moines county. Dubuque county reports \$25,525, as the "value of money invested in property of any kind, secured by deed, mortgage, or other evidence of claim." Des Moines, Scott, Van Buren, Henry, and Johnson report nothing, when it is well known by every body that large amounts of money are invested in that way in all those counties. Many other facts might be submitted, but I conceive the above to be sufficient to draw your attention to these tables, which more clearly show the many discrepancies in our assessments, than any thing I can say on the subject.

The expenses of our government should be borne by all classes of citizens, and equalized, as near as possible, by the value of property each one may possess, no matter in what it may consist; but under such system of taxation as referred to above, a man in Muscatine county having \$50,000 in money, and no other property, pays no tax. Let him loan his money, and take the paper of the loanee, still he pays no tax, as such property is not assessed in that county, neither would it be in some others, judging from the returns. Is this just, is it equal?

I would suggest that hereafter, each tax payer should be furnished with a list, with the proper headings of all kinds of property, let him have a certain number of days to fill it up, and when called for by the Assessor, it be made his duty to swear the owner as to the quantity and value of his property, the oath to be on the list to be signed by the tax payer, and filed in the Assessor's office, after the items are

copied on to the assessment roll. By such a plan it is believed the true value will be obtained, and all the property within the State will be more fairly enumerated.

It was my intention to have carried out such a plan the last year; but I found our law gave authority to swear the tax payer only as to the quantity, and not to the value of the property, I deferred it, hoping the law might be amended the present session. Your attention is particularly requested to the comparative tables No. VI and VII, showing the increase per cent. from year to year, in the several counties, and the difference between the several counties. There is a large increase in the new counties, as a natural consequence of their rapid settlement, and the new lands brought upon the tax lists, and it would be supposed there would be a uniform increase in the older counties possessing equal advantages, but upon comparing some of them, such does not appear to be the fact.

In 1850, Dubuque county increased but nine per cent., whilst the counties surrounding it increased, Clayton forty-eight, Delaware forty-two, and Jackson twenty-eight per cent. Muscatine increased twenty-seven, Scott and Clinton each twenty-six per cent. in 1850, and Cedar only five per cent. Yet all acquainted with the circumstances will admit that there has been as large an emigration, and as much valuable property added to the county of Cedar, within the last year, as to either of the others, comparatively considered. All these facts show the necessity of a system that would equalize the assessments in a greater degree.

By reference to table IX, it will be observed, that nearly one million of acres of land were added to the tax lists in 1850. As more than one half of our revenue is derived from the tax upon real estate, it is important that it should be fairly assessed; yet it will be seen by reference to the valuation of lands and their improvements, that they are rated very low, and properly at not more than half the amount at which the owners would be willing to sell.

Statement X, will show the Treasury to be without funds at this time, but the payments required by law, to be made this day, will probably be sufficient to meet the present liabilities.

## APPENDIX.

9

The financial condition of the State, at this time, is as follows:

Amount due from the Counties and Collectors for taxes, prior to 1850,.....	\$24,164 83
Revenue assessed in 1850,.....	56,538 32
	\$80,703 16
Present liabilities in warrants, unpaid,.....	10,865 87
	\$69,737 29

Leaving the sum of sixty-nine thousand seven hundred and thirty-seven dollars and twenty-nine cents, to bear expenses of the government for the ensuing year, which will be amply sufficient, if rendered available by early collections and prompt payments into the Treasury.

The following is an estimate of appropriations necessary for the ensuing two years:

For per diem and millage of Members and Officers, and all other expenses of the General Assembly.....	\$20,000
Compensation of the Governor,.....	2,000
Contingent expenses of the Governor,.....	300
Compensation of the Secretary of State,.....	1,000
Contingent expenses of the Secretary,.....	300
Compensation of the Auditor of State,.....	1,200
Contingent expenses of the Auditor,.....	300
Compensation to the Treasurer of State,.....	800
Contingent expenses to the Treasurer,.....	300
Compensation of the Superintendent of Public Instruction,.....	2,400
Contingent expenses of Superintendent,.....	500
Compensation of the Judges of the Supreme Court,.....	6,000
Contingent expenses of the Supreme Court,.....	1,000
Compensation of the Judges of the District Courts,.....	10,000
Compensation of the Librarian,.....	300
Contingent expenses of the Librarian,.....	100
Compensation of the Superintendent of the Penitentiary,.....	800
General Contingent fund,.....	1,000
Public Printing,.....	12,000
Deaf, Dumb and Blind,.....	1,000
Interest on Loans,.....	12,000
Public Building,.....	5,000
Total.....	\$78,300

The sum of eight hundred and thirty-six dollars and fifty-eight cents, has been received within the last two years, as a tax upon Pedlars, and accounted for in the general revenue, which is but a small amount, compared with the number engaged in the business. The law on the subject is all that is required, and could be made to yield four-fold what it does, if those, whose duty and interest it is to have it enforced,

would see that it is not daily violated, by the large number of Pedlars that are traversing the State, "selling goods, wares and merchandize other than the growth, produce or manufacture of this State," which includes fanning mills, plows and many other articles manufactured in other States.

Three Pedlars of fanning mills, from Illinois, resisted the law, but finally, after judgment was obtained against them, compromised the matter with the prosecuting attorney of Dubuque county, by paying for licenses.

The amount of interest collected from delinquent tax payers in two years, being but six hundred and seventy-three dollars and ninety-three cents, shows very clearly, that but very little attention is paid to the law on that subject; and this is one cause why there is such a large amount of revenue uncollected.

If delinquents were required, in every instance, to pay the damages of twenty-five per cent. per annum, they would be more prompt in paying their taxes within the year for which they are assessed, but when they are allowed to settle the original tax, clear of cost, at their own convenience, they will put it off as long as possible.

This subject has been repeatedly urged upon the attention of the collectors of the revenue, and, in some cases, has had the desired effect. And here I would take occasion to say that many of the county officers have co-operated with me, and have seconded my efforts in many particulars, to equalize the assessments, and to enlarge and collect the revenue in a prompt and satisfactory manner.

The business of this office is accumulating very rapidly, and provision should be made for the payment of a Clerk.

The counties of Fayette and Warren, have made no report of the amount of their assessments for this year, though the Clerks have been repeatedly written to on the subject.

The prosperous condition of our finances will, no doubt, be gratifying to your honorable bodies, and every citizen of the State, as well as the thousands who are coming amongst us to select homes with a great and happy people.

Very respectfully submitted,

JOS. T. FALES,

Auditor of State.

IV.—FUNDED DEBT.

STATE STOCK issued in Bonds by the Governor and Auditor of State.

Names of Purchasers or holders.	Residence.	Quantity of bonds.	No. of bonds.	Date.	Rate of Interest.	Interest payable in	Principal payable.	Amount of Principal.	Interest and principal payable at.
Beebee, Ludlow & Co.	New York.	30	1 to 30	June 1, 1847.	10 per cent.	July & Jan'y	July 1, 1857.	\$30,000 00	Philadelphia Bank to John B. Trevor.
Piscataqua Exchange Bank,		10	31 to 40	July 6, 1847.	8 per cent.	July & Jan'y	July 1, 1857.	10,000 00	Philadelphia Bank to John B. Trevor.
Beebee, Ludlow & Co.	New York.	15	41 to 55	July 6, 1847.	8 per cent.	July & Jan'y	July 1, 1857.	15,000 00	Philadelphia Bank, to John B. Trevor.

STATE STOCK issued in Bonds by the Auditor of State.

John Brown,	Laporte, Ind.	1	No. 6.	Mar. 17, 1850.	8 per cent.	July & Jan'y	Mar. 17, 1853.	\$2,000 00	Iowa City, to John Brown.
Sup. of Pub. Instruction,	Iowa City.	1	No. 2.	May 1, 1849.	10 per cent.	July & Jan'y	May 1, 1854.	16,442 05	Iowa City, to Sup. of Pub. instruction.

STATE STOCK issued in a Bond by the Governor for the completion of the Penitentiary.

Sup. of Pub. Instruction,	Iowa City.	1	No. 5.	Sep. 15, 1849.	10 per cent.	February 1st.	Sep. 15, 1859.	\$6,000 00	Iowa City, to Sup. of Pub. Instruction.
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V.—A TABULAR STATEMENT

Of the number of Polls; Acres of Land, with the value of the same, with the improvements thereon; the value of Town Lots and their improvements; with the value of all other property assessed in the several counties, in the year 1849.

COUNTIES.	Number of Polls.	Acres of Land.	Value of Land with improvements.	Value of Town Lots and improvements.	Value of capital employed in Merchandize.	Value of Mills, Manufactories, Distilleries, Carding Machines, and tanyards, with the stock employed.	Horses over two years old.	
							No.	Value.
Allamakee, - -	73		\$6,430			\$200	45	\$1,777
Appanoose, - -	278	2,849	6,269		\$3,133	1,950	353	8,872
Benton, - - -	91	8,034	13,705	\$100			116	5,119
Boone, - - -	60	1,684	2,323				44	1,510
Buchanan, - -	97	4,399	10,147	2,345	515	2,300	76	3,780
Cedar, - - -	722	102,272	341,139	26,858	7,000	10,615	1,122	51,230
Clayton, - - -	516	83,917	261,783	43,909	9,520	12,000	470	17,576
Clinton, - - -	463	51,879	198,235	29,055	9,500	15,700	625	26,859
Dallas, - - -	94	453	566			350	126	4,630
Davis, - - -	913	87,191	199,803	6,191	11,424	2,325	1,477	46,842
Delaware, - - -	300	33,436	93,696	1,983	1,600		388	15,564
Des Moines, - -	2,124	193,471	965,474	621,582	159,987	9,675	2,318	68,966
Dubuque, - - -	1,852	215,985	582,368	495,248	103,665	26,600	1,360	48,006
Fremont, - - -								
Henry, - - -	1,427	178,300	602,537	61,426	31,175	5,884	1,853	66,077

1000	118	13,650	23,728	236	700	500	136	5,647
1001	1,382	110,139	377,733	63,927	21,522	35,251	1,384	55,800
1002	174	17,716	52,401	879	940	3,600	265	9,417
1003	1,577	224,084	556,803	54,206	30,580	8,485	2,323	74,041
1004	866	108,367	355,231	142,705	25,945	11,970	915	38,750
1005	452	45,995	176,223	7,510	1,325	500	563	23,089
1006	678	70,138	237,087	11,664	5,128	9,250	984	34,362
1007	3,149	324,744	1,301,310	549,402	124,898	34,967	3,603	124,806
1008	965	119,954	448,845	50,812	12,970	23,116	1,224	50,072
1009	903	136,379	392,413	30,759	31,819	3,879	1,187	43,646
1010	30	1,500	2,210				41	1,389
1011	96				1,000	75	153	4,186
1012	924	86,452	257,931	31,735	17,188	15,100	1,357	47,743
1013	998	78,651	123,180	9,034	11,560	3,775	928	32,793
1014	289	44,823	97,597	3,469	3,166	1,275	435	7,903
1015	920	142,102	475,357	273,231	49,050	21,400	1,132	44,627
1016	635	49,145	74,476	3,430	14,755	3,304	747	27,327
1017	1,036				11,910	1,094	430	10,483
1018	90	11,042	31,268				125	4,715
1019	1,022	123,656	398,315	149,602	17,615	20,245	1,058	40,380
1020	2,105	262,649	787,947	154,722	50,428	16,805	2,312	92,965
1021	1,132	123,819	494,855	65,699	44,525	6,014	1,870	67,985
1022	122	3,975	6,004				138	5,160
1023	876	99,228	396,560	44,480	14,094	10,707	1,121	41,445
	29,549	3,162,078	\$10,351,947	\$2,926,199	\$828,637	\$318,911	34,830	\$1,270,515

## STATEMENT V.—Continued.

COUNTIES.	Neat cattle over two years old.		Mules and asses over one year old.		Sheep over six months old.		Hogs over six months old.	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Alamakee - - - -	206	\$2,867			52	\$60	152	\$335
Appanoose - - - -	906	9,683	5	\$210	1,400	1,400	2,959	4,764
Benton - - - - -	345	4,532	1	20	438	448	1,002	1,123
Boone - - - - -	217	2,797			146	162	441	629
Buchanan - - - -	276	3,848			247	287	534	1,011
Cedar - - - - -	2,359	26,703	2	90	3,970	4,034	6,171	7,901
Clayton - - - - -	1,560	20,373	11	330	395	655	2,160	3,994
Clinton - - - - -	2,162	23,101			1,760	2,155	2,425	2,425
Dallas - - - - -	413	4,924	2	70	333	456	901	1,301
Davis - - - - -	2,830	29,708	14	500	6,203	7,713	11,265	14,784
Delaware - - - -	1,247	14,574			1,285	1,285	2,347	3,508
Des Moines - - -	5,936	53,480	4	230	10,502	10,502	15,083	16,722
Dubuque - - - - -	3,676	41,380	17	800	1,089	2,446	4,422	5,068
Fremont - - - - -								
Henry - - - - -	4,386	41,781			9,831	9,840	13,421	13,143
Iowa - - - - -	403	4,739	8	360	372	541	1,695	2,436
Jackson - - - - -	3,378	54,295	7	290	3,501	5,237	7,560	9,136
Jasper - - - - -	688	8,687	2	85	794	1,038	1,763	2,744
Jefferson - - - -	5,290	48,873	28	880	12,997	12,997	17,991	18,138
Johnson - - - - -	2,502	29,018	6	320	3,802	5,114	6,850	8,479
Jones - - - - -	1,402	16,976	1	40	2,414	2,635	3,130	3,347

Keokuk - - - -	2,403	26,865	10	600	4,182	5,218	7,304	10,576
Lee - - - -	8,050	87,637	76	2,160	15,712	15,596	17,003	19,882
Linn - - - -	2,823	31,589	2	60	5,232	5,232	8,303	8,844
Louisa - - - -	3,309	38,119	7	270	4,086	4,088	11,180	13,964
Lucas - - - -	116	1,480	.....	.....	92	92	612	832
Madison - - - -	453	5,191	3	70	632	814	954	1,100
Mahaska - - - -	5,875	22,696	9	390	5,427	5,659	9,080	9,260
Marion - - - -	2,493	31,335	5	170	2,533	3,705	4,955	8,570
Monroe - - - -	1,316	15,759	5	110	1,516	1,281	4,267	5,145
Muscatine - - - -	2,619	25,903	14	615	4,350	4,350	6,328	6,368
Polk - - - -	1,725	19,568	4	160	2,415	3,514	4,726	4,761
Pottawattamie	3,813	36,269	26	604	1,232	1,278	874	1,682
Poweshiek - - - -	250	2,706	.....	.....	326	332	816	1,249
Scott - - - -	2,934	30,040	7	235	2,927	3,658	3,832	3,832
Van Buren - - - -	5,681	53,569	32	1,615	14,878	14,878	18,245	18,245
Wapello - - - -	4,166	46,726	16	885	8,337	10,506	14,838	19,706
Warren - - - -	424	5,329	.....	.....	488	641	1,022	1,431
Washington - - - -	2,931	33,240	6	350	5,086	6,548	9,989	13,131
	90,625	\$956,310	331	\$12,609	140,984	\$156,390	227,554	\$269,153

## STATEMENT V.—Continued.

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COUNTIES.	Pleasure Carriages.		Watches.		Piano Fortes.		Value of all other personal property over \$100.	Value of capital stock and profits in any company incorporated or unincorporated.
	No.	Value.	No.	Value.	No.	Value.		
Allamakee	32	\$1,275	22	\$122				\$33
Appanoose	17	565					\$1,925	
Benton			3	27			4,790	
Boone	11	360	6	158				
Buchanan	49	1,920	4	130			220	
Cedar	45	1,800	112	1,084			875	
Clayton	247	7,628	182	762				
Clinton	23	905	20	259			1,683	
Dallas			6	29				
Davis	14	593	75	623			150	
Delaware	19	667	22	271			6,986	
Des Moines	1,086	37,860	175	7,076	11	\$2,330	21,755	
Dubuque	262	9,577	617	5,158	6	930	26,131	4,673
Fremont								
Henry	101	4,405	108	1,418				
Iowa	1	20	9	84			2,889	
Jackson	526	12,680	427	2,969	2	95	6,409	214
Jasper	4	145	8	51			11,125	
Jefferson	82	3,713	156	1,663	2	175	27,838	325
Johnson	78	3,957	133	2,071	3	550	14,457	
Jones	226	8,360	32	278			75	170

APPENDIX.

Kedukuk	456	15,110	59	308	.....	.....	575	.....
Lee	713	21,482	280	5,298	10	1,175	11,416	1,002
Linn	224	7,796	85	848	.....	.....	6,100	1,370
Louisa	38	1,560	96	1,019	1	150	8,517	50
Lucas	1	75	1	10	.....	.....	426	.....
Madison	.....	.....	.....	.....	.....	.....	2,516	.....
Mahaska	57	2,753	82	890	.....	.....	4,329	357
Marion	13	885	92	680	1	100	4,735	2,840
Monroe	7	251	19	243	.....	.....	55	.....
Muscataine	84	4,030	176	2,503	1	200	12,662	.....
Polk	21	1,000	47	656	.....	.....	640	.....
Pottawattamie	12	431	121	1,017	2	350	1,814	.....
Poweshiek	4	210	8	38	.....	.....	143	.....
Scott	81	3,208	107	1,908	3	300	6,050	450
Van Buren	160	7,241	229	2,629	5	455	34,264	441
Wapello	53	2,490	106	2,276	.....	.....	11,760	.....
Warren	2	85	2	28	.....	.....	100	.....
Washington	63	2,508	90	713	.....	.....	14,865	308
	4,812	\$167,160	3,719	\$45,587	47	\$6,810	\$237,265	\$12,293

## STATEMENT V.—Continued.

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COUNTIES.	Value of right or interest in any boat or vessel.	Value of gold and silver coin or bank notes in actual possession.	Value of claim or demand for money or other consideration.	Value of annuities.	Value of money invested in property of any kind secured by deed, mortgage, or other evidence of claim.	Miscellaneous property.	Total valuation.	Total amount levied for State purposes at 2½ mills on the dollar.
Allamakee - - - -					\$60		\$13,159	\$32 89
Appanoose - - - -		\$1,884	\$3,602	\$1,032			45,289	113 22
Benton - - - - -		390	1,728				34,981	79 95
Boone - - - - -		60	160				8,159	20 40
Buchanan - - - -			6,019				32,522	81 30
Cedar - - - - -		1,460	5,245		489		486,523	1,215 47
Clayton - - - - -	\$370		1,200		3,010		383,110	957 77
Clinton - - - - -	35		5,145				315,057	787 64
Dallas - - - - -		2,401	5,780			\$1,780	22,293	55 73
Davis - - - - -		9,387	22,926			31	353,000	882 50
Delaware - - - -			3,525				143,659	359 14
Des Moines - - -		56,160					2,046,769	6,140 30
Dubuque - - - -	200	13,597	5,483		44,381		1,464,781	3,661 95
Fremont - - - -							3,107	8 91
Henry - - - - -		18,581				25,110	188,377	2,203 44
Iowa - - - - -		398	983		625		43,884	103 71
Jackson - - - -	420	2,758	16,342		800		666,018	1,655 04
Jasper - - - - -		4,842	7,656		100	4,302	96,707	242 27

APPENDIX.

Jefferson	-	-	7,122	10,626		9,483		805,948	2,104.87	
Johnson	-	-	800	9,184				662,632	1,656.58	
Jones	-	-		265	250	200		246,124	615.31	
Keokuk	-	-		4,701		3,561		394,333	985.83	
Lee	-	-	12,555	15,990	96	2,880		2,353,040	9,882.60	
Linn	-	-	477	2,563	270	1,328	6,713	676,152	1,690.38	
Louisa	-	-	2,915	4,124		304		598,169	1,495.42	
Lucas	-	-		262				6,400	16.00	
Madison	-	-					855	16,325	40.81	
Mahaska	-	-	322	7,797	50	4,611		485,093	1,212.73	
Marion	-	-	300	5,544		15,562		275,290	688.22	
Monroe	-	-	65	3,002		469	540	148,200	370.50	
Muscatine	-	-		1,840		10,210		933,382	2,333.45	
Polk	-	-		3,937		100		163,538	408.84	
Pottawattamie	-	-	30	1,419		530		86,911	172.28	
Poweshiek	-	-		955		1,487		43,227	108.06	
Scott	-	-	410	503		22,265		699,016	1,747.54	
Van Buren	-	-	120	5,911	2,220	225		1,297,481	3,248.70	
Wapello	-	-	100	17,722		5,842		882,422	2,206.05	
Warren	-	-		4,071		4,331		27,007	67.51	
Washington	-	-	65	5,002		33,831		3,322	7,443	
			\$19,294	\$213,212	\$510,837	\$3,918	\$106,192	\$46,774	\$18,508,767	\$47,295.86

\*At three mils.

## STATEMENT VI.

A COMPARATIVE TABLE showing the increase or decrease in the valuation of property in the several counties in the years 1848 and 1849.

COUNTIES.	Total value in 1848.	Total value in 1849.	Increase or decrease value.	Increase or decrease per cent.	State tax in 1848.	State tax in 1849.	Increase or decrease tax.	
Allamakee, - - -	New County.	\$13,159	\$13,159			\$82 89	\$82 89	
Appanoose, - - -		\$28,942	45,289	16,347	56	\$72 35	113 22	40 87
Benton, - - -		23,352	31,981	8,627	37	58 38	79 95	21 57
Boone, - - -	New County.	8,159	8,159				20 40	20 40
Buchanan, - - -		22,149	32,522	10,373	46	55 47	81 30	25 83
Cedar, - - -		436,587	486,523	49,986	11	1,094 16	1,215 47	121 31
Clayton, - - -		285,095	383,110	98,015	37	712 73	957 77	243 04
Clinton, - - -		230,425	315,057	84,632	36	576 06	787 54	211 58
Dallas, - - -		14,354	22,293	7,939	55	35 88	55 88	19 85
Davis, - - -		342,474	353,000	110,526	45	606 18	882 50	276 32
Delaware, - - -		112,354	142,659	31,305	27	280 88	359 14	78 26
Des Moines, - - -		1,827,081	2,046,769	219,688	68	*3,554 16	†6,140 30	2,486 14
Dubuque, - - -		1,368,401	1,464,781	96,380	7	3,421 00	3,661 95	240 95
Fremont, - - -	New County.	3,167	3,167				8 91	8 91
Henry, - - -		1,026,411	881,377	†145,034	†14	2,566 03	2,203 44	†262 59
Iowa, - - -		24,290	43,884	19,594	80	60 72	109 71	48 99
Jackson, - - -		457,292	666,018	208,726	45	1,143 23	1,665 04	521 81
Jasper, - - -		48,974	96,707	47,733	97	122 43	242 27	119 84
Jefferson, - - -		703,704	865,948	162,244	23	1,760 75	2,164 87	410 21

Johnson	-	-	-	623,410	662,632	39,222	6	1,558 52	1,656 58	98 06
Jones	-	-	-	233,428	246,124	12,696	5	583 57	615 31	31 74
Keokuk	-	-	-	291,440	394,333	102,893	35	728 60	985 83	257 23
Lee	-	-	-	2,115,144	2,353,040	237,896	11	5,287 86	5,882 60	594 74
Linn	-	-	-	508,856	676,152	167,296	32	1,272 14	1,690 38	418 24
Louisa	-	-	-	592,976	598,169	5,193	‡	1,482 44	1,495 42	12 96
Lucas	-	-	-	New County.	6,400	6,400			16 00	16 00
Madison	-	-	-	New County.	16,325	16,325			40 81	40 81
Mahaska	-	-	-	273,423	485,093	211,670	77	683 55	1,212 73	529 18
Marion	-	-	-	194,904	275,290	80,386	41	487 27	688 22	200 95
Monroe	-	-	-	70,120	148,200	70,080	111	175 30	370 50	195 20
Muscatine	-	-	-	665,323	933,282	268,059	40	1,663 31	2,333 45	670 14
Polk	-	-	-	93,101	163,538	70,437	75	232 75	408 84	176 09
Pottawattamie	-	-	-	90,615	68,911	†21,704	†24	226 54	172 28	†54 26
Poweshiek	-	-	-	8,551	43,227	34,676	400	22 98	108 06	85 98
Scott	-	-	-	617,460	699,016	81,556	13	1,548 65	1,747 54	203 89
Van Buren	-	-	-	1,201,182	1,297,481	96,299	8	3,002 95	3,243 70	240 75
Wapello	-	-	-	475,558	882,422	406,864	85	1,188 95	2,206 05	1,017 10
Warren	-	-	-	New County.	27,007	27,007			67 51	67 57
Washington	-	-	-	565,777	628,622	62,845	11	1,414 44	1,571 55	257 11
				\$15,473,153	\$18,508,767	2,768,676	18	\$37,774 33	\$47,295 86	9,208 69

\*‡ two mills.

†Decrease.

‡At three mills.

VII.—A TABULAR STATEMENT

Of the number of Polls, Acres of Land, with the value of the same with the improvements thereon, the value of Town Lots and their improvements, with the value of all other property assessed in the several counties in the year 1850.

COUNTIES.	No. of Polls	Acres of Land.	Value of land with improvements.	Value of Town Lots and improvements.	Value of capital employed in merchandize.	Value of Mills, Manufactories, Distilleries, Carding Machines, and Tanyards, with the stock employed.	Horses over two years old.	
							No.	Value.
Allamakee, -	110						70	\$3,090
Appanoose, -	392	19,524	\$29,821	\$4,102	\$6,175	\$2,000	547	18,555
Benton, -								
Boone, -	92	11,877	17,265		120	200	89	3,260
Buchanan, -	83	12,681	22,068	2,747	900	4,700	74	3,760
Cedar, -	742	138,110	347,364	33,966	12,480	11,254	1,187	53,974
Clayton, -	652	133,966	363,814	83,347	19,700	20,532	525	24,855
Clinton, -	518	69,718	270,132	28,471	12,750	16,500	694	31,505
Dallas, -	114	2,029	3,067		670		173	6,830
Davis, -	1,155	148,036	357,869	21,952	13,450	4,830	1,660	59,146
Decatur, -	137	2,240	4,350		835	300	175	6,230
Delaware, -	380	50,982	140,755	6,092	4,600	4,000	381	16,198
Des Moines, -	2,130	218,897	1,083,640	689,819	158,415	13,045	2,499	88,262
Dubuque, -	1,707	268,419	833,626	452,497	79,955	36,525	1,364	54,877
Fayette, -								

Fremont, -	219	2,722	5,445		3,983	700	335	13,096
Henry, - -	1,463	207,437	684,134	93,023	44,710	14,116	2,119	73,818
Iowa, - - -	165	25,997	46,969	661	2,925	450	193	8,089
Jackson, - -	1,340	173,982	552,943	76,412	17,018	47,945	1,265	56,185
Jasper, - - -	201	34,010	88,209	2,032	730	3,400	314	10,290
Jefferson, - -	1,497	253,576	622,523	65,703	24,560	8,202	2,238	70,834
Johnson, - - -	954	137,366	432,951	159,804	32,500	14,633	1,036	48,500
Jones, - - -	589	78,472	235,155	14,453	3,179	5,175	686	28,870
Keokuk, - - -	842	112,629	389,551	21,233	19,500	10,750	1,146	45,603
Lee, - - -	3,102		1,268,907	679,015	158,135	18,285	3,569	128,787
Linn, - - -	1,008	151,265	540,600	65,128	24,675	24,500	1,241	61,005
Louisa, - - -	878	142,071	450,541	31,471	19,520	12,015	1,244	39,376
Lucas, - - -	88	25,349	39,477	385	500		97	3,010
Madison, - - -	168				2,660	300	225	8,500
Mahaska, - - -	1,075	153,947	416,108	49,935	22,800	20,390	1,498	56,009
Marion, - - -	1,006	116,122	366,489	22,554	18,085	8,760	1,064	38,775
Marshall, - -	48	2,745	7,040				59	2,032
Monroe, - - -	567	75,831	151,671	8,197	5,313	1,675	474	26,880
Muscatine, - -	1,112	154,041	574,154	396,050	72,150	22,150	1,285	54,780
Polk, - - -	739	109,573	381,463	37,930	11,550	13,811	1,115	28,017
Pottawattamie,	1,053				33,293	8,775	526	16,326
Poweshiek, - -	123	12,863	31,847	160	400	550	156	6,293
Scott, - - -	1,080	140,192	471,426	226,843	33,600	30,425	1,204	46,840
Van Buren, - -	2,212	263,660	835,913	200,903	48,655	19,045	2,685	90,197
Wapello, - - -	1,397	201,036	754,678	115,969	56,552	16,080	2,000	79,249
Warren, - - -								
Washington, -	936	128,069	409,634	48,892	14,094	15,820	1,263	49,562
	32,289	3,752,166	13,277,483	\$3,640,546	\$587,237	\$432,838	38,585	\$1,460,475

## STATEMENT VII.—Continued.

COUNTIES.	Neat cattle over two years old.		Mules and asses over one year old.		Sheep over six months old.		Hogs over six months old.	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Allamakee, - -	430	\$6,948			104	\$144	126	\$248
Appanoose, - -	1,457	17,176	10	\$680	1,831	1,839	3,829	4,416
Benton, - - -								
Boone, - - -	255	3,206			408	632	515	774
Buchanan, - -	241	3,670			288	403	585	864
Cedar, - - -	2,550	27,652			3,717	3,716	5,016	4,498
Clayton, - - -	1,779	29,595	5	250	700	1,059	1,666	2,747
Clinton, - - -	2,393	26,013	1	60	1,628	2,045	1,981	1,793
Dallas, - - -	545	6,950	1	100	522	606	1,100	1,258
Davis, - - -	3,344	38,622	12	925	6,855	7,069	11,351	12,902
Decatur, - - -	469	7,856	4	90	682	875	1,881	1,896
Delaware, - -	1,096	14,587			1,307	1,641	1,648	1,710
Des Moines, -	6,464	58,480	15	615	9,864	9,826	13,999	11,125
Dubuque, - - -	4,146	38,861	10	500	2,559	2,849	3,702	4,724
Fayette, - - -								
Fremont, - - -	1,509	20,698	12	553	1,249	1,224	1,922	2,250
Henry, - - -	5,303	51,676			8,936	8,987	12,230	11,313
Iowa, - - -	467	5,646	3	160	496	677	1,776	1,731
Jackson, - - -	4,016	49,015	8	290	3,343	4,407	5,269	6,466
Jasper, - - -	611	8,015	1	50	852	906	2,662	2,920
Jefferson, - -	4,817	41,517	20	745	12,414	12,411	15,836	10,188

Johnson, - - - -	2,832	33,002	26	1,412	3,755	4,813	5,826	6,065
Jones, - - - -	1,747	22,892	1	75	2,629	2,840	2,647	2,598
Keokuk - - - -	2,797	32,281	7	590	4,466	5,549	8,230	8,589
Lee - - - -	9,198	90,012	26	1,640	12,682	14,667	16,298	15,781
Linn - - - -	3,050	35,125	4	170	4,985	4,985	6,553	6,700
Louisa - - - -	3,550	39,271	5	340	3,972	3,972	9,484	9,868
Lucas - - - -	333	4,611	5	190	180	226	275	385
Madison - - - -	754	10,986	4	300	899	1,088	1,346	1,712
Mahaska - - - -	3,041	35,904	14	850	6,020	6,228	8,797	6,876
Marion - - - -	2,857	33,881	4	140	2,920	3,692	5,562	5,993
Marshall, - - - -	225	2,873			203	429	321	478
Monroe - - - -	1,775	22,005	6	130	2,629	2,629	3,583	4,128
Muscatine - - - -	2,605	29,140	17	1,065	2,862	2,862	5,185	5,185
Polk - - - -	2,111	28,946	8	311	3,693	4,132	4,553	4,873
Pottawattamie - - - -	3,073	46,691	10	370	1,032	1,274	1,195	2,200
Poweshiek - - - -	401	5,081			458	474	1,019	1,151
Scott - - - -	3,070	34,507	10	450	2,508	2,508	3,645	3,645
Van Buren - - - -	6,073	53,333	38	1,425	14,802	14,802	14,573	11,918
Wapello - - - -	4,468	50,217	15	785	7,847	11,356	12,356	13,839
Warren - - - -								
Washington - - - -	3,554	39,114	3	330	5,302	5,913	7,920	7,090
	99,406	\$1,106,055	305	\$15,591	140,599	\$155,765	206,452	\$202,897

## STATEMENT V.—Continued.

COUNTIES.	Pleasure Carriages.		Watches.		Piano Fortes.		Value of all other personal property over \$100.	Value of capital stock and profits in any company incorporated or unincorporated.
	No.	Value.	No.	Value.	No.	Value.		
Allamakee	372	\$2,355	38	\$213				
Appanoose	7	295	8	148			\$960	
Benton							17,392	
Boone	3	220	10	70			14,400	
Buchanan		1,600	6	188			400	
Cedar		2,279	69	838			10,050	
Clayton		10,330	196	1,177			370	
Clinton		1,873	34	438		50	3,225	
Dallas	2	1,070	13	91			150	
Davis	25	1,302	47	489			2,045	
Decatur	3	130	8	43			100	
Delaware		616		114			6,060	
Des Moines	1,114	38,101	126	3,461	13	1,725	7,100	
Dubuque	75	3,463	629	5,199	5	1,000	22,455	
Fayette								
Fremont	2	120	70	629			5,185	
Henry	131	6,001	125	1,507				
Iowa	4	225	21	262			105	
Jackson	98	3,665	119	1,868			21,109	
Jasper	5	190	19	204			100	
Jefferson	238	7,732	82	938	3	300	875	

Johnson	71	3,498	141	2,261	8	650	15,282	
Jones	10	715	39	389			880	
Keokuk	514	18,388	114	850			295	597
Lee	373	12,616	283	4,509	12	1,410	8,476	75
Linn	134	5,180	99	999			7,985	8,225
Louisa	47	1,914	64	778	1	150	8,725	1,475
Lucas	2	115	6	85			410	
Madison	4	195	14	163				
Mahaska	115	4,915	84	876			2,785	
Marion	21	1,036	205	1,354	1	100	3,540	950
Marshall			3	15				
Monroe	12	550	22	191			560	15
Muscatine	102	5,140	227	3,787	3	600	10,565	
Polk	33	1,546	65	1,309			2,606	250
Pottawattamie	13	820	125	1,884	2	350	2,950	150
Poweshiek	7	290	11	78				
Scott		3,440	100	2,047	7	2,350	3,190	
Van Buren	124	5,355	117	1,629	4	450	31,326	
Wapello	75	3,625	144	1,645			4,070	317
Warren								
Washington	67	2,999	85	926			6,160	349
	3,922	\$151,904	3,577	\$43,702	55	\$6,135	\$207,554	\$13,107

## STATEMENT VII.—Continued.

COUNTIES.	Value of right or interest in any boat or vessel.	Value of gold and silver coin or bank notes in actual possession.	Value of claim or demand for money or other consideration.	Value of annuities.	Value of money invested in property of any kind secured by deed, mortgage, or other evidence of claim.	Miscellaneous property.	Total valuation.	Total amount levied for State purposes at 2½ mills on the dollar.
Allamakee	\$125		\$5,296				\$21,194	\$52 98
Appanoose		\$1,150	2,615		\$9,868		99,800	249 50
Benton							60,376	150 94
Boone		524	4,919		125		31,415	78 53
Buchanan		5,658					46,958	117 39
Cedar						\$7,515	515,555	1,288 88
Clayton	455	460	4,662		1,250		564,603	1,411 50
Clinton	495	290	4,260				398,810	997 02
Dallas		2,155	4,700				26,653	66 63
Davis		8,914	17,380				546,915	1,367 28
Decatur		315	381				21,965	54 91
Delaware		5,109			1,100	1,665	204,256	510 64
Des Moines		65,905					2,229,519	5,573 79
Dubuque	5,980	6,680	34,727		25,525		1,608,735	4,021 85
Fayette								
Fremont		3,392					57,275	143 18
Henry		21,139				26,696	1,037,120	2,592 80
Iowa	100	1,270	1,684		340	6,037	77,561	193 90

Jackson	1,080	3,173	11,123	\$30	1,100	853,835	2,134 58	
Jasper		620	5,225		80	4,222	127,193	317 98
Jefferson		5,693	7,594		2,856	17,992	901,072	2,259 00
Johnson		9,887	14,767				780,015	1,950 01
Jones		857	1,457	275	300	8,075	320,060	800 15
Keokuk	85	2,727	36,201		1,110		631,974	1,504 93
Lee	4,100	12,577	20,491	336	3,133	3,747	2,451,500	6,128 75
Linn	300	8,463	15,343		2,150		815,280	2,038 20
Louisa	1,460	3,333	15,349		4,770	5	644,328	1,610 82
Lucas		2,459	5,045		500	7,218	57,352	143 38
Madison		2,074	6,099		902		42,197	105 49
Mahaska	45	5,825	17,731	50	11,191		658,516	1,646 29
Marion	104	11,910	26,149		2,980		546,492	1,366 23
Marshall		195	528				13,590	33 97
Monroe	10	1,630	3,591	160	415		229,758	574 39
Muscatine					10,180		1,187,808	2,969 52
Polk	130	5,961	18,502	130	1,210		542,677	1,356 69
Pottawattamie		11,900	3,977				130,960	327 40
Poweshiek		930	5,333		6,329	137	59,064	147 66
Scott	300		15,900			7,500	883,971	2,209 92
Van Buren	25	5,102	33,593				1,353,671	3,384 17
Wapello	385	13,560	96,330		7,712		1,226,369	3,065 92
Warren								
Washington		6,535	29,700		10,824		647,942	1,619 85
	\$15,089	\$238,371	\$470,858	\$981	\$105,956	\$90,809	\$22,623,334	\$56,558 33

## STATEMENT VIII.

A COMPARATIVE TABLE showing the increase in the valuation of property in the several counties from the year 1849 to the year 1850, showing the increase per cent. and the increase of the State tax.

COUNTIES.	Total value in 1849.	Total value in 1850.	Increase in 1850.	Increase per cent.	State tax in 1849.	State tax in 1850.	Increase tax.
Allamakee, - - -	\$13,159	\$21,194	\$8,055	61	\$32 89	52 98	\$20 09
Appanoose, - - -	45,289	99,800	54,511	120	113 22	249 50	136 28
Benton, - - - -	31,981	60,376	28,395	88	79 95	150 94	70 99
Boone, - - - -	8,159	31,415	23,256	288	20 40	78 53	58 13
Buchanan, - - -	32,522	46,958	14,436	44	81 30	117 39	36 09
Cedar, - - - -	486,523	515,555	29,032	5	1,215 47	1,288 88	73 41
Clayton, - - - -	383,110	564,603	181,493	48	957 77	1,411 50	463 73
Clinton, - - - -	315,057	398,810	83,753	26	787 54	997 02	209 38
Dallas, - - - -	22,293	26,653	4,360	19	55 73	66 63	10 90
Davis, - - - -	353,000	546,915	193,915	54	882 50	1,367 28	454 78
Decatur, - - - -	New County.	21,956	21,956			54 91	54 91
Delaware, - - -	143,659	204,256	60,597	42	359 14	510 64	151 50
Des Moines, - - -	2,046,769	2,229,519	182,750	8	*6,140 30	†5,573 79	†566 51
Dubuque, - - - -	1,464,781	1,608,735	143,954	9	3,661 95	4,021 85	359 90
Fayette, - - - -	No Report.						
Fremont, - - - -	3,167	57,275	54,108	1,708	7 91	143 18	135 27
Henry, - - - -	881,377	1,037,120	155,743	17	2,203 44	2,592 80	389 36
Iowa, - - - -	43,844	77,561	33,677	76	109 71	193 90	84 19
Jackson, - - - -	666,018	853,835	187,817	28	1,665 04	2,134 58	469 54

Jasper	-	-	56,707	127,193	30,486	31	242	27	817	98	75	79
Jefferson	-	-	865,948	901,072	35,124	4	2,164	87	2,259	00	94	13
Johnson	-	-	662,832	780,015	117,383	17	1,656	58	1,950	01	293	43
Jones	-	-	246,124	320,060	73,936	30	615	31	800	15	184	84
Keokuk	-	-	394,333	601,974	207,641	51	985	83	1,504	03	519	10
Lee	-	-	2,353,040	2,451,500	98,460	4	5,888	75	6,128	75	246	15
Linn	-	-	676,152	815,280	139,128	20	1,690	38	2,038	20	347	82
Louisa	-	-	598,169	614,328	46,159	7	1,496	42	1,610	82	115	40
Lucas	-	-	6,400	57,352	50,952	706	16	00	143	38	127	38
Madison	-	-	16,326	42,199	25,872	158	40	81	105	49	64	68
Mahaska	-	-	485,093	658,516	173,423	35	1,212	73	1,646	29	482	56
Marion	-	-	275,290	546,492	271,290	98	688	22	1,366	23	678	01
Marshall	-	-	New County.	13,590	13,590						33	97
Monroe	-	-	148,200	220,424	72,224	48	370	50	551	06	180	56
Muscatine	-	-	933,362	1,187,808	254,426	27	2,333	45	2,969	52	636	07
Polk	-	-	163,538	543,677	163,538	231	408	84	1,356	69	947	85
Pottawattamic	-	-	68,911	130,960	62,049	90	172	28	327	40	155	12
Poweshiek	-	-	43,227	59,064	15,837	36	108	06	147	66	89	60
Scott	-	-	699,016	883,971	184,955	26	1,747	54	2,209	92	462	38
Van Buren	-	-	1,297,481	1,353,671	56,190	4	3,243	70	3,384	17	140	47
Wapello	-	-	882,422	1,226,369	343,947	38	2,206	05	3,065	92	859	87
Warren	-	-	27,007	No report.					67	51		
Washington	-	-	628,622	647,942	19,320	3	1,571	55	1,619	85	48	30
			\$18,508,767	\$22,623,334	\$4,114,567	22	\$47,295	86	\$56,558	33	\$9916	18

\* At three mills.

† At two and half mills.

‡ Decrease.

## STATEMENT IX.

LANDS entered in 1849 and placed upon the assessment rolls of 1850.

COUNTIES.	At Fairfield.	At Iowa City.	At Dubuque.	At the State L. O.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.
Appanoose	12,900.65				12,900.65
Benton			10,456.55		10,456.55
Blackhawk			822.45		822.45
Boone		10,192.67			10,192.67
Buchanan			6,098.84		6,098.84
Cedar		16,389.30			16,389.30
Clarke	1,600.00				1,600.00
Clayton			52,284.71		52,284.71
Clinton		12,255.62			12,255.62
Dallas		2,692.51			2,692.51
Davis	73,178.05			1,721.28	74,899.33
Decatur	2,400.00				2,400.00
Delaware			15,100.69		15,100.69
Des Moines	9,389.53				9,389.53
Dubuque			58,374.57		58,374.57
Fayette			4,511.97		4,511.97
Fremont	2,722.63				2,722.63
Henry	10,358.02				10,358.02
Iowa		12,207.35			12,207.35

Jackson	-	-	-	60,069.93		60,069.93
Jasper	-	-	-	20,150.46	200.00	20,350.46
Jefferson	-	-	20,933.42		486.37	21,419.79
Johnson	-	-	-	24,479.88		24,479.88
Jones	-	-	-	2,590.11	16,172.79	18,762.90
Keokuk	-	-	29,550.66	12,256.39		41,807.05
Lee	-	-	800.00		575.52	1,375.52
Linn	-	-	-	11,689.92	15,678.26	27,368.18
Louisa	-	-	5,307.36	839.28		6,146.64
Lucas	-	-	16,607.03			16,807.03
Mahaska	-	-	23,763.08	16,230.68	13,551.92	53,545.68
Marion	-	-	18,047.56	15,435.05	18,942.18	52,424.79
Marshall	-	-	-	966.52		966.52
Monroe	-	-	31,982.00		1,894.08	33,876.08
Muscatine	-	-	-	12,836.82		12,836.82
Polk	-	-	-	53,055.91	7,701.59	60,757.50
Poweshiek	-	-	-	10,764.21		10,764.21
Scott	-	-	-	20,537.71		20,537.71
Story	-	-	-	789.88		789.88
Tama	-	-	-	4,522.02		4,522.02
Van Buren	-	-	9,812.91		3,557.21	13,370.12
Wapello	-	-	43,137.15		20,408.14	63,545.29
Warren	-	-	8,207.27	20,075.83		28,283.10
Washington	-	-	8,108.57	13,646.92		21,755.49
Wayne	-	-	4,214.78			4,214.78
			333,020.67	294,605.04	239,570.76	936,234.76
					School Lands	20,349.95
					Total	956,584.71

STATEMENT X.

M. RENO, Esq., State Treasurer in account with the State of Iowa.

Dr.	Cr.
To balance in the Treasury on the 30th day of November, 1848, - - \$1,938 87	By amount of warrants redeemed, - \$87,189 98
“ revenue received from County Treasurers, - - - - 71,345 22	“ interest paid on warrants, - - 3,118 42
“ interest on the above from delinquents, 673 93	“ Treasury certificates redeemed, - 135 54
“ fine to School Fund from Jackson county, - - - - 10 00	“ this amount to balance, - - 18
“ amount from U. S. Marshal, - - 34 05	
“ “ of the 5 per cent. fund, - 16,442 05	
\$90,444 12	\$90,444 12

[ B ]

REPORT OF THE SECRETARY OF STATE

IN RELATION TO

THE CENSUS RETURNS OF THE STATE OF IOWA.

SECRETARY'S OFFICE, IOWA,  
Iowa City, Dec. 2, 1850. }

*To the General Assembly of the State of Iowa:*

I have the honor herewith to furnish you with an abstract of the census returns from the different counties of this State, for the year 1849, so far as they have been received at this office.

I am informed by the Clerk's of the Board of Commissioners of the counties of Clayton, Delaware, Iowa and Monroe, that the sheriff's of said counties neglected to take the census for that year.

Of the reasons for the non-receipt of returns from the counties of Lee and Lucas, I am not informed.

Very respectfully,

JOSIAH H. BONNEY,  
Secretary of State.

AN ABSTRACT of the population of the State of Iowa, as appears  
from the census returns for 1849.

Counties.	Population.	Counties.	Population.
Des Moines . . . . .	11,649	Johnson . . . . .	4,010
Van Buren . . . . .	11,577	Keokuk . . . . .	3,953
Dubuque . . . . .	9,185	Marion . . . . .	3,797
Jefferson . . . . .	8,835	Cedar . . . . .	3,183
Henry . . . . .	7,329	Jones . . . . .	2,140
Wapello . . . . .	7,255	Clinton . . . . .	2,044
Pottawattamie . . . . .	6,552	Appanoose . . . . .	1,281
Jackson . . . . .	5,677	Jasper and Marshall . . . . .	1,223
Mahaska . . . . .	5,559	Maglison . . . . .	701
Davis . . . . .	4,939	Warren . . . . .	649
Scott . . . . .	4,837	Dallas . . . . .	635
Linn . . . . .	4,762	Poweshiek . . . . .	443
Muscatine . . . . .	4,516	Boone . . . . .	419
Washington . . . . .	4,434	Buchanan . . . . .	406
Polk . . . . .	4,214	Benton . . . . .	312
Louisa . . . . .	4,155	Allamakee . . . . .	277
Total . . . . .			<u>130,948</u>

Counties for which no returns have been received—Lec, Clayton,  
Delaware, Iowa, Lucas, Monroe.

SECRETARY'S OFFICE, IOWA.  
Iowa City, Dec. 2, 1850. }

I hereby certify that the foregoing is a correct abstract of the cen-  
sus returns for the year 1849, now on file in this office.

JOSIAH H. BONNEY,  
Secretary of State.

[ C ]

REPORT OF THE SECRETARY OF STATE

IN RELATION TO

THE CRIMINAL RETURNS OF THE STATE OF IOWA.

---

SECRETARY'S OFFICE, IOWA,  
Iowa City, December 2, 1850.

*To the General Assembly of the State of Iowa:*

In compliance with the requirements of an "an act to provide for criminal returns," approved February 24th, 1847, I have the honor to report to you abstracts of said returns for the years 1849 and 1850, embracing all the counties from which returns have been received at this office up to this date.

Respectfully submitted,

JOSIAH H. BONNEY,

Secretary of State.



		1	Assault with deadly weapon,.....	Farmer.....	Unsteady.....	yes.....	Fine \$5.00 and 24 hours imprisonment—judgment arrested and prisoner discharged.	
Benton, .....	Nov 10, '49,	1	Threat to burn a store,	Not known.....	Good.....		Discharged upon pay't of cost.	276 88
Iowa, .....	" 15 "							
Dallas, .....	" 15 "							
Jefferson, .....	" 17 "	1	Manalaughter,.....	Blacksmith,.....	Intemperate,.....	unkn'wn	Fine \$10,000 and 7 years imprisonment in Penitentiary.	147 66
Henry, .....	" 17 "	1	Assault and Battery,	Carpenter,.....	Good,.....	yes,.....	Fine 5.00 dollars.	396 09
Louisa, .....	" 21 "	none,						110 57
Allamakee, .....	" 24 "							
Delaware, .....	" 24 "	1	Obstructing highway,				Fined \$5.00—fine remitted,...	117 53
Polk, .....	" 22 "	none,						27 70
Monroe, .....	" 27 "							
Buchanan, .....	Dec. 1							
Scott, .....	" 5 "							
Wapello, .....	" 11 "							
Des Moines, .....	" 13 "	1	Assault and Battery,	Carpenter,.....	Lazy & indolent	yes,.....	Fine 10 dollars.	
		1	Thraats,.....	Wood chopper,	Quarrelsome,.....	yes,.....	Recognized in \$100, bonds.	
		1	Larceny,.....	Painter.....	Intemperate,.....	yes,.....	Imprisonment in Penitentiary one year.	
Jackson, .....	" 20 "	1	Obstructing roads,	Farmer,.....	Good,.....	yes,.....	Fined 10 dollars,	548 12
Appanoose, .....	Jan. 5, '50,	1	Shooting an ox,.....	".....			Fined 5 dollars:	
Marion, .....	" 28 "							151 00

## RECAPITULATION.

NO. OF COUNTIES REPORTED 26—NO. OF CONVICTIONS 26.

<i>Crimes.</i>		<i>Character, Habits, &amp;c.</i>	
Murder, .....	1	Good and industrious, .....	10
Manslaughter, .....	4	Bad, intemperate, &c. ....	11
Assault with deadly weapon, .....	2	Unknown, .....	5
Larceny, .....	3	Can read and write, .....	17
Gambling, .....	2	Can not, .....	2
Suffering Gaming, .....	3	Unknown, .....	7
Obstructing roads, .....	2		
Shooting domestic animals, ..	1	Amount of fines impos-	
Assault and Battery, .....	3	ed, .....	\$21,300
Threats, .....	2	Expenses, .....	4,874
Breach of the Peace, .....	1		
Sureties to keep the Peace, ..	2		

*Occupation.*

Farmers, .....	9	Machinist, .....	1
Blacksmiths, .....	2	Constable, .....	1
Carpenters, .....	2	Unknown, .....	5
Painter, .....	1	Wood chopper, .....	1
Grocery Keepers, .....	3	Mate on steam boat, .....	1

SECRETARY'S OFFICE, IOWA,  
Iowa City, )

I hereby certify that the foregoing abstract contains all the facts set forth in the criminal returns of the State of Iowa, for the year ending November, 1849.

JOSIAH H. BONNEY,  
Secretary of State.

An Abstract of the Criminal Returns of the State of Iowa, for the year ending November 1st, 1850.

COUNTIES.	Returns when filed.	No. of counties.	Nature of crime.	Occupations.	Habits.	Read & write.	Sentence.	Expense.
Muscatine, . . . . .	Aug. 3, 1850	1	Bastardy, . . . . .	Farmer, . . .	industrious	yes . . .	Maintenance of child and costs,	
		1	Suffering gaming, . . .	Grocery keeper, . .	" "	" "	Fine \$50 00,	
		1	Contempt, . . . . .	Farmer, . . .	not known	unkn'n	Payment of costs,	
		1	Surety of peace, . . . .	" "	industrious	no . . .	" " "	
		1	" " " " " "	Labourer, . . .	" "	no . . .	" " "	
Powesheik, . . . . .	Oct. 8th, "	3	Ohstructing roads, . . .	Farmer, . . .	" "	yes . . .	Fine \$10 00 each,	
		1	Contempt, . . . . .	Attorney, . .	" "	yes . . .	Fine \$10 00,	\$657 44
Henry, . . . . .	" 13th, "	none,						241 48
Johnson, . . . . .	" 17th, "	1	overturning wagon in to slough, . . . . .	Farmer, . . .	very good	yes . . .	Fine \$500, . . . . .	440 81
Washington, . . . . .	" 24th, "	none,						699 04
Van Buren, . . . . .	" 26th, "	1	Surety of peace, . . . .				Fine of \$5,00, and 20 days imprisonment in county jail, . . . . .	255 03
		1	Larceny, . . . . .					
Louisa, . . . . .	" 30th, "	3	Selling Liquor without license, . . . . .	Grocery keeper, . .	ordinarily good, . .	yes . . .	Fine \$75, and 10 days imprisonment in county jail each, . . . . .	
	" " "	1	" " " " " "	" " " " " "	" " " " " "	yes . . .	Fine \$93, and 10 days imprisonment in county jail, . . . . .	302 93
Davis, . . . . .	" " "	none,						187 82
Lee, . . . . .	Nov. 2d, "	1	Larceny, . . . . .	Gambler, . . .	bad, . . . . .	yes . . .	Three years imprisonment in Penitentiary, . . . . .	3108 61
Marion, . . . . .	" 5th, "	none,						198 58
Iowa, . . . . .	" 9th, "	none,						
Clayton, . . . . .	" 20th, "	none,						
Delaware, . . . . .	" " "	none,						
Des Moines, . . . . .	" 29th, "	1	Breach of the peace, . .	Farmer, . . .	dissipated	yes . . .	Recognized to keep the peace,	
		1	Selling liquor without license, . . . . .				Fined \$50,	
		1	Suffering gaming, . . . .				Fined \$50,	

## RECAPITULATION.

No. of COUNTIES REPORTED 14—CONVICTIONS 20.

<i>Crimes.</i>		<i>Occupation.</i>	
Bastardy, .....	1	Farmers, .....	8
Suffering Gaming, .....	2	Grocery Keepers, .....	5
Contempt, .....	2	Labourers, .....	1
Surety of Peace, .....	4	Attorney, .....	1
Obstructing Roads, .....	3	Gambler, .....	1
Overturning Wagon, &c. ....	1	Unknown, .....	4
Larceny, .....	2		
Selling Liquor without license, .....	5	<i>Habits, &amp;c.</i>	
Can Read and Write, .....	13	Industrious and good, .....	13
Can not, .....	2	Bad and dissipated, .....	3
Unknown, .....	5	Unknown, .....	5
Amount of Fines imposed, .....			\$418 00
Expenses, .....			6,347 43

SECRETARY'S OFFICE, IOWA,  
Iowa City, December 2d, 1850.

I hereby certify that the foregoing abstract sets forth all the facts embraced in the criminal returns of the State of Iowa, for the year ending November, 1850.

JOSIAH H. BONNEY,  
Secretary of State.

[ D ]

## REPORT OF THE BOARD OF PUBLIC WORKS.

OFFICE OF THE BOARD OF PUBLIC WORKS,  
OTTUMWA, December 2, 1850.

*To His Excellency the Governor of Iowa:*

The Board of Public Works, in accordance with the requirements of law, herewith submit the following

### REPORT:

The total receipts from the sale of lands belonging to the Des Moines River grant, commencing on the 11th day of October, 1847, when the Land Office was first opened in Fairfield, for receipt of proof of pre-emptions, to the 28th day of November, 1850, inclusive, as shown by the accompanying statement of the Secretary of the Board, is \$211,563 58-100. The total amount of land sold, as exhibited by same statement, is 169,153 27-100 acres. The amount in said grant, lying south of the Racoon Forks, as shown by official statement from the General Land Office, is 321,868 33-100 acres, of this portion of the grant, there yet remains unsold 152,715 6-100 acres which, at \$1 25 per acre, amounts to \$190,398 83. That portion of the grant lying north of the Racoon Forks, and extending from thence to the source of the river, is estimated to contain at least 900,000 acres, which, added to that portion lying south, makes 1,052,715 6-100 acres; estimating these lands at the minimum now fixed by law, they amount to \$1,315,693 83.

The grant of land to the State, to aid in the improvement of the Des Moines river, from its mouth to the Racoon Forks, is expressed

as follows: For the purpose of aiding said Territory to improve the navigation of the Des Moines river, from its mouth to the Racoon Forks (so called) in said Territory, one moiety, in alternate sections, of the Public Lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated) in a strip of five miles in width on each side of said river, to be selected within said Territory," &c.

The Commissioner of the General Land Office, under date of the 23d of February, 1848, in a communication addressed to the Board of Public Works, through the then Secretary, Charles Corkery, Esq., decided that the State is entitled to the alternate sections, within five miles of the Des Moines River, throughout the whole extent of that river, within the limits of Iowa." The language of the act is "within said Territory," which does not limit the grant to what is now the northern boundary of the State of Iowa, but of course extends as far as the Des Moines river extends into Minnesota Territory, which, from the best information we can obtain of the locality of the source of the river, is from forty to sixty miles north of the south boundary of that Territory.

Notwithstanding this decision of the Commissioner, made as it was in accordance with the plain and literal meaning of the act of Congress, a portion of the grant above Fort Des Moines was included in a Proclamation, and about 25,000 acres sold by the United States, in 1848. Immediately upon the Board being advised of the fact, that these lands had been proclaimed for sale, they remonstrated against their sale, and through the prompt attention of our Representatives in Congress, the whole matter was brought before the Secretary of the Treasury, Hon. Robert J. Walker, who, on the 2d of March, 1849, decided, that the grant extended from the mouth to the source of the river; and communicated his decision to the Commissioner of the General Land Office, for the government of that office in the premises. This construction of the grant, had, from the passage of the law, prevailed with the authorities of this State. The Board of Public Works, in adopting the plan for the improvement of the river, by means of Locks and Dams, creating slackwater, had done so in view of the donation extending to the source of the river.

In November of last year the Secretary of the Board made application through our Senators in Congress, to the Commissioner of the General Land Office for the requisite confirmed list of land belonging to the grant above the Fork, with a view of permitting claimants

in that portion of the country to prove up and purchase their lands under the pre-emption law of the State during the ensuing spring, and also with the view of offering a portion of these lands, as far up as the surveys might be completed, at public sale at a suitable time during the summer. The object in view, was to be in receipt of funds from that source in time to meet the large estimates which was expected to be due as soon as the favorable season for the prosecution, of the work in the spring and summer should arrive. In answer to this application, the Secretary of the Board was advised by letter under date of the 19th of December last, that said "list is now in course of preparation, and will be ready for transmission at an early day." A copy of this letter is herewith annexed, marked "A." The promised list, however, as will appear, has never been received.— Subsequently a letter from the Secretary of the Board was addressed to the Department of the Interior, through our Senators in Congress, calling the attention of the Government to the fact of sales of the State lands under proclamation of June, 1848. In answer to this communication, the Hon. A. C. Dodge and Hon. G. W. Jones were notified that the Commissioner of the General Land Office, disregarded the decision of the former Secretary of the Treasury of March 2d, 1849, and that he decided that these lands had been legally sold by the United States. An appeal was promptly made by the Senators to the Hon. Thomas Ewing, then Secretary of the Interior, under date of March 16th last. A copy of that appeal is herewith annexed, marked "B." In answer to this appeal upon the part of the Senators Dodge and Jones, and also in answer to the several applications of the Secretary of the Board to be furnished with a confirmed list of land belonging to the grant above Fort Des Moines as far as surveyed, the Commissioner of the General Land Office, the Hon. J. Butterfield, replied under date of the 9th of April last, that the Secretary of the Interior had decided adversely to the late Secretary of the Treasury; that the grant for the improvement of the Des Moines river, under act of August 8, 1846, does not extend above the Racoon Forks." A copy of this letter, with a copy of the decision of the Secretary of the Interior, which accompanied it, are herewith annexed, marked "C," and "D."

This unexpected decision, coming as it did, at a time when we were looking to these lands to furnish the ready means, which it was evident would not be realized from the sales of lands south of the

Forks, to meet current estimates of the work in progress, proved most disastrous to the reasonable expectations, not only of the Board; but to all connected with the work. A large portion of the contractors had previously to the reception of the news of the decision, commenced with renewed vigor and with largely augmented forces upon their respective contracts, with the view of completing most of them the present season. The receipts in the Land Office, for the months of March and April, it will be seen, fell more than one half short of that of any similar period since it was opened for the sale of these lands. This was owing in part to the fact that Military Land Warrants could be obtained so as to locate United States lands at a cost of from 75 cents to one dollar per acre—but may be attributed mainly to the immense and extraordinary emigration from the portion of the State where these lands are located, to California. The average receipts of the Land Office for six months, commencing with April and ending with September, was \$3,838 31. To have prosecuted the work actually under contract and in course of construction during these months, would have required at least \$15,00 dollars per month. The receipts from land above the Forks, first from pre-emption claimants, and afterwards from public sale, as far as the surveys might be completed, was confidently looked to to supply the deficiency which was accruing between the regular receipts in the Treasury, and the largely augmenting estimates on the works. The survey had been made from sixty to eighty miles above Fort Des Moines and settlements had extended over one hundred miles. With this source of funds in view, in addition to the receipts from the lands which had already been offered, the Board felt, during the past winter and early portion of the spring, every confidence of being able to prosecute the work under contract, nearly, if not quite, to completion during the past season.

An appeal was immediately made by our entire delegation in Congress, under date of April 16th, last, to the President of the United States, against the decision of the Secretary of the Interior of the 6th of that month. The President, with a promptness that evinced every disposition to do justice to the State in the premises, immediately referred the whole matter to the then Attorney General of the United States, Hon. Reverdy Johnson, who under date of the 19th of July last, gave an opinion in which he fully and triumphantly sustained the decision made by the Hon. Robert J. Walker, Secretary of the

Treasury, of the 2d of March, 1849—and also the construction under which the authorities of this State had ever acted in the commencement and prosecution of the improvement. It yet remains for the Executive to carry out this opinion, and to restore to the State these lands which it is so clearly shown belong to her, and of which she was deprived at a time in the prosecution of the public works, so disastrous and unfortunate to her best interests.

Since the lamented death of the late President, several changes have occurred in the head of the Department of the Interior, which it is fair to presume has operated against the further and favorable action on this subject. It is reasonable to expect that, ere long, the State will be put in possession of these lands, and that the full benefits of the entire grant will, another year, be realized, as fast as they can be made available by sale, or otherwise; in the vigorous prosecution of the great improvement for which they were donated. This appeal and the opinion of the Attorney General, accompanied with a letter from the Hon. A. C. Dodge, under date of the 6th of November last, accompany this report, severally marked—"E," "F," and "G."

The decision of the Secretary of the Interior, of April the 6th, together with the unexpected diminution in the receipts from the sale of such lands as were subject to private entry, made apparent the impossibility of paying the large estimates as they became due. In view of this fact, it was deemed expedient and proper to suspend for the season, or until after the meeting of another session of the General Assembly, that portion of the work from St. Francisville to the mouth of the river—being the ten miles of steamboat canal including the locks, &c., connected with it. Previous to this determination being arrived at, the Engineer had taken the estimates upon the whole works in course of construction—and the indebtedness actually at that date, (the 13th of May,) below Farmington, was found to be \$30,000 dollars, exclusive of the 15 per cent. retained to secure the fulfillment of contracts. To meet this indebtedness there was but \$10,000 dollars in cash in the Treasury, which left a deficit at that date of \$20,000 dollars on the work below that point, embraced in the first letting. For the accommodation of the contractors, upon that portion of the work, the President issued certificates certifying the respective amounts due them, and made payable at his office, out of the first receipts in the Treasury. These certificates were payable to order, and answered a valuable purpose in enabling the contract-

ous to transfer their claims upon the State in payment of such liabilities as they had contracted in the prosecution of their work.

The work on the contracts being suspended by the inability of the State to meet her engagements, the fifteen per cent. heretofore retained on their jobs will necessarily have to be paid. The laws in relation to the improvement do not define the course to be pursued in case of a failure to pay the estimates when due. It is respectfully suggested that the Legislature shall definitely prescribe the course to be pursued in case of similar occurrences in the further progress of the work. We also respectfully recommend that the Legislature memorialize Congress to allow the proper authorities of the State to select other lands, in lieu of those sold by the United States above the "Forks." These lands, notwithstanding their sale by the General Government, yet legally belong to the State, but in view of the fact that they have been mostly located upon by military land warrants, in good faith by our own citizens, injustice would doubtlessly, in many instances, be done, were the State compelled to assert her title to them. Congress, it is presumed, would, in view of the facts under which the State was attempted to be deprived of these lands, allow others to the amount of the value of them, to be selected and appropriated to the improvement. Injustice would be done the State, were she to take instead of these lands a similar quantity of such lands as could now be selected. The lands sold, situated as they are immediately above the prosperous and rapidly advancing young city of Fort Des Moines, are intrinsically at the present time worth from four to ten dollars per acre, while a similar quantity selected in lieu of them, would never realize to the State over one dollar and a quarter per acre. It is, therefore, proper, in appealing to Congress for reimbursement, that the memorial be so framed as to ask for the value of those lands, instead of a similar quantity of much less value.

The able and full report of the Chief Engineer, GUY WELLS, Esq., which accompanies this report, shows the exact condition of the work under charge. It will be perceived by a comparison of these estimates with those of the former Chief Engineer, under whom the improvement was originally projected and commenced, that there exists a very material difference of cost. The figures of the present Engineer shows that work has already been done on the canal with its necessary appendages to the amount of \$138,848 42, exclusive of the ordinary and usual contingent expenses in the prosecution of such

works of ten per cent. upon that amount, which would augment it to \$152,733 26. The total cost of the canal, according to the present estimate will amount to \$260,938 34, of which amount there remains yet to be done \$122,089 92; adding the estimates for contingent and wastage during the suspension of the work, twelve per cent., making the whole cost of the canal \$275,589 13, and the whole cost of the work yet to be done \$136,740 92, exclusive of the ten per cent. on the work already done. The figures of the former engineer, as shown in his report No. one, make the cost of the canal, after adding ten per cent. for contingent expenses and \$5,000 00 for walls and races for mills at various points from Lock No. 0 to Lock No. 4 at Thomas' mill, \$125,987 11. The present estimated cost being made at the actual prices for which the work was contracted, and the former estimated cost being made before the work was put under contract. We refer you to the present Engineer's report for the reasons for this great discrepancy in the two estimates.

The extraordinary and destructive freshets which occurred during the latter part of the winter and in the spring of 1849, occasioned considerable destruction to the works on the canal. The river, as is well known, rose higher at that time than it was ever known to have been by the inhabitants in its vicinity before or since. This misfortune, added to the prevalence of the cholera which made its appearance on the works in the early part of the season, occasioned much loss and vexatious delay to the contractors. In addition to this, expenses of conducting the work had advanced from 50 to 75 per cent. for ordinary labor, and other expenses in about the same proportion.

In November, of that year, the Board, accompanied by the Chief Engineer, made a personal and thorough examination of the whole work under contract; and in pursuance of an adjournment from a regular meeting held at Ottumwa, met at Keokuk, on the 20th of that month, for the purpose of considering the various petitions and representations of the several contractors on the line. The causes, above referred to, had induced a portion of them to desire a relinquishment of their contracts, while others asked and contended for the allowance of large damages by the destruction of embankments, &c. It was apparent to us that slight advances on most of the Canal jobs had to be made, and that some allowances were required in order to prevent an abandonment of a number of the larger contracts. This, it was

desirous, should be avoided, for had the work, under the then existing circumstances, been relet, it would have cost the State much more than the allowances and alterations required to enable the present contractors to proceed under their first contracts. The first letting of the work, it is well known, was at a time when labor, provisions, &c., could be obtained at but little if any more than one-half of what they would cost at the date in question.

Under these circumstances, and in accordance with the recommendation of the then Chief Engineer, Colonel Samuel R. Curtis, the following allowances and changes were made to the contractors. Fifty cents per perch was added to the price of masonry, in consequence of its being changed from rubble to cut stone and range work. The original contractors, Messrs. Stewart & Wallace, on section No. 4, having, for a year previous, left the entire control of their work to their assignees, Messrs. Smith, Morrison & Co., the President was authorized to enter into contract with the latter, for the completion of the work at a small advance on the former contract prices. On section No. 5, for reasons heretofore stated, and in consequence of a change of location of Lock, the contractors prices on this section were advanced. On section No. 6, one hundred and twenty dollars was allowed for loss of embankment by flood. Allowances were made on section No. 8, one hundred dollars for timbers swept away and lost by flood, one hundred dollars for damages done to Lock pit, and eight hundred and ten dollars for loss of embankment. The contractor, having delivered the estimated quantity of protection stone, and it was found the work still required more, which the contractor refused to deliver at his former prices, therefore the price was advanced from one dollar to one 50-100 dollar per perch, on the balance delivered.

The contract, for constructing Culvert on section 3, having been abandoned by the original contractor, Richard Morris, was relet to Messrs E. Lindsey & Co. who completed it about the 1st of September, in a manner entirely satisfactory to the Engineer.

Messrs. Quinn, Caraher & Co. contractors at Dam No. 3, having abandoned their contract, about the 1st of April, and the Board, after receiving proposals, re-let the work to Messrs. J. C. Walker & Co. they being the lowest responsible bidders.

The President has made an arrangement, by contract, with Messrs. Thomas & Colton, mill owners, at Dam No. 3, on the south side of the river, in the State of Missouri, by which they are to remove their saw

mill, and convey to the State a sufficiency of ground for all needful purposes, in the use of water power at that point. They also release to the State a quantity of timber and stone contained in the old Lock. In consideration of the above, and the stoppage of their mills for two months, to enable the contractors to put in the new Dam, the State is to pay two thousand dollars.

At Dam No. 6, Bentonsport, the contractors, Messrs. Brown & Sanford, commenced putting in the dam about the 1st of July, and it being located just above the old mill dam, it became necessary to drain the pool, thereby suspending the operations at the mills on each side of the river, for about four months. The owners of these mills, Messrs. Brown & Sanford on the north side, and Mr. Allender, on the south side of the river, claim heavy damages from the State, for loss of time in the use of their mills. They also claim that the State shall pay the expense of conducting the water from the State dam to their respective mills.

The 22d section of an act creating the Board of Public Works, and providing for the improvement of the Des Moines river, says, "and nothing herein contained shall prevent the Board from paying the proprietors of such dams, whatever they may deem reasonable, in addition to the privileges authorized by this act." The owners of the several mills and dams on the river were allowed, in consideration of lands, and of their privileges, together with the damages they might sustain, to have the use and benefit of water power sufficient to propel the same amount of machinery that they had previously been using, free of cost for the term of fifty years; the water of course to be applied to the most approved wheels now in use. Messrs. Brown and Sanford claim power sufficient to propel nine run of burrs, which at the rate at which power has been leased to Messrs. Green and brother, at that dam, would amount to \$900 per annum, for fifty years. In considering these claims for damages, it is necessary to take into view the fact that the State has incurred considerable expense in the location of locks and dams to accommodate mill owners—and that the character of the work done by the State secures to them this valuable power, permanent and uninterrupted for the long time mentioned.

The claims presented are urged, *First*, upon the grounds that the Public Works require a stoppage of their mills: *Second*, that the State is bound to place them in as good a condition as they were

found at the commencement of the work—and, *Thirdly*, upon the ground that they had always complied with the requirements of their Territorial charter, and kept the lock at that point in good condition to pass boats, &c.

These claims, together with similar ones that may be presented, are respectfully submitted for Legislative action.

Accompanying this report will be found marked No. 1, the President's account of receipts and disbursements—No. 2, the account current of the Treasurer, and No. 3, the statement of the Secretary, exhibiting the amount of lands sold, &c.,—also a tabular statement by the President, showing the State indebtedness, numbered 4.

The present system of prosecuting the work, it will be apparent, we think to all, is not the most judicious to accomplish the great object in view, to wit: the speedy completion of the improvement, at the least possible cost to the State. At present it can proceed no faster than the irregular and uncertain receipts from the sale of lands will pay the estimates, and other expenses. The irregularity of these receipts will be made apparent by reference to the tabular statement of the monthly sales during the past fourteen months. The six months instanced, from April to September, inclusive, embracing the season of the year, when such work can only be successfully prosecuted, and when the largest amount of money is required, are smallest.—Indeed at any season of the year they are entirely inadequate to prosecute even the present work under way, and render out of the question, the possibility of putting more of the improvement in progress. The incidental expenses, including salaries of Board, Engineers, &c. as established, is entirely disproportionate to the limited amount of work which can be done. About the same amount of incidental expenses, that are at present required, would superintend the judicious expenditure of from two to four hundred thousand dollars on the work per annum.

The 9th section of the act creating the Board of Public Works, provides that they shall recommend "such Legislative action as they shall deem expedient." This we are aware, imposes a delicate and responsible duty. The views entertained, in the different localities along the river to be improved are as conflicting and incongruous as are the many interests which are sought to be promoted.

The hypothecation of the lands or the proceeds of their sale, for a loan of money has been suggested, and will doubtlessly be strenuously

used. A loan of one dollar per acre on the entire grant, would fall \$213,852 short of completing the whole work to Fort Des Moines, at the present estimated cost. With that amount of available cash means to be drawn as required in the progress of the work, would in our opinion, justify the commencement and vigorous prosecution of the entire improvement to completion. Within one year a portion of it would begin to yield a revenue for water rents and tolls. The least estimate of water power, at the respective dams and the two locks in the canal, would afford a sufficiency of power, if properly applied, to propel twenty run of burrs at each. There will be, when completed, twenty-eight dams, with the two additional locks in the canal, making a power sufficient to propel six hundred run of burrs, which, were it all brought into requisition at the moderate price of one hundred dollars per annum for each, would give a yearly income from that source alone, of \$60,000. But suppose that for the next ten years, water power could not be leased at each lock for more than one thousand dollars, we would then have the sum of \$30,000 annual revenue from this source. A loan of sixty cents per acre on the lands, would give \$621,629, which would exceed the estimated cost of the work up to Ottumwa \$31,969. This amount would complete the improvement up to that point, and make ninety miles of slackwater and canal navigation, and the water power would yield a revenue in proportion as above.

To this mode of obtaining the available means requisite, there might be found to exist some difficulty. In the first place, that salutary provision in our Constitution, which limits the amount of funded debt, precludes the idea of the issue of State bonds, pledging the grant of land as a mere collateral.

Should this plan be adopted, it will be necessary for the General Assembly to authorize the Board to negotiate a loan, and if thought necessary to direct that a portion of the lands be withheld from sale.

The States of Indiana and Illinois, with improvements somewhat similarly situated to our own, have given them up to companies of capitalists, who have taken the works in their unfinished condition, and agreed to complete them within a given time, on condition of owning and controlling them, with a limit upon the amount of tolls to be assessed. These arrangements have been coupled with the condition that the State may within a given time redeem said improvements by the payment of the monies expended by the company with interest.

It appears to us that a similar disposition of that portion of our improvement under course of construction, and including the works at Keosauqua, might be advantageously made at this time, so as to secure the speedy and certain completion of that very important portion of the work.

When the difficulties shall have been overcome in this portion of the river by slackwater and the canal, a continuous steamboat navigation will have been accomplished to Fort Des Moines, for from two to four months each year, which would be productive of vast benefits.

The amount of work done and the materials furnished already, as shown by the Engineer's report, is \$241,350 85 on his part of the work. The same report estimates the cost to complete it at \$343,431. This estimate, it may be remarked, is reliable, from the fact that it is based upon the prices of the work already under contract, and which experience shows it will cost.

In view of the uncertainty of means to prosecute this work, as speedily as possible, to completion, we suggest the propriety of advertising it to be let to a company, provided it can be done on suitable terms, and that the lands lying south of Fort Des Moines, or the proceeds of their sales be turned over to such company as they progress with the work. These lands, it will be seen, at the present prices fixed upon them, amount to \$190,894 dollars. This amount falls short of the estimated cost, \$152,537. In consideration of this amount, the State could give the company the use and benefits of the work, for a term of years, and until they should be paid the full amount of their expenditures, with interest. The fact of a company having the use of the improvement for a term of years, would operate as security to the State, for they would be interested in making it as permanent as possible, so as to require the least possible repairs. A company properly constituted, with \$241,350, worth of work already done—and lands, or their proceeds, to the amount shown, would be furnished with the means and credit by which they could, it appears to us, complete the work sooner, and at less expense than it would be possible for it to be done under the most favorable auspices reasonable to expect, by the State. Many of the enterprising contractors now engaged on the work, would no doubt find it to their interest to connect themselves with such company, and become stockholders, at least, to the amount of their indebtedness from the State

That portion of the grant which it is proposed to pledge or convey,

should, in our opinion, be held subject to entry, as at present, for at least one year longer, in order that the settlers and claimants, at present holding such portions of it, as may be claimed, or improved, may have that much time extended to them, to avail themselves of the privileges which have been enjoyed by others of purchasing their homes and claims, at the price now fixed upon them of one dollar and twenty-five cents per acre. It would also prevent these lands from falling into the hands of speculators, whose only design would be to hold them in reserve for speculation. At the expiration of one year, these lands, or such of them as were unsold, might then all be transferred to the company, without in any way, doing injustice to any portion of our citizens, or retarding the settlement of the country.

Should this plan, of which but a faint outline is attempted to be given, meet the views of the Legislature, a law carefully framed, giving the Board full power to carry it into operation, should a responsible company offer, would be required.

A deficit in the account of the late Treasurer of the Board of four thousand eight hundred and forty-one dollars and seventy-five cents, is shown to exist by the books of the office. It is respectfully recommended that the Legislature take the proper steps to a full settlement, and if there shall be found to be any thing due the State, from that source, that the same be placed in course of collection, at as early a day as practicable. Mr. Brattair, with the securities on his bond, are amply sufficient to secure the amount of delinquency shown on the books against him.

At a meeting of the Board, on the 24th of December, 1849, the services of the former Chief Engineer, Colonel Samuel R. Curtis, was dispensed with. He had been employed, for the first year of his service, at a salary of \$2,500, and afterwards \$2,000 per annum. Guy Wells, Esq., the former first assistant, was promoted to the place, at a salary of \$1,000 per annum. As to the manner in which he has discharged the important trust under his charge, with the many embarrassments which have attended the prosecution of the work, since he assumed its responsibilities; it is unnecessary to speak further than to say that it has been satisfactory to the Board. The substantial and workmanlike manner in which the work has been done, as far as it has progressed, we feel confident will compare favorably with any similar work to be found in the United States—and reflects much credit upon the Engineers in charge, as well as to the enterprising contractors, who performed the labor.

The Des Moines River Improvement is the most extensive one of the kind ever commenced in the United States; and of its vast importance to the fertile and beautiful valley through which it meanders, it is scarcely necessary to refer. The rapidity with which this portion of the State has been, within so very few years, transformed from its primeval solitude to a country already teeming with not only an abundance of the products of its rich soil for home use, but furnishing a large surplus, seeking a foreign market, is unparalleled in the history of the country—and furnishes the reflecting mind with the data upon which its future greatness may be calculated.

The agricultural capacities of the country are almost boundless; and the mineral wealth is nearly equal in importance. Hydraulic lime, coal and gypsum, are known to exist in inexhaustible quantities, and will all be important articles of commerce when the improvement is completed.

These great resources need a cheap water communication with the Mississippi, and the trade that their development will cause, is amply sufficient to justify the most strenuous exertions to push forward the great improvement in question.

Mills and manufactories are necessary to sustain and support the growth and prosperity of the State. The river, when improved as commenced, by locks and dams, will not only afford a constant navigation, but an inexhaustible water power. The country affords unrivalled advantages for manufactories. Cotton can be brought here cheaper than to the Merrimac, whilst the fruits of our own rich prairies, wood lands, and the minerals of the hills, among which the Des Moines meanders, would afford employment for thousands of workshops, mills and manufactories.

The former Engineers report, No. 3, embracing his estimate of the work from Ottumwa to the forks of the river, accompanies this report.

In conclusion we would respectfully suggest, and solicit, that a committee be appointed by the Legislature, to visit and examine the work under our charge, and also the offices connected with it. We feel every confidence that a report from such a source, to the Legislative Assembly, would be productive of much good.

Respectfully submitted,

WILLIAM PATTERSON.

JESSE WILLIAMS.

GEORGE GILLASPY.

**APPENDIX.**

**No. 1.**

**Receipts and Disbursements of the President of the Board.**

<b>RECEIPTS.</b>		
1849,		
Nov. 5th,	Rec'd of the treasurer as per voucher No. 1	\$15,292 83
Nov. 20th,	“ “ “ “ “ “ 2	9,000 00
Dec. 20th,	“ “ “ “ “ “ 3	6,809 77
1850,		
Feb. 14th,	“ “ “ “ “ “ 4	22,000 00
May 1st,	“ “ “ “ “ “ 5	20,347 00
July 1st,	“ “ “ “ “ “ 6	7,339 57
Sept. 4th,	“ “ “ “ “ “ 7	7,257 85
Nov. 6th,	“ “ “ “ “ “ 8	12,605 28
Nov. 26th,	“ “ “ “ “ “ 9	4,435 37
	Certificates unredeemed,	7,594 00
		\$112,681 67

<b>DISBURSEMENTS.</b>		
	No of Sec- tion.	
To T. Lyon & Co. on contract and State work,	1 & 2	\$8,662 36
“ Philip Sullivan, on contract,	3	4,320 10
“ E. Lindsey & Co., for building Culvert,		2,301 68
“ Smith, Morrison & Co., on contract and State work,	4	12,217 16
“ Douglass & Morrison, assignees of P. H. Blake,	5	4,831 76
“ B. McQuillan, on contract,	6	4,446 36
“ Conable & Cunningham, on contract,	7	3,208 63
“ Brigham & Mayger, for State work,	8	16,556 52
“ Conable & Cunningham, on contract,	9	1,025 40
“ Bell & Cassiday, on contract,	10	1,271 47
“ Lewis Turner, on contract,	11	2,365 52
“ J. Z. Barnett & Co., and for State work,	12	11,582 75
“ Quinn, Caraher & Co., on contract and State work,	13	1,688 22
“ Walker & Co., on contract and State work,	14	8,974 33
“ John McCune & Co., on contract,	15	1,337 01

	No. of Sec- tion.	
To William Meek & Sons, on contract and State work, - - - - -	16	3,376 47
do Brown & Sanford, on contract and State work, - - - - -	17	8,650 96
To the Board, one year's salary, - - - - -		2,600 00
do the corps of Engineers, - - - - -		5,130 00
For hydraulic cement, - - - - -		2,824 53
do plats, printing, office rent, and other contingencies, - - - - -		1,828 86
do right of way, - - - - -		100 00
do lumber, castings, iron, spikes, &c. - - - - -		493 74
do one horse for pile boat, - - - - -		40 00
Returned draft, - - - - -		2,300 00
Cash on hand, - - - - -		541 84
		<b>\$112,681 67</b>

WILLIAM PATTERSON,  
President Board of Public Works.

## GEORGE GILLASPY, Treasurer, in Account Des Moines River Improvement.

Dr.

Cr.

Month.	To whom paid.	No.	Dolls. cts.	Date.		Dolls. cts.
November 5th, 1849,	To President,	1	15,292 83	Sept. 25th, 1849,	By am't rec'd fm	
" 29th, "	" "	2	9,000 00		P. Brattain, late	
Decem'r 20th, "	" "	3	6,809 77		Treasurer, -	8,293 93
February 14th, 1850,	" "	4	22,000 00	October "	Am't rec'd from	
May 1st, "	" "	5	20,347 00		sale of lands.	11,827 59
July 1st, "	" "	6	7,339 57	November "	" " "	9,957 85
Sept. 4th, "	" "	7	7,257 85	December "	" " "	6,362 87
Nov. 6th, "	" "	8	12,805 28	January 1850,	" " "	11,029 09
" 26th, "	" "	9	4,435 38	February "	" " "	20,464 47
	Balance in			March "	" " "	3,400 31
	Treasury.		2,591 45	April "	" " "	4,370 07
				May "	" " "	4,896 74
				June "	" " "	5,039 45
				July "	" " "	3,142 01
				August "	" " "	3,901 99
				September "	" " "	2,131 28
				October "	" " "	7,987 75
				Nov. to 28, "	" " "	7,574 21
			107,679 13			107,679 13

Office of Treasurer, November 29th, 1850.

GEORGE GILLASPY.

## No. 3.

Statement of lands sold as exhibited by the books of this office up to the 28th day of November 1850, inclusive.

Months.	Acres.	Dolls. cts.
October, 1849,	9,438.07	11,827 59
November, "	7,245.88	9,057 35
December, "	5,090.31	6,362 89
January, 1850,	8,823.27	11,029 09
February, "	16,371.58	20,464 47
March, "	2,720.25	3,400 31
April, "	3,496.06	4,370 07
May, "	3,917.40	4,896 74
June, "	4,031.56	5,039 45
July, "	2,513.61	3,142 01
August, "	2,401.59	3,001 99
September, "	1,705.03	2,131 28
October, "	5,670.20	7,087 75
November to 28th,	6,059.37	7,574 21
Total amount under present Board,	79,484.18	99,385 20
Total amount sold prior to Oct. 1849,	89,669.09	112,178 38
	169,153 27	\$211,563 58

JESSE WILLIAMS.

Office of Secretary, November 29th, 1850.

## No. 4.

Amount of State indebtedness.

Certificates unredeemed,	\$7,594 00
Due T. Lyon & Co., on section 1 and 2,	4,856 62
" E. Lindsey & Co., on culvert,	576 52
" Smith, Morrison & Co., on section 4,	3,098 79
" Douglass & Morrison, on section 5,	1,300 00
" B. McQuillan, on section 6,	1,239 33

Due Conable & Cunningham, on section 7,	974	87
" Brigham & Mayger, on section 8,	5,230	02
" Bell & Cassidy, on section 10,	1,168	29
" Lewis Turner, on section 11,	1,648	96
" J. Z. Barnet & Co., on section 12,	4,165	81
" Jacob Cram, for pile driving on section 5,	1,227	30
" Walker & Co., on section 13,	1,567	37
" Walker & Co., on section 14,	9,799	50
<hr/>		
Total amount due on work embraced in first letting, being mostly back money,	\$44,162	07
<hr/>		
Due John McCune & Co., on section 15,	\$5,679	94
" Wm. Meek & Sons, on section 16,	18,404	04
" Brown & Sanford, on section 17,	10,238	29
<hr/>		
Total amount due on second letting,	\$34,322	27

WM. PATTERSON,  
Pres't B. P. Works.

## A

GENERAL LAND OFFICE,  
December 19, 1849.

Sir: A letter has been received at this office from the Hon. A. C. Dodge and Hon. G. W. Jones, enclosing one from you to the former, dated the 30th ult., requesting that you may be furnished with a list of the Des Moines river grant above the "Raccoon Forks." In reply, I have to state that said list has not been furnished, for the reason that the posting of the land warrants in the Iowa City district was not completed on the books of this office until recently. Said list is now in course of preparation, and will be ready for transmission at an early day.

In the latter part of your letter, you say the "lists heretofore furnished of lands below the forks, have been furnished the Secretary of

of State, instead of the Board, who are the rightful and only agents of the State for said land." In the absence of evidence showing the right of another to receive confirmed lists of State grants, it is usual to send them to the Secretary of State. Such is the case at present in relation to this grant. If, however, you will furnish this office with evidence as to your right, as Secretary of the Board of Public Works, to receive said lists, and to correspond with this office in relation thereto, they will hereafter receive the desired direction.

I am, Sir, very Respectfully,

Your obedient servant,

J. BUTTERFIELD,

*Commissioner.*

To JESS WILLIAMS, Esq.,  
Iowa City, Iowa.

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B

SENATE CHAMBER, March 16th, 1850.

HON. THOMAS EWING,  
*Secretary of the Interior—*

SIR: It becomes our duty to lay before you the enclosed letter from Col. Jesse Williams, Secretary of the Board of Internal Improvements of the State of Iowa, complaining on the part of the State of the sale by the United States of some twenty-five thousand acres of land on the Des Moines above the mouth of Racoon river, and belonging to the State of Iowa, by virtue of act of August 1846, and the decision of the late Secretary of the Treasury, Hon. R. J. Walker, thereon.

We appeal to you from the decision of Commissioner Butterfield, that the land so sold had been legally sold. We contend that the title is still in the State of Iowa, and that she cannot be divested thereof without her own act; but we do not ask that the patents granted to individuals be vacated. We are willing that matters in relation to those illegal sales, as we allege they are, should remain in statu quo until the Legislature of the State of Iowa shall meet, as it will during the next winter.

We farther most respectfully and earnestly request, that you will at as early a day as your convenience will allow, approve the other

selections recommended by Commissioner Butterfield, for your approval, above the mouth of Racoon river, to the end that the Secretary of the Board of Internal Improvement of our State, may be furnished with a list of the lands to which Iowa is entitled for the improvement of the navigation of the Des Moines river.

We are, very respectfully,

Your obedient servants,

GEO. W. JONES,

A. C. DODGE.

C

GENERAL LAND OFFICE,

April 9th, 1850.

Sir: Herewith I send you a copy of a letter from the Secretary of the Interior, dated the 6th inst., deciding adversely to the late Secretary of the Treasury—that the grant for the improvement of the Des Moines river, under act of 8th of August, 1846, does not extend beyond the Racoon Forks.

As suggested by the Secretary, no immediate steps will be taken to bring the land embraced by the State's selections, into market. The office will await the action of the present session of Congress, whose attention will doubtlessly be called to the subject by the State authorities.

I am Sir, very Respectfully,

Your obedient servant,

J. BUTTERFIELD,

Commissioner.

JESSE WILLIAMS, Esq., *Secretary Board of Public Works.*

OTTUMWA, Iowa.

D

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 6th, 1850.

SIR: Having considered the questions submitted to me connected with the claim of the State of Iowa to select, under the act of August 8, 1846, lands for the improvement of the Des Moines river, I am clearly of opinion that you cannot recognize the grant as extending above the Racoon Fork, without the aid of an explanatory act of Congress. It is clear to my mind from the language of the act of August 8, 1846 itself, that it was not the intent of the act to extend it further.

My construction is confirmed by the report of the committee and the accompanying papers. If in any report to Congress, you have recognized the grant as extending to the source of the river, it will be proper to correct it, that Congress, if they see fit, may extend the grant. The opinion expressed by the late Secretary of the Treasury on the subject is entitled to great respect, but I cannot concur in it; and the law not having been carried into effect by him, his *opinion* merely expressed, is open for reversion.

The lists of selections and other papers submitted with your letter of the 13th ultimo, are herewith returned.

As Congress is now in session and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

I am, Sir, very respectfully,

Your obedient servant,

T. EWING, *Secretary*.

The Commissioner of the General Land Office.

E

BURLINGTON, Iowa, November 6, 1850.

To Col. JESSE WILLIAMS,

Secretary of the Board of Internal Improvement—

DEAR SIR: I have the pleasure to hand you herewith a copy of the appeal, taken by our delegation from Secretary Ewing's decision re-

pecting the grant of land made to aid the State of Iowa in the improvement of the Des Moines river, and also a copy of the opinion of Hon. Reverdy Johnson, late Attorney General of the United States, upon the same subject.

The perusal of this opinion of Attorney General Johnson will, I am quite certain, afford you and your colleagues of the Board of Internal Improvement, and our citizens generally, as it has your Senators and members, the most sincere pleasure.

The high position of the author of this opinion, he being at the time the legal adviser of the Executive, and his distinguished reputation as an enlightened and able jurist, are such as confidently to induce the belief on my part, that President Fillmore will finally decide the momentous question now before him in our favor. That this may be the case, and that the great work of affording the farmers and settlers of the Des Moines a safe, economical, and ready transit to market for the surplus millions of products which their magnificent valley is destined soon to contain, be speedily accomplished, is the ardent wish of their and your friend.

A. C. DODGE.

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F

WASHINGTON, April 14th, 1850.

*To the President:*

WE, the Senators and Representatives from the State of Iowa, believing that great injustice will be done the State and people they represent by an opinion and order of the Hon. Thomas Ewing, Secretary of the Interior, bearing date the 6th of April, 1850, by which the grant of land made to the State of Iowa, by the act of the 8th of August, 1846, is restricted to the "Raccoon Fork," (so called,) beg leave to enter our solemn protest against the carrying into effect of said opinion by the Executive Department of the Government, for the following reasons:

*First,* Because there is granted to the State of Iowa, in language clear and unambiguous, by the before mentioned law, "one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, incumbered or appropriated,) in a slip five miles in width on each side of said river," (the Des Moines.)

*Second,* Because the question of the extent of the grant under consideration, having arisen during the late Administration, was decided in favor of the State of Iowa, on appeal and argument, by the Hon. R. J. Walker, then Secretary of the Treasury, in an opinion given by him, which bears date the 2d of March, 1849.

*Third,* Because upon the promulgation of the decision of the late Secretary of the Treasury, it being regarded as final and conclusive, the authorities of the State of Iowa have proceeded to contract heavy pecuniary obligations, in anticipation of the proceeds of the said lands thus adjudged to be applicable to the improvement of the navigation of the Des Moines river.

*Fourth,* Because we sincerely believe that under the act of the 8th of August, 1846, and the decision of the late Secretary of the Treasury, before mentioned, that the State of Iowa has, for the purpose and on the conditions mentioned in said law, a vested right to the lands in question, and so believing, we do not doubt that her authorities will resent, by every proper means in their power, the sale of these lands by the United States.

*Fifth,* Because we humbly conceive that the Secretary of the Interior, unintentionally and with good motives we doubt not, has transcended his legitimate authority, in re-opening of his own volition and reversing a decision of the Secretary of the Treasury, in a matter of this character.

For these and other reasons, not deemed necessary to be enumerated, we appeal to you to protect our young State, and her enterprising citizens, already environed by those difficulties and hardships ever attendant upon the settlement of new countries, from the incalculable loss and embarrassment which will be entailed upon her and them should the decision of the late Secretary of the Treasury in relation to the grant of land for the improvement of the navigation of the Des Moines be reversed.

We are, with the highest consideration of respect,

A. C. DODGE,  
GEO. W. JONES,  
SHEPHERD LEFFLER,  
WM. THOMPSON.

## G

ATTORNEY GENERAL'S OFFICE,

July 19, 1850.

SIR: The questions presented in the matter of the Des Moines grant, made to the Territory of Iowa, by the act of Congress of the 8th of August, 1846, upon which, under an appeal to your predecessor from the decision of the Secretary of the Interior, he required the opinion of this office, are—*First*, what is the extent of the grant; and *Second*, had it been already finally adjudicated, before the decision appealed from, was made.

*First*—Is the strip “five miles in width on each side” of the Des Moines river granted, limited in length to what is called the Racoon Fork, or is the grant co-extensive with the length of the river? The grant is made by the first section of the act, and is in these words:

“There be and hereby is granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines river, from its mouth to the Racoon Fork, (so called,) in said Territory, one moiety of the public lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five miles in width on each side of said river; to be selected by an agent or agents, to be appointed by the Governor of said Territory, subject to the approval of the Secretary of the Treasury of the United States.”

The Commissioner of the Land Office, and the Secretary of the Interior, think that the Racoon Fork is the limit of the grant, and its northern terminus.

I do not concur in this view. In my opinion, the fork is mentioned only as the point to which, from the mouth of the river, the improvement of the navigation of the river is to be made.

The true reading of the act I think, is, that the land granted is to run the entire length of the river, within the then Territory of Iowa, and the object to be accomplished by it, the improvement of the navigation up to the Fork.

The purpose is one thing—the extent of the grant another. It is by confounding the two, in themselves, as stated in the act, wholly distinct, and considering them as limiting each other, that the error of the opposite construction consists. They have, in my judgment, nothing to do with each other. This will perhaps be made the more obvious, by transposing the language of the act. Place the terms of

the grant first, and those of the purpose for making it last, and the meaning is apparent. It would then read—"There be and hereby is granted to the Territory of Iowa, one moiety of the public lands (remaining unsold, and not otherwise disposed of, encumbered or appropriated,) in a strip five miles in width, on each side of the Des Moines river, to be selected," &c. "for the purpose of aiding said Territory to improve the navigation" of said river from its mouth to the Racoon fork (so called), in said Territory."

If these were the terms of the grant, no doubt, I think, could exist, that the only limit was the river, and yet I cannot see that the meaning is not precisely the same of the terms actually adopted. The river limits the grant, although a portion of the river is only to be improved. The other interpretation requires to maintain it, that you add to the words adopted describing the extent of the grant, "five miles in width on each side of said river," the other words "from its mouth to the Racoon Fork," previously used but to describe the extent of the improvement. Where is the authority for such an interpretation? When the words of a statute are clear, it is contrary to every rule of construction, to supply others, on the conjecture that they were accidentally omitted. The inference, when those used are unambiguous, is, that the Legislature meant precisely, and only meant what those import.

But the third section strengthens I think my opinion upon the first. By that it is provided "That the *said river Des Moines* shall be and forever remain a public highway for the use of the Government of the United States," &c. What is the extent of this stipulation? Is it that the highway on the river is restricted to the Fork, or co-extensive with the river? I think there can be no doubt that the latter is the true meaning—and if it be, it is only because there is nothing to limit the provision to any portion of the river, and yet the words are in this respect the same as those used in the grant by the first section.

It is supposed that this construction is erroneous, because to the report of the committee of the House reporting the bill before introduced and referred to them, there is attached a letter from the then Commissioner of the Land Office, stating that it extended to the Racoon Fork. When the words of a statute are doubtful, it is legitimate to refer to such sources of information. But where it is otherwise—where there is no ambiguity, as I think is the case of this

statute,—there is no warrant for qualifying them by report, or speeches or votes, which may have preceded its passage. This doctrine is clearly recognized by the Supreme Court of the United States in the case of *Aldridge vs. Williams*, 3 How. 24. Nor is there any thing in the objection, that the improvement is limited, and that that should be held to limit the grant. The fact is not so. The lands of the United States throughout the extent of the river will feel the benefit of the improvement, in an enhancement of value.

The whole river therefore participates in the advantage of the work, and upon the very policy which has heretofore governed Congress in such cases, it is fair to presume that the lands granted were limited by the whole river, and not by a part of it. Nor do I think it is consonant with the policy of such dispositions of the public lands, to bring to the statutes by which they are made, a narrow construction. It is a large and enlightened policy, ever favored by Congress, and should be executed even in cases of doubt, rather in a large and liberal, than a restricted spirit.

*Second*—I am of opinion that the question has been finally adjudicated by the Secretary of the Treasury before it was decided by the Secretary of the Interior.

The facts are these.—The commissioner of the Land Office who had originally construed the grant as I do, changed his opinion, and advertised for sale in the usual way, lands above the Fork. As soon as this was known, the Senators and Representatives of Iowa, on the 8th January, 1849, in an official letter to Mr. Walker, “complained of the construction, and requested him to give the necessary instructions for the selection and approval of these lands along the entire grant of the Des Moines, as contemplated by the law,” &c. The question was carefully considered by the Secretary, and decided by him on the 2d of March, 1849. On that day he advised these gentlemen of the decision, and communicated it on the same day to the Commissioner, in an official letter now on file with the papers, for, to use the language of the letter, the “information and government of that officer, on the subject to which it refers.” From that time to the recent opposite opinion of the present Commissioner, the question was considered as closed by this decision of Mr. Walker. This appears from the report of Commissioner, Mr. Young, afterwards transmitted to Congress, and also by a report of the present Commissioner himself of the 14th January, 1850, transmitted to the Senate,

by the Secretary of the Interior, on the 21st, of that month.—See Senate executive document, 1st session 31st Congress, No. 171. In this report showing the amount of public land granted to Iowa among other States, there is attached this note: “This amount in accordance with the decision of the late Secretary of the Treasury, of 2nd March, 1849, will be increased by the unadjusted portion of the grant for the improvement of the Des Moines river, situated between the Racoon Fork and the source of said river, estimated to contain 900,000 acres.”

The design of the Secretary, himself, to have decided it, and his belief that he had so decided, appears by a letter from him to the Senators of the State, now on file, dated the 15th instant, and hereunto annexed.

Upon the faith of this determination, I am advised, that the proper authorities of the State, have entered into large contracts for the improvement of the river,—and it would therefore, I think, be the extreme of injustice, now to revoke it.

And I am glad to be of the opinion that it cannot be legally revoked. It was a final adjudication,—so considered by the parties,—by the Senators and Commissioner of the Land Office, and so acted upon by Iowa:—Whether right or not is now immaterial. It is beyond the control of the Secretary of the Interior, (the successor in this respect, of Mr. Walker,) and of any other executive officer. See the case of the bank of the Metropolis, vs. U. S. Pet. 401.

I have the honor to be,

With high regard,

Your ob't servant,

(Signed)

REVERDY JOHNSON.

To MILLARD FILLMORE,

President of the United States.

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### ENGINEER'S REPORT.

ENGINEERS OFFICE, NOV. 20, 1850.

To the Board of Public Works:

GENTLEMEN:—I have the honor respectfully to present you with my first report of the condition of the Des Moines river improvement.

Commencing at the mouth of Nassau Slough, and proceeding up the Des Moines River, I will describe the character and progress of the different sections, in the order in which they occur.

No steps have yet been taken to remove the drift and snags in the Nassau Slough, and in the Des Moines river between the head of the Slough and lock No. 1, located at Mott's Ferry. When this is done we have a navigation of nearly two miles from the Mississippi.

This lock is located on rock foundation (no other rock being found in the bed of the river nearer its mouth;) and has a lift of 22 feet. The contractor has built a good and substantial coffer dam, excavated about one half of the lock pit, and furnished between three and four thousand perches of lock stone, with the face stone mostly cut. This job can be completed in one season, if it be a favorable one for work of that character. Connected with this lock, and embraced in the same contract, is 5,500 lineal feet of canal, the whole being denominated as sections one and two. This portion of the canal is nearly completed. A waste weir which was never before estimated is necessary on this section, to pass over the water of a small creek, and will add to the cost of the work about \$1,500.

Section No. 3, consists of one mile of canal, mostly light work, and is about one half completed. On this section a good and substantial culvert has been built, 140 feet long, with 2 spans of 6 feet each, and semi-circular arches of cut stone, with parapets, and wing walls to protect the embankment.

Section No. 4, consists of one mile of canal, which includes the heavy river embankment at the big Yellow Banks; the length of the embankment in the river, is 1,400 feet. It has been found necessary to drive a row of piles along the outer toe of the river embankment, to protect it from the drift and ice during the great freshets.

The channel of the river is contracted at this point, and the force of the current is so great against the embankment that it requires strong protection. At the great ice freshet in February, 1849, the bed of the river was washed out so that the channel was deepened from 8 to 26 feet. This will greatly increase the amount of embankment and protection stone, and add materially to the cost of the work, as the height of the embankment will be about 18 feet greater than was at first estimated. The land embankment on this section is entirely completed.

Section No. 5, includes the narrows below the mouth of Sugar creek, where will have 1,100 feet of embankment in river; similar to that at the big Yellow Bank, requiring to be protected with piles and stone. The piles are mostly driven at this point, but no embankment is yet made in the river. The remainder of the earth work on this section is nearly completed.

The location of lock No. 2, has been changed from section 8, to section 5, and will be built on a timber and plank foundation. The lock pit has been excavated, all the timber, 40,000 feet of plank, and 1,200 perches of lock stone have been delivered. The original design, before changing the location of the lock, was to pass the water of Sugar creek over the canal by a waste wier, but the matured plan of your late Chief Engineer, was to change the channel of the creek, so as to pass it under an aqueduct, which will be located above the lock.

Sections 6 and 7 are in such a state of forwardness as to render their completion practicable in one season.

Section No. 8, includes the heavy embankment in the river, similar to that on section 4 before alluded to. When the work on the canal was suspended, this embankment was left in a rough unfinished state, and not raised as high as high water mark; consequently it will be much exposed in times of very high freshets, by the water running over the embankment. I would recommend that some five or six hundred dollars be expended on this part of the work, which would place it comparatively out of danger.

Section No. 9 is completed, and was taken off the contractors hands in December 1849.

The earth work on sections 10 and 11 is nearly completed. On section 11 a guard lock, with a double pair of gates, and a chamber of the same capacity as the other locks, is necessary to shut out freshets from the canal, and pass boats up and down at any stage of water. Such locks are invariably used on similar works. The Des Moines is subject to frequent rises during the boating season, varying in height from two to ten feet, which without a water lift lock, would suspend navigation on the canal, but would not usually obviate the hazards of running on the river below St. Francisville. During the past two seasons these freshets have occurred about every six weeks or two months.

## COST OF THE CANAL, &amp;c.

From the tables which accompany this report, it will be observed that I have estimated the cost of the ten miles of canal, including three locks, one aqueduct, one culvert, and two waste weirs at \$275,589 13, exclusive of the contingent expenses on the work already done. After paying off the debts (chiefly back money) due the contractors, it will still require not less than \$136,740 71 to complete the canal. This sum greatly exceeds the original estimates for the following reasons: I. The character of the lock masonry has been changed from rubble to cut stone and range work, which adds fifty cents per perch to the price. II. The building of the coffer dam and bailing of lock pit at lock No. 1, was never estimated. III. The greatly increased quantity of embankment and protection stone at the two Yellow Banks and Sugar creek, and the furnishing and driving piles at those points. IV. The building of two waste weirs, one on section 2 and one on section 10, which are necessary and were never estimated. V. The changing of the guard gates on section 11 to a guard lock; and lastly and principally, by the difference in the quantity and price of work, as will be seen by reference to the two estimates, the present being made at the actual prices at which the work was contracted for, and the former at estimated prices, before the work was put under contract. The canal is the most precarious, and also the most expensive portion of the work, in proportion to its length, now under contract. When the work on the canal was suspended, it was left in such a rough unfinished state that the necessary measurements to determine the exact amount of work done were difficult and laborious, and required, during a portion of the summer, the same amount of engineering force as would have been necessary had the work been in vigorous prosecution. Now that these estimates are all taken, none of my corps are retained except Samuel Jacobs Esq., my assistant engineer.

ESTIMATED COST OF SECTIONS 1 AND 2.		Amount.	Total amount,
<i>Lock.</i>			
	Building coffer dam, excavating lock pit, bailing and excavating rock below tail of lock,.....	\$2,500 00	
7,063	Perches masonry, in lock and breast walls, @ \$3 50,.....	24,720 50	
600	Barrels of hydraulic cement, @ 2 25	1,350 00,	
	Lock gates and fixtures entire.....	2,000 00,	
			\$30,570 50
<i>Waste Weir.</i>			
7,000	Lineal feet square timber, ... @ 13½	945 00	
5,040	Feet B. M. oak plank, ..... 2 00	100 80	
546	Perches crib-filling,..... 1 00	546 00,	
132	Perches slope wall and pavement, ..... 1 50	198 00	
			1,789 80
<i>Canal.</i>			
	Grubbing and clearing section, ....	515 00	
74,756	Cubic yards embankment, .. @ 14½	11,026 51	
4,525	" " canal excavation 13	588 25	
3,555	" " muck ditch excavation, ..... 13	462 15	
20,000	Perches protection stone,.... 85	1,700 00	
			14,291 91
	<b>Total,.....</b>		<b>\$46,652 21</b>
ESTIMATED COST OF SECTION NO. 3:			
	Grubbing and clearing section, ...	425 00	
58,670	Cubic yards embankment, .. 12	7,040 40	
23,486	Cubic yards embankment in slough, ..... 19	4,462 34	
5,542	Cubic yards excavation,.... 10	554 20	
			12,481 94
ESTIMATED COST OF SEC. NO. 4.			
	Grubbing and clearing section, ....	696 00	
112,680	Cubic yards of river embankment, ..... 18	20,282 40	



ESTIMATED COST OF SECTION No. 6.		Amount.	Total amount.
	Grubbing and clearing section, . . . .	\$750 00	
73,118	Cubic yds embankment, . . . . @ 13c	9,505 34	
8,450	“ excavation, . . . . . 10	845 00	
	Work on old line before change of location, . . . . .	322 70	\$11,423 04
ESTIMATED COST OF SECTION No. 7.			
	Grubbing and clearing section, and inundated land left side of canal, .	750 00	
56,384	Cubic yards of embankment, @ 13	7,329 92	
3,140	“ “ excavation, . . 10	314 00	8,393 92
ESTIMATED COST OF SECTION No. 8.			
	Grubbing and clearing section, . . . .	1,812 00	
102,120	Yards of river embankment, @ 15c.	15,318 00	
44,818	“ land embankment, 13½	6,050 43	
23,666	“ excavation, . . . . . 11	2,603 26	
6,509	Perches protection stone, . . . 1 00	6,509 00	
2,115	Perches protection stone, . . . 1 50	3,172 50	
	Allowances made by the Board for losses by floods, . . . . .	2,010 00	
	Furnishing and driving piles, for bank protection, . . . . .	2,000 00	
	Paid for rehandling protection stone,	337 00	39,812 19
ESTIMATED COST OF SECTION No. 9.			
	Grubbing and clearing, . . . . .	1,000 00	
	Grubbing and clearing outside canal limits, . . . . .	100 00	
46,808	Cubic yards canal excavation, 10	4,680 80	
305	Cubic yards muck ditch excavation, . . . . . 10	30 50	

		Amount.	Total amount.
347	Cubic yards of excavation of drain back of spoil bank, 10c.	\$34 70	
42,607	Cubic yards embankment, ... 14	1,260 70	
			\$7,106 70
<b>ESTIMATED COST OF SECTION No. 10.</b>			
Grubbing and clearing section, .....		725 00	
70,580	Cubic yards excavation, ....@ 10c.	7,058 00	
5,822	" " embankment, .. 12	698 64	
Waste Weir, .....		1,500 00	
			9,981 64
<b>ESTIMATED COST OF SECTION No. 11.</b>			
Grubbing and clearing section, ....		2,000 00	
55,280	Cubic yards canal excavation, .....	@ 10c. 5,528 00	
2,740	Cubic yards lock pit excavation, .....	12 328 80	
10,640	Cubic yards embankment, ... 11	1,170 40	
220	" " puddling in lock foundation, .....	20 44 00	
57,040	feet, board measure, foundation plank, .....	2 00 1,140 80	
12,000	feet foundation timber, .....	11 1,320 00	
150	Perches protection wall above and below lock, .....	1 50 225 00	
2,502	Perches lock masonry, .....	4 00 10,008 00	
			21,765 20

## RECAPITULATION.

Nature of Work.	No. of Section.	Cost of work done.	Cost of work to be done.	Total estimated cost.
Lock No. 1 and 5,500 lineal feet canal, .....	1 and 2	21,889 72	\$24,762 40	\$46,652 21
One mile canal, .....	3	6,254 64	6,227 30	12,481 94
140 feet long—2 spans of 6 feet each, .....	Culvert,	3,327 70	Completed.	3,327 70
One mile canal, including big Yellow Banks, .....	4	20,414 98	14,107 22	34,552 20
One mile canal partly in river, .....	5	8,479 25	36,296 15	44,775 40
Stone have to be brought 8 miles, .....	Lock No. 2,	9,301 47	11,395 53	20,697 00
One mile canal, .....	6	9,079 94	2,343 10	11,423 04
One mile canal, .....	7	4,698 36	3,694 96	8,393 32
One mile canal at little Yellow Banks, .....	8	32,766 12	7,046 07	39,812 19
Finished in Dec. 1849, one mile canal, .....	9	7,106 70	Completed.	7,106 70
One mile canal nearly done, .....	10	7,355 54	2,626 10	9,981 64
Includes guard lock and 1 mile canal, .....	11	8,174 00	13,591 00	21,765 00
Add for contingencies and wastage during the suspension of the work, at 12 per cent., .....		\$138,848 42	\$122,089 92	\$260,938 34
			14,650 79	14,650 79
<b>Total, .....</b>		<b>\$138,848 42</b>	<b>\$136,740 71</b>	<b>\$275,589 13</b>

## ST. FRANCISVILLE WORK. SECTION No. 12.

The dam at St. Francisville, which is to supply the canal with water, and make navigation up to the first dam above, is located partly on rock, but chiefly on sand foundation, and is an expensive and difficult work. It will be founded on piles, (except where there is rock,) which will transfer the pressure from the spreading material on the surface, to an incompressible and confined foundation. This plan, together with protection below the dam, composed of clusters of piles filled in with bush and stones, I think will secure the work. A lock is located on the rock foundation in the south end of this dam, which will allow of river navigation, during portions of the season, and in case of a breach in the canal.

A considerable number of piles have been driven on this work, chiefly in the abutment pit on the north side of the river, but the larger part of the piling yet remains to be furnished and driven. This can be done early next season if the work goes on. A first rate steam pile boat, the property of Capt. Jacob Cram, is now lying at this work, and there is also on the river a good horse pile boat, the property of the State. During the past season we found useful employment for both of these boats. Nearly all the stone, timber, and plank for this lock and dam, have been delivered and fully prepared for the work.

The preparation for the foundation of the lock and dam was commenced under favorable circumstances last summer, but was soon suspended on account of the gloomy aspect of money affairs. Since then, nothing has been done at this point. This work will be resumed whenever funds can be procured.

## DAM AND LOCK AT "COWPENS." SECTION No. 13.

A large portion of the materials have been furnished for this work and something done towards preparing the foundation for the lock. A convenient and prepared quarry can speedily be made to yield the remainder of the stone required, and the contractors have other facilities for prosecuting the work next season.

## DAM AND LOCK AT CROTON. SECTION No. 14.

This work which has been under the immediate charge of M. M. Hayden, Esq., assistant engineer, has been prosecuted with vigor during the past summer, and although the persevering contractors, Messrs. Walker & Co., have been prevented by the numerous freshets and other causes from constructing their dam, yet they have borne up against the failure of the funds and completed the lock, partly on their own resources.

This lock is a strong, handsome and cheap structure, the face stone being cut and regularly coursed. The work is far superior to the rubble masonry contemplated by the specifications, and reflects credit on the enterprising contractors. The larger portion of all the materials for the dam have been furnished, and the entire work can be completed in one season.

## PLYMOUTH WORK. SECTION No. 15.

The principal part of the stone for the lock and dam at this point have been procured, and if the lands above Fort Des Moines are secured to the State, this work will be vigorously prosecuted, and perhaps completed next season.

## DAM AND LOCK AT BONAPARTE. SECTION No. 16.

This work which has been under the immediate superintendance of John B. Knight, Esq. is further advanced than any other work on the line. This lock was the first one completed on the improvement, in a superior style of masonry, and reflects credit on the energetic contractors; Messrs. Wm. Meek and Sons, who have furnished their own means to do nearly all the work. The numerous freshets have seriously delayed the work on the dam, and will most probably prevent its completion the ensuing winter; but it is so far advanced as to ensure it being finished early next spring.

## BENTONSPORT WORK. SECTION No. 17.

The dam and lock at this point were commenced this season, and

although delayed and injured by the freshets, like the other river jobs have been vigorously prosecuted by the industrious contractors, Messrs. Brown and Sanford, and are so well advanced that their completion early next summer, is entirely practicable. At this point the first lease of water power has been made to Messrs. Green and Brothers, late of Ohio, who have already laid the foundation for a paper mill, the first in the State, and the the first fruit of the Des Moines river improvement.

It will be important to go on with the locks and dams, as soon a practicable, as the timber and plank, of which large quantities have been delivered, and are the property of the State, will speedily begin to decay unless put into the work. The construction of the dams and locks now under contract, and commenced, will clear the river of the old dams, except the one at Keosauqua, furnish constant and almost inexhaustible water power, and make the river navigable several months every season, even before the canal is finished.

The following estimates of the cost of the work up to, and including the Bentonsport work, are based upon the contract prices, and the aggregate cost will be increased should the suspended work be permitted long to remain in its unfinished state. I have faithfully endeavored to show the cost of the canal by itself, and also the separate cost of the dams and locks so far as they are in progress of erection. I have not sufficient data to go minutely into the detail of each item in the dams and locks between Bonaparte and Ottumwa, but from the data which I have, comparing the quantities and prices with the contract prices on similar work below, I estimate the remaining seven dams and locks at \$298,784 00. Add to this the sum required to finish the ten miles of canal and the six dams and locks which have been commenced, and we have the sum of \$599,660 00, the amount it will require to complete the improvement from the mouth of the river to Ottumwa.

For the cost of the improvement from Ottumwa to Fort Des Moines I would refer you to the estimates contained in your late Chief Engineer's report, No. 3, which will not fall so far short as the first estimates below; the work above Ottumwa being estimated at prices ranging considerably higher than the same kind of work now under contract.

Although the cost of the work will much exceed the first estimates, yet the canal nor the locks and dams will cost more than similar

works in other portions of the Union. The cost of the canal per mile is \$27,538 00, and the dams and locks from St. Francisville to Ottumwa will cost \$7,538 per mile. Including the ten miles of canal, the whole improvement from the mouth of the river to Ottumwa, will cost, according to my estimates, \$9,344 per mile. A good rail road through any portion of our State, will cost about twice as much as the slack water navigation, exclusive of the ten miles of canal.

Before closing this report I must express my obligations to my Principal Assistant, Samuel Jacobs, who has faithfully labored with me during the past year in superintending the work, and making the difficult measurements and calculations necessary to determine accurately the amount of work done on the suspended canal, and the total cost of the remainder of the work. Also, to M. M. Hayden, Assistant Engineer, and John B. Knight, Superintendent, for their fidelity in superintending the work under their charge.

Respectfully submitted,

GUY WELLS,

Chief Engineer.

To COL. WM. PATTERSON, COL. JESSE WILLIAMS, GEORGE GILLASPY, Esq.  
Board of Public Works of the State of Iowa.

ESTIMATED COST OF SECTION No. 12.	Amount.	Total Amount.
4,450 Perches of lock masonry, . . . \$3 75	\$16,687 50	
52,804 feet square timber, . . . . . 12c.	6,336 48	
15,376 " round timber, . . . . . 8	1,230 08	
82,000 " board measure, plank, . 2 00	1,640 00	
15,000 Perches crib filling, . . . . . 70	10,500 00	
5,966 Yards of excavation of abutment pit, . . . . . 12	715 92	
3,000 Yards of embankment, . . . . 14 $\frac{1}{2}$	442 50	
Grubbing and clearing of abutment pit, . . . . .	40 00	
Furnishing and driving piles, . . . . .	4,500 00	
Abutment behind lock, with openings for mills, . . . . .	1,500 00	
Protection on coffer dam, . . . . .	112 00	

		Amount.	Total amount.
	Excavating lock pit, making coffer dam, bailing and preparing foundation of dam,.....	\$2,000 00	
500	Barrels of cement,.....	\$2 50 1,250 00	
	Lock gates and fixtures,.....	1,500 00	
			\$48,454 48
ESTIMATED COST OF SECTION No. 13.			
Not having sufficient data to prepare a detailed estimate of this work, I set down its entire cost at.....		42,650 00	42,650 00
ESTIMATED COST OF SECTION No. 14.			
3,996	Perches of lock masonry,....	\$3 30 13,186 80	
515	Perches rubble masonry, in abutment behind lock,....	2 80 1,442 00	
159	Perches of rip rap protection, .	.95 151 05	
1,748	Yards of embankment,.....	14 244 72	
215	" excavation,.....	14 30 10	
24,800	Feet square timber,.....	11 2,728 00	
15,000	" round timber,.....	8 1,200 00	
115,352	" board measure, plank, .	1 80 2,076 33	
7,680	Perches crib filling,.....	80 6,144 00	
	Stone abutment on south side of river,	2,000 00	
	Lock gates and fixtures,.....	1,500 00	
500	Barrels of cement,.....	2 50 1,250 00	
	Forming coffer dams, bailing and excavating lock pit,.....	3,763 77	
	Removing parts of old dam and lock and preparing foundation for new dam,.....	500 00	
			36,216 77
ESTIMATED COST OF SECTION No. 15.			
Not having sufficient data to prepare a detailed estimate of this work, I set down its entire cost at,.....		42,550 00	42,550 00

ESTIMATED COST OF SECTION No. 16.		Amount.	Total amount.
2,936	Perches of lock masonry, . . . . .	4 00	\$11,744 00
8,044	“ stone crib filling, . . . . .	90	7,239 60
38,337	Feet square timber, . . . . .	12	4,600 44
17,281	“ round timber, . . . . .	10	1,728 10
139,400	“ board measure, plank, . . . . .	2 25	3,136 50
757	Yards excavation of abutment pit, . . . . .	15	113 55
215	Yards embankment behind and on abutment, . . . . .	20	43 00
76	Yards puddling behind abut- ment, . . . . .	25	19 00
519	Perches wing walls above abutment, . . . . .	1 50	77 85
	Gates in abutment, estimated, . . . . .		38 00
	Abutment behind lock, with gate openings to conduct water to mills, . . . . .		2,000 00
500	Barrels hydraulic cement, . . . . .	2 50	1,250 00
	Excavation of lock pit, bailing water and preparing the foundation of the dam, . . . . .		2,150 00
	Lock gates and fixtures, . . . . .		1,500 00
			\$35,640 04
ESTIMATED COST OF SECTION No. 17.			
4,258	Perches of lock masonry, . . . . .	\$4 00	\$17,032 00
	Bailing water, forming coffer dams and excavating lock pit, . . . . .		2,000 00
	Lock gates and fixtures, . . . . .		1,500 00
23,411	Feet round timber, . . . . .	10	2,341 10
61,757	“ square timber, . . . . .	12	7,410 84
78,974	“ board measure, plank, . . . . .	2 25	1,776 91
11,737	Perches of crib filling, . . . . .	90	10,563 30
770	Yards of excavation abutment pit, . . . . .	20	154 00
317	Yards of embankment behind abutment, . . . . .	20	63 40
60	Perches protection wall above abutment, . . . . .	1 25	75 00
	Gates in abutment, . . . . .		38 00
	Abutment behind lock, with openings for conveying water to mills, . . . . .		2,000 00
500	Barrels of cement, . . . . .	2 50	1,250 00
			46,204 56

## RECAPITULATION.

Nature and location of work.	Section	Cost of work done.	Cost of work to be done.	Total estimated cost.
Dam and lock St. Francisville, . . . . .	12	\$20,303 45	\$28,151 03	\$48,454 48
Dam and lock at Belfast, . . . . .	13	6,241 50	36,408 50	42,650 00
Dam and lock at Croton, . . . . .	14	25,305 65	10,911 12	36,216 77
Dam and lock at Plymouth, . . . . .	15	7,016 95	35,533 05	42,550 00
Dam and lock at Bonaparte, . . . . .	16	23,477 53	12,162 51	35,640 04
Dam and lock at Bentonsport, . . . . .	17	20,156 85	26,047 70	46,204 55
		\$102,501 93	\$149,213 91	\$251,715 84
Add for engineering and contingencies, 10 per ct. . . . .			14,921 39	14,921 38
			\$164,135 30	\$266,637 23

## ENGINEER'S REPORT, No. 3.

KEOKUK, September 1, 1849.

*To the Board of Public Works:*

Since my last report to the Board, which was dated on the 20th November, 1848, the contractors on the Des Moines River Improvement have encountered a series of difficulties which could seldom occur on any other work during the same period of time. Up to the period of my report, the improvement had prospered with great energy and success; and no casualties had interrupted the rapid and profitable prosecution of the work: but in December the rain, and snow, and sleet came with extraordinary severity, and up to this time the contractors have been visited with a succession of reverses, which have been as incessant as they have been calamitous. Besides the loss of time experienced during such a season as the past, every thing is calculated to increase expenses. Continued storms impair the roads, injure the stock, augment the price of provisions, cast a sickly gloom over the work, and deter hands from seeking the employment. Never did contractors encounter a more unfavorable winter! This was followed in the spring by a succession of high floods in the river, accompanied with gorges of ice, which, raising a dam on section five, threw the water over the work and surrounding country, on both sides of the river, carrying away material from the contractors, fences and cattle from the farmers, and in several instances destroying human life. With the approach of summer came the ravages of cholera; and finally, when the pestilence had abated, and the river had fallen so as to admit of active operations, we were again visited with extraordinary floods of water, which have caused another suspension of the most important part of the work. I review with painful regret the accidents of a year which has left so many monuments of desolation and distress! Pursued with this train of adversities, the contractors have still contended with disasters, and faithfully prosecuted the tiresome and unprofitable work. Some have advanced with unusual success; and none of them—however much they have grieved over the loss of long and weary months of toil, and the sacrifice of private means—have despaired of final success, and turned away from the work. On the contrary, all have encountered

their losses as their varied abilities permitted them, and continued their labors with increasing energy and zeal. Starting at the lower end of the work, and passing up the line of canal and river, a casual observer would see, by the miles of embankment and excavation, and the accumulation of timber, and plank, and cut stone, that the enterprise and energy of the contractors have made such an impression on the face of the country as to ensure the successful completion of the first fifty miles of the work.

Some idea may be formed of the relative success of the workmen, by submitting a statement of the estimates and payments on each contract up to the time of the last payment, which was made on the 6th ult.

The following table shows the number of the sections, the name of the contractor, the amount of work estimated, the amount deducted as security for the completion according to the contract, and the amount due the contractor and paid:

No. of Sec.	Name of Contractor.	Estimate of Work.	15 per cent. off.	Amount due and paid.
land 2	T. Lyon & Co., . . . . .	8,133 68	1,220 05	6,913 63
3	T. H. Curtis, . . . . .	2,217 10	333 56	1,883 54
4	Stewart & Wallace, . . . .	5,888 66	883 30	5,005 36
5	P. H. Blake & Co., . . . . .	977 34	146 60	830 74
6	P. H. Blake & Co., . . . . .	2,263 49	525 62	1,737 87
7	P. H. Blake & Co., . . . . .	959 24	143 80	815 44
8	Brigham & Mayger, . . . . .	19,260 62	2,889 09	16,371 53
9	Connable & Cunningham, . . .	6,213 30	932 00	5,281 30
10	Bell & Cassady, . . . . .	6,112 60	916 89	5,195 71
11	Merriman, Turner & Co., . . .	4,948 31	742 24	4,206 07
12	Barnett & Co., . . . . .	5,215 89	782 38	4,433 51
13	Quinn, Caragher & Co., . . . .	3,403 53	510 52	2,893 01
14	Walker & Co., . . . . .	7,058 00	1,058 70	5,999 30
culvert	Morris, contractor, . . . . .	470 00	70 50	399 50
		\$73,121 76	\$11,155 25	\$61,966 51

Only three of the sections—which were awarded to certain men on credit at the August letting—have been commenced. These three are in connection and continuation of the line of work contracted at the first, June, letting, as follows:

Section 15—Messrs. McCune of Ohio. This is the dam and lock at Farmington. A fair commencement has been made and extensive preparations are making for the prosecution of this work next season.

Section 16—Messrs. Meek & Sons, Bonaparte.

These contractors have progressed with extraordinary energy.—Most of their face stone is cut for the work, and a large proportion of all the material is delivered and ready to put into the work. The recent rise delays the progress of the walls.

Section 17—Messrs. Brown & Sanford, Bentonsport.

The contractors at this point have also a large amount of material prepared, and should the water subside in time, they expect to put in a part of the dam and lock during the present fall.

I regret that I have not had time or assistance to estimate the value of the work done on these three last named sections, in time to insert the amounts as in the cash contracts; but I have seen enough to satisfy me that this part of the line will be completed as soon as the more precarious work which we are erecting at the "Yellow Bank" narrows below.

We have therefore under contract and in successful progress all the work necessary to carry slackwater navigation from the mouth of the Nassau slough up to Keosauqua; a distance by the meanders of the river, of 50 miles, and by the line of improvement (ten miles of canal cutting off  $2\frac{1}{2}$  miles,) forty-seven and one-half miles. Enough to show the character of the work, and enough to overcome some of the worst obstacles to the present navigation of the river. All this work can be completed next season, and I confidently rely on its being open for navigation in the spring of 1851.

The accidents of the season to which I have before alluded, do not fall alone on the contractors. The river has been washed deeper at the Yellow Banks where our embankments are to be placed in the river, and a large increase of earth and protection is therefore to be added to the cost of the work.

These floods have displayed the Des Moines in its most terrible aspect, and exhibited dangers which had never before been witnessed by the inhabitants of the country. The rise above low water varied at different places from 15 to 17 feet; and by removing old decaying timber which had never before been removed from the roots or stumps where they had fallen, I infer that no greater rise has occurred on the upper portion of the river, at least for thirty years past. Though the

rise of the river was extraordinary for the Des Moines, it was only about half the elevation that occasionally occurs on other rivers that have been similarly improved, and it was not so sudden and accompanied with such masses of drift, as occurs on streams draining the country east of the Mississippi. We are only apprised of the extent of the danger we have to contend against, but not deterred from the prosecution of the enterprise. Banks and lock walls, must in every instance, be made higher than I formerly anticipated. A short canal has been located at Keosauqua, which will overcome about two feet fall at that place and save two feet of elevation in the Bentonport dam.

A lock has also been determined on at dam No. 1, St. Francisville, to accommodate the people of Missouri, who very much desire it; and also to allow a passage by the river in high water, if an accident occur to the canal. All these are items of enlargement, which will add to the cost, and were not anticipated in my former estimates, except so far as they were met by the item denominated "contingent expenses." But with all these additions, after looking over and carrying out the contract prices of the various items, and including liberal estimates for the precarious work at the "yellow banks," I am not certain that the work as awarded and contracted below Ottumwa, will exceed my former estimate in round numbers of 500,000 dollars. I have urged the concentration of force at the "yellow banks" during the approaching season of low water, with a view of pushing these hazardous sections beyond the reach of another freshet. The contractors have taken the work at their own risk, yet it will be perceived the State has incidental interests which are likewise in jeopardy; and the accidents to public works are often so great as to overwhelm individuals, who invoke the generosity and magnanimity of the state and find relief when they have no remedy in the halls of justice. Every means should therefore be concentrated on these precarious points during this fall and winter, so as to place the work as far as possible beyond the influence of another spring flood.

#### SURVEYS AND LOCATIONS ABOVE OTTUMWA.

In my last report I informed you that the survey of the work above Ottumwa had already commenced, and that it was my expectation to reach the Racoon fork ("Fort Des Moines,") by the middle of De-

ember, I joined the party in the field, which in my absence had progressed about twenty-six miles above Ottumwa, in charge of my principal assistant, Mr. Wells.

Up to this period, the river had continued open, and observations of the banks and bed of the river had been limited and unsatisfactory, though the labor had been tedious and extremely disagreeable.

On the night of the 6th December, our camp was drenched with rain, covered with snow, and frozen with sleet. The thermometer fell below zero, and on the morning of the 7th, the river presented a sufficient covering of ice to admit of certain and convenient observations.

Our measurements pursued the centre line of the river, sounding, sketching, leveling, and all necessary points could be determined with ease and accuracy. The extreme cold and accumulation of snow induced me to confine my winter observations to the river proper; leaving the further examinations, and location of side cuts, to a spring and summer campaign.

Having carried the river surveys up to the Racoon Forks, I found it too late in the winter to report results which could be used before the adjournment of the Legislature, and I therefore deferred submitting any of my determinations, until by subsequent labors, executed during the past summer, I am prepared to lay before you an entire system, carrying slack-water navigation, as contemplated by the act of Congress, up to Racoon Forks.

The river gradually narrows as we proceed up the main channel, passing its numerous tributaries; it being about six hundred feet wide near the mouth, five hundred near Ottumwa, and less than four hundred at the Racoon forks. Most of the tributaries enter from the south-west; and naming them as we proceed above Ottumwa, on that side, we have the two Avery creeks, which have their confluence within half a mile of each other, between the 101st and 102nd mile, measuring by the river from its mouth; Miller's and Gray's creeks, which enter near together, and near the 109th mile; Bluff creek, at the end of 114th mile; Coal creek, near the end of the 121st mile; "Cedar river," (so called by Mr. Nicolet,) near the end of the 126th mile; English creek, 136½ miles; "White Breast," 149½ miles; South river, 174½ miles, 128 feet wide at its mouth; Middle river, 179½ miles, 90 feet wide at its mouth; North river, 188th mile, 102 feet wide at its mouth; and Racoon fork, 202 68-100 miles, 158 feet wide

at its mouth. A little below the Racoon, the Des Moines measures 359 feet, and a few rods above, it measures 330 feet wide. On the North side, as we proceed up from Ottumwa, the streams which may be considered worthy of note are the Muchakinok, near the end of the 110th mile; and at the town of Eddyville, Waffachuck, 147th mile; Calhoun's creek, 157½ miles; Walnut creek, 166½ miles; and Camp creek, 173½ miles. The distances thus stated correspond to the marks on the mile trees which were made above Ottumwa, after deducting the 2½ miles gained by the side cut at the lower end of the river. In round numbers, the distance from the mouth to the Racoon, measuring the line of the river and including this 2½ miles, the distance is two hundred and four miles. The surface of water at the Racoon forks, is three hundred and eight feet above the surface of water, in the Mississippi. Mile trees are marked generally on the north side of the river, but the plan of improvement which I have to present will materially shorten the distance, and these mile trees will therefore only be useful as points of reference, to be used during the construction of the proposed improvement. The bench marks, which show the elevation of different points above the Mississippi, are more important, and I therefore attach a table of them to the end of this report. Above the Ottumwa bend, the river continues very straight about thirty miles, when commences a succession of tortuous bends, which continue to the Racoon fork. These can only be understood by referring to the map which accompanies this report, and by further descriptions which I will give as I detail the work, designed to avoid some of the most objectionable curves. The banks of the river are rather low above Ottumwa, and the bottoms are from one to two miles wide. Rock bottom is generally found at intervals of from three to eight miles, extending across the river, convenient and safe for the foundation of our dams and locks. The only exception is at Bell's bend, to which I will further allude when I speak of that link of the chain which I have denominated "Bennington Canal." All the necessary material is found convenient and in great abundance. Masses of sand stone suitable for face work, lime stone suitable for making lime and cement, and timber suitable for cribs and gates may be procured every where along the river.

In considering the best mode of improving this upper division, the low bottoms, the long reach of sandy foundation near Bell's bend, and the irregular curves, have presented the greatest difficulties which we

have to encounter, and the system of dams, locks and canals here presented, are designed as far as possible to modify and overcome these difficulties. To present the entire chain of the proposed improvement in this upper division, I will commence at Ottumwa, where my former locations ended, and adopting the usual order, follow the upward direction, giving a description of each consecutive part of the work as we proceed toward the terminus at the Racoon forks.

### OTTUMWA WORKS.

The dam below Ottumwa (at Sugar creek) is designed to raise the water over the rocky bed of the river in front of this town, as I have said in my former report. Here the river makes a strong curve to the south, so that a canal one mile in length, running almost due west, strikes the river at another angle where the stream resumes its general direction north-west. The water is to be turned into this canal by a dam erected on the rocky ripple a few rods below the upper end of the canal, and opposite a large island. Making a sufficient spill to pass all the water of the river on the east side of this island, a dike is then to be extended from the west end across the west channel to the bluff, so that no water shall pass except it fall over the dam on the rock foundation which we find convenient on the east side. The canal commences at the upper end, in the edge of the prairie, where the cutting is ten feet, and following the declining surface, the line soon falls into a ravine which we pursue, so that one embankment on the south side of this ravine is all that is required to make the canal. By keeping out from the bank, which forms the natural north side, we secure near the lower end a commodious basin, which will accommodate the business of the place, and connect with the rock level in front of the town, so as to secure an excellent location for our lock, and also furnish a good foundation for mills which can be erected below the lock. This lock will have a lift, according to this arrangement, of 736-100 feet; affording an excellent water power, at a point of much importance in this part of the State.

Quantity	Estimated Cost	Unit	Amount	Total amount.
18,200	Feet square timber for string pieces,	12c	\$2,134 00	
7,020	Feet round timber in dam (ties)	9	631 80	
3,900	Perch stone in cribs,	80	3,120 00	
2	Abutments of stone,		1,600 00	
	Dike on south side,		2,000 00	
100,000	Feet board measure 2 and 3 inch plank,	20 00	2,000 00	
	Guard lock, (may be dispensed with at the beginning)			\$11,535 80
	Lock at lower end of Canal.			3,000 00
	Preparing foundation,		500 00	
2,230	Perch of masonry in lock walls,	3 00	6,690 00	
	Lock gates, general estimate,		1,000 00	
1,000	Perch protection stone about lock,	60	600 00	
	Canal.			8,790 00
	Grubbing and clearing, very light,		200 00	
38,588	Yards of excavation,	11	4,244 00	
24,072	Yards embankment,	12	2,888 64	
	Total cost of Ottawa works,			\$30,658 44

The dam which diverts the water into the Ottawa canal, backs three feet of water up to dam No. 15, township 72, range 14, Section 9. The rock here runs entirely across the river, but the water is deep, which adds to the height of the dam. The lift at this location is only six feet, but in this, as in some other places where the water is deep, the height of the dam, which is estimated from the average bottom, is more than double the lift. In this instance, I have estimated the dam at 15 feet high, though the head, we have to contend with, will be but six feet.

ESTIMATE OF WORK AT DAM NO. 15.		Amount.	Total amount.
30,550	Feet square timber for string pieces, . . . . . 10c	3,055 00	
18,720	Feet round timber for ties, . . . . . 9	1,784 80	
7,865	Perch stone in cribs, . . . . . 70	5,505 50	
	Dike on north side of river, . . . . .	2,000 00	
1	Stone abutment, . . . . .	800 00	
100,000	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,200 00	
<i>Lock connected with Dam.</i>			15,345 30
	Preparing foundation, . . . . .	1,000 00	
2,348	Perch masonry in walls, . . . . . 3 00	7,044 00	
	Lock gates, . . . . .	1,000 00	
			9,044 00
Total cost of work at dam No. 15, . . . . .			\$24,389 30

## DAM NO. 16.

The pool of dam No. 15 is 4 70-100 miles long, which brings us again to rock, where we locate dam No. 16, section 25, township 73, range 15.

ESTIMATE OF THE COST OF THIS WORK.		Amount.	Total Amount.
25,900	Feet square timber for strings, . . . . . 10	2,590 00	
15,990	Feet ties, (round timber), . . . . . 9	1,439 10	
102,000	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,040 00	
7,020	Perch stone in cribs, . . . . . 70	4,914 00	
	Dikes, . . . . .	2,000 00	
1	Abutment of stone, . . . . .	800 00	
<i>Lock connected with Dam, lift 6 22-100.</i>			18,783 10
	Preparing foundation, . . . . .	500 00	
2,230	Perch masonry in walls, . . . . . 3 00	6,690 00	
	Lock gates, . . . . .	1,000 00	
			8,190 00
Total cost of work at dam No. 16, . . . . .			21,973 10

## DAM NO. 17.

This dam is located about two miles below Eddyville; section 16, township 73, range 15. Here the lift is 8 28-100 feet, flowing sufficient water up to the next rock bottom. No sufficient foundation could be found at Eddyville, though we very much desired it, not only to accommodate that beautiful location, but because we could better arrange the adjacent works.

ESTIMATE OF THE WORK AT DAM NO. 17.		Amount.	Total Amount.
29,900	Feet string pieces, . . . . . 10c	2,990 00	
15,990	Feet ties, . . . . . 9	2,701 00	
101,550	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,031 00	
	Dikes, . . . . .	2,000 00	
	Abutment of stone, . . . . .	800 00	
7,020	Perch stone in cribs, . . . . .	5,616 00	
			16,138 00
	Lock connected with dam, estimated cost same as at No. 16, . . . . .		8,196 00
	Total cost of work at dam No. 17, . . . . .		24,328 00

## DAM NO. 18. NEIDAS.

This is a small lift at a good location, which is adopted to suit the long reach below and the long reach above Rocky Ripple.

ESTIMATE OF THE COST OF WORK AT DAM NO. 18.		Amount.	Total Amount.
29,900	Feet square timber for string pieces, . . . . . 10c	2,990 00	
15,990	Feet round timber for ties, . . . . . 9	2,701 00	
101,550	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,031 00	
7,020	Perch stone in cribs, . . . . . 70	4,914 00	
	Stone abutment, . . . . .	800 00	
	Dikes, . . . . .	2,000 00	
			15,436 00

		Amount.	Total Amount.
Lock, same cost as those at Nos. 16 and 17.			18,190 00
Total cost of work at dam No. 18 (Neidas).			\$23,626 00
<i>Dam No. 19, Rocky Ripple.</i>			
30,550	Feet square timber for dam string peices, . . . . . 10	3,055 00	
18,720	Feet round timber for ties, . . . . . 9	1,784 80	
7,865	Perch stone in cribs, . . . . . 80	6,292 00	
110,000	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,200 00	
	Dikes, . . . . .	3,000 00	
	Stones abutment, . . . . .	800 00	
			17,131 80
<i>Lock connected with Dam.</i>			
	Preparing foundation on rock, . . . . .	500 00	
2,348	Perch of masonry in lock wall at \$3	7,044 00	
	Lock gates, . . . . .	1,000 00	
			8,544 00
Total cost of work at dam No. 19 Rocky Ripple;			\$25,675 80

BELFONTAINE WORKS.

The dam at Rocky Ripple is projected sufficiently high to carry navigation up to the terminus of the Bellfontaine canal, at Wright's Sec. 27, T. 75, R. 17. This canal leaves the river about one mile above the town of Bellfontaine, at a slough which leads down the side of the bluff on the north side of the Des Moines. By carrying the embankment straight, a large basin is left on the second mile, and the canal for a mile in length is thus made wide enough to pass several boats abreast. The entire length of this canal is three miles and forty-one hundred feet; and saves in the line of navigation three miles and two thousand two hundred and twenty-two feet. It is generally easy excavation and embankment, except at the Narrows, (2,200 feet,) where the canal runs along the edge of the river, so as to throw the embankment into the water. Earth and stone are here adjacent to the embankment, and the river has a rock bottom where

the embankment is required; so that this point of Narrows is entirely different, not being so precarious or expensive as those we are now contending with at the Yellow Banks, on the lower canal; where stone has to be hauled from eight to ten miles. At Wright's we have rock bottom to terminate and erect our lock on. Here we have a lift of nineteen feet. It will furnish an immense water power (19 feet fall,) at a beautiful location on the river, where it can never be overcome by floods.

The dam (No. 20,) which throws the water into this canal, is located on rock foundation at Bellefontaine. It has a lift of 14 feet, so that a great water power may also be located at this place, which being on the south side of the river will accommodate the county of Marion. As the canal and river separate for some miles, I would recommend a lock also in the dam at Bellefontaine, so that the river will not be cut off from navigation.

The dam at Bellefontaine is unusually high, for the purpose of flowing the water up to the next good foundation. At ordinary stages, it will not overflow the extensive bottom above Bellefontaine on the south side of the river; but it will keep standing water in the slough which meanders through this bottom. If the slough were straight, it would afford another cut off which would shorten our line of improvement; but the slough is too crooked for steamboat navigation, and will only be useful to the neighborhood which may find it convenient for sending out timber into the river, and thence to the saw mills which may be erected at the dam. A little cutting would enlarge and straighten it so as to make it suitable for steamboats; and at some future day the navigation will justify the expense, for the saving of distance, which may be two miles. It can be done in the winter by draining down the water in the dam, and is here only alluded to as a matter to be considered after the accumulated business of the river will seem to require the work.

ESTIMATE OF THE BELLEFONTAINE WORKS		Amount.	Total Amount.
31,200	Feet square timber in dam, 10cts, ..	3,120 00	
17,280	Feet round timber for ties, 9 cts, ...	1,555 20	
100,000	Feet board measure 2 and 3 inch plank, \$20, .....	2,000 00	
7,200	Perch stone in cribs, 70 cts., .....	5,082 00	
	Dikes, .....	2,000 00	

	Amount.	Total amount.
Stone abutment.....	800 00	
Lock attached to this dam,.....		14,557 20
		9,000 00
Total work at Bellefontaine,.....		\$23,557 20
ESTIMATE OF THE COST OF THE CANAL.		
<i>First Mile.</i>		
	Grubbing and clearing (light) .....	95 00
49,232	Yards embankment at 12 cts.,.....	5,907 84
8,393	Yards excavation, 11 cts.,.....	923 23
	Guard lock on this mile,.....	3,000 00
		9,926 07
<i>Second Mile.</i>		
	Grubbing and clearing,.....	242 00
36,079	Yards embankment at 12 cts.,.....	4,229 48
17,319	Yards embankment at Narrows, 15 cents,.....	2,597 85
700	Feet running measure embankment protection, 1680 perch rough stone at 70 cts.,.....	1,176 00
300	Piles at \$3 each,.....	900 00
	Add for casualties on this mile,.....	2,000 00
		11,145 33
<i>Third Mile.</i>		
58,868	Yards of embankment in river, 15 cents,	8,005 20
65,665	Yards excavation, 11 cts.,.....	7,223 15
1,500	Lineal feet of embankment protection, 3,600 perch rough stone, at 70 cents,.....	2,520 00
700	Piles at \$3 each,.....	2,100 00
	Casualties on this mile,.....	3,000 00
		22,848 35
<i>Fourth Fractional Mile.—(4,100 feet.)</i>		
29,836	Yards excavation, 11 cents,.....	3,281 96
11,219	Yards embankment, 12 cts.,.....	1,346 28
		4,628 24
	Total cost of canal,.....	48,547 99

	Amount.	Total amount.
<i>Lock at Wright's—19 feet lift</i>		
Preparing foundation,.....	1,000 00	
4,500 Perch masonry in walls, \$3. ....	13,500 00	
Lock gates,.....	1,000 00	
		15,500 00

Passing through the Bellefontaine canal, we enter the pool created by dam No. 20, which carries us up to rock bottom at Wm. George's Sec. 3, T. 75, R. 18.

### DAM NO. 21—WM. GEORGE'S.

This is a lift of only  $4\frac{1}{2}$  feet, sufficient to carry us up to another point of rock bottom. By increasing this lift at Wm. George's dam No. 21, to 10 58-100 feet, we could flow up to the mouth of white Breast canal, dispensing with the intermediate work at Amsterdam. The banks, however, on both sides, are very indifferent at dam 21; and the wide bottom above would be inundated. At Amsterdam we have a better location, and material is more convenient; so that I have divided this into two dams, making dam No. 21 a very low lift, making estimates to this effect, and leaving the matter for further examination to determine the expediency of uniting the two, by raising dam No. 21 to 10 58-100 feet lift.

ESTIMATE OF THE COST OF WORK AT DAM No. 21.		Amount.	Total amount.
1,200 Feet square timber in dam,	10c.	1,200 00	
4,000 Feet round timber for ties,	9	360 00	
2,600 Perch stone in cribs,.....	80	2,080 00	
Abutment,.....		800 00	
Dike from observations taken 14,005.....		1,400 50	
50,000 Feet 2 and 3 inch plank,.....	\$20	1,000 00	
			6,840 50
Lock connected with dam,.....			8,190 00
Total cost of work at dam No 21,.....			\$15,030 50

## DAM NO. 22.—AMSTERDAM.

This is a salient point of the river, wisely selected by the Hollanders as an important location for a town, which they have projected as an adjunct to the flourishing settlement which they have so well commenced in this vicinity. It is not however a favorable point in the line of our work to admit of a greater concentration of lockage, as the bank of the river is rather low, the bottoms wide, and adjacent works are necessary at Wm. George's below, and at the coal bank four miles above. The lift of the lock at Amsterdam will be 5.45-100 feet or in round numbers five feet and a half. This will be sufficient to afford a fine water power, which can be conveniently located and applied on rock foundation at the north end of the dam.

ESTIMATED COST OF WORKS AT AMSTERDAM.		
12,000	Feet string pieces (foot-square timber) . . . . .	10c. 1,200 00
4,000	Feet round timber for ties, . . . . .	9 360 00
2,600	Perch stone in cribs, . . . . .	80 2,080 00
50,000	Feet board measure 2 and 3 inch plank, . . . . .	\$20 1,000 00
	Abutment of stone, . . . . .	800 00
	Dike estimated at, . . . . .	2,000 00
		7,440 00
<i>Lock connected with Dam.</i>		
	Preparing foundation on rock, . . . . .	500 00
2,230	Perch masonry in lock wall, \$3 . . . . .	6,690 00
	Lock gates entire, . . . . .	1,000 00
		8,190 00
	Total cost of the work at Amsterdam, . . . . .	\$15,630 00

## WHITE BREAST CANAL.—DAM NO. 23.

The dam at Amsterdam is designed to flow sufficient water, to make an easy location of the lock and mitre sill at the terminus of White Breast canal, which I shall now describe. I have named this work after the stream White Breast, an important tributary which enters the Des Moines from the south-west, immediately above the

point where we design to erect a dam, and take out our proposed canal. This side cut, only one mile and 30-100 in length, cuts off a long bend of the river, and establishes our line of navigation so naturally on the general north-west direction, that after the location is determined its propriety seems so obvious, that I give myself no credit for its projection. The line of the canal follows the valley of a slough, keeping generally some distance from the bluff to avoid deeper cutting which would be the consequence of a nearer location. Approaching the lower end of the canal, the ground falls below our canal bottom, so that we approach nearer the bluff with the canal, at the same time carrying the line of embankment north, to secure a spacious basin near the lock, for the accommodation of boats. The dam is located on rock, but the north bank of the river is low, and a long dike is necessary to protect the dam, and avoid the overflow of "White Breast Prairie," which is now occasionally inundated.

ESTIMATED COST OF THE WORKS AT		Amount.	Total amount.
<b>WHITE BREAST.</b>			
19,200	Feet square timber in dam,	10c.	1,920 00
8,400	Feet round timber for ties,	9c.	756 00
78,000	Feet board measure 2 and 3 inch plank,	\$20	1,560 00
4,020	Perch stone in cribs,	75	3,015 00
11,345	Yards dike embankment,	10	1,134 50
			8,385 50
<b>Canal.</b>			
Grubbing and clearing 1 mile			
	and 2100 feet,		1,200 00
112,664	Yards of excavation,	12c.	13,519 68
11,177	Yards embankment, the earth to be moved from basin,	20	2,235 40
6,000	Yards embankment about lock,	12	720 00
			17,675 08
<b>Lock at "Babbit's Coal Bank".</b>			
10 60-100 feet lift.			
2,590	Perch masonry in lock walls,	\$3.	7,770 00
	Preparing foundation,		1,000 00
	Lock gates,		1,000 00
			9,770 00
Total cost of the White Breast works			\$35,830 58

## RED ROCK.—DAM NO. 24.

Passing through the White Breast canal, we enter the pool created by dam No. 23, which flows sufficient water up to the bend immediately below the village of Red Rock, where we have projected another dam and lock. The river was open at this bend when I passed it in the winter, and too high when we arrived there with our instruments this summer to admit of full and satisfactory examinations. The rock bottom extends across the river, but the channel is deep and rapid; and the dam will have to be constructed in deep water. Fortunately stone of the best quality is found in isolated blocks and massive cliffs immediately adjacent, convenient for the construction of any modified plan to suit such a work. To avoid flooding Red Rock, I have located a dike up the river bank, and through the upper part of the town extending to the bluff. The lands on the south side of the river opposite Red Rock, are occasionally inundated, and our dam will unavoidably increase this tendency to overflow. At low and ordinary stages these lands will not be flooded, so they will not be destroyed but injured. Such will be the effect at other places, but not to any great extent. Our dikes and other arrangements are designed to avoid these consequences; and when the work is under full success, and lands become so valuable as to justify the expense, a part of the revenue arising from the improvement can be applied to the further extension of dikes, so as to avoid all inundations.

ESTIMATE OF THE COST OF DAM NO. 24. RED ROCK.		Amount.	Total amount.
31,200	Feet square timber in dam, . . . . . 10c	3,120 00	
17,280	Feet round timber for ties, . . . . . 9	1,555 20	
8,148	Perch stone in cribs, . . . . . 70	5,703 60	
28,406	Yards dike embankment, . . . . . 10	2,840 60	
100,000	Feet board measure 2 and 3 inch plank, . . . . . \$20	2,000 00	
	Abutment of stone, . . . . .	800 00	
			16,019 40
	Lock—8 40=100 feet lift.		
	Foundation prepared on rock, . . . . .	1,000 00	
2,912	Perch masonry in walls, . . . . . \$3	8,736 00	
	Lock gates entire, . . . . .	1,000 00	
			10,736 00
	Total cost of the work at Red Rock, . . . . .		\$26,755 40

## BENNINGTON WORKS.

The dam below Red Rock flows the water up to the lower, end of the long and singular bend of the river known in the vicinity as Bell's bend; where we have projected another side cut denominated "Bennington Canal," from the name given to a new town commenced at the upper end of it. It will be readily seen by referring to the map, that a short canal from shoulder to shoulder of this bend, would save several miles of navigation; and it would overcome a considerable portion of the fall which is included in the canal as finally determined. My first design was to propose this short canal which I explored through deep snows with a flattering hope of an easy cut off; but I was sadly disappointed when I sought for a location at the upper shoulder, suitable for erecting the requisite dam.

The rock which is found at this point on the north side of the river, extends but a few yards into the channel, and the river bed is mainly composed of loose material. The south bank of the river is a sandy beach, which rises in the distance only to a low prairie. A poor prospect was displayed for miles below; the iron rod furnished no evidence of a suitable foundation for miles above; and we encamped on the stormy night of the 15th December; snow ten inches deep, and thermometer below zero, with gloomy prospects in view of the farther progress of the Des Moines River Improvement. Fortunately this character of the river only extends about six miles above this bend; when at the new town of Bennington—sec. 9, T. 77, R. 21—we find good rock foundation, a high bank on the north side of the river; and fair bank on the south, where we can erect dam No. 25, and carry out on the north side of the Des Moines, the longest and most expensive side cut on the upper division of the improvement. The dam at Bennington, with a short cut of eight feet, turns the water into a valley which soon acquires the form of a natural canal, sufficiently deep and otherwise suited, with a little enlarging, for a steamboat canal. The first mile following down this ravine requires but little more than grubbing and clearing. Leaving this valley on the second mile, we cross a ridge of eight feet cutting, and descend into an old channel of the river, a wide deep *estero*,\* which we follow

\*NOTICE.—The Spanish word *ESTERO*, is applied to lakes which connect with a river, in contradistinction to *LAGOON*, which has no such connexion. I prefer it here to the provincial application of the word *SLOUGH*, so common in this country, and which applies to every species of river bed, with or without water; while the word *ESTERO* applies only to a particular kind of *SLOUGH*, one containing water, and connecting with the river.

for near half a mile: Leaving this broad deep canal at the commencement of the third mile, we pass a summit with ten feet cut, and in four stations enter another slough, which we follow, curving out of it at the 22nd station, and passing a summit near Walnut creek with a cut of ten feet. The ground falls below bottom at Walnut creek, which will require an aqueduct of 25 feet span, with two stone abutments. Leaving the valley of Walnut creek, the cutting gradually increases till we pass a summit at Thomas Carr's, on the fourth mile, of ten feet cutting: Here the canal falls into a low bottom, and pursues the side of the bluff, requiring only one embankment on the south side. On the 13th station of the 5th mile we strike another wide *estero*, where we lock down ten feet into this beautiful sheet of water. The lockage of ten feet will furnish a great water power which is entirely out of danger from floods, and will be therefore uninterrupted by backwater. For half a mile we follow this *estero*, and thence pursue the foot of the bluff till we strike the river Narrows on the 39th station of the 6th mile. Here we have a river embankment seventeen hundred feet long, which can be formed of the earth and stone, of the adjacent bank of the river. After passing this point of Narrows, our canal pursues the foot of the bluff across Bell's Bend, where we again enter the river at the lower shoulder of this bend, descending into the pool of 14 45-100 feet lift.

We thus terminate the Bennington canal, on section 28 Township 77, Range 20. It is six miles and four thousand feet long, avoids the low bank and bottom adjacent to Bell's Bend, overcomes twenty-four and one half feet fall, and saves in the line of navigation five miles seven hundred and eighty feet.

ESTIMATE OF THE COST OF THE WORKS.		Amount.	Total amount.
	Lock connected with dam No. 25, at Bennington, .....		9,000 00
28,500	Feet square timber in dam, 10c	2,850 00	
16,500	Feet cross ties, 9	1,485 00	
7,245	Perch stone in cribs, 75	5,433 77	
100,000	Feet 2 and 3 inch plank, \$20	2,000 00	
	Abutment, .....	800 00	
48,766	Yards dike embankment, 10	4,388 94	
			<b>\$16,957 71</b>

CANAL.		Amount.	Total amount.
<i>First Mile.</i>			
	Grubbing and clearing, .....	500	
21,455	Yards excavation, (rooty and expensive,) .....	13c 2,787 15	
	Guard lock between 4th and 5th section, .....	3,000	
			6,287 15
<i>Second Mile.</i>			
	Grubbing and clearing, .....	600	
37,084	Yards of embankment, .....	11 4,178 24	
22,273	Yards of excavation, .....	10 2,227 30	
	Acqueduct over Walnut creek, 25 ft. span, .....	1,000	
			7,405 54
<i>Third Mile.</i>			
	Grubbing and clearing, .....	500	
33,552	Yards of excavation, .....	11 3,690 72	
23,500	Yards embankment, .....	12 2,820	
			7,010 72
<i>Fourth Mile.</i>			
	Grubbing and clearing, .....	800 00	
35,140	Yards excavation, .....	11 3,865 40	
16,604	Yards embankment, .....	12 1,992 48	
			6,657 88
<i>Fifth Mile.</i>			
	Grubbing and clearing, .....	750 00	
49,370	Yards of embankment, .....	11 5,430 70	
19,350	Yards of excavation, .....	10 1,935 00	
<i>Lock—10 feet lift on this mile.</i>			
2,587	Perch masonry in lock walls, 3 00	7,761 00	
500	Yards pit excavation, .....	15 75	
27,500	Feet square timber in foundation, .....	10 2,750	
82,500	Feet 3 inch plank, .....	20 00 1,650	
15,840	Feet 2 inch plank, .....	20 00 316 80	
	Lock gates, .....	1,000	
	Sheet piling, spikes and puddling, .....	500	
			22,168 50
<i>Sixth Mile.</i>			
	Grubbing and clearing, .....	800	
68,301	Yards of embankment, .....	14 9,582 14	
29,598	Yards of embankment, .....	12 3,551 76	

		Amount.	Total amount.
1,700	Feet running measure embankment protection, 4 perches per foot run, 6,800 perch protection, . . . . .	60c 1,080	
	Casualties on this mile, . . . . .	2,000	
			16,793 90
<i>Seventh fractional Mile.</i>			
14,000	Feet grubbing and clearing, . . . . .	600	
51,031	Yards excavation, . . . . .	11 5,613 11	
2,500	Yards embankment, . . . . .	12 300	
			6,513 11
<i>Lock at lower end of Canal.</i>			
	Foundation, (full timber, plank, &c..)	4,000	
4,531	Perch masonry in lock walls, \$3	13,593	
	Lock gates entire, . . . . .	1,000	
			18,593
Total cost of the Bennington works, . . . . .			\$117,387 51

LAFAYETTE WORKS.—DAM NO. 26.

To avoid too high a dam at Bennington, which would overflow "Democrat prairie" and jeopardise our work, I have located a short canal at Lafayette, placing our lock below the fall which occurs at the bend, where we design to build dam No. 26. This is a short canal easily constructed, but the lock will require a timber and plank foundation, which adds very much to the cost. The canal is 3,400 feet long. The dam is in deep water, with similar convenience for getting stone to that named at a similar position below Red Rock.

ESTIMATE OF THE COST OF LAFAYETTE WORKS.		Amount.	Total amount.
28,000	Feet square timber in dam, . . . . .	10c 2,800	
16,000	Feet round timber for cross ties, . . . . .	9 1,440	
7,000	Perch crib filling, . . . . .	70 4,900	
80,000	Feet board measure 2 and 3 inch plank, . . . . .	20 1,600	
	Stone abutment, . . . . .	800	
	Dike on north side, . . . . .	2,000	
			12,540

Amount.	Total Amount.
18,814	3,718 18
12,072	13,952 80
	\$31,210 98

## DUDLEY WORKS.

The river at Dudley makes a long narrow bend to the North, which we cut off by a canal eighteen hundred feet long, saving three and one-third miles. The dam is located at the North extremity of the river curve, and nearly a mile and one-half below the point where we take out the canal. By this arrangement we place the dam on a good rock foundation, and have a good bank to abut against on the North side of the river.

To prevent the river from turning the south side, I have surveyed and estimated a long dike, which would be equally necessary if we dispensed with the canal. The lock at the lower end of the canal will have 8 80-100 feet lift, affording a convenient and valuable water power on the east side of Dudley.

ESTIMATE OF THE COST OF THE DUDLEY WORKS.		Amount.	Total Amount.
23,000	Feet square timber in dam, . . . 10c	2,300	
12,300	Feet round timber for ties, . . . 9	1,107 09	
40,200	Feet B. measure 2 in. plank, \$20	804	
45,000	Feet B. measure 3 in. plank, \$20	900	
5,400	Perch stone in cribs, . . . . . 80	4,320	
	Abutment of stone, . . . . .	800	
			10,231 00
30,206	Yards dike embankment, . . . 10c	3,020 60	
1,000	Piles to protect above dam, . . . . .	2,500	
6,000	Perch riprap stone on river bank, at . . . . . 70	4,200	
			9,720 60

		Amount.	Total Amount.
36,797	Yards canal excavation, . . . . . 11c	.....	4,047 45
	Lock with timber and plank foundation at lower end of canal, .....	.....	18,540 00
	Total cost of works at Dudley, .....	.....	\$37,539 05

### COAL BANK CANAL.

Ascending the river above Dudley, we find it divided by "Minner Chute" and other *sloughs*, the main channel making a strong curve to the north, displaying a noted coal bank at the salient point, where the current is so rapid, and the river so narrow and crooked, that it is difficult for boats in high water to avoid disaster. Coal Bank Canal is designed to simplify the navigation through this complicated topography, and we have named the work after the most prominent local object in the vicinity. Some modification may be necessary at the extremities of this canal, as vegetation was so rank and dense as to render it extremely difficult to establish details. Centre stakes are driven at the end of hundred feet stations, on this as on all the other canals, and the curves are carefully protracted as sections of parabola; but clearing the ground will give an opportunity to shorten the curve at the upper end and improve the terminus below. This canal, the last in the series, is two miles three thousand feet long, and saves in the line of navigation, three miles six hundred and thirty feet. The lock at the lower end of the canal will have a lift of sixteen feet, and this is the only lock I have considered expedient at this work. If deemed necessary, another lock may be located in the dam to admit of a passage by the curve of the river; but the water is deep where the dam is located, making it difficult to establish a lock, and the route by the river is so difficult even in high water, that I have thought best to rely on the proposed canal above as the line of navigation.

ESTIMATE OF THE COST OF COAL BANK WORKS.		Amount.	Total Amount.
28,500	Feet square timber in dam, 10c	2,850	
16,500	Feet round timber for ties, 9	1,485	
7,245	Perch stone in dam, . . . . . 70	5,071 50	
	Stone abutments on both sides, . . . . .	2,000	
23,280	Yards dike embankment, . . 10	2,328	
100,000	Feet board measure 2 and 3 inch plank in dam, . . . . . \$20	2,000	
			15,734 50
<b>CANAL</b>			
<i>First Mile.</i>			
	Grubbing and clearing, . . . . .	800	
	Rock excavation at head of canal, . .	1,000	
83,756	Yards earth excavation, . . . . . 11c	9,213	
			11,013 00
<i>Second Mile.</i>			
	Grubbing and clearing, very heavy, .	800	
36,915	Yards excavation, . . . . . 11c	4,060 65	
10,875	Yards embankment, . . . . . 12	1,305	
			6,165 65
<i>Third Fractional Mile.—3,000 Feet.</i>			
	Grubbing and clearing, . . . . .	500	
54,470	Yards embankment, . . . . . 12c	6,536 40	
			7,036 40
<i>Lock—16 Feet lift at Lower End.</i>			
	Entire timber and plank foundation,	4,000	
4,530	Perch masonry in walls, . . . . . \$3	13,590	
	Lock gates entire, . . . . .	1,000	
			18,590 00
	<b>Total cost Coal Bank works, . . . . .</b>		<b>\$58,539 55</b>

## RECAPITULATION.

Ottumwa Works, . . . . .	\$80,658	44
Dam and Lock No. 15, . . . . .	24,389	30
Dam and Lock No. 16, . . . . .	21,973	10
Dam and Lock No. 17, . . . . .	24,328	00
Dam and Lock No. 18, Neidas, . . . . .	23,626	00
Dam and Lock No. 19, Rocky Ripple, . . . . .	25,675	80
Dam and Lock No. 20, Bellefontaine, . . . . .	33,557	20
Bellefontaine Canal, . . . . .	48,547	99
Lock at Wright's, . . . . .	15,500	00
Dam and Lock No. 21, Wm. George's, . . . . .	15,030	51
Dam and Lock No. 22, Amsterdam, . . . . .	15,630	09
White Breast Works, Dam No. 23, . . . . .	35,830	58
Dam and Lock No. 24, Red Rock, . . . . .	26,755	40
Bennington Works, Dam No. 25, . . . . .	117,387	51
Lafayette Works, Dam No. 26, . . . . .	31,210	98
Dudley Works, Dam No. 27, . . . . .	37,539	05
Coal Bank Canal, Dam No. 28, . . . . .	58,539	55
	<hr/>	
	576,179	41
21 Ice Guards to protect lock, \$100, . . . . .	2,100	00
Add iron and work in dam foundations, 28 dams at \$1000 each, . . . . .	28,000	00
Add 10 per cent for contingent expenses, . . . . .	60,627	90
	<hr/>	
Total cost of work above Ottumwa, . . . . .	\$686,907	31
Former estimates below Ottumwa, . . . . .	500,000	00
Add for additions proposed since, and to cover contract prices, . . . . .	25,000	00
	<hr/>	
	\$525,000	00
	<hr/>	
Total cost of the Des Moines Improvement, . . . . .	\$1,191,907	31

The crest of the dam which turns the water into Coal Bank canal, is projected 309 79-100th feet above the water in the Mississippi river. The pool of the upper dam is 6 88-100 miles long, which carries us up to Racoon Fork. Allowing for the inclination of this upper pool three-tenths of a foot per mile, the water would be raised at the forks

(Fort Des Moines,) 3 feet above the level of December 22, 1848; and therefore give from 4 to 5 feet in the two branches at Racoon Fork.

I have thus detailed all the various works which I recommend as a combined series sufficient to secure slack-water navigation "from the mouth of the Des Moines river to Racoon Fork." The distance by the meanders of the river is two hundred and four miles and sixty-eight hundredths, and by the line of the improvement as designated by the blue line on the map one hundred and eighty-three miles and sixty-eight hundredths; showing a saving in distance by all the canals, of twenty-one miles. Including the canal now nearly finished at the lower end of the improvement, we have proposed eight canals; the aggregate length of all being 27 miles.

There are 28 dams, and two intermediate locks on canals; making 30 locks on the line of improvement. All the canals are carefully located, and the center cut or fill marked on stakes driven every hundred feet. The estimates have been made at higher rates than the average contract prices of the lower or first letting, because I apprehend an increase of the price of labor and provisions as the work progresses. I have given the items of the work at each point, so that prices may be tested by persons residing in the vicinity, and are familiar with the cost of stone, timber, &c.

In determining quantities, I have taken center cuttings every hundred feet in the canal lines, and made allowances for greater quantities where the ground required on the side cuts. The material in the dams, has been determined by the application of the plan of crib dams with perpendicular *tumbles* applied to each particular location. As all the dams are on rock, I consider this plan (a drawing of which is here submitted,) entirely sufficient. There will be repairs needed frequently on any crib dam, but this plan is much stronger than those now erected for mills on the river, the highest of which (that at Thoms') has a lift of 7 feet, and stands very well. The lock walls are calculated for heights to admit navigation through them at high water; so that at low water, when the lift is greatest and the pressure most powerful, we have a superincumbent wall to aid in support of this pressure. Without taking into account this superincumbent wall, I have estimated the thickness of the masonry sufficient to resist the pressure of the greatest head that can occur when a pool below the lock is drawn off, so as to withdraw the influence of back water. By applying these principles I have estimated the average thickness

of the walls at from 8 to 10 feet, and this average is to be so disposed of, as to increase the mass of masonry where the quion post and other causes increase the pressure; and diminish the mass where the pool of the dam or other causes remove the pressure. I name this because it is easy to augment the cost of a contract by increasing the amount of material; and it by no means follows that you increase the strength of the work as you add to the material. A bridge for instance may be broken down by needless weight of timber, and a dam may be weakened by an increase of buoyancy and additional leverage by addition to the length of timbers. States lose thousands, yes, millions, by needless waste of material, and it is here that ignorance can lavish and intelligence save the means applicable to this improvement. Engineering is a proximate science, but it constantly finds application of fixed sciences which properly understood and directed, secure the greatest economy in the work. It is the quantity more than the price that augments the cost, and it is in the use and calculations of quantities that the States and companies should fear the greatest loss. Few are competent to determine losses occasioned by errors in plan, and errors in the execution of plans; so that few can perceive the economy of science, when they do not understand the loss of wasteful experiments. I have estimated the value of the work of the Des Moines River Improvement as I think liberally; its cost depends on the management of the work. A cash letting I have no doubt could now be made below my estimate, but some items will always be suggested in the progress of a work which cannot be anticipated. If the board had the available means to apply to the work, there are many important reasons in favor of its immediate construction. Provisions are cheap, and labor can be procured low.—Material is also cheap, and other improvements have not been made, so as to require a large item to be set down for private damages. The settlement of the country would be accelerated by its early construction and the work would secure a precedence which would be of great advantage in view of other works that are contemplated and certain to be made.

When completed, according to the plan here proposed, it will be seen, that by the improvement the distance from the mouth of the Racon Forks, will be in rotund numbers one hundred and eighty-three and a half miles. The mouth of the river, according to M. Nicollett,

is in north latitude 40 degrees 20 minutes and 43 seconds—and in longitude 91 degrees 32 minutes 30 seconds. The Racoon Forks are in latitude 41 degrees 24 minutes 44 seconds—and longitude 93 degrees 37 minutes 7 seconds. These observations show that Fort Desmoines is 124½ miles West, and 73 miles North of the mouth of the Desmoines, and the straight line from the mouth to Racoon Forks is therefore 144 miles; which determines the difference between the straight line and the line of our improvement to be 30 miles. The road usually traveled varies almost the same, and a rail road which may be located on the ridge parallel to the river, would not save much in the distance, compared with the river improvement. Steamboats pass the improved locks on the Kentucky river, Monongahela and Muskingum in less than eight minutes, the time therefore required for passing 30 locks on the Des Moines improvement may be safely put down at 300 minutes, or 4½ hours. Boats can run on the pools faster than they can on the Mississippi, and therefore I think at the rate of 15 miles an hour, which for the whole distance of pools and canals would be less than 13 hours add two-thirds of an hour for casualties and you have my estimate of the time required for packet boats to pass from the mouth to the Forks—18 hours. Lockage time on such an improvement is not lost time; because landing passengers and freight can always proceed during the same time, and business will assume such a form as to apply every moment of the lockage time to the business of commerce.—The time therefore which will be required to pass this improvement, will be sufficiently reduced to compete with stage travel by the road, and the business and travel of the Upper Des Moines country will justify the employment of a line of packet boats between St. Louis and Fort Des Moines, as soon as the improvement can be completed. Steamboats of 500 tons burthen run on the Muskingum improvement where the locks are much smaller than those we are constructing on the Des Moines. Transportation of freight will therefore be cheaper, even if it is made to pay the same exorbitant tolls.

Without going into details of comparison, I estimate the freight on a barrel of flour from Racoon Forks to the mouth of the Des Moines, at 25 cents a barrel, and on wheat 8 cents a bushel. Much depends on the amount of toll required to pay for work and keep up the improvement; and I make my estimate by comparing it with what it

costs on public works of this kind elsewhere. By flat boats it would cost about one half this sum, *i. e.*  $12\frac{1}{2}$  cents a barrel for flour, and 4 cents a bushel for wheat.

In time and expense, and certainty, the plan of the Des Moines improvement will compare favorably with any improvement in any State, and the more I consider the country which is likely to contribute to its commerce, the more certain I am of its great importance.

Let us suppose all the commerce within ten miles of the Mississippi will be hauled into Keokuk on wagons, and suppose ten miles from the lower end we appropriate only the business within 5 miles, and say ten miles back from the Mississippi, the improvement will carry off the surplus within 5 miles on each side. Go up to Racoon Forks, and it is certainly fair to say this improvement, with its milling and manufacturing power and other inducements, will draw in the trade within 60 miles of Racoon Fork. Indeed at sixty miles distance, there is no prospect of a rival to the Des Moines improvement, and reference to the map will show that such is the distance to the Missouri, Mississippi and all other streams from Fort Des Moines; that we cannot doubt the reasonable prospect of this point being the center of business for a country one hundred miles West and North-west of it. But assuming 60 miles, and it now commands "this extent," we have a surface ten miles wide at the east end, 120 miles wide at the Forks, and, without counting anything for ten miles nearest the Mississippi, 134 miles long. To this area must then be added a semi-circle with 60 miles radius, which lies west of Fort Des Moines; which being computed gives for the surface drained by the Des Moines improvement, 14,364 square miles, or 9,092,960 acres of land. This is what I consider the country immediately attached and tributary to this river. There is a vast country north-west of Fort Des Moines, the *Cotcau des Prairies*, which will send a portion of its products down the upper branch of the Des Moines. The Des Moines is longer above Fort Des Moines than below. It rises, according to M. Nicolet, in the *Shtek* Lakes, latitude 44 degrees 3 minutes—longitude 90 degrees 1 minute 30 seconds; a point 138 north and 144 west, and therefore in a straight line 200 miles from Fort Des Moines. Some improvement will be made to secure an outlet for the products of the country, and the most natural one will be by the valley itself, which according to M. Nicolet is peculiarly adapted to water navigation. He says "the hydrographical relations of the

Des Moines with the Mankato, St. Peters and Mississippi rivers, present a geographical incident of some interest.

By referring to the map in 43 degrees 45 minutes—longitude 95 degrees 12 minutes, (a point 161 miles above Fort Desmoines,) it will be seen that there is a lake very near the Desmoines named *Tchan Shetcha*, or Dry Wood Lake. The Wautanwau river, which is a tributary to the Mankato, that empties itself into the St. Peters, has its source in this lake. Now the tongue of land separating the Desmoines from Tchan Shetcha lake, is not more than a mile to a mile and a half broad, so that, were a canal cut across, the water of the Desmoines would be made to communicate with those of the St. Peters." This not only shows that others have conceived the idea of improvement of the river above the Racoon Forks; but the Shetek lakes and the connection with the St. Peters are indeed extraordinary incidents in favor of the future construction of such an improvement. I have before also alluded to the proximity of the Western terminus of the Desmoines improvement to the valley of the Nebraska; and here reiterate the probability of a connection with that valley, which will draw in a share of the trade and travel of the far West. But excluding the advantages which we may derive from extended works, and confining ourselves to the surface I have suggested as the legitimate field which is destined to produce a commerce for this river, and the importance of the work is enough to command the united energies of the whole State. The county of Wayne, in the State of Ohio, produced in 1840, according to the census of that year 1,763,741 bushels of the various cereal grains, wheat, corn, rye, &c. It now no doubt produces more than 2,000,000 of bushels. The Desmoines country, that I have been considering, is decidedly richer and more capable of producing those grains than the county of Wayne, but taking this as a unit, then the area drained by our improvement would with the same culture produce 42,000,000 of bushels. This is only one item, to which may be added the wool, potatoes, hay, apples, manufactured articles; to say nothing of the coal, and the mineral products, that will swell the annual wealth of the country, and enlarge the commerce of the river. Settlements are now rapidly extending over all parts of this area, and such is the ease of preparing and cultivating the soil, that I hazard the opinion that ten years of labor in this section of country, will do more towards perfecting a

farming district, than can be effected by 40 years of the same amount of labor applied to a heavy timbered county like the county of Wayne. Counties on the Desmoines, which commenced their settlement five years since, now send on a large surplus of cereal grains, besides a greater surplus of horses, beef cattle and hogs. These considerations demonstrate, that we cannot easily over estimate the products of this country or too soon prepare a market for its accumulating surplus.

An important item of commerce on this river will be derived from the mineral products of the valley to which I have before alluded.— Stone coal appears to increase in quantity and quality as we proceed up the Desmoines. It is found in many places in bluff banks, where it can be wheeled directly from the mine into the boat; and we may form some idea of the convenience of mining from the fact that with the imperfect arrangements now adopted, it is delivered at the mouth of the coal bank at Fort Desmoines, at two and a half cents per bushel. This is the bank belonging to Mr. Van, and I suppose is no more than a fair specimen, since I found the strata of coal in different places to vary from two to eight feet in thickness, and this stratum at the Forks is about five feet thick.

As this Desmoines coal field is the farthest west, it is of great importance to the Mississippi valley, and it will be matter of interest connected with the proposed rail road to the Pacific, since this valley will probably offer the nearest and most convenient fuel to supply the destitute country west of the Missouri river.

Gypsum (plaster paris) is found near fort Des Moines in large cliffs of inexhaustible masses, and at present prices in St. Louis, it would be a profitable article of commerce if the improvement were completed. The magnesia lime stone, and the white, red and yellow sand stone which prevail in great abundance along the entire length of the improvement, are so excellent and easily prepared for building purposes, that they will also some day be carried to towns on the Mississippi.—The rough and rocky head lands near the mouth, at "Cowpen's old mill," at "Raven Cliff," "Elk Bluff," and the beautiful mountain of "Red Rock"—all noted land marks that have stood for ages as silent and gloomy sentinels, guarding the clear bright river that flows at their base—will be rent by the blast and broken by the workmen; and their fragments will be removed and erected into mansions

which will adorn the cities on the Mississippi, and the valleys and hills of the surrounding country.

Respectfully submitted,

SAMUEL R. CURTIS,

Chief Engineer.

To Messrs.

HUGH W. SAMPLE,

CHARLES CORKERY,

PAUL BRATTON,

*Board of Public Works of the State of Iowa.*

1917/1918

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REPORT OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,  
LowA City, Iowa, Dec. 2, 1850. }

*Gentlemen of the Senate and  
House of Representatives :*

It becomes my duty under the provisions of "an act to establish a system of common schools," approved, January 15, 1849, to submit for your consideration a statement of the progress of our common school system subsequent to the date of my last report. In doing so, I do not hope to communicate anything that will be peculiarly interesting or instructive. If I succeed in presenting such facts as may serve to convey even an imperfect idea of the operations of the law, and to direct your attention to those portions of it which require legislative action, the end I have in view is attained.

In order that no serious inconvenience might result from the changes made by the passage of the act above referred to, immediately after it took effect, I had fifteen hundred copies of it, accompanied with an explanatory circular, printed in a temporary form, and transmitted to the respective counties, which, together with the circulation it obtained through the medium of the public prints, enabled the people to become sufficiently familiar with it to transact such business as was most essential at the time. Early in the following spring, I commenced the preparation of a pamphlet, of about one hundred and forty pages, embracing the several acts for the management and disposition of the school fund, the location of the State University, the establishment of a system of common schools and the instruction of the deaf, dumb and blind, with such forms, comments and suggestions as were deemed necessary to produce uniformity, and render the duties required less difficult to perform. The work was

completed and delivered in the month of July following. I proceeded without delay to forward it to the school fund commissioners, with instructions to give it as general a circulation as the limited number of copies printed would permit. It soon became necessary, however, in consequence of the increased demand by the organization of new counties, to restrict the circulation to only a portion of the school officers. In the event the publication of a new edition is authorized this winter, it is hoped that a sufficient number of copies will be printed to give it a much wider circulation than it has yet had. We could not probably adopt a more effectual method of awakening that interest in the public mind, which the subject of education demands. I feel warranted in saying that such are the wishes of the people. I have met with hundreds of our citizens who knew comparatively nothing about our school system, from the fact that they had been unable to obtain the law. Every family in the State should have at least one copy.

The distribution of the law was attended with a good deal of delay. This was particularly the case with the interior counties, there being but little communication with most of them, which would admit of the transmission of the requisite number of copies without great inconvenience and expense. I have succeeded however in supplying every organized county, in which a school fund commissioner has been elected. I have out of the three thousand copies printed, only forty on hand. Five times the number could have been distributed profitably and would not more than have answered the demand.

During the present year I have travelled extensively through the State, and lectured wherever it was practicable to do so. While I did not find that degree of prosperity among the public schools which is desirable, yet I am happy to state, that in every neighborhood I visited, districts had been organized and schools established, and a desire was manifested by the people to become familiar with the duties required under the law. In the new counties the settlements are so isolated, that it is unreasonable to anticipate as much solicitude on the subject, as might be expected under different circumstances. But this inconvenience is temporary, and will soon be obviated by the rapid growth of the country.

As a matter of convenience in referring to the various subjects embraced in this report, I propose to classify them in the following order,

giving under each particular head every thing that naturally pertains to it :

## SCHOOL DISTRICTS.

Under the law of February 25, 1847, the power to form school districts and to alter and change the same as they might deem advantageous was vested in the school inspectors, but under the present law it is assigned to the fund commissioners. In a circular under date of June 4, 1850, I instructed them in reference to this particular duty as follows :

“Under the new school law it becomes your duty to divide your county into school districts, and to have the same organized, where it has not been done. To enable you to do this I would suggest that you make or procure a *plat of the county*, with the *municipal townships*, streams, &c., correctly delineated upon it. Then collect the books and papers from the inspectors, from which ascertain as accurately as possible the boundaries of districts formed, and the alterations subsequently made, by them and their predecessors, which you will sketch on your plat with a *pencil*. This will afford you an opportunity to examine the whole subject, and to distinguish between those districts which have been *legally* organized and those which have not, in determining which you should apply to the *first section* of the *supplemental act* of January 12th, 1849, in connection with such other information as may be gathered from the records of the inspectors. You will then mark the boundaries of those districts which you conceive have been regularly organized, with *ink*, record all the facts connected with your examination and decision, and proceed to divide the *unorganized* territory into districts as may best suit the convenience of the inhabitants, and order meetings for the election of officers as provided in the 33d section of the new school law. I conceive that authority is conferred upon you by the 29th section to change the boundaries of a district whenever you may think it expedient, *without a petition*, but the petition referred to in the latter clause of the section would *compel* you to do it regardless of *your own views* respecting the change. There is but *one* day specified in the new law for the election of district officers in *organized* districts, namely : *the first Monday in May of each year*, but in the formation of *new* districts, you can order the election whenever you think proper. In *organized* districts, there-

fore, which failed to elect officers in May last, the old officers should qualify and give bonds under the new law, (the moderator as president, the clerk as secretary, and the other member of the board as treasurer,) and continue in the discharge of their duties till the first Monday in May next, or "until their successors are elected and qualified." The same course should be pursued where the election in May is considered defective, or illegal. Where organized districts have been left *entirely without officers*, by removal or otherwise, you will *immediately* order an election, and post up notices, or appoint some person to do it, *setting forth the particular object of the meeting*, in accordance with section fifty-three of the school law. Districts composed of *parts of counties*, must be formed by the *concurrence of the respective fund commissioners*, and each of them should make a record of the fact."

In accordance with the above suggestions they proceeded to examine the district organizations of their respective counties, the result of which was that a large proportion of them were found defective. In many cases the inspectors had kept no record of their proceedings, and in others where partial records had been kept, the commissioners were unable to obtain them. Much confusion had grown out of these irregularities prior to the passage of the present law, which the facts developed by the investigation served to ripen into open hostility. Under these circumstances the commissioners determined to reject such organizations as could not satisfactorily trace their legitimate existence, and to institute new ones in their stead. Their action being generally acquiesced in by the people, harmony was comparatively restored. Subsequent to this period some doubts arose as to the effect of the *petition* provided for in the latter clause of the 29th section of the school law. The controversy in regard to boundaries was soon renewed, and the fund commissioners were literally besieged with petitions and remonstrances. With the hope of allaying the excitement, and of fixing some definite and general rule of interpretation, I presented my views on the subject in my circular of January 25th 1850, an extract from which it may not be improper here to insert:

"The formation and alteration of school districts appears to be a source of much perplexity. This duty is at present assigned to the fund commissioners, but their action, in a great measure, is controlled by petitions from the districts, as provided in the latter clause of sec-

tion 29, page 41. For instance, if one of two adjoining districts desires its boundaries so changed as to include a portion of the territory of the other, by presenting a petition of two thirds of the legal voters to the fund commissioner, they can compel him to grant it, unless a counter petition of two thirds is presented by the other district, the effect of which would be to leave the line as it originally stood, and settle the controversy in reference to that *particular change*. Other changes, however, might still be proposed, each of which would be disposed of in the same manner, unless some one should be proposed to which both districts would accede. Again—the fund commissioner may make such an alteration *without* a petition, but even then a petition of two thirds from the district effected would compel him to restore the original line, unless a counter petition of two thirds, from the district in whose favor the change might be made, should sustain him.”

This construction was favorably received with but few exceptions, and served in a great measure to check, but not effectually to remove the evil. Indeed nothing but additional legislative provisions will do it. While authority is given to any officer or officers to alter the limits of school districts either with or without the consent of the people, it will be a source of trouble. To insure success in the establishment of schools, the boundaries of our districts must be permanently defined by law.

#### INTRODUCTION OF THE BIBLE.

It is well known that the introduction of the Bible into the public schools of some of our sister states has been a matter of controversy, but I am happy to say that no such controversy exists in Iowa, and I trust never will. Our law is silent on this subject, and so I think it should remain. The responsibility now rests where it properly belongs—at the door of parents and guardians. Those who wish their children to study the Bible in the district school, are indulged in that wish, and those who do not wish theirs to study it thus, are also gratified in their preferences. From this principle I think we should not depart. Should there be ninety-nine children in one of our public schools, whose parents desire they should use it, and one, whose parents are averse to it, we are bound alike in both cases to respect their wishes and protect their rights. While I venerate this sacred vol-

ume, and would that every child in our land should be taught the divine precepts which it inculcates, yet I am not in favor of forcing it upon the consideration of a single individual by arbitrary enactments: and upon the same principle, I could not consent to abridge the rights of those who may wish to study it themselves, or to have their children instructed in it. I conceive then that the correct doctrine is, neither to introduce, nor exclude it by law.

#### SCHOOL HOUSES.

I have uniformly urged the propriety of erecting permanent school houses, where it was at all expedient to do so. The repeated changes that have occurred in the formation and alteration of school districts have exerted a dilaterious influence in this particular. Yet many very creditable buildings have been erected. The town of Muscatine has rather taken the lead in the matter. It is divided (unfortunately I think,) into two districts, in one of which a neat edifice has recently been completed, 40 by 45 feet, two stories high, at a cost of about \$2,500. The lower story is 11 and the upper 11½ feet high. In the other district a building 46 by 60 feet, two stories high—each story 15 feet—estimated cost \$3,000—was commenced this fall and is to be completed early in the spring. Both houses are constructed of brick with a vestibule in front, and separate apartments assigned for recitation, library and apparatus. The seats and desks are to be constructed on the most improved plan. Thus, a town, occupying the third rank, in point of population, among those of the state, has contributed in the past year for this single object, the sum of \$5,500. Such enterprise must be appreciated, and cannot fail to produce the happiest result. The citizens of Burlington have also been actuated by an equally commendable spirit, but have been much retarded in their operation by some misapprehension in regard to the formation of their district. A brick building 39 by 63 feet, two stories high, with five rooms—designed for 300 pupils—estimated cost \$4,150 exclusive of the ground—is now under contract to be completed in August next. The lower story is 12½ and the upper 14½ feet high. The foundation was laid this fall, and the materials have been procured for the prosecution of the work in the spring.

The people of Dubuque moved in the matter in the summer of

1849, and during the present year completed two brick buildings, 25 by 40 feet each, and one story, 11½ feet high. Each house is divided into two apartments, intended for 40 scholars. The total cost of both buildings, exclusive of the ground, is about \$1,300. It is to be regretted that a town possessing such ample resources and facilities for building, should have adopted the policy of erecting school houses so totally inadequate to the wants of the community. I am advised however that a larger and more durable building is in contemplation, and it is to be hoped that those interested will consult their own present and future welfare, in giving it such proportions as shall correspond in some degree, with the prosperity and future prospects of the place.

In the town of Ft. Madison a tax of \$2,500 was voted in May last for the erection of a school house, but owing to some diversity of sentiment produced by a subsequent division of the district, nothing definite has yet been done. It is believed however, that the difficulty will be amicably settled, and the building erected in the course of the coming summer. There are other instances among the interior towns where a corresponding interest has been manifested, but it is impracticable to enumerate them in this limited notice. The towns to which I have referred are the oldest in the State, and consequently we have reason to expect more from them. Many very neat and comfortable school houses have been erected in the valley of the Des Moines, and in the northern and western counties during the last two years. In numerous instances the districts have been unable to build in consequence of the great inconvenience in procuring lumber and other suitable materials. From what has already been accomplished, it is confidently believed that the work will be resumed in the course of the next summer with renewed vigor. The impediments that now exist will gradually be removed, so that in the process of time we can accomplish in a few months, the labor of years under existing circumstances.

I cannot permit this opportunity to pass without reiterating in part what I have heretofore said in regard to the erection of school houses, and in doing so my remarks are intended to apply more particularly to those portions of the state, where the settlements are such as to admit of permanent buildings. In providing the means of education, two specific objects should be kept in view—to secure the most efficient mode of instruction, with the least possible cost and labor. That these ends are to be attained by the construction of temporary school houses,

where permanent ones are required, I think no one will contend. Suppose for example, that in providing for the instruction of 2000 children, we should apportion them among 100 schools, giving to each school 20 pupils. The first step would be to erect 100 school houses, which, to be at all comfortable, would cost at least \$300 each, making \$30,000. In addition to this, 100 teachers are necessary, each of whom must be just as competent to govern and instruct, as though he had 100 pupils under his charge. Such teachers could not be procured for a less compensation than \$20 per month, which for a term of six months would make \$12,000. This added to the amount for the erection of buildings, would make \$42,000, the cost of instructing 2000 pupils for six months, being \$21 for each pupil. Suppose now we concentrate them in one school. A building adapted to their wants can be erected for \$15,000. The children being classified, 40 teachers can instruct them, and allowing the same compensation per month as in the former case, we have for tuition \$4,800, which added to the amount paid for the house gives \$19,800 as the cost of instruction for 2000 pupils for six months, or \$9.90 for each pupil, being a reduction of more than one half in cost, saying nothing about the labor saved by the classification of the pupils. This illustration is not designed as a correct criterion in regard to the cost of instruction, but simply to show the difference between the two modes under consideration. That the last named prices admit of a still further reduction, there is no question. I visited one of the ward schools in New York last fall, where about 1700 children were concentrated in one building, under one teacher as principal, and twenty-three subordinate and assistant teachers. The effect of adopting this plan in the eastern States is, that the pupils can be instructed in all the branches taught in the best schools, for about \$6.00 per annum. Parents have frequently complained to me that they are paying \$20 per annum each for the instruction of their children in our most ordinary schools, and have enquired what method they should adopt to obtain relief. My answer is—*erect permanent and commodious school houses—concentrate and classify the children.* And I would add for the benefit of those districts, which are hesitating in the matter, that there is a wide difference between simply *beating the bush* and *catching the bird*. In plainer terms, while some districts are wrangling about the *propriety* of the thing, others have consummated the work, and are reaping the benefits.

Under this head I wish to invite your special attention to a work entitled, "School Architecture," an octavo volume of about four hundred pages, with nearly three hundred illustrations, by Hon. HENRY BARNARD, at present State Superintendent of common schools for Connecticut. The retail price of the work is two dollars per volume, but I am assured by the author that we shall have it *for the use of the State* at the greatly reduced price of *one dollar* per volume. I would therefore respectfully and urgently recommend that the sum of \$200 be appropriated for the purchase of a corresponding number of copies, and that the superintendent of public instruction be authorized to procure the same at an early day, and to deposit at least two copies with each fund commissioner for the use of the respective districts of the county.

Mr. B. has been connected for many years with the public schools of Connecticut and Rhode Island. He is a gentleman of high literary attainments and refined manners, possessing all those amiable and social qualities which qualify him in an eminent degree for the position he now occupies. But few men in this country—I believe, I may safely say no man in this country, has manifested a deeper interest in the cause of popular education. In addition to his labors in the United States, he visited Europe in 1836, and devoted some thirteen months to an examination of the schools of that country. He is regarded by the educational men of the Atlantic states as one of the *working men* in the cause of common schools. Where any thing is simply to be talked about, there are others to whom the preference is justly due; but where plans are to be originated and carried into effect, having the mind to conceive and a hand to execute, the author of the work under consideration is selected for the task. The experience of nearly the whole life of such a man we find embodied in Barnard's *School Architecture*. When I first entered upon the discharge of my official duties, the inadaptation and uncouth appearance of our school houses called loudly for reformation, but I knew not what source to resort to for information, until I obtained possession of this admirable volume. Indeed I was not apprised that our country was in possession of a treasure of such value. In addition to the great variety of beautiful and symmetrical plans for school houses which it presents, it contains a fund of information which cannot fail to interest and instruct the friend of education, and to direct the mind of the enquirer into the channel of useful and efficient labor. I have

recommended the purchase of only two hundred copies, and in view of the advantages to be derived by giving it a general circulation, not merely in obtaining convenient plans for school houses, but in the actual expenditure of means for their erection, I am persuaded that you will not hesitate to make the necessary appropriation for procuring them. Some of the older states have provided a copy for each township; and nearly all of them have ordered a greater or less number for the counties. To show that I have not placed an undue estimate upon the work, I beg leave to call your attention to a few extracts, which embrace the views of others more competent to decide upon its merits than myself.

Hon. IRA MAYHEW, late Superintendent of Public Instruction for the State of Michigan, says—

“This work is worthy of a place in every township library in the State, and should be consulted by every building committee before determining upon a place for a valuable school house. If it can be widely circulated in this State at an early day, many districts and a generation of children may be saved from the curse of a poor school house.”

Hon. HORACE S. COOLEY, late Superintendent of common schools for the State of Illinois:

“In order to render general the advantages to be derived from years of continued effort to perfect these plans, I recommend that provision be made for furnishing access, by every school officer in the State, to that most valuable of books, Barnard’s School Architecture.

Hon. HORACE EATON, State Superintendent of common schools, for Vermont:

“The Superintendent has named this treatise because, for the purpose contemplated, he knows of no better work, and he is disposed to say farther—that no better one is required.”

Hon. HORACE MANN, Secretary of the Board of Education for Massachusetts:

“If a copy of Mr. Barnard’s book could be placed by the State in the office of the town clerk of every town, to be there kept for general reference, it would greatly improve the school houses to be hereafter erected, and would save in the expense of subsequent alterations a hundred times more than it would cost.”

Hon. T. F. KING, State Superintendent of public schools, for New Jersey:

"It would be a judicious expenditure of money, amply repaid by the benefits which would accrue to the children, if the legislature should direct the purchase of a copy for each township in the State, to be preserved in the office of the town clerk, and the attention of the legislature is respectfully called to the subject."

HON. CHRISTOPHER MORGAN, Superintendent of common schools, for the State of New York:

"Such a work has been published within the last year by HENRY BARNARD, Commissioner of public schools for the State of Rhode Island. It is entitled "School Architecture," and not only contains all that is desirable upon that subject, in the way of plans, specifications, instructions, and descriptions, but is a compendium of useful knowledge and practical suggestions upon every topic relating to common schools.

I do not hesitate to recommend to the Legislature to authorize the Superintendent to contract with the publishers for a number of copies sufficient to supply one for every district, and that the expense be deducted from the next annual appropriation of library money."

HON. SETH P. BEERS, late Superintendent of common schools for the State of Connecticut:

"The Superintendent is of opinion that a copy of this volume could with great advantage to the schools be placed in the hands of the committee of each district. Besides the fullest information on the subject of which it principally treats, it contains valuable hints and suggestions, respecting the classification of schools, books on the theory and practice of teaching, and on the different kinds of apparatus needed in schools of the different grades."

*From the Democratic Review.*

"Reader, if, as we hope, you are a fellow-worker to any extent in the great cause of education, take Mr. Barnard's book with you when you visit your district school—examine his models for school-houses, see what may be done with a little money, a little public spirit, and careful attention to details, and then go and do likewise. The district school is the pride of our country—may the day come when it shall be its ornament also."

*From the Knickerbocker.*

"MR. BARNARD'S book forms a neat octavo volume. It is every way worthy of his reputation as an authority on education. It is the text book on this very important subject of school architecture, a subject

of humble pretensions, but an important branch of the great subject of national education."

*From the Horticulturist.*

"Mr. BARNARD is already widely known as the intelligent and indefatigable school commissioner of Rhode Island. In the present volume, he has brought all his information on this subject together, in a well digested and systematic form. We have rarely met with a volume more replete with truly valuable, practicable information."

*From the Vermont Chronicle.*

"No other writer on the subject is to be compared with Mr. BARNARD for the fullness and variety of his materials, and the completeness of his work in regard to all the points that are to be considered in the building and furnishing of school houses. The whole book is replete with information, and we heartily recommend it as one that ought to be accessible to every school district."

#### SCHOOL BOOKS.

In compliance with the 7th section of the school law, I recommend the following text books for the use of the district schools of this State :

Sanders' Primary School Primer.

" Pictorial " "

" Spelling Book.

Child's First Book in Drawing, by Josiah Holbrook. "Nature before books, and drawing before writing," is the author's motto.

Winchester's Primary Writing Book.

" Theoretical and practical Penmanship, in four books.

Sanders' 1st, 2d, 3d, 4th, and 5th Readers.

McElligott's Young Analyzer and Manual.

Parley's Universal history, with engravings.

Webster's primary school and pronouncing Dictionary.

Colburn's first lessons in Arithmetic.

Perkin's elementary Arithmetic. Revised edition.

" higher Arithmetic, by G. R. Perkins, Principal of the New York State Normal School.

Mitchell's Intermediate Geography.

" School Geography and Atlas.

Mitchell's Ancient Geography.

" Atlas of outline maps.

" Series of large outline maps.

Wilson's History of the United States.

Well's School Grammar, by W. H. Wells A. M.

It will be seen, however, from the reports of the fund commissioners, that but little progress has been made in regard to uniformity. I find that teachers are generally prejudiced in favor of the books with which they have been familiar in the prosecution of their own studies, and their recommendation usually governs in the matter. One teacher, upon taking charge of a school, has his favorite books, and partially succeeds in introducing them. In three or six months his term of service expires, and he is succeeded by another, who repudiates those used by his predecessor, and recommends a new series. In this way the schools soon become overrun with an almost endless variety. I do not mean to apply these remarks to our teachers without discrimination, for some of them I am aware have labored faithfully to remove the evil. I speak in general terms of a pernicious custom, that prevails too extensively in the west. Families also, emigrating to the west, bring with them the books used in the region of country from whence they came, and from necessity or preference decline purchasing others, till the old ones are worn out. Book agents and publishers too, are entitled to no inconsiderable share of the blame. I do not wish to be understood as interfering with them in the legitimate disposition of their publications, but the conduct of that class of them who endeavor to impair the credit of valuable works already in use, for the sake of introducing their own, is certainly highly reprehensible. I am persuaded that but little can be done in the way of legislation to remedy the evil, till the country becomes sufficiently settled to justify statutory provisions of an arbitrary character. In the meantime teachers can do more than any other class of persons to produce reformation, by uniting upon some good series that can be introduced with the greatest uniformity and utility. School districts too can do much; indeed the work must commence with them. Let each district institute and enforce the proper regulations on the subject, and the desired end will soon be attained.

It will be proper, in this connection to remark, that a number of publications have been forwarded to this office for examination, but being unable to give each one a specific notice, I stated to the vari-

ous publishers with whom I met, when east last fall, that I purposed establishing a *library of school books*, to be kept at the Superintendent's office for the benefit of teachers and others who might wish to examine them, and suggested to them that the most effectual method of directing the attention of the friends of education in this State to their respective works, would be to forward a copy of each to be deposited in it. Many of them have complied with this suggestion, and we now have in the library 295 volumes, embracing every variety of elemental, scientific and classical text books.

I would embrace this opportunity of extending a more general invitation to teachers and others interested, to call and examine them whenever it suits their convenience to do so. It will afford me pleasure also to communicate any information respecting them by correspondence. The Library is designed to be connected permanently with this office, and in process of time, with a little care, we may concentrate in it all the school publications of any note in this country, which will enable teachers and school district officers to inform themselves fully on the subject before they make selections.

#### REPORTS AND PERIODICALS.

In June 1848 I commenced the performance of the duties of Superintendent of Public Instruction, with but one document on the subject of schools before me—the school law of our own state. The inconveniences therefore under which I labored, can be readily imagined. But by correspondence, and exchanges effected with those connected with the public schools of other states, I have succeeded in collecting some 14 volumes and about 100 pamphlets of educational matter. While visiting the schools of the Atlantic and middle states, I purchased about 70 volumes and 140 pamphlets in addition to those above referred to. So the office is now supplied with one of the best collections of educational statistics in the United States, embracing the most authentic information concerning the schools of this country, and to a very considerable extent those of Europe. The collection which I purchased is a valuable one, and was procured on reasonable terms. Though not directly authorized to effect the purchase, in view of the benefits to be derived from it in founding a school system. I should have considered myself culpable, had I permitted so favorable an opportunity of supplying the demands of the State to pass without

embracing it. By having immediate access to this fund of information, the duties of my successor will be rendered less arduous, and his services will be far more valuable to the State, than they possibly could have been under different circumstances. Those only whose time and thoughts have necessarily been much occupied with the subject of popular education are prepared fully to appreciate the advantages it affords, and it may be added that the experience of the past is perhaps more necessary in the investigation of this, than any other subject.

## NORMAL SCHOOLS.

Under the provisions of "An act to establish Normal Schools," approved January 15th, 1849, I proceeded on the first of October of that year to divide the State into three districts, to wit:

The counties of Lee, Des Moines, Louisa, Washington, Jefferson, Van Buren, and Henry, shall compose the first district.

The counties of Alamakee, Clayton, Dubuque, Delaware, Buchanan, Jackson, Jones, Linn, Benton, Clinton, Cedar, Johnson, Iowa, Scott, Muscatine, Tama, Marshall, and Story, and all the unorganized country north of township eighty-five north, shall compose the second district.

The counties of Davis, Appanoose, Wapello, Monroe, Lucas, Keokuk, Mahaska, Marion, Warren, Madison, Poweshiek, Jasper, Polk, Dallas, Boone, and Pottawatamie, and the unorganized country south of the northern line of township eighty-five north, shall compose the third district.

At a meeting of the trustees of the state university prior to this time, I presented the names of individuals suggested, by the people of the respective counties in which the schools were located, as trustees. The recommendations were unanimously concurred in, and the Secretary of the Board was instructed to give the necessary notice of their appointment. The names of the trustees at Andrew were forwarded accordingly, but those for the schools at Mt. Pleasant and Oskaloosa were accidentally mislaid by the secretary, and consequently never transmitted. Owing to this fact but little has been done at the two last named points. At a meeting of the citizens of Mt. Pleasant, a committee was appointed to procure subscriptions for the erection of suitable buildings, but no definite action has been

had at Oskaloosa. When my attention was called to the matter some months subsequently, I made repeated efforts to convene the board of trustees with the view of supplying the deficiency, but was unable to obtain a quorum. An interest was manifested by the people of both places, but having no organization they were unable to proceed. The school at Andrew was organized on the 21st of November 1849, under Mr. Samuel Pray as principal, and Miss J. S. Dorr, as assistant. A convenient and commodious building was procured temporarily, and the first term of the school immediately commenced. The school is divided into two departments, primary and higher. The higher department is subdivided into three classes, junior, middle and senior. The course of instruction is similar to that adopted by the state normal school of New York, accompanied with lectures by the principal on the theory and practice of teaching, astronomy, natural philosophy and physiology. There are two terms of twenty-one weeks each—the first commencing on the fourth Monday in August, and the second on the first Monday in February of each year. One hundred and fifty pupils have been admitted the present year, three of whom are instructed free of charge, having obligated themselves, as the law requires, to teach in the common schools of this state for three years. In April last Mr. Pray was succeeded by Mr. D. G. Jones, and Miss Dorr, by Miss M. J. Burtoo. A permanent building is now in process of erection, the estimated cost of which when completed, is \$2,000. Of this amount \$1,000 has been raised by subscription, and expended under the direction of the trustees. The building is 30 by 50 feet, two stories high. The lower story is 10½ and the upper 12 feet high. The former is designed for the primary department, and will contain 75 pupils. The latter, for the higher department, accommodates 100 pupils. Provisions are made in the lower story for library, apparatus and recitation. The financial statement shows that the sum of \$931,03 has been expended for compensation of teachers and contingent expenses, and \$443,31 received on tuition for the current year, leaving a deficiency of \$487,72. Many other facts of interest concerning the progress and future prospects of the institution are presented in the report of the secretary, Mr. J. B. Dorr, but the claims of other topics, to be embraced in this report, render it impracticable that I should refer to them more at length. No aid has yet been received from the university fund, from the fact that no portion of the university lands have

been disposed of. The connection existing between the Normal schools and this fund will be further considered under a more appropriate head.

## DEAF, DUMB AND BLIND

Under "An act to provide for the instruction of the deaf, dumb and blind" approved January 15, 1849, eleven persons have been reported to this office, and certificates have been issued in their favor, by the undersigned to the Auditor of State. The following is a list of their names with their respective ages, and the amount drawn by each from the Treasury.

Names	Age	Imp'd- ment	County	Date of Certificate	Amount
Helen A. Brabrook,	10	d & d	Scott	June 18, 1849	\$100 00
Dennis A. Dewey,	11	"	Johnson	" 20, 1849	100 00
Saphrona Wellington,	23	"	Louisa	Oct. 2, 1849	100 00
Josephine Porter,	10	b	Johnson	Jan. 7, 1850	50 00
Rhoda Bowen,	24	"	"	" 16, "	50 00
Susannah Huston,	12	d & d	Dallas	" 25, "	50 00
John F. Wendel,	13	b	Jackson	" "	50 00
Elizabeth Matthew,	16	d & d	Davis	Feb. 19, "	50 00
Augustus J. Garden,	19	"	M'h'ska	April 24, "	50 00
William Gunn,	14	b	Clinton	May 18, "	50 00
James Gilliland,	20	"	Johnson	Oct. 10, "	50 00

The total amount drawn from the appropriation for the deaf and dumb is \$450 and from that for the blind is \$250. The sum appropriated for the former was \$500 and for the latter \$250. Each applicant is restricted to \$50 per annum, and this privilege only extends to two years. In view of the great expense to be incurred by the parents of these afflicted children, I would recommend a very considerable increase of this appropriation. At the American Asylum, for the instruction of the deaf and dumb, at Hartford, Conn., the charge for each pupil for board, lodging, washing, fuel, lights, stationery, tuition and incidental expenses of the school room, is \$100 per annum, payable six months in advance. In the New York institution for the deaf and dumb it is \$130 per annum; clothing and

travelling expenses excepted, or with clothing furnished \$100, payable semi-annually in advance. In the Illinois deaf and dumb asylum, at Jacksonville, it is \$80 per session (from first Thursday of October, to the middle of July) for board, washing, fuel, lights, tuition, books and everything necessary except clothing and travelling expenses. The terms of the Pennsylvania institution for the blind, at Philadelphia, are for board, tuition and incidental expenses (clothing not included) \$200 per annum. In the New York institution for the blind, the charge, exclusive of clothing, bedding and furniture for rooms, is \$130 per annum, payable quarterly in advance. From five to seven years are necessary for a thorough course in either of these institutions. The above statement will serve as an imperfect criterion in making the necessary appropriation. We have but few of these unfortunate persons among us, and certainly no objection can be urged against making liberal provisions for their education, and such it will be remembered is the express object for which the appropriation now solicited is intended. Even with an education they labor under serious disadvantages, but without it their condition is truly a deplorable one. In making the necessary amendments to the present law, or in the passage of a new one, it is respectfully suggested that a specific sum should be designated for the education of each class of persons—say for the deaf and dumb, each \$500, and \$600 each for the blind—\$100 to be paid annually. A receipt from the principal of the institution at which the child is educated, should be procured by the parent or guardian, and filed with the auditor or superintendent.

The instruction of the deaf, dumb, and blind, has recently become a matter of deep interest, and the efforts made for their relief have been attended with great success. The compositions of pupils when they first enter the Asylum, are scarcely intelligible, and give evidence that they have but a crude and imperfect idea of the structure of our language, and yet after they have been under a course of instruction for five years, there is a conciseness and beauty about their style of expression, that we seldom find in the productions of those whose faculties are unimpaired. They are also instructed in the various useful avocations of life. Some of the finest specimens of hand-craft that we meet with in the way of willow baskets, paper boxes, fire screens, brushes, door mats, toy waggons, chairs, bead baskets, reticules and purses, and the various kinds of fancy needle work, are manufactured by the blind while pursuing their studies. Thus a double end is

accomplished. They are educated mentally and physically (the best kind of education by the way) and are prepared to go forth into the world and procure a livelihood by their own exertions. I had the pleasure of witnessing some of the exercises of the blind in Philadelphia and Boston, and of the deaf and dumb at Hartford, which were truly astounding, and sufficient to convince any reasonable mind that some of our ripest scholars and most useful citizens will yet be found among this class of persons.

## STATE UNIVERSITY.

In regard to the literary department of this institution, nothing has been done since the adjournment of the last General Assembly. The law and medical departments were organized on the 21st of February, 1850, in the manner indicated in my last report. Prior to this time the "College of Physicians and Surgeons of the Upper Mississippi," had been established at Davenport. The trustees, considering it impolitic to attempt the organization of two institutions of this character, at so early a period, upon mutual consultation with the faculty of the one at Davenport, determined to recognize them as the "College of Physicians and Surgeons of the State University of Iowa," and the following gentlemen were appointed members of the faculty.

NICHOLS HARD, M. D. Professor of Anatomy and President of the Faculty.

JOHN F. SANFORD, M. D. Professor of Surgery and Dean.

SAMUEL G. ARMOR, M. D. Professor of Physiology, Pathology and Clinical Medicine.

GEO. W. RICHARDS, M. D. Professor of Theory and Practice of Medicine.

A. S. HUDSON, M. D. Professor of Materia Medica and Therapeutics.

D. L. MCGUIGAN, M. D. Professor of Obstetrics and Diseases of Women and Children.

HENRY M. MATTHEWS, M. D. Professor of Chemistry and Pharmacy.

J. C. HUGHES, M. D. Demonstrator of Anatomy.

In September last, the "Western Medico-Chirurgical Journal," edited by J. F. Sanford, M. D., and Sam'l. G. Armor, M. D., was established. It is a neat octavo periodical of about sixty pages, and is replete with useful and instructive matter. I infer, from the charac-

ter of the numbers before me, that the editors design making it truly a *western* Journal, in which the diseases peculiar to the Valley of the Mississippi will be duly considered. The untiring zeal manifested by the Faculty, having for the present to rely for pecuniary aid exclusively upon means raised by their own exertions, warrants me in recommending that a reasonable appropriation be made at your present session for the benefit of this department of the university. The present condition of the Institution is more clearly set forth in the following report of the Dean of the Faculty to the Board of Trustees:

*To the Hon. Board of Trustees of the State University of Iowa:*

In response to a memorial from the "College of Physicians and Surgeons of the Upper Mississippi," your body, on the 21st day of February, 1850, recognised and established that Institution, as the Medical Department of the State University of Iowa. The act by which this connection was established, containing certain provisions, and delegating certain privileges, was transmitted to the undersigned by the Secretary of the Board of Trustees, and by him submitted to the Faculty of the Medical College, at the meeting held on the 26th day of February, 1850. The provisions referred to, were duly considered by the Medical Board, and the act containing them, with its various requisitions, was unanimously acceded to. The connection between the Medical College of the Upper Mississippi and the State University being thus consummated, the recognized board, viz; Dr. A. S. Hudson, Saml. G. Armor and J. F. Sanford, proceeded to fill the Faculty by the appointment of a sufficient number of competent Professors, and J. F. Sanford, having been elected Dean, was ordered to issue an announcement for a spring session, in the name and under the auspices of the State University. The course of lectures thus announced, opened on the second Monday in March last with a respectable number of Medical students, and after going through a prosperous session of sixteen week, conferred the regular degree of Doctor in Medicine upon nine gentlemen, and the Honorary degree upon Doctor R. D. Barton, of Van Buren county, Iowa.

Previous to the close of the session referred to, various circumstances had forced the conviction upon the minds of the Medical Faculty, that the interests of the Medical Department of the University, would be greatly enhanced, by removal to a more populous town than Davenport. The most important consideration influencing them in this

respect, was the increasing demand on the part of Medical Associations and Medical men, for clinical privileges, and extended opportunities for cultivating practical anatomy, in connection with the courses of instruction in Medical Colleges. The importance of these facilities to a thorough and scientific course of Medical lectures, was deemed so great by the American Medical Association, as to justify, in their opinion, a requirement from the schools, that they should constitute essential parts of Medical instruction.

Wishing to sustain the interests of the Institution, to justify and merit the confidence of the profession, and ultimately make it an ornament and a blessing to the State, the Faculty resolved to relocate the College at a point, where the erection of Hospitals and the establishment of Infirmaries, would render clinical or practical teaching a reality, and where the opportunities for the prosecution of the fundamental branches of the Medical science would meet the demands and necessities of Medical students. One of their number was accordingly appointed and authorized to visit the cities and towns, in other portions of the State, and ascertain the comparative facilities presented, for the success of Medical teaching.

The result of his observation need not be detailed; suffice it to say, that having strictly in view the considerations above stated, the City of Keokuk was selected as the permanent seat of the Medical Department of the University, and an appeal was immediately made to the citizens, for aid in the erection of the necessary buildings. To this appeal there was the most enthusiastic response. Beautiful and extensive grounds, embracing eight full lots in the fairest part of the city, were donated by Mr. H. T. Reed, and the prompt and liberal contributions from every class of the citizens, enabled the Faculty to place under contract, an edifice, sufficient in its arrangements for temporary occupation, by the first of August.

Immediately subsequent to these arrangements, the annual circular, a copy of which is herewith transmitted, was issued, and the session opened according to resolution, on the first Monday in November, and on Wednesday evening, November 21st, the new college edifice was dedicated with appropriate ceremonies. The medical class, now in attendance, is larger than was anticipated, and the catalogue for the present term, will embrace not less than fifty names.

This list will give assurance to its friends of the future eminence of the institution, and proves, contrary to what has been imagined, that

the establishment of a medical institution in this State was not premature.

The city authorities, to further facilitate the success of the medical college, made a liberal appropriation, and placed under contract a commodious hospital building in immediate connection with the college, which will accommodate one hundred patients, and will be ready for inmates by the first of January.

The facts above stated will, it is hoped, elicit an early action on the part of your honorable body, approbatory of the change of location made by the faculty.

It is earnestly hoped, that the board of trustees of the State University may recommend to the favorable consideration of the General Assembly, this important part of the educational machinery entrusted to their care. To justify this recommendation, the following statements are made by the faculty, as an exhibit of the labor they have performed, and the expense they have incurred in the preparation for medical teaching.

Although a part of the collections referred to, are not immediately subsidiary to the courses of medical instruction, they are to a great extent interesting and useful to the student of medicine, who prosecutes a science having a more or less ultimate relation with every department of human intelligence.

In natural history about two thousand preparations, embracing principally specimens in ornithology and entomology.

In conchology and geology fifteen hundred specimens. These collections were made in the hope that, at no distant day, the Board of Trustees would establish, and the General Assembly endow, a chair of natural history and comparative anatomy.

The specimens and collections, more immediately connected with demonstrations in medical science, embrace about one thousand preparations, drawings and paintings in anatomy, surgery, pathology and obstetrics.

The chemical apparatus belonging to the college is one of the best in the western country. The instruments are all of the most modern construction, principally manufactured at the establishment of Benjamin Pike, of New York, and embrace every thing necessary to a complete and thorough course of demonstrative chemistry.

This exhibit will, we hope, convince your honorable body of the enthusiasm and pride that animates the medical faculty of the university. The further fact that they have twice sent delegates to the

American medical association, first, to Boston, Massachusetts, and then to Cincinnati, Ohio, for the purpose of securing an honorable position amongst American schools of medicine, will, they hope, not only justify the confidence your body has heretofore reposed, but elicit further aid from the General Assembly through your recommendation, to enable them to carry out the highest objects of the institution.

The faculty beg leave respectfully to submit to your body, that some legislation, establishing their legal existence and relation with the university, would greatly benefit them. Amongst the most important provisions of this kind, are those making them an integral part of the university establishment of this State by special act, and in the same way, giving them the authority to confer the degree of doctor of medicine upon those, who, after examination, may be found worthy. Also, making the diploma, thus conferred, a license to practice medicine and surgery in Iowa.

All of which is respectfully submitted,

JNO. F. SANFORD, M. D.

Dean of the Medical Department, Iowa University.

December 2, 1850.

By the supplemental acts of January 15th and 16th, 1849, a branch of the University was located at Fairfield, and another at Dubuque.— At the latter place no steps have been taken to carry out the provisions of the law. The directors of the branch at Fairfield met in that place on the 6th of May, 1849, and organized by the election of Hon. Bernhart Henn president, C. W. Slagle, Esq., secretary, and Horace Gaylord, Esq. treasurer. The treasurer's bond was filed in this office as required by law. A site was immediately selected for the institution, and twenty acres of ground purchased on which to erect the necessary buildings. The plan adopted contemplates seven buildings, three in the rear and two on either side, forming a hollow square two hundred and forty by three hundred and sixty feet, with an open front. The main building is to be forty by eighty feet two stories high, the others thirty by sixty feet each, and two stories.— One of the smaller buildings has been erected and will be completed at an early day. The estimated cost is \$2,300. The sum of \$1,800 has already been expended. The directors propose to employ the necessary teachers, and commence the literary exercises of the institution next summer. For reasons heretofore stated, nothing has

been received from the University fund. The degree of public spirit evinced by the citizens of Fairfield, in regard to this and other public edifices, is worthy of imitation, and shows clearly how much may be accomplished with limited means, when effort is properly directed. The term of three of the directors expires in May next, to wit—Messrs. Ristine, Slagle and Negus, the latter gentleman having been appointed to fill the vacancy occasioned by the non-acceptance of Samuel J. Bayard, Esq.

The agent appointed to select the University lands, has completed the work. I have been advised of the approval, by the Secretary of the Interior, of 35,603.30 acres, to wit :

In the Fairfield district, .....	12,881.00
“ “ Iowa City “ .....	22,722.30
Total, .....	35,603.30.

The present law provides that these lands shall be disposed of by the board of trustees, in the manner prescribed for the sale of section sixteen, but before it can be done, some more specific legislation is necessary. The present board of trustees are so scattered over the State, that it is next to an impossibility to get a quorum together for the transaction of business. There is some ambiguity in the language used in defining the terms of sale. Whether the land is to be allotted and appraised by the township trustees and sold by the fund commissioners, or to be allotted and appraised by the township trustees and sold by the trustees of the University, or to be sold by the trustees of the University without such allotment and appraisement, cannot easily be determined. The present members of the board are H. W. Starr, S. G. Matson, T. S. Parvin, S. H. McCrory, G. Achison, W. G. Woodward, T. Snyder, H. D. Downey, J. P. Carleton, Robert Lucas, A. H. Palmer, C. Bates, D. P. Smith, C. Burnham, and Silas Foster. The term of the five first named expires during the present session of the General Assembly. The Governor is a member of the board, *ex-officio*. If the vacancies are filled as heretofore, it is hoped that persons will not be selected so remote from the institution, as to render their attendance upon the meetings of the board inexpedient. But the wiser policy, I am disposed to think, will be to remodel the law, and make such additional provisions as may be requisite for the permanent organization of the several departments.

As intimated in another part of this report, I now propose to notice

more particularly the relation sustained by the Normal Schools to the University. By the terms of the grant, we have seventy-two sections, or 46,080 acres of land for the support of the latter institution, which at \$1.25 per acre would amount to \$57,600. The annual interest on this sum, at ten per cent. per annum, would be \$5,760. Of this amount \$1,500 (\$500 to each) is to be paid annually to the Normal Schools, leaving \$4,260 for the support of a University and two branches, being \$1,400 for each, the parent institution and branches being placed upon "the same footing in respect to funds." Such a sum I think will not be regarded a very rich endowment for an institution dignified with the title of State University. The truth is, the whole grant is not sufficient properly to endow the parent institution, but with the necessary care would enable it to commence its labors under very favorable auspices. But it may be contended that my estimates are too low, which is probably true; for I am advised that a portion of the land will sell at five dollars per acre at this time. And I would here suggest the propriety of fixing the *minimum* price of the whole grant at two dollars per acre. The selections have been made with great care, and will certainly command this price in a few years. Indeed, if they had been made when the first agent was appointed, the land would now sell readily for from three to five dollars per acre.

In consideration of the foregoing facts, it is to be regretted that the normal schools and branches of the University were established in the manner above referred to. The original plan of connecting a professorship with the parent institution for the education of teachers, was certainly preferable. New York, with the experience of fifty years, and about two millions and a half of inhabitants, has but one normal school, while Iowa, with an existence of only four years, and less than one-twelfth of the population, has three. Other western States find it difficult, with the same facilities we possess, to establish one University, while we are attempting to foster three. If the existing stipulations are perpetuated, neither of the institutions can ever attain a very enviable degree of celebrity, and to abolish them unconditionally, after they have proceeded thus far in good faith, would not be equitable. I would suggest then, that a definite sum be set apart for each, of which they should have the exclusive control, without any further connection with, or claim upon the University.

In making these suggestions, I have been actuated by no feelings of

hostility to either of the institutions named. Having no local preferences to gratify, they have been made more from a sense of duty, than from natural inclination. In the discharge of my official duties, I know neither north, south, east or west, but the State of Iowa, alike from center to circumference, is the object of my esteem and the field of my labors.

In my former report I suggested the propriety of providing for the collection of a *Geological and Mineralogical Cabinet*, for the use of the University, but as no legislative action was then had on the subject. I beg leave to renew my recommendation. The report of the superintendent of public instruction of Wisconsin shows that they have already collected some four hundred and fifty valuable specimens for the University cabinet, and that arrangements have been made by which the number will be greatly increased in the course of the ensuing year. We cannot expect to compete with the older States in this particular, but it is hoped that we will not suffer ourselves to be so completely distanced by one scarcely our equal in years certainly not our superior in resources.

#### TEACHERS' INSTITUTES.

Teachers' institutes had their origin some years since in the city of Hartford, but were first known by their present name in the State of New York. "The special purpose of the meetings of an institute," says an eminent writer, "is, to serve as a temporary local school for the instruction of teachers. The brief course of lectures and exercises, on such occasions, is not intended to supersede a course of academic instruction, or of regular training to the vocation of teaching; whether that training be had in a special class at an academy, or in the more regular forms of professional education at a normal school. A teachers' institute proposes to its students a concise course of instruction in the theory and practice of teaching, adapted to common schools. It comprehends, necessarily, a practical review of the branches of education usually taught in such schools, and so secures, in part, the advantage of direct instruction in these branches, to all its classes. But this review is unavoidably rapid and superficial, and can never supply the place of a thorough going course of instruction in any subject. The lectures and exercises of an institute, involve an outline view of subjects, in the training of teachers to the proper

modes of communicating instruction in them: and, thus far, they allow opportunity of presenting, in addition to the information contained in text books, not only the recent items of intelligence regarding the progress of knowledge, in particular departments of science, but, likewise, the systems and methods of eminent authorities and teachers, respecting the best modes of giving instruction in every department. To this extent, teachers' institutes offer peculiar advantages. But they pre-suppose a previous and well-laid foundation of knowledge acquired elsewhere." It will be seen then that they are not designed to supercede Normal schools, but simply to become their *pioneers* and efficient *temporary* substitutes—the very thing we need at this crisis. An institution of this character was organized a few years ago, composed of the teachers of the mineral region of Illinois, Wisconsin and Iowa. One of its sessions was held at Dubuque. An association of teachers has also been formed in the county of Henry, and an effort was made in October last to organize a regular institute in the county of Jones, but, owing to the limited notice given, there was not a very general attendance. Several lectures were delivered, however, by gentlemen present, and arrangements made for another meeting. I regard the teachers' institute as the most effectual means that we can at present adopt to advance the prosperity of our schools, but its practicability is questioned on the ground that the expense attending it is greater than teachers, with a limited compensation, are enabled to meet. To remove this objection (a valid one I might add) therefore I would recommend that the sum of \$150 be appropriated annually, for three years, to be drawn in installments of \$50 each, by the superintendent of public instruction, and expended for the benefit of this institution. I propose that three institutes shall be held annually, at points designated by the superintendent or the General Assembly, and that \$50 shall be applied towards defraying the contingent expenses of each, in such manner as a majority of the members may determine. In this way nearly all the teachers of the State will be brought together at least once a year for mutual consultation and improvement, and a favorable opportunity will be given for the presentation of their views in reference to text books and the best and most efficient methods of instruction. Teachers are a separate and distinct class of persons, and in order that they may be useful and successful in their peculiar profession, it is indispensable that they confer often with each other, and in no

way can they do so more effectually than in the manner above proposed. Some of the older states have appropriated \$2,000 per annum for this special object. The sum I have suggested is comparatively insignificant, but it will serve as the germ, or starting point of a great enterprise, and will form a nucleus, around which we hope to gather an influence that will ultimately pervade the entire State. In connection with the teachers' institutes in the several states, we now have a *national* organization. I allude to the NATIONAL CONVENTION OF THE FRIENDS OF PUBLIC EDUCATION, which held its first session in the city of Philadelphia, on the 17th of October, 1849. The second session was held at the same place on the 28th of August, 1850, at which time a constitution was adopted and the convention permanently organized under the name and title of the "AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF EDUCATION." The second clause of the constitution declares, that, "The object of the association shall be to promote intercourse among those who are actively engaged in promoting education throughout the United States—to secure the co-operation of individuals, associations and legislatures in measures calculated to improve education, and to give to such measures a more systematic direction and a more powerful impulse." The third session will be held in Cleveland, Ohio, on the 19th of August, 1851. Thus we have a complete national system of instruction—the district school, the normal school and the teachers' institute in the respective states, and the American association for the advancement of education, composed of delegates from these local organizations. It is difficult to conceive the advantages that are to result to the cause of common schools from such a combination of strength, and union of effort. There is another peculiar feature about the national association, which gives it additional weight—its archives are to be kept *permanently* at Philadelphia, under the care of the corresponding secretary—or in other words we have established at that place a sort of *universal educational depot*, in which to concentrate information from every portion of the civilized world—thus widening and deepening the channels of knowledge and increasing the avenues of light.

#### PHONETICS.

The imperfections of the English language have long been a source of perplexity to literary men. "Such is the state of our written lan-

guage," says Sheridan, "that the darkest hieroglyphics, or most difficult cyphers, which the art of man has yet found out, were not better calculated to conceal the sentiments of those who used them, from all who had not the key, than the state of our spelling is, to conceal the pronunciation from all except a few well educated natives." About fifteen years ago Mr. Isaac Pitman, of Bath, England, being impressed with the truth of the foregoing remark, determined if possible to devise some new method of *writing* which would abridge labor, and at the same time convey *without variation* to the mind of the reader a correct idea as to spelling and pronunciation. This he accomplished quite to his own satisfaction, and published his first work on the subject in 1837. This led him to inquire into the propriety of adopting a similar method for *printing*. In the mean time Alexander J. Ellis, of Trinity College, Cambridge, had the same subject under consideration and was gradually maturing his plans. These two gentlemen, hitherto unknown to each other; became acquainted in 1843, and, in common parlance, by "putting their heads together," succeeded, with much labor and investigation and the aid and counsel of friends, in presenting to the world a complete system of *writing* and *printing*, now known as phonography and phonotypy—both comprehended under the general term which heads this notice. Phonography is a faithful representation of spoken language, in the briefest possible manner, consistent with perfect legibility. The alphabet is composed of a series of straight and curved lines, dots and dashes, circles and hooks, designed to represent each distinct articulate sound in the language. Phonotypy is printing according to sound: like phonography it is based on a correct analysis of the human voice, and has a sign for each sound; phonography then, is a brief and legible system of writing; phonotypy is a truthful and harmonious system of printing. A more correct idea of the system will probably be given by inserting a few extracts. The first is by Mr Pitman himself:

"The writing and printing reform consists in the introduction of a complete alphabet of forty letters, (which represent all the sounds of the English language,) and in the adoption of phonetic spelling. This alphabet is adapted to shorthand and longhand writing and to printing.

Phonetic shorthand, or phonography, is as legible as common writing; while it is written in one-fourth of the time, and with half the labour; and may be employed by the practised writer in taking verbatim

reports of speeches, sermons, etc. Such is the simplicity of the art, that its principles may be mastered in a few hours; and an hour's daily practice for a month, in reading and writing, will enable the student to use it with certainty and some degree of freedom; while the same amount of practice, continued for four or six months, will enable any one who has acquired facility in ordinary writing, to take verbatim reports of lectures, etc., and to read them, after any length of time, with rapidity and accuracy.

Phonetic longhand is like our usual longhand writing, with the addition of facile manuscript forms corresponding to the new letters which have been added to the printing alphabet.

The phonetic printing alphabet is formed from the common Roman alphabet by rejecting the useless letters *k, q, x*; by using the remaining twenty-three letters in their most usual signification; and by adding seventeen new ones, to represent sounds which have hitherto been represented by two or more letters, *each of which has an independent value of its own.*"

Opinion of Professor AGASIS, of Cambridge, Massachusetts:

"From an experience of one year I have satisfied myself that phonography will enable every one familiar with it to shorten far more than one half, all operations of writing or recording memoranda; a familiarity with this method will therefore double the time at our command in this respect."

Professor HART'S opinion, of the Philadelphia high school:

"Phonography has been introduced into this institution two years and a half, and has been learned by about four hundred. Two hundred are studying it now. It is one of the regular branches of the course, being attended to three times a week during the whole of the first year. I do not feel at liberty to express an absolute opinion on a subject comparatively so new, but am free to say that I have not, since the introduction of phonography, noticed any deterioration in the spelling of the pupils, or in their pronunciation. Had I not supposed it to be of much practical benefit I should not have urged its introduction, a measure which I have seen no occasion to regret."

### *Phonetic Printing.*

That most practical of modern philosophers, Benjamin Franklin, observed in reference to the introduction of phonetic spelling, "sooner

or later, *it must be done*, or our writing will become the same as the Chinese, as to the difficulty of learning and using it; and it would already have been such, if we had continued the Saxon spelling and writing used by our forefathers."

"The undersigned phonographers of Boston, beg leave to testify most explicitly and decidedly, that the study and practice of the art of phonography have not injured, but benefitted our spelling in the common style; that from our attention having been called to the subject by phonography, we are better able than ever to distinguish between words of the same sound, but of different spellings and significations; that nothing has conduced so much to our improvement in pronunciation as the study of phonography; that by saying a vast amount of time it has greatly assisted our progress in other pursuits; that so far from the "abundant sources of literary and scientific knowledge" being "closed up" to us, it has imparted a renewed taste for literary information and facilitated our advancement in scientific studies.

"We therefore give it as our unanimous opinion that the advantages resulting to the children of the High and Grammar Schools from the study of phonography would be much greater than any supposed injury based on speculative objections to the measure, can possibly be." Signed by Joel P. Bishop and twenty other phonographers of Boston.

"I have no hesitation in saying that I am greatly astonished at what I have seen to-night, and am convinced that all that has been promised by Phonography may be easily performed,—that it is so clear as to be easily learned by every one of ordinary capacity,—and that the benefits to be derived from it are entirely incalculable."—*John Bright, Esq., Member of Parliament.*

"Phonography is a railroad method of communicating thought; a railroad by reason of its expedition, a railroad by reason of its ease."—*Rev. Dr. Raffles, Liverpool.*

"The present writer is prepared with facts by which he could verify the following position:—that if a child were taught at first on the phonetic principle, and, by graduated lessons brought up to a comprehension of the present orthography, his reading would be taught at half the time, half the trouble,—and consequently half the risk of having a distaste for learning engendered by the difficulties of his first studies—involved in the present system."—*Dr. Latham.*

From a partial examination of the system of Phonetics, and with this host of testimony before me, I hesitate not to say that I am fully

convinced of its utility, and know of no reason why it may not be introduced into our schools at once. Indeed in some of them it is already successfully taught. I do not mean that we shall abandon our present system, but that the old and new shall be studied in connection, until the former is dispensed with by mutual consent. There are in this, as in all similar reformatations, *quacks*, but the system itself is based upon correct principles, and must sooner or later come into general use, and in order that we may have it in its most improved form, it behooves the *literary and scientific* men of our country to lend their undivided support in giving it the right direction in its infancy.

#### FIVE PER CENT FUND.

As many inquiries have been made concerning this fund, it may be well to refer briefly to its history. The "ordinance" appended to the constitution adopted for the State of Iowa, on the first day of November 1844, in which allusion is made to this fund in connection with other contemplated grants from the United States, was rejected by Congress in "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," approved March 3, 1845, and the following propositions submitted in its stead:

**FIRST**—That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto and as contiguous as may be shall be granted to the State for the use of schools.

**SECOND**—That the seventy-two sections of land set apart and reserved for the use and support of a University by an act of Congress approved on the twentieth day of July eighteen hundred and forty, entitled "An act granting two townships of land for the use of a University in the territory of Iowa," are hereby granted and conveyed to the State to be appropriated solely to the use and support of such University in such manner as the legislature may prescribe.

**THIRD**—That five entire sections of land to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter section from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State or for the erection of public buildings at the seat of government of the said State as the legislature may determine and direct.

**FOURTH**—That all salt springs within the State not exceeding twelve in number with six sections of land adjoining or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the legislature thereof, within one year after the admission of said State, and the same when so selected, to be used on such terms, conditions, and regulations as the legislature of the State shall direct: Provided, That no salt spring the right whereof is now vested in any individual or individuals or which may hereafter be confirmed or adjudged to any individual or individuals shall by this section be granted to said State; and, provided, also, that the General Assembly, shall never lease or sell the same at any one time for a longer period than ten years without the consent of Congress.

**FIFTH**—That five per cent of the nett proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State as the legislature may direct: Provided, That the five foregoing propositions herein offered are on the condition that the legislature of the said State by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance irrevocable, without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchaser thereof, and that no tax shall be imposed on lands the property of the United States, and that in no case shall non-resident proprietors be taxed higher than residents: and that the bounty lands granted or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively."

By the second constitution, adopted on the 18th day of May 1846, this fund was applied to the support of common schools, which was at variance with the foregoing proposition of Congress appropriating it for "roads and canals." But, by the act of December 28, 1846, entitled "An act for the admission of the State of Iowa into the Union,"

which perpetuated "all the provisions" of the act of March 3, 1845, we were received into the Union *unconditionally* with the constitution of May 18, 1846. The plain inference therefore was that the conflict between the act of March 3, 1845, above alluded to, and the constitution, was reconciled by the sanction of the latter in the act of admission. A law for the management of the school fund was accordingly passed, by the General Assembly on the 25th February 1847, by which it was made the duty of the Superintendent of Public Instruction to receive the five per cent. fund. I made application for it in November 1848, but was informed by the comptroller of the Treasury, under date of January 10, 1849, that it could not be paid till he was officially advised of the passage of a law appropriating it in the manner designated in the supplemental act of March 3, 1845—for the construction of "roads and canals." I immediately addressed a letter, through Senator Jones, to our delegation in Congress requesting their interposition in the matter. Having satisfied themselves that additional legislation was necessary, they procured the passage of the *declaratory* act of March 2, 1849, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That by the act entitled 'An act for the admission of the State of Iowa into the Union,' approved December twenty-eighth eighteen hundred and forty-six, the United States assented to the application for the support of common schools as made in the second section of the tenth article of the Constitution of said State, of the five per cent of the nett proceeds of the sales of the public lands within the State of Iowa and of the five hundred thousand acres of land granted to said State by the act of the fourth of September eighteen hundred and forty one; said land to be selected in legal subdivisions of not less than three hundred and twenty acres."

Thus the controversy, as to the manner of applying this fund and the five hundred thousand acres of land, granted under the eighth section of the act of Congress of September 4, 1841, was terminated.

I immediately renewed the application, and received the amount due for the year 1847, \$16,422 05. This sum, with the twenty dollars premium on draft added, making \$16,443 05, I delivered to the Auditor of State, for which he executed his bond, dated May 1, 1849, under the provisions of "An act to provide for a loan of the school

fund arising from the sale of the public lands," approved January 12, 1849. The amount apportioned to the State for the year 1848, was \$9,105 52, for \$6,000 of which the Governor executed his bond on the 15th September 1849, under "an act relative to the penitentiary," approved January 13, 1849. This sum it became my duty, by the seventh section of said act, to pay in installments to A. H. Haskel, Esq., superintendant of the penitentiary. On the day the bond was executed, he filed in this office his vouchers to the amount of \$1,856 99, at which time I paid him \$3,350. On the 2d of October 1849 he filed his vouchers to the amount of \$2,458 66 and received the residue of the loan, \$2,650. Before making these payments in the manner above stated, I visited Fort Madison, and at the request of Mr. H. examined his accounts and found him prepared to comply strictly with the provisions of the law in reference to the loan, and the work assigned him was progressing in the most satisfactory manner. This left in my hands the sum of \$3,105 52. This sum I purposed apportioning among the fund commissioners, but being informed by his excellency, Ansel Briggs, that the General Assembly had failed to make provision for running the southern boundary line of the State, in accordance with the decision of the supreme court of the United States—that the necessary appropriation had been made by the Legislature of Missouri and placed at the disposition of their commissioner—that the work could not progress without the requisite means on the part of Iowa, I ventured to loan him the sum of \$2,000 for the purpose. For this sum he executed his promissory note, to the undersigned as "Superintendent of Public Instruction for the State of Iowa, or to his successors in office, for the use and benefit of the common school fund," dated September 15, 1849, payable on or before two years after date with interest at the rate of ten per cent. per annum, secured by a satisfactory bond in the penal sum of five thousand dollars. This left a balance of \$1,105 52. Being advised that the county school tax had been loaned, in certain counties, as part of the school fund, and that others were required to refund money paid for school lands where the selections had not been approved, and that in both cases they were destitute of the necessary means with which to refund the various amounts thus appropriated, I distributed to those counties, as follows :

Mahaska, for refunding cash payments on land,	\$300 00
Jasper, " " " " " "	96 82
Benton, " " " " " "	50 00
Louisa, " " county school tax,	200 00
Clayton, " " " " " "	105 00
Total,	<hr/> \$751 82

A balance of \$353,70 was still left in my hands, which I advanced to Hon. H. B. Hendershott, commissioner on the part of Iowa, in addition to the sum of \$2,000 above referred to, for the use of the State in the boundary survey, and took his note for the same, with approved security, dated October 15, 1850, payable on or before the 15th day of January 1851, with the same stipulations as to interest and application, as in the case of the loan to the governor. The total amount therefore loaned to the State for the boundary survey is \$2,353 70, from which I deducted the interest due up to January 1st, 1851, as follows:

Interest on \$2,000, from Sept. 15, 1849, to January 1, 1850,	\$58 33
" " " " Jan'y. 1, 1850, " " " 1851,	200 00
" " \$353,70 " Oct. 15, " " " " "	7 36
Total,	<hr/> \$265 69

It is proper to state that this loan was made without the sanction of law. My uniform course has been to take the law for my guide in the discharge of my official duties, but the extreme inconvenience to which the two States (and particularly the inhabitants of the southern portion of Iowa) would have been subject by postponing the survey of the boundary line—the dispute existing in the vicinity of said line as to the jurisdiction of a large quantity of valuable school land—the conviction that the failure on the part of the legislature to appropriate the necessary means was an oversight, and the assurances of the governor that they could be obtained from no other source, appeared to justify me in departing from that rule in this single instance. It is sufficient to add that I acted after due consultation and mature deliberation, and took every precaution to guard sacredly the interests of the school fund in the matter. Should it meet your approbation, it will be necessary at an early day to make provision for the assumption of the loan by the State and for the release of those who have voluntarily obligated themselves for it.

During the month of November past, I received the dividend for the year 1849, \$5,697 46—add premium on draft \$10 98—making \$5,708 44. From this I deducted \$142 26, with which to replace this amount applied on salary by the Fund Commissioner of Monroe county. The balance \$5,566 18, I apportioned among the several counties as follows:

County.	Amount.
Alamakee,	\$23 09
Appanoose,	99 55
Benton,	18 40
Boone,	21 25
Buchanan,	25 70
Cedar,	94 45
Clayton,	102 20
Clinton,	78 11
Dallas,	27 34
Davis,	257 89
Decatur,	35 10
Delaware,	65 11
Des Moines,	392 19
Dubuque,	265 00
Henry,	296 82
Iowa,	20 23
Jackson,	188 02
Jasper,	38 42
Jefferson,	346 80
Johnson,	131 32
Jones,	92 82
Keokuk,	156 14
Lee,	496 49
Linn,	189 83
Louisa,	200 00
Lucas,	22 89
Madison,	40 12
Mahaska,	239 64
Marion,	150 28
Marshall,	21 39
Monroe,	95 03

Muscatine,	172 22
Polk,	110 58
Poweshiek,	26 40
Scott,	166 43
Van Buren,	401 96
Wapello,	264 60
Warren,	29 77
Washington,	162 60
	<u>\$5,566 18</u>

The total amount then of the five per cent fund received and disbursed by the undersigned will more readily appear from the following recapitulatory statement.

For 1847 (including \$20,00 premium)	\$16,442 05
“ 1848	9,105 52
“ 1849 (including \$10,98 premium)	5,708 44

Total amount received	<u>\$31,256 01</u>
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Loaned to the State by act of January 12, 1849	\$16,442 05
“ “ “ 13, “	6,000 00
“ Governor for State boundary survey	2,000 00
“ H. B. Hendershot Esq.	353 70
Paid Fund Commissioners in lieu of school tax, &c.,	751 82
“ “ “ of Monroe county	142 26
Apportioned to Fund Commissioners Nov. 19, 1850	5,566 18

Total amount disposed of	<u>\$31,256 01</u>
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It is proper to state that the introduction of military bounty land warrants has greatly decreased the annual dividends of this fund. We are only allowed the per cent on the *cash* entries. The number of acres located in the State with land warrants from the 1st of January 1847, to the 30th of November 1850 inclusive is 1,987,040 which at \$1.25 per acre amounts to \$2,483,800 00. Of this sum we would be entitled, by the terms of the act, to five per cent “after deducting the expenses incident to the same.” It is difficult to determine the amount of these expenses, but, without attempting an estimate, it will be readily perceived that the loss sustained by the school fund is no inconsiderable item.

## SCHOOL LANDS AND SCHOOL FUND.

Of the 500,000 acre grant the Fund Commissioners have selected and sold:

In the Dubuque district,	- - - - -	6,565.82 acres
“ Iowa City “	- - - - -	8,294.92 “
“ Fairfield “	- - - - -	8,794.17 “
Total selected, approved and sold,	- - - - -	<u>23,654.91 “</u>

The agents appointed under the supplemental act of January 15, 1849, have selected:

In the Dubuque district,	- - - - -	240,421.27 acres
“ Iowa City “	- - - - -	69,690.00 “
“ Fairfield “	- - - - -	63,241.74 “
Total selected,	- - - - -	<u>373,353.01 “</u>

Of the above the Secretary of the Interior has approved:

In the Dubuque district,	- - - - -	171,294.17 acres
“ Iowa City “	- - - - -	48,599.32 “
“ Fairfield “	- - - - -	28,659.77 “
Total approved,	- - - - -	<u>248,544.26 “</u>

Thus it will be seen that the total number of acres selected is 397,307.92 and the total number approved 272,200.17, leaving a balance of 102,692.08 acres yet to be selected. As the present agents have become familiar with the work, I would recommend that they be continued in office, with instructions to select the remainder as early after the close of the present winter as possible. I think it desirable however that a portion of these lands should be selected adjacent to the Missouri river, and in that event it may become necessary to wait for an extension of the surveys.

The amount paid the agents for the selections already made is:

For the Dubuque district,	- - - - -	1,248.00
“ Iowa City “	- - - - -	615.00
“ Fairfield “	- - - - -	587.00
Total	- - - - -	<u>2,400.00</u>

The average cost of selection, therefore, is a fraction over one cent and a half per acre. In addition to the above the agents have necessarily incurred other expenses, which, though of minor importance, should be allowed. I present herewith a statement of the claims of this character which have been transmitted to this office. It will also be remembered the Registers of the Land Office receive no compensation from the general government for superintending the selection of these lands. It has occupied much of their time, and has been attended with great labor and perplexity. They are required to examine carefully each selection reported by the agent—to enter it temporarily on the plats—to retain a copy of it, and to transmit the original to the Secretary of the Interior for his approval or rejection. When they are advised of the approval, it becomes their duty to re-examine the entries upon their plats and make them permanent, and to enter the subdivisions into their tract books. It would appear reasonable that they should be compensated from some source for these services, and as the State is the beneficiary, it is but equitable that it should provide a reasonable remuneration. I feel it due to these gentlemen, and their predecessors, to say that, as far as I have had any business intercourse with them respecting these selections, they have manifested a disposition to render me every facility in their power.

When the agents commenced the performance of their duties, they found it extremely difficult, in consequence of the rush of emigration to the frontiers, to make selections without infringing upon the rights of settlers. I therefore instructed them, in view of the power conferred upon me to authorize the sale of these lands, to embrace in their selections the claims of persons residing upon the public lands, having first obtained their consent to do so, with the assurance that they should be permitted to purchase them, when approved at the valuation fixed by the selecting agent. Many persons therefore have permitted their lands to be reported as school land with this understanding, and the valuation fixed has usually been \$1 25 per acre. In the month of October I notified the fund commissioners that the lands thus claimed would be sold on the first of January 1851, but that no disposition would be made of the unencumbered portion of the selections. Finding that I could not carry my purposes into effect, I subsequently deferred the sale till the 15th day of February next. In the event therefore you should find it necessary to make any changes in reference to the manner of disposing of these

lands, I would recommend that ample provision be made for carrying into effect the stipulations thus entered into with the claimants. In authorizing the arrangement above referred to, I had two objects in view—to increase at an early day the revenue of the school fund, and to prevent an undue interference with the settlement of the country. I conceive that it will be wise policy to sell the entire grant without delay. That it would increase in value by withholding it from sale a few years, there is no question, but it must also be remembered that the delay will deprive us of the benefit of a handsome revenue at a period when we most need it. For instance, 476,345 acres, the portion of the grant yet unsold, at one dollar and a quarter per acre would give five hundred and ninety-five thousand four hundred and thirty-one dollars, the interest of which for five years at ten per cent. per annum would be two hundred and ninety-seven thousand seven hundred and seventy-one dollars and fifty cents. Admitting then that we defer the sale five years in view of the increase in value, we forfeit the use of two hundred and ninety-seven thousand seven hundred and seventy-one dollars and fifty cents during that period, or of fifty-nine thousand five hundred and forty-five dollars and ten cents per annum. I have intimated, that at no period of our history would the advantages arising from the school fund be more needed than at present, and it is equally true that the disposition of these lands is our only hope for raising the amount required to meet this demand. A large portion of the 16th section grant will necessarily be unavailable for many years to come, and if the policy of deferring the sale of any portion of our school lands is to be adopted, I think it will be more applicable to the latter than the former grant. In view then of these considerations, I beg leave to recommend that so much of the first mentioned grant as remains unsold and unencumbered by the claims of settlers in the manner heretofore alluded to, shall be held subject to private entry at one dollar and fifty cents per acre, in such parcels as may be deemed expedient, upon the terms at present prescribed for the sale of school lands. To this recommendation, however, I would make the following exception—that lands appraised by the agents at any sum over and above one dollar and fifty cents per acre, shall be subject to entry in like manner at *the valuation fixed by said agents*. I am advised from various sources that the land selected is of the *very best quality*, generally combining the advantages of timber, water and prairie. In many of the selections, particularly those where the val-

uation exceeds one dollar and fifty cents per acre, coal and plaster of Paris is found in abundance. It is believed therefore, that the land will sell readily at the increased prices proposed, which will give us at least a *nett* average of one dollar and twenty-five cents per acre for the entire grant. The discrimination made between the *claimed* and *unclaimed* lands may be questioned, but when rightly viewed there is no injustice in it. In the former instance the settlers have incurred the risk of permitting the title to their claims and improvements to vest in the State, in consideration of which they are to have the land at a stipulated price, and by such arrangement the State procures a good selection and effects a ready sale. In the latter the State has made the selection without the aid of the claimant's personal observation, and without the assurance of effecting an early sale, while the purchaser secures a good home on reasonable terms and without hazarding any thing.

The Commissioner of the General Land Office, in his report of November 30, 1848, estimates the area of the State at 32,584,960 acres, which would give us for the 16th section grant 905,137 acres. It is believed, however, that the area, when ascertained by an actual survey, will exceed the estimate. I think then that we may fix our estimate of this grant at 1,000,000 of acres. Add to this the grant received under the act of Congress of September 4, 1841, and we have 1,500,000 acres donated to the State for the support of schools, which at \$1 25 per acre will give us \$1,875,000. The five per cent fund for three years past averages a little over \$10,000 per annum, which will in a few years increase the amount to \$2,000,000. I do not mean to indicate by the above statement that our school lands ought not to average more than \$1 25 per acre. On the contrary, I am convinced that with proper management we can raise the grand total of the school fund to \$2,500,000. And while I am disposed to conform in a reasonable degree to the price established by the general government in the disposition of the public domain, I cannot consent to do so at the expense of the school fund. These liberal grants should be regarded as a bequest to the youth of this State for a specific purpose, and the general assembly is made the guardian of those for whose benefit it is designed. The reduction of the price of the public lands by the introduction of land warrants, may be urged as a reason for reducing the price of school lands, but it should not be forgotten, that in the midst of the land warrant speculation, we have been selling

school lands at from \$1 25 to \$22 50 per acre, and that the sales of section sixteen have averaged about \$2 20 per acre, and I question very much whether any purchaser would now be willing to dispose of his land in an unimproved state for less than \$3 00 per acre. If the proceeds arising from the sale of these lands were to be expended elsewhere, in a manner that we should derive no benefit from them, then I should be in favor of an immediate reduction; but when we consider that they are not only to remain among us, but that every individual has a *perpetual interest* in them, the case is materially different. Permit me then to suggest, in addition to the present provisions, the expediency of fixing the *minimum* price of so much of section sixteen as remains unsold, at \$1 50 per acre—at least for a definite period. If future experience shows that sales cannot be effected on such terms, it will then be time to make the necessary reduction.

The interest of the school fund, apportioned in January 1849, amounted to \$6,365 25, and in January 1850 to \$17,027 88. The total amount of the fund now at interest is about \$279,060 07. It would appear then, that we may safely count on the sum of \$25,000 for the apportionment in January 1851.

It will doubtless be recollected that some twelve months since my opinion was solicited, through the medium of the press, in regard to the propriety of investing a portion of the school fund, for the construction of railroads. Being absent from the State, no answer was given at the time. I would therefore embrace this opportunity of saying, that there can be no risk in loaning money to a company, where a portion of the road has been completed and put in operation, but for the State to apply the school fund in taking stock, relying solely on the dividends of the road, after its completion, for the payment of the interest, could not be regarded a very judicious investment. But a more serious objection to this proposition, grows out of the fact, that rail roads are necessarily somewhat local, and the appropriation of the school fund for the construction of a particular road, would most probably incur the disapprobation of every portion of the State which would not be immediately benefited by it. I am induced to believe therefore, that such an investment is inexpedient.

A portion of the school fund of Michigan, under the law of 1837, was loaned for a term of not less than ten years to such counties as might apply for it, and the remainder to individuals. Knowing but little of the practical operation of such a provision, I am not prepared to give

an opinion in regard to it. The investment would certainly be a safe one, and perhaps advantageous to the counties. It is well known that a large proportion of the amount raised by taxation in many of the counties is not applied in defraying their legitimate expenditures, but in liquidating the *excess* of such expenditures, caused by the depreciation of county orders. In this way, some of our counties are now paying double and treble as much as their actual expenses would amount to, if paid in cash. To borrow money, and place their expenses upon a cash basis, is unquestionably the better policy.

I have made an arrangement with the Registers of the Land Office, by which they are to furnish me a transcript of the selections of school lands which have been approved, together with the University lands, and those selections under the act of Congress, of May 20, 1826, in lieu of section sixteen. By this means I shall ultimately be in possession of an authentic list of all lands granted to the State for educational purposes, and as a matter of information and convenience to the public, I would suggest that provision be made for its publication and circulation in pamphlet form.

It may be proper to mention in this connection that inquiries have frequently been made of the undersigned in reference to the *saline lands* and a desire expressed that they should be appropriated for the support of common schools. It is sufficient to say that the conditions upon which we have received them, render it impracticable for the General Assembly to comply with their wishes. I will be excused for suggesting, that they are likely to remain totally unavailable to the State, with the existing restrictions.

#### SCHOOL FUND COMMISSIONERS.

It is made my duty by the supplemental act of January 15, 1849, to examine the books and accounts of these officers. The duty has been performed only in part. The examinations were necessarily cursory. Indeed they can not be made with any degree of accuracy without referring separately and minutely to all the contracts and other papers on file in the office. As far as the investigations have extended, no material discrepancies were discovered, except in the counties of Mahaska and Jefferson. In the county of Mahaska Mr. Wesley Depew was elected fund commissioner in the spring of 1847. A large amount of business was transacted during the following sum-

mer and fall, a portion of which was rejected and the remainder confirmed under his successors. In the spring of 1848 he was superceded by Mr. P. L. Crossman, to whom he transferred his books and papers without making a final settlement. In the spring of 1849, the securities of Mr. Crossman, entertaining some fears that the business of the office was not properly attended to, made application to the county commissioners for an investigation of his accounts, which was accordingly had, and resulted in the confirmation of their apprehensions. Mr. C. immediately resigned, and Mr. John White was appointed. My attention was called to the matter by Mr. White soon after his appointment and I visited the county in July following, and again in March last, for the purpose of investigating the affairs of the office, but was unable from the partial examination then had, to arrive at any definite conclusion. In the meantime the securities determined to test the validity of the bond by legal process. The law required that it should be approved by the county commissioners, which had been neglected. The decision of the court was rendered in August last in favor of the State. I visited the county in September following, and proceeded in connection with Mr. White, fund commissioner, and W. H. Severs Esq. counsel for the securities, to a thorough and minute investigation of the matter, the result of which will be seen from the annexed statement:

P. L. Crossman in account with the School Fund,	Dr.
To 3 months notes received from Wesley Depew,	- \$1,299 98
10 years " " " "	- 13,182 34
5 " " " "	- 4,539 19
3 months notes for 500,000 acre sales per self,	- 450 00
10 years " " " "	- 4,121 00
cash " " " "	- 629 00
" " 16th section "	- 558 91
10 years notes " " "	- 1,275 12
amount of principal received on sundry notes,	- 506 88
" interest " "	- 460 01
balance paid W. D. Neally, Aug. 27, 1849, by John	
White, S. F. C., on Mershon's note,	- - 56 60
one dollar each on fifty-four contracts,	- - 54 00
drafts for interest from S. P. instruction,	- - 67 40
cash of county treasurer,	- - - 237 00

cash received of O. P. Beckman, Aug. 28, 1848,	70 00
"    "    J. Higginbottom, to be applied on 3 months note,	50 00
	<hr/>
Total amount,	\$27,557 43
	Cr.
By 3 months notes of Depew, transferred to J. White, S.	
F. C.	\$1,218 32
10 years " " " "	11,339 39
5 " " " "	4,281 15
3 months notes given to self " "	322 50
10 years " " " "	4,956 12
5 " " " "	931 00
drafts for interest from S. P. instruction " "	67 40
amount paid on rescinded contracts, - - -	2,818 75
cash paid White S. F. C. - - -	240 70
amount allowed for salary April 9, 1849, - - -	460 00
cash paid school inspectors, - - -	133 80
"    "    White S. F. C. for C. Ritchy, - - -	10 00
"    loaned William Mier, - - -	67 00
W. Veach and H. Bond's note dated Feb. 5, 1848, -	43 50
W. Veach's " " " "	38 40
"    "    "    "    "    7, -	31 67
	<hr/>
	\$ 26,959 70
	<hr/>
Balance due September 28, 1850,	\$597 73

The securities are entirely responsible and no fears are entertained as to ultimate loss. The balance has not yet been settled. Some diversity of sentiment exists as to the interest on the deficiency. I gave it as my opinion that interest at the rate of ten per cent. per annum would be claimed at least from the day the deficiency was ascertained. I advised the commissioner, in the event of a final settlement, to take satisfactory legal counsel.

It is proper to state that the validity of Mr. Higginbottom's claim, with which Mr. Crossman is charged, is questioned. Mr. C. affirms that it was a private transaction, and that he has in part settled it.

Mr. H. contends that he paid it to Mr. C. with the understanding that it should be endorsed on his note. The total amount of the note has since been collected by Mr. White, the present commissioner. The securities do not consider themselves liable for it. If the claim is rejected, it will decrease the indebtedness of Mr. C. to the school fund fifty dollars.

The selections of the 500,000 acre grant made by Mr. Depew were rejected, and the bonds cancelled and money refunded by his successors. In cancelling contracts, I instructed the fund commissioners to refund the *total amount of money paid by the purchasers*, principal and interest. Some of the purchasers, however, claimed interest on the cash payment from the date of the contract, which does not appear to have been contemplated by the *supplemental act of January 25, 1848*. The law referred to says, that the proper officer shall cancel the bonds given, and "*refund back all moneys which may have been paid by purchasers.*" If interest from the date of the contract was intended, it has not been so expressed. Again, individuals indebted to the school fund, having purchased the unsettled claims of others against it, demanded an offset, in their settlement with the fund commissioner, to the amount of said claims, from the day they obtained possession of them. But the fund commissioner, considering the claims only available from the time of presentation, refused to allow such offset, and proceeded to collect the interest which had accrued on the notes of such persons, between the time of purchasing and presenting said claims. If any new provisions are made on the subject, they should be sufficiently comprehensive to embrace all of the cases referred to. For want of time the examination of the affairs of the office did not extend to the accounts of Mr. Depew. From a partial examination of his books and papers, some inaccuracies were apparent, but to what extent I am not prepared to say. I directed the present commissioner to effect a final settlement with him without delay and report the facts to this office.

In the county of Jefferson, Mr. F. M. Allen was elected school fund commissioner in the spring of 1848 and succeeded by Mr. W. C. Jones in April last. I visited the office in October, and from personal observation and facts stated by the present commissioner, I became satisfied that a deficiency existed, or that the accounts were incorrect. I therefore instructed Mr. Jones to give Mr. Allen immediate notice to appear and make a final settlement. Being unable in consequence

of other engagements, to superintendent the matter in person, I requested Hon. Bernhart Henn to do so for me. Mr. A. appeared in conformity with the notice. The examination was conducted with great care and to the entire satisfaction of both parties, and the following ascertained to be a true statement of the account:

<i>F. M. Allen in account with the school fund,</i>		Dr.
To proceeds of sales of school land,	\$13,557 10	
“ one dollar each on 88 contracts,	88 00	
“ interest collected since Jan. 1, 1850,	14 00	
Total amount,	<hr/>	\$13,659 10
		Cr.
By amount of contract notes transferred to Mr. Jones,	6,841 44	
“ amount of mortgage “ “ “	4,656 25	
“ cash paid Mr. Jones,	367 85	
“ amount allowed for salary,	475 00	
“ incidental expenses,	73 35	
“ interest overpaid in apportionment,	30 15	
Total amount,	<hr/>	\$12,444 04
Balance due school fund,		<hr/> <hr/> \$1,215 06

The securities I am informed are perfectly good, and by last advices Mr. A. was making arrangements to have the matter properly adjusted. It is due to the two gentlemen named, Mr. Crossman and Mr. Allen, to say, that I conceive the derangement of the affairs of their respective offices more the result of bad management, than design. The circumstances do not seem to justify the imputation of impure motives. The accounts however give evidence of sheer neglect and carelessness.

The manner of conducting the business in a majority of the offices I have visited is by no means satisfactory, but as much so perhaps as the circumstances would warrant. To most of the present incumbents the duties of the office are entirely new and complicated, and being occupied the greater portion of their time with the secular employments of life, a degree of informality and irregularity in their official business is almost unavoidable. The truth is that the compensation as a general thing does not justify them in devoting that atten-

tion to these duties which is absolutely necessary. While they are not very onerous, they are sufficiently so at times to render them exceedingly difficult to perform. There is a looseness and inaccuracy about many of the reports and other documents transmitted to this office, which is to be regretted. Many essential items are not reported at all, and others are so imperfectly stated, as to leave it a mere matter of conjecture in determining their true import. My impression is that the abstracts of the fund commissioners' reports appended to this report, will not show the *net* amount of the school fund now at interest by some ten thousand dollars, nor is there any reliable information in this office by which the amount of interest that has been collected, and the objects to which it has been applied, can be ascertained. It will be seen that in quite a number of counties there is no statement at all of the amount paid for salary and contingent expenses. In the reports for the present year the latter item for the entire State is only \$163,43, when it is quite certain that in some cases nearly half this sum has been paid by a single county. It further appears from the same reports that the sum of only \$707,00 has been realized from the bonus of one dollar required on each contract, under the law of Feb. 24, 1847, and that the sum of \$288,00 of this amount is reported by two counties alone—Henry and Van Buren. But it is neither my purpose nor desire to become a public censor in this matter. I wish simply to state the facts, and leave you to decide by an examination and comparison of the abstracts themselves, whether there are any grounds for the opinion I have expressed. This state of things is easily accounted for when the combined circumstances, alluded to in the former part of this paragraph, are properly considered. I conceive that *the system* is more at fault, than those whose duty it is to administer it. It was doubtless the design of the commissioners to make a correct statement, and it affords me pleasure to say further of these officers, that they have uniformly manifested a disposition to comply with the requirements of the law when in their power to do so.

There is delinquency somewhere in regard to the collection of fines for breaches of the penal laws. The total amount of this class of funds reported for the present year is \$905,67. It is fully conceded that we are a law abiding people, but it does not appear reasonable that this sum is all that we have paid during the past year for the exercise of our belligerent propensities. The present law requires the

officers who collect the fines, to pay them over to the fund commissioners. The fair presumption is, that they have been collected, but not accounted for by the collecting officer.

Some dissatisfaction arose during the summer of 1849, in regard to the compensation allowed under the new law. The law of February 24, 1847, provided that the fund commissioners should "be paid out of the school fund," but under the act of January 15, 1849, they are "to be paid out of the county treasury." The difference of opinion was simply as to the time when the salary allowed under the former act should cease, and that prescribed by the latter should commence. I decided that they should be paid out of the school fund up to the 31st of January 1849, the time when the latter act took effect, and subsequent to that date out of the county treasury. To this decision the fund commissioners of the counties of Wapello and Clayton took exception, but finally acquiesced, with the understanding that the question should be left open. They contended that they were entitled to compensation out of the school fund, till the expiration of the term for which they were elected, without reference to the provisions of the new law on the subject. I made several attempts to get a judicial decision upon this point, but having failed to do so, it remains unsettled. If the construction given by the undersigned is incorrect, it will be proper to make provision for refunding from the school fund the amount paid these officers by the respective counties from the 31st of January 1849 to the 1st of April 1850. I would remark further, that a difference of opinion exists as to the meaning of the language "paid out of the school fund," used in the law of February 24, 1847. Some contend that the *principal*, and others that the *interest* of the fund is referred to. Finding upon examination that, with but few exceptions, the salaries of fund commissioners had been paid out of the *principal*, for the sake of uniformity I refunded the amounts taken from the interest, in the manner heretofore alluded to. The salaries of these officers then, from the first of April 1847 to the 31st of January 1849, as far as I am advised, have been paid out of the *principal* of the school fund, and subsequently out of the county treasury. As this subject will be referred to again, it will be sufficient for the present to add, that it is an act of injustice both to the counties and officers in question to compensate them out of the county treasury. Most of the duties they perform are of a general character, in which the whole State has an interest.

## PROPOSED AMENDMENTS.

In my former report, I proposed certain amendments in regard to the management of the school fund, which did not meet the approbation of the General Assembly. Though still convinced of their utility and expediency, I am not disposed to urge them upon your attention under existing circumstances. I would remark, however, that I have heard but two objections of any force urged against the plan then submitted—first, that it would subject purchasers, and others indebted to the school fund, to great inconvenience in settling the demands against them; and secondly, that it would concentrate too much power in the hands of one man. I am nevertheless satisfied that both objections may be removed with proper legal restrictions—the former by providing that the notes given for land purchased and money loaned shall be deposited with some county officer, to whom payments of principal and interest may be made, and the latter, by requiring the commissioner to give ample security, and to register the names of those who wish to borrow money and to loan to each in the order of his application, when the necessary security can be given. I would add, that the school fund of Connecticut, amounting to 2,077,-641 dollars and 19 cents, has been under the control of one officer for the last twenty-five years, and instead of favoritism and abuse of power being the necessary result of such policy, experience shows that it is the most efficient and satisfactory plan that State has yet been able to devise.

The people of Michigan also appear to have adopted the same policy with equal success. In alluding to this subject the Superintendent remarks: "The State of Indiana gives to the inhabitants of each of the townships the right of exercising over section sixteen the duties and powers of a landlord; to coerce contracts; to prevent waste and damage, and whenever five qualified voters petition, they must vote by ballot, for sale or no sale of the section, thus multiplying officers, duties and difficulties, not only in this, but in various ways. In Ohio, millions of money were long since reported from authentic sources, to have been lost from the school fund by this system. In Illinois the same difficulties have arisen, and legislation in all these States could not so frame and guard the laws, but defects existed, to weaken the sources of accumulation to the fund. Reference to their laws show a multiplicity of officers, with various powers and duties and

increased expenses, as reference to their history will show for what a long series of years they were without marked advancement in the means of educating their youth."

But we have perhaps progressed too far with the present plan for the management of our school fund, to make as radical a change as the one then proposed, and alterations then applicable may not be so now. I therefore beg leave respectively to suggest, as the next best plan that presents itself to my mind, the propriety of blending the office of school fund commissioner with some one of the permanent county offices. I am not strenuous as to what particular office shall be selected, but am induced to believe that that of clerk of the district court is best adapted to our wants. It is essential that we have a faithful, prompt and competent officer, whose accounts should be kept with the utmost accuracy, and upon the most approved system of book keeping. In some of the offices the amount of business transacted already exceeds \$20,000, and is liable at no distant day to be increased to more than \$50,000. Only a moments reflection then is necessary to convince any one of the truth of the foregoing assertions. The experience of business men I believe is, that the most systematic method of book-keeping is the least complicated. An apparently more simple form may subserve our purposes for the present, but in a series of years it will result in a derangement of the business, which the most skillful accountant cannot explain. We have at present about as many different systems as there are officers. I should prefer having the office of fund commissioner separate as it now is, but have recommended its connection with one of the county offices on the score of economy. The salary should be fixed by law and paid out of the interest of the school fund, with such contingent expenses as may be necessary—that is to say, there should be a stipulated price for the amount of business transacted, so that the entire compensation allowed by uniting the two offices, should be sufficient to justify the officer selected in devoting his time exclusively to the duties assigned him. It is also necessary that some state officer should be designated to superintend the several county offices—to examine the books and accounts at least once a year, and to concentrate an accurate statement of the business transacted in each in a set of books kept by himself. At present this duty devolves upon the Superintendent of Public Instruction, but the numerous other duties incumbent upon him places it beyond his power to give the matter that attention

which it deserves. I find while devoting my time to one class of duties, that others of equal importance are necessarily neglected. To superintend the establishment of schools, lecture in the several counties and districts, (a duty which of itself requires a journey of some three thousand miles,) confer with school officers, receive and file all papers, reports and public documents transmitted to him, apportion the interest of the school fund, prepare and transmit blanks for reports, attend to the organization of the University and Normal schools, make rules and regulations for the benefit of school officers, keep up the official and miscellaneous correspondence, record and report all the proceedings of his office, and "perform *generally* such duties as may tend to advance the interests of education," is about as much as one man can properly attend to. But to add to this, the selection and sale of school lands, the collection and distribution of the five per cent fund, the adjustment of land titles, the investment of the school fund, and a periodical examination of the accounts of the Fund Commissioners, and it must follow that a portion of the duties enumerated will be totally neglected, or that all of them will be but imperfectly attended to if a portion of the time allowed for the whole is devoted to each. In the event a State Land Office is established (and I may here add that the quantity of public land owned by the State, together with the grants in anticipation, render it almost indispensable) it will be proper to transfer the duties last referred to which now devolve upon the Superintendent, to that department. If, however, it is considered most expedient to require the Superintendent still to perform them, it will be necessary to provide for the employment of a clerk, who can remain permanently in the office. I seriously doubt the policy, however, of making the Superintendent of Public Instruction a financial officer, further than the apportionment of the annual dividends of the school fund is concerned. The educational duties that necessarily devolve upon him are, in this enlightened age, more than sufficient to occupy his entire time. This subject is fully considered, and placed in its true light by the Superintendent of Public Instruction of Michigan in his late able report. He says—"The creation of this officer with a slight change of name was deduced from the Prussian system. The principle upon which that system was based, was 'that every State needs a separate officer of Public Instruction, and that there should be nothing to divert the attention of that officer who has the general supervision of the peoples' education.' Under that

system this officer devotes his whole time to schools and the state of education. The creation of such an officer was intended in the adoption of this provision of our own constitution. It looked to a general supervision not only of primary schools, but of the university, of colleges, academies, high schools, and all schools, public or private, established or to be established throughout the State. The field laid out in the intention of its framers was conceived to be sufficiently responsible and arduous; sufficiently vast and comprehensive in all its bearings to engage every moment of time and consideration; to employ the entire thought and labor of one man, in devising the means of bringing into perfection, a system so enlarged and commanding; embracing full knowledge of education, and its progress among the people in whatsoever form or shape it was working its way, by public grant or private endowment; by State patronage or individual exertion and munificence. The imposition of other duties of a financial character retarded the state of perfection thus contemplated. Legislation has done much in restoring the office to its proper character."

In issuing patents we have no correct means of detecting errors made in the certificates of purchase given by the fund commissioners. For want of this information, patents have been issued to different persons for the same land. By authorizing the officer, whose duty it shall become to superintend this business, to procure such plats of the school and University lands as may be necessary, the difficulty will be removed.

To provide for the management of the school fund is doubtless the most difficult task that will at any time devolve upon the General Assembly. That the system under which we are now acting is inadequate and defective, I think no one will pretend to deny, and for my own part, I have no desire to perpetuate it, either in whole or in part, if a better can be devised. I regard the *safety* of the fund as the chief object to be kept in view, and the plan that will be most effectual in attaining this desirable end, I am prepared at once to adopt. It is hoped therefore that no undue importance will be attached to the suggestions I have made. If a more radical change than the one proposed is deemed necessary, the present is probably the most favorable opportunity for making it, that will present itself.

I have alluded to the inconveniences consequent upon the alteration of school districts. My conviction is, that they are attributable in a great measure to the provisions of the law authorizing such alter-

ations. Changes are sometimes convenient and useful, but upon the whole I believe they are attended with more harm, than good. I would therefore recommend that commissioners be appointed in each county, who shall be required to act under oath, and empowered, after a careful examination of the various settlements of the county and the districts already formed, to divide the same into a series of new districts, without reference to the municipal townships, of such size as in their judgment will best promote the present and future interests of the inhabitants—conforming as far as may be practicable to the government surveys. They shall then file a plat and written description, properly authenticated, of the districts thus formed and regularly numbered from one upward in the manner that sections are numbered in the survey of the public lands, with the fund commissioner, who shall immediately record said description in his office, and from and after the date of such record it shall be binding, until otherwise ordered by the General Assembly. It shall be further the duty of the fund commissioner to organize said districts by giving the necessary notice for an election, in the manner now prescribed for the formation of new districts. Special provisions should also be made for the protection of districts now organized, which may be effected by the change. No definite rule can be prescribed in regard to geographical limits, but it is certainly desirable to have our districts much larger than most of them now are. To create some half dozen petty corporations where one will subserve our purpose better, is unquestionably impolitic. This remark is not solely the result of my own observation, but is based upon the recommendations of the most experienced educators of the older States. The Hon. Horace Mann, in referring to this subject, says :

“I consider the law of 1789, authorizing towns to divide themselves into districts, the most unfortunate law, on the subject of common schools, ever enacted in the State. During the last few years, several towns have abolished their districts and assumed the administration of the schools in their corporate capacity; and I learn, from the reports of school committees, and from other sources, that many other towns are contemplating the same reform.” This is but one of the hundreds of equally reliable authorities that might be given. For myself, I think our congressional townships (six miles square) none too large for school districts, but I am disposed to yield to the wishes of the people and desire them to consult their own convenience in

the matter. The prime object of the present recommendation, is to avoid the contention and strife arising from the repeated changes which occur under the present law. The commissioners should be allowed a definite compensation for their services, to be paid out of the interest of the school fund.

I have been thus minute in designating the manner of performing this duty, from the fact that we now contemplate a general, permanent reorganization, and we may just as well have some reference to order and symmetry in the matter as not. Indeed no state in the Union is better adapted for the formation of a beautiful and uniform system of school districts than our own. It is incumbent upon us then, to avail ourselves of the advantages we possess, while it is in our power to do so. That some objections will be urged against the plan proposed, and that it will cause some temporary inconvenience I have not the slightest doubt; but unless it, or some similar one, is adopted and carried into effect, our school system will utterly fail to accomplish the end for which it is designed.

It is essential that additional provisions should be made for the protection of our school and university lands against waste. Under the present law this power is confined to the *organized* counties, while a large proportion of our most valuable lands have been located in the *unorganized* counties. I have been repeatedly advised, during the past year, by petitions and otherwise, of depredations committed upon the timbered lands. My attention was particularly directed to the county of Blackhawk, where an extensive body of timbered land has been selected. Persons engaged in the lumber business, on the Cedar river, have manifested no scruples in supplying themselves liberally with saw-log from the school lands. Some stringent, summary provision is required, that will be applicable in any emergency that may arise.

The present law for the management of the school fund is indefinite in regard to the character of funds that shall be received. The officers having to exercise their own discretion in the matter, usually receive the ordinary currency of the country. In order to guard more effectually against loss, I conceive it important that the school fund should be placed upon a specie basis, and would therefore recommend that all payments for land sold, or for interest on money loaned, shall be required in specie. The sum of about 20,000 dollars of interest remains in the hands of the fund commissioners from the first of January to the first of March, and in case any portion of this amount, which

may have been collected in current bank paper, should depreciate in value, it is questionable whether these officers could be held accountable on their official bonds. This rule may be considered arbitrary by some, but it is the only safe one we can adopt.

There are other amendments of minor importance required, but it is unnecessary to enumerate them here. The general features of the present law are unexceptionable, and as far as we can do so with propriety it will be proper to retain them. As a matter of convenience, it is desirable that the several acts and amendments now in force, for the management of the school fund and the establishment of schools, should be arranged under one general title.

A few reflections upon our present and future prospects, will close this report. To the superficial observer the subject of popular education is of but little moment, but to those who have minutely traced its history, and contemplated its bearings upon the destiny of our race, it becomes vast and comprehensive in its range—unfathomed in its depths, unmeasured in its heights, unsurveyed in its circumference. Time was when it was deemed sufficient to establish literary institutions for the instruction of those who possessed the pecuniary advantages requisite for the acquirement of a liberal education. The result was that the few, whom birth and fortune chanced to favor thus, were liberally educated, while millions remained in total ignorance and degradation. Under such a system it was natural that man, awed by superior intelligence and crushed by uncurbed ambition, should become the helpless suppliant of his brother, and the abject slave of his fellow. But the introduction of common schools has revealed a brighter era in the history of the world. Education is no longer circumscribed in its limits. The public school is designed for no particular class of mankind, but bestows its favors and sheds its benign influences alike upon all. While it seeks the mansion of the wealthy and influential, and opens to them its rich and exhaustless treasury, it forgets not the humble dwelling of the oppressed and indigent. Not quite a century of our national existence has passed, and yet we can challenge the world in point of intelligence and enterprise. The enlightened nations of Europe are forced to own our superiority, and are beginning to copy our institutions. The old world has become tributary to the new. That proud empire, which but a few years since awed kings and emperors into subjection with a nod, and virtually exercised universal sway by sea and land, has been compelled to acknowledge at least a rival and an equal in the immediate descent.

ants of a handful of down-trodden and destitute emigrants. Our navy traverses every ocean, and our armies return in triumph from every field. Our flag floats upon every breeze, and our canvass whitens every sea. Our trade and commerce have entered every port, and our wares and products are seen in every mart. Foreign powers are availing themselves of the superior skill of our engineers and machinists in the construction of their rail-roads and public thoroughfares. Our artists have crossed the Atlantic with the chisel and pencil, and our literary and scientific men have "carried the line and rule beyond the utmost barriers of creation." To the incredulous this may seem fiction, but history gives it the impress of stern reality. Fancy in its wildest flight, and imagination in its widest range, can scarcely keep pace with reality. Who can recur to our history for the last five years without being overwhelmed and astounded with the number of our transitions, and the rapidity of our strides to national greatness? Rail-roads are projected to-day as it were, and to-morrow we hear the rumbling of the cars. "The mad unchained elements," have become subservient to our wishes, and intelligence traverses our ample domain with the velocity of thought. We stand pre-eminent among the nations of the earth, destined at no distant day to rule and govern the world. To rule and govern the world did I say? No, but to *teach the world how to rule and govern itself*. And what, it may be asked, has produced these extraordinary results? The institution and progress of common schools answers the question. Coeval with the tree of liberty, our fathers planted the district school, and it has continued to deepen its roots and extend its branches, till its influences are felt from the coast of the Atlantic to the shores of the Pacific, and from the Rio Grande to the fountain sources of the Mississippi. Where, but yesterday, the Indian reveled in his war-dance and medicine-feast, the Anglo-Saxon is now maturing his plans for a system of moral and intellectual training, that shall reach all conditions of men. The old theory, that the parent and school-master were alone responsible for the education of the child, has been exploded, and the State is held accountable for the instruction of its youth.

Such then is the character and tendency of the institution we are now endeavoring to establish in Iowa. And where could we find for it a richer soil, a wider theatre and a more eligible sphere? Our territorial area is sufficiently extensive and productive to sustain a population nearly equal to that of the entire Union itself. Our re-

Keokuk, . . . . .					1,900 00	4,415 57	13 28	200 00	42 00
Lee, . . . . .	1			3	9,876 80	7,188 11	75 60	*513 11	
Linn, . . . . .				7	2,705 96	6,297 18	23 86	469 05	
Louisa, . . . . .				1	2,400 00	6,831 10	134 81	357 18	
Lucas, . . . . .									
Madison, . . . . .				1	150 00	560 00	25 00		
Mahaska, . . . . .				2	5,716 99	7,995 09	259 26	400 00	
Marion, . . . . .					4,578 92	6,006 00		337 34	
Marshall, . . . . .									
Monroe, . . . . .				5	2,641 97	3,648 60	130 33		18 00
Muscatine, . . . . .					1,975 00	4,582 00	160 00		
Polk, . . . . .		1	1		1,190 00	4,423 08	210 00	508 34	
Pottawattamie, . . . . .									
Powashiek, . . . . .					487 50				
Scott, . . . . .	1	1	4	1	2,860 50	7,597 40		200 00	
Van Buren, . . . . .					7,458 18	8,775 20		450 00	10 00
Wapello, . . . . .				4	8,949 35	10,657 09	115 00	402 00	
Warren, . . . . .					185 00	240 00	5 00		
Washington, . . . . .				5	2,500 00	4,198 81	238 00	175 00	
	4	4	10	44	\$103,864 85	\$143,939 21	\$2,425 52	\$6,396 57	\$163 43

\* Salary for three years.

## I

Money appropriated by law and raised by subscription for the support of schools, and the source from which the amount accrued.

COUNTIES.	County Tax	Interest of public fund.	Militar fines.	Fines for breach of laws.	Sale of w-ter crafts.	Sale of lost goods.	Sale of es-trays.	Voluntary subscriptions	Grocery li-ense.
Allamakee,	\$7 14								
Appanoose,	49 00	\$157 76		\$5 00					
Benton,	32 97	76 11		5 00					
Boone,	3 24	45 9						\$19 06	
Buchanan,	15 51								
Cedar,								934 24	
Clayton,									
Clinton,	715 56	350 32		75 00			\$69 20	238 42	
Dallas,	6 14	56 44						12 58	
Davis,	177 70	681 68		19 45			22 00	8 33	\$25 00
Decatur,	11 00								
Delaware,	150 00	175 10		34 11				347 50	
Des Moines,	542 90	2,021 70		30 00			10 00		
Dubuque,									
Fayette,									
Fremont,									
Henry,	778 74	1,119 96		20 00			23 75	1,146 88	
Iowa,	47 50	76 79						52 26	
Jackson,	441 00	613 70		60 00				1,005 71	
Jasper,	99 87	123 08		14 85			16 83		
Jefferson,	582 50	1,227 86		25 00			40 30	800 14	
Johnson,	33 18								
Jones,	227 99	563 44		5 00					
Keokuk,	151 72	566 78		40 00					
Lee,	733 36	1,845 18		80 00			18 00		
Linn,	522 51	519 39		29 26				915 92	
Louis,	238 68	519 90		15 00			63 00	548 63	

Lucas, . . . . .	6 30						
Madison, . . . . .	10 75	125 12	10 00				
Mahaska, . . . . .		1,219 13	131 15				
Marion, . . . . .	243 60	687 49	10 09			313 61	
Marshall, . . . . .	6 85						
Monroe, . . . . .	40 50	260 06	27 50		1 00		
Muscatine, . . . . .	400 00	418 50	74 70				
Polk, . . . . .	96 37		15 00				75 00
Pottawattamie, . . . . .							
Powashiek, . . . . .	19 70	43 66	5 00				
Scott, . . . . .	680 00	481 10	10 00				
Van Buren, . . . . .	2,185 25	1,484 68	9 65				
Wapello, . . . . .	586 00	753 44	55 00			899 38	
Warren, . . . . .							
Washington, . . . . .	206 73	622 54	10 00		33 50	701 63	
	<b>\$10,043 20</b>	<b>\$17,606 76</b>	<b>\$905 67</b>		<b>\$297 58</b>	<b>\$7,742 34</b>	<b>\$100 00</b>

COUNTIES.	Total amount of sales of sixteenth section up to date.				Total amount of sales of five hundred thousand acres up to date.				
	No. of acres.	\$1 on	Am't in cash.	Amount on credit.	No of acres	\$1 on	One-fifth in cash.	One-fifth on credit.	Four fifths on credit.
		contracts				contracts			
Allamakee, .....									
Appanoose, .....	1,900.00	\$4 00	\$1,500 00	\$152 50					
Benton, .....	359.60	4 00	475 85	50 00	320.00	2 00	50 00		160 00
Boone, .....									
Buchanan, .....	120.00		97 50	112 50					
Cedar, .....	680.00		295 75	825 00					
Clayton, .....	3,690.00		2,008 05	3,521 15	2,240.00		731 31		2,240 00
Clinton, .....	2,299.50	2 00	1,425 28	3,252 54					
Dallas, .....	160.00	1 00	100 00	100 00					
Davis, .....	5,840.00		3,133 17	6,063 23	320.00		80 00		320 00
Decatur, .....									
Delaware, .....	808.99	10 00	347 75	1,043 25	320.00	1 00	80 00		320 00
Des Moines, .....	5,720.00		14,964 88	6,672 01					
Dubuque, .....	6,634.00		5,179 52	7,426 59	1,040.25		178 62	81 38	1,040 00
Fayette, .....									
Fremont, .....									
Henry, .....	5,340.00	168 00	6,216 44	6,500 28					
Iowa, .....	233.00		76 93	230 81					
Jackson, .....	3,864.00		2,617 24	3,837 33					
Jasper, .....	400.00	4 00	200 00	300 00					
Jefferson, .....	6,480.00		4,274 79	9,627 31					
Johnson, .....	2,908.86		2,196 06	4,588 03					
Jones, .....	2,360.00		755 00	2,539 75	3,130.00		940 00		2,970 00
Keokuk, .....	3,150.00	19 00	2,155 28	4,413 57					
Lee, .....	7,080.00								
Linn, .....	2,959.00	7 00	2,648 07	4,737 18	1,720.00	12 00	430 00		1,720 00
Louisa, .....	3,910.73	50 00	2,161 68	6,485 06	640.00	8 00	166 00		634 00
Lutas, .....									

Madison, .....	560.00		175 90	555 00					
Mahaska, .....	4,460.78		3,135 08	7,187 59	4,125.85	54 00	629 00	450 00	4,121 00
Marion, .....	5,800.00	19 00	4,119 00	3,411 00	1,094.61	5 00	773 26		595 00
Marshall, .....									
Monroe, .....	3,920.00	18 00	2,103 40	3,916 60	320.00	1 00	80 00		320 00
Muscataine, .....	3,001.00		2,135 54	4,582 00					
Polk, .....	2,232.50	12 00	697 65	2,058 00	2,365.08	14 00	580 73		2,365 08
Pottawattamie, .....									
Powashiek, .....	640.00		200 00	600 00					
Scott, .....	4,240.00		2,860 50	7,597 40					
Van Buren, .....	6,786.45	120 00	7,458 18	8,775 20					
Wapello, .....	5,631.07	43 00	4,435 39	5,095 38	7,041.67	64 00	2,522 88	777 57	5,561 71
Warren, .....	320.00		190 00	210 00					
Washington, .....	3,757.00	65 00	3,297 50	4,438 81					
	108,249.40	\$546 00	\$83,636 58	\$120,877 07	24,677.21	\$161 00	\$7,231 49	\$1,308 95	\$22,666 09

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 20th day of January, 1849, as required by law :

Amount of interest paid to the respective School Fund Commissioners on the first day of January, 1849, as shown by their reports :		Amount of interest apportioned to each county on the 20th day of January, 1849 :		
COUNTIES.	AMOUNT.	COUNTIES.	NO. OF CHILDREN.	AMOUNT.
Appanoose, - - -		Appanoose,	224	\$33 60
Benton, - - -	\$17 45	Benton,	162	24 30
Buchanan, - - -		Buchanan,	130	19 50
Cedar, - - -	67 58	Cedar,	788	118 20
Clayton, - - -	94 60	Clayton,	403	60 45
Clinton, - - -	8 03	Clinton,	526	78 90
Dallas, - - -		Dallas,		
Des Moines, estimated,	1,295 00	Des Moines,	4,645	696 75
Davis, - - -	108 00	Davis,	1,812	271 80
Delaware, estimated,	35 00	Delaware,	436	65 40
Dubuque, - - -	256 07	Dubuque,	1,280	192 00
Henry, - - -	295 67	Henry,	2,805	420 75
Iowa, - - -		Iowa,	42	6 30
Jasper, - - -		Jasper,		
Jackson, - - -		Jackson,	800	120 00
Jefferson, - - -	174 54	Jefferson,	2,988	448 20
Johnson, - - -	127 37	Johnson,	1,299	194 85
Jones, - - -	131 13	Jones,	694	104 10
Keokuk, estimated,	180 00	Keokuk,	1,286	192 90
Lee, - - -	946 53	Lee,	5,573	835 95
Linn, - - -	23 36	Linn,	1,334	200 10
Louisa, - - -	412 27	Louisa,	1,588	238 20
Mahaska, estimated,	160 00	Mahaska,	1,516	227 40
Marion, - - -	169 91	Marion,	1,125	168 75
Monroe, - - -	133 74	Monroe,	367	55 05
Muscatine, - - -	103 00	Muscatine,	1,360	204 00
Polk, estimated, - - -	93 63	Polk,	752	112 80
Poweshiek, - - -		Poweshiek,	72	10 80
Scott, estimated, - - -	250 00	Scott,	1,085	162 75
Van Buren, - - -	485 04	Van Buren,	3,589	538 35
Washington, - - -	201 04	Washington,	1,372	205 80
Wapello, - - -	696 29	Wapello,	2,382	357 30
<b>Total, - - -</b>	<b>\$6,365 25</b>	<b>Total,</b>	<b>42,435</b>	<b>\$6,365 25</b>

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 25th day of January, 1850, as required by law :

Am't of interest paid to the respective School Fund Commissioners on the first day of January, as shown by their reports :		Amount of interest apportioned to each county on the 25th day of January, 1850.		
COUNTIES.	AMOUNT.	COUNTIES.	NO. OF CHILDREN.	AMOUNT.
Allamakee, (no report)		Allamakee,	154	\$52 36
Appanoose, - - -	\$44 03	Appanoose,	464	157 76
Benton, - - -	20 04	Benton,	26	8 84
Boone, (no report)		Boone,	135	45 90
Buchanan, " "		Buchanan,	120	40 80
Cedar, - - -	431 49	Cedar,	998	339 32
Clayton, - - -	503 93	Clayton,	687	233 58
Clinton, - - -	88 20	Clinton,	733	249 22
Dallas, (no report)		Dallas,	166	56 44
Davis, - - -	420 00	Davis,	2,002	680 68
Delaware, - - -	159 39	Delaware,	515	175 10
Des Moines, - - -	1,350 00	Des Moines,	4,578	1,556 52
Dubuque, - - -	464 31	Dubuque,	2,587	879 58
Henry, - - -	1,000 82	Henry,	3,294	1,119 96
Iowa, (estimated)	6 30	Iowa,	226	76 84
Jackson, - - -	58 00	Jackson,	1,805	613 70
Jasper, (no report)		Jasper,	362	123 08
Jefferson, - - -	1,202 06	Jefferson,	3,211	1,091 74
Johnson, - - -	327 89	Johnson,	1,417	481 78
Jones, - - -	500 43	Jones,	786	267 24
Keokuk, - - -	439 63	Keokuk,	1,667	566 78
Lee, - - -	1,456 62	Lee,	5,427	1,845 18
Linn, - - -	439 59	Linn,	1,585	538 90
Louisa, - - -	755 94	Louisa,	1,735	589 90
Madison, (no report)		Madison,	368	125 12
Mahaska, - - -	1,219 13	Mahaska,	1,356	461 04
Marion, - - -	654 49	Marion,	1,580	537 20
Monroe, - - -	348 08	Monroe,	808	274 72
Muscatine, - - -	418 50	Muscatine,	1,413	480 42
Polk, (estimated)	227 42	Polk,	393	133 62
Poweshiek, (no report)		Poweshiek,	127	43 18
Scott, - - -	374 93	Scott,	1,415	481 10
Van Buren, - - -	999 59	Van Buren,	3,895	1,324 30
Wapello, - - -	1,309 41	Wapello,	2,216	753 44
Washington, - - -	428 21	Washington,	1,831	622 54
State loans, - - -	1,379 45			
<b>Total,</b>	<b>\$17,027 88</b>		<b>50,082</b>	<b>\$17,027 88</b>

## SCHOOL FUND COMMISSIONERS.

COUNTY.	NAMES.	POST OFFICE.
Allamakee,	Elias Topliff,	Garnavillo.
Appanoose,	D. P. Sparks,	Centreville.
Benton,	E. H. Keys,	Vinton.
Boone,	John Gault,	Fort Des Moines.
Buchanan,	William Logan,	Independence.
Cedar,	Preston J. Friend,	Tipton.
Clayton,	Samuel Murdock,	Garnavillo.
Clinton,	A. R. Bissell,	Camanche.
Dallas,	Benjamin Green,	Adell.
Davis,	Harvey A. Sloan,	Bloomfield.
Decatur,	H. B. Notson,	Nine Eagles.
Delaware,	John Benson,	Delhi.
Des Moines,	William Walker,	Burlington.
Dubuque,	George McHenry,	Dubuque,
Fayette,	(none elected.)	
Fremont,	(none elected.)	
Henry,	Archibald McKinney,	Mount Pleasant.
Iowa,	Martin Ballard,	South English.
Jackson,	Daniel F. Spurr,	Bellevue.
Jasper,	Jesse Rickman,	Newton.
Jefferson,	William C. Jones,	Fairfield.
Johnson,	John McCaddon,	Iowa City.
Jones,	Joseph Mann,	Anamosa.
Keokuk,	J. B. Whisler,	Lancaster.
Lee,	William Stewart,	West Point.
Linn,	Alpheus Brown,	Marion.
Louisa,	Oliver Benton,	Wapello.
Lucas,	Andrew McClurg,	Chariton Point.
Madison,	A. D. Jones,	Winterset.
Mahaska,	John White,	Oskaloosa.
Marion,	John B. Hamilton,	Pella.
Marshall,	Zeno B. Freeman,	Timber Creek.
Monroe,	John M. Richardson,	Half-way-Prairie.
Muscataine,	Asa Gregg,	West Liberty.
Polk,	Thomas J. McMullin,	Fort Des Moines.
Pottawattamie,	(none elected.)	
Poweshiek,	William H. Barnes,	Union Mills.
Scott,	Hiram Price,	Davenport.
Van Buren,	Samuel Clayton,	Pittsburgh.
Wapello,	Joseph Myers,	Agency City.
Warren,	Samuel Haworth,	Indianola.
Washington,	Nathaniel P. Cooper.	Washington.

# NAMES OF TEACHERS.

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COUNTY.	NAME.	BIRTH PLACE.	AGE.
Appanoose,	A. Harris.		
"	M. E. Harris.		
"	D. T. Shover.	Canada.	26
"	L. Niles.	Ohio.	15
"	T. Brown.	Kentucky.	40
"	O. P. Cosler.	Indiana.	19
Allamakee,	Mary Powell.	New York.	18
"	Mary Topliff.	New Jersey.	16
"	Matilda Vail.	New York.	19
"	John Shober.	Ohio.	18
Benton,	R. Stoneman.	Ohio.	31
"	Lucy Clark.	Vermont.	18
Buchanan,	Martha Ginter.	Pennsylvania.	21
"	M. Bunce.	Ohio.	23
Boone,	D. S. Jewett.	Ohio.	20
"	Thomas Sparks.	Pennsylvania.	29
Cheyton,	Margaret Brown.	Pennsylvania.	17
"	M. Reed.	Ohio.	21
"	Susan Coffin.	Massachusetts.	21
"	Willis Drummmond.	Missouri.	24
"	N. V. Smith.	Ohio.	21
"	S. Woodard.	Vermont.	22
"	J. Sholen.	Ohio.	
"	L. Anger.	New York.	35
"	L. Ruckoner.	Ohio.	17
"	M. T. Kiff.	Ireland.	26
"	H. M. Catin.	Ohio.	16
"	S. Howard.	Minnesota.	36
"	E. Aimes.	Garnaville.	19
ton,	A. Work.	Pennsylvania.	19
"	L. D. Benedict.	Ohio.	25
"	Mary Ann Mayfield.	Indiana.	19
"	Sarah J. Case.		
"	D. Millard.	New York.	22
"	E. Parker.	New York.	17
"	E. Barrett.	New York.	60
"	E. J. Randall.	Maine.	20
"	S. Hull.	New York.	19
"	L. Bule.	Ohio.	18
"	J. Walker.	New Jersey.	18
"	M. Botherell.		22
"	R. M. Rockwell.	New York.	22
"	A. B. Harlan.	Indiana.	23
"	H. G. Warner.	New York.	61
"	Mary Parker.	New York.	25

COUNTY.	NAME.	BIRTH PLACE.	AGE
Cedar,	L. Leland,	Massachusetts,	31
"	S. Wright,	Massachusetts,	31
"	William Kile,	Ohio,	24
"	A. Backer,	Pennsylvania,	24
"	D. F. Blair,	Virginia,	23
"	R. M. Woods,	Pennsylvania,	27
"	L. Humphrey,	Ohio,	16
"	F. Crippin,	Canada,	23
"	Samuel Durell,	Ohio,	30
"	F. Cuppen,		
"	W. Spicer,	New York,	19
"	C. R. Rathbone,	New York,	32
"	P. Chance,	New York,	22
"	Mr. Madson,		
"	E. Barkley,	Virginia,	56
"	C. Parker,	New York,	20
"	Miss Wright,	Ohio,	25
"	R. McCaskey,	Pennsylvania,	34
"	A. Simons,		
Davis,	Wm. Lynch,		
"	J. Hutchins,	Indiana,	23
"	A. Puckinjair,		
"	S. Glasgow,	Pennsylvania,	73
"	C. Hurdell,		
"	C. Udell,		
"	D. Johnson,	Indiana	21
"	M. A. Wilson,	Indiana,	24
"	S. Duffield,	Ohio,	20
"	James Morris,	Kentucky,	24
"	H. A. Doncarlos,		
"	E. Grant,		21
"	J. F. Hanson,	Ohio,	24
"	F. F. Noble,	Missouri,	29
"	D. C. Sanders,	Indiana,	29
"	Samuel B. McGreer,	Pennsylvania,	24
"	W. G. Ward,	Ohio,	30
"	Z. B. Ruker,	New York,	28
"	R. L. Sulevan,	Pennsylvania,	31
"	C. C. Swift,	Kentucky,	40
"	G. S. Lockman,	Kentucky,	31
"	W. Floyd,	Kentucky,	27
"	S. McMurray,	Tennessee,	28
"	T. B. Brown,		25
"	N. J. Lord,		18
"	J. A. Walridge,		
"	Miss Briggs,	Vermont,	25
"	P. Finley,		
"	M. Heller,	Indiana,	18
"	B. M. Coffey,		
"	M. Brown,		
"	D. B. Estell,		
"	J. Lee,	Indiana,	23
"	A. K. Duckworth,	N. Carolina,	35
Delaware,	J. M. Humphrey,	Ohio,	26
"	R. Rea,	Ohio,	22
"	Charlotte Mullikin,	New York,	24
"	J. Lindsey	Ireland,	27
"	A. McLelland,	Pennsylvania,	17
"	W. W. Reynolds,	New York,	19
"	A. Crozier,	Ohio,	28

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Delaware,	M. Benson,	Ohio,	18
"	C. A. Osencup,	New York,	19
"	Henrietta Pierce,	New York,	18
"	Z. A. Walleman,	New York,	24
"	A. Cumber,	England,	21
"	C. Phillips,	New York,	19
"	A. Crozier,	Ohio,	22
"	A. Bash,	New York,	22
"	E. Redman,	Ohio,	23
"	S. Pray,	Maine,	31
"	William Wilson,	Pennsylvania,	41
"	H. Chilson,	New York,	26
"	C. D. S. Pierce,		
"	Wm. Wilson,	Pennsylvania,	42
"	J. C. Reed,	Ohio,	20
"	C. F. Mullikin,	New York,	
Des Moines,	Riggs W. Young,	New York,	
"	Miss Buxton Bennet,	New Jersey,	
"	S. Underwood Mitchel,	New York,	20
"	Mrs. Churman,		
"	Miss Hebbard,		
"	A. Darlington,		
"	A. Rost,	New York,	18
"	Sherman & Sutherland,		
"	John Norris,		
"	Brown & Elder,		
"	A. Bemman,	Kentucky,	21
"	M. Heberwell,	New York,	20
"	J. S. Newell,	Tennessee,	19
"	Wright & Reed,		
"	O. O. Chase,	New York,	24
"	A. J. Kynett,	Indiana,	20
"	Miller & Allen,		
"	J. Timmerman,	Vermont,	30
"	Camron & Kimball,		
"	L. Natterson,		
"	Green & Mitchell,		
"	O. J. Sharp,	Pennsylvania,	25
"	W. Graff,	Maryland,	22
"	W. B. Rhodes,	New York,	46
"	Miss Ripley,	Virginia,	20
"	J. A. Rumb,	New York,	27
"	Blake & Dolevin,		
"	J. Hurland,	New Jersey,	28
"	McBude & Gibson,		
"	S. M. Clendinen,		
"	McCormack & Weber,		
"	E. E. Morris,		
"	O. G. Blair,	Kentucky,	
"	Taylor & Perry,		
Dubuque,	W. Miller,	New York,	28
"	Margaret P. Carter,	Missouri,	25
"	H. Estes,	Maine,	31
"	J. C. Roland,	Germany,	48
"	H. P. Leach,	New York,	34
"	A. Stoddart,	New York,	21
"	"Sisters of Charity,"	Ireland,	
"	Thomas Hannon,	Ireland,	47
"	L. A. Rice,	Massachusetts,	41

COUNTY.	NAME.	BIRTH PLACE.	AGE
Dubuque,	E. Rice,	Massachusetts,	37
"	S. A. H. Rebman,	Ohio,	17
"	G. W. Barnes,	Ohio,	27
"	L. T. Smith,	Massachusetts,	25
"	Chester Cobern,	New York,	21
"	Caroline T. Atkinson,	Rhode Island,	27
"	Mr. Vanderburg,	unknown,	
"	W. P. Montgomery,	Pennsylvania,	44
"	Wm. J. Freeland,	Virginia,	65
"	M. A. Dougherty,	Pennsylvania,	27
"	H. Whitford,		
"	E. J. Stockton,		
"	C. Vandenburg,		
"	Mr. Wade,	Kentucky,	22
"	W. Shields,		
"	R. Greenley,	England,	48
"	Michael Clark,	Ireland,	50
"	Thomas Conelly,		35
"	J. F. Henry,	Pennsylvania,	23
"	D. Lyons,	Ohio,	27
"	Hardin Nowlin,	Illinois,	45
"	E. Jewett,	Pennsylvania,	22
"	L. A. Harman,	Massachusetts,	21
"	M. Burk,	Ireland,	30
"	H. Martin,	Kentucky,	
"	H. Chilson,	Massachusetts,	28
"	N. Brown,	Pennsylvania,	25
"	L. Cooley,	Ohio,	18
"	E. Lande,	New York,	16
"	R. Sterns,		17
"	L. Green,	Pennsylvania,	15
"	R. Weaver,		
"	A. Cooper,	Scotland,	60
Dallas,	A. Schonton,	New York,	27
Henry,	D. Barnes,	New York,	45
"	E. A. Payne,		
"	D. D. Wiggins,		
"	J. D. Bryan,	Ohio,	26
"	J. S. Waitmon,	Pennsylvania,	46
"	John Embree,	Indiana,	
"	E. Berryman,	Kentucky,	20
"	B. Benn,		
"	D. Landis,	Pennsylvania,	24
"	Dr. Tuttee,	Ohio,	37
"	J. S. Huat,	South Carolina,	45
"	Jane Hart,	Pennsylvania,	32
"	J. Embree,	Ohio,	21
"	Jno. Jessup,		19
"	N. M. Scott,	Illinois,	34
"	B. Dinsmore,	Pennsylvania,	22
"	A. R. Savage,		
"	Jane B. McDowell,		
"	Isabel Mason,		
"	H. R. Thompson,	Virginia,	
"	A. M. Bayles,	Ohio,	19
"	R. J. Jimmeson,	Ohio,	24
"	M. C. Wilson,	Ohio,	19
"	M. A. Hathway,	New York,	22
"	F. A. O. Payne,		
"	E. F. Teirney,		

COUNTY.	NAME.	BIRTH PLACE.	AGE
Henry,	Simon Doran,		
"	Sarah J. Hall,	Ohio,	18
"	C. C. Lloyd,	Ohio,	23
"	Myra Evains,	Ohio,	21
"	William Clark,	Pennsylvania,	
"	Wm. Tuttle,		
"	Thomas Fostis,		
"	Mary Trueblood,		
"	J. A. Green,		
"	T. C. Jackson,		
"	P. Strahl,	Ohio,	23
"	Rebecca Strahl,	Ohio,	19
"	A. Barnes,		
"	Jesse Cook,	Ohio,	21
"	M. E. Done,	Indiana,	20
"	William Wright,	Indiana,	25
"	William Wilson,	Indiana,	26
"	G. Wilson,		
"	Lyman Lemon,	New York,	24
"	R. King,	Ohio,	22
"	Owen Albright,		
"	William Clark,	Ohio,	25
"	W. Graham,	Pennsylvania,	20
Iowa,	E. Humphrey,	Ohio,	17
"	J. Tatter,	Indiana,	29
"	Mary Bishop,	Ohio,	22
"	H. J. Burley,	New York,	33
Johnson,	Emeline Copeland,	Pennsylvania,	30
"	O. Chipman,	Vermont,	44
"	E. R. Humphrey,	Ohio,	18
"	C. M. Chipman,	Ohio,	19
"	M. W. Montgomery,	Pennsylvania,	21
"	Miss Henry,	Ohio,	16
"	D. A. Shafer,	Pennsylvania,	34
"	S. J. Lindsey,	Ohio,	17
"	V. Myers,	Pennsylvania,	21
"	John M'Donnald,	Ireland,	62
"	W. Mitchel,	New York,	
"	George Johnson,	New York,	26
"	D. M'Kean,	Ohio,	21
"	A. Tuttle,	New York,	28
"	M. B. Cline,	Ohio,	24
"	A. M. K. Hill,	Pennsylvania,	23
"	James S. West,	Ohio,	35
"	M. L. Worden,	New York,	18
"	E. Douglass,	Vermont,	
"	J. Nowlan,	Ireland,	26
"	Emily Morse,	Indiana,	29
"	William Foster,	Kentucky,	35
"	John Parrot,	Ohio,	40
"	S. Hill,	Vermont,	
"	M. Maynard. •	Ohio,	17
"	Samuel Templeman.	Ohio,	
"	Constant Boye,	Denmark,	
"	H. L. Worden,	New York,	
"	Mary Shafer,	Pennsylvania,	
"	H. Helverson,	Ohio,	
"	M. Kimble,	Indiana,	
Jefferson,	Robert W. Steel,	Ohio,	30

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Jefferson,	A. M. W. Langdon,	Ohio,	27
"	John Shuffelton,	England,	45
"	Miss Eckley,	Ohio,	20
"	S. M. Eavans,	Pennsylvania,	25
"	J. Snooks,		
"	H. J. Robb,	Pennsylvania,	25
"	R. A. Wear,		
"	A. Blakely,	Illinois,	22
"	Rachael Beach,	Vermont,	45
"	J. Hifield,		
"	O. Hart,	Ohio,	18
"	Sarah Fear,	Indiana,	21
"	Miles Chilcott,	Pennsylvania,	22
"	J. A. Leeper,	Ohio,	24
"	J. Harvey,	Ohio,	28
"	W. W. Forbes,	New Jersey,	24
"	John G. Landers,	Kentucky,	26
"	J. Garner,	Pennsylvania,	
"	E. G. M'Gaw,		
"	E. Conner,	Indiana,	33
"	J. A. Lydick,	Ohio,	
"	J. A. Inland,	Ohio,	25
"	D. M. Olaver,	Pennsylvania,	27
"	C. H. M'Culloch,	Virginia,	28
"	Wm. H. Campbell,	Ohio,	25
"	Isaac Hybe,	England	25
"	E. Downey,	Illinois,	
"	J. E. Robertson,	Ohio,	22
"	A. B. Collins,		
"	C. M. Peter,		
"	Wm. A. McClain,	Ohio,	35
"	J. B. McLane,	Ohio,	30
"	G. T. Grinstead,	Indiana,	32
"	J. W. Laforce,	Kentucky,	24
"	R. Ashley,	Ohio,	33
"	W. Claridge,	Ohio,	36
"	C. M. Bissel,	Ohio,	18
"	Z. W. Laban,	Indiana,	20
"	James Watkins,	Indiana,	21
"	Catharine Allison,	Pennsylvania,	22
"	J. D. Hackney,	Ohio,	35
"	Mary J. Clover,	Ohio,	
"	H. J. Priest,		
"	James Welkin,	Pennsylvania,	21
"	Jesse Long,	Virginia,	35
"	B. Thompson,	Ohio,	19
"	William C. Jones,	North Carolina,	
"	D. Lindsey,		
"	C. L. Scott,		
"	C. R. Templeton,		
"	M. Rook,	Tennessee,	22
"	Daniel G. Chims,		
"	C. G. Ellis		
"	F. Kirk,	Ohio,	26
"	G. Chandler,	Indiana,	21
"	C. F. Jocknick		
"	T. Crew,	Virginia,	
"	R. Voothers,	Indiana,	20
"	A. Chilcott,	Pennsylvania,	29

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Jefferson,	E. Ogden,	New Jersey,	24
"	H. George,	Ohio,	15
"	E. Dickenson,	Pennsylvania,	33
"	D. McKee,		
"	P. Wigle,		
Jones,	C. P. Gilkison,	Kentucky,	30
"	Mary Bass,	Vermont,	25
"	Sarah Matson,	New York,	19
"	L. Hazelrig,	New York,	23
"	A. Gamberton,	New York,	23
"	Daniel Garrison,	Indiana,	36
"	Sarah Talman,	Ohio,	15
"	L. D. Bates,	Pennsylvania,	28
"	Ira Bates,	Pennsylvania,	25
"	A. Warrington,	Ohio,	23
"	B. Whitmore,	N. Hampshire,	43
"	M. M. Crane,	Michigan,	17
"	R. Poats,	New York,	20
"	E. Reynolds,	New York,	26
"	G. W. Sprague,	New York,	28
"	T. McNally,	Ireland,	40
"	S. E. Cain,	Indiana,	18
Jasper,	Hannah Shipley,	Tennessee,	33
"	S. Hinshaw,		
"	E. Morgan,	Indiana,	24
"	E. H. Bartow,	Ohio,	23
"	M. J. Bartow,	Ohio,	21
"	Mary H. Young,	Indiana,	20
"	Jesse Ledy,		
Jackson,	S. Y. Helms,	New York,	29
"	C. A. Atkinson,		
"	R. A. Morehouse,	Ohio,	16
"	E. McFarland,	Pennsylvania,	19
"	C. F. George,	Maine,	25
"	Julia S. Harrington,	Vermont	25
"	Benjamin Berge,	Connecticut,	22
"	A. Palmer,	Ohio,	26
"	F. Mears,	Vermont,	17
"	T. Lewis,		
"	D. Wasson,	New York,	16
"	R. D. Shinn,	Ohio,	18
"	M. Snider,		
"	A. M. Ballard,	Vermont,	
"	U. V. Burns,		
"	Mary Snider,	Ohio,	20
"	B. McGowan,	Ireland,	58
"	George W. Sprague,	New York,	28
"	E. M. Brown,	Missouri,	
"	E. McCrary,	Ohio,	17
"	B. Dewitt,	Ohio,	
"	S. Potter,		
"	Mary Johnson,	New York,	
"	M. Whitley,	Pennsylvania,	26
"	S. A. Cotton,	N. York,	
"	Otis Dagget,	Ohio,	17
"	A. A. Cheney,		
"	S. P. Reed,		
"	M. J. Clark,		
"	S. Wasson,	New York,	17
"	Wm. Saltmarsh,	Indiana,	21

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Jackson,	E. J. Young,	New York,	19
do	James Beck,	Ohio,	26
do	M. Snider,		24
do	M. M. Lyon,	New York,	
do	A. Brown,	Kentucky,	
do	James Beck,		
do	D. E. Markle,	Canada,	
do	M. M. Lion,		
do	M. A. Park,		
do	E. Mears,		
do	M. V. Palmer,	Ohio,	
do	John Durant,	New York,	
do	M. McGloire,		
do	J. B. Rowley,	Ohio,	
do	C. Lampson,		
do	Mary Coleman,		
do	S. Ure,		
do	Julia Vial,		
do	Mary Vial,		
do	R. Stockton,	Pennsylvania,	27
do	Mrs. Fisher,	New York,	21
do	Sarah Baldwin,	Canada,	18
do	N. Kimball,		
Lee,	A. Darlington,	New York,	
do	H. Gibbs,	New York,	
do	M. Lyman,	Indiana,	24
do	J. Hammond,	Massachusetts,	56
do	E. Gunn,	Ohio,	21
do	A. B. Lime,	Tennessee,	
do	L. Rose,		
do	H. Grim,	Ohio,	21
do	J. M. Hamilton,	New York,	30
do	R. E. Reed,	Pennsylvania,	16
do	H. Hepburn,		
do	J. Houston,	New York,	26
do	S. Allen,	Connecticut,	21
do	H. A. Brown,	Massachusetts,	24
do	L. S. Houston,		
do	M. Sockett,		
do	W. C. Jenkins,		
do	A. Paulk,	Ohio,	
do	Ann King,	Ohio,	
do	J. B. Shoaat,	Ohio,	
do	S. Steele,	Ohio,	
do	Cherry Pyle,	Pennsylvania,	
do	J. Stephenson,		
do	O. C. Lewis,	Ohio,	
do	M. Coles,		
do	J. Taylor,		
do	J. T. Coles,		
do	S. Lindsby,		
do	N. M. Cowles,	Pennsylvania,	34
do	J. P. Crane,		
do	W. C. Wiggins,	Pennsylvania,	21
do	J. Bird,	Virginia,	26
do	J. Houston,		
do	C. D. McMannama,	Kentucky,	
do	C. Claypole,		
do	D. Albat,		
do	T. Nene,		

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COUNTY.	NAME.	BIRTH PLACE.	AGE.
Lee,	S. Strait,		
do	D. Alvert,		
do	B. M. Morey,	New York,	40
do	E. Adcock,	Ohio,	23
do	J. McKinnon,		
do	A. Palmer,	Ohio,	
do	S. Griggs,	Indiana,	20
do	Haughton & Mason,		
do	S. B. Rose,		
do	Silas Gregg,		
do	S. Riggs,		
do	N. J. Stephenson,	Ohio,	21
do	M. N. Suckles,	Ohio,	
do	J. Haden,		
do	David Wright,	Pennsylvania,	32
do	M. Martin,		
do	O. Thomas,		
do	Daniel R. Ball,	Ohio.	25
do	W. Crampton,		
do	M. Swazey,		
do	Z. D. Capler,		
do	C. M. Trump,		
do	L. Loreland,	Ohio,	
do	C. L. Croker,		
do	J. C. Bird,	Ohio,	
do	S. McKeem,	Ohio,	23
do	Susan Haan,	Indiana,	18
do	T. S. Johnson,	Ohio,	41
do	L. A. Miller,	New Jersey,	20
do	N. R. Cook,	Maine,	
do	Mrs. Avres,		27
do	James M. Poe,	Ohio,	25
do	O. M. Gray,	Pennsylvania,	20
do	G. W. Dolen,	Ohio,	23
do	N. M. Day,	Ohio,	25
do	T. S. Johnson, jr.	Ohio,	36
do	E. Barkley,	Virginia,	54
do	J. Yiesley,	Ohio,	26
do	M. A. Kyle,	Ohio,	25
do	J. H. Whitson,	Kentucky,	40
do	James M. Rodney,	Ohio,	19
do	R. Ford,	Connecticut,	25
do	P. W. Gray,		
do	James Harper,	Ohio,	26
do	James H. Whitson,	Kentucky,	32
do	L. Roberts,	Massachusetts,	20
do	M. Gageby,	Pennsylvania,	45
do	M. A. Stoddard,	New York,	23
do	Sarah Clark,		
do	J. Keeler,		
do	Cloe Dodd,	Pennsylvania,	35
do	H. H. James,	Ohio,	34
do	O. M. Gray,	Pennsylvania,	20
do	M. A. Keenan,	Pennsylvania,	22
do	H. A. Miles,	Vermont,	34
do	J. S. Guthrie,	Ohio,	29
do	A. Roberts,		
do	A. Bishop,		
do	G. B. Price,		
do	H. Kennedy,	New York,	24

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Linn,	C. Morrison,	Ohio,	18
do	Jane Morten,	Ohio,	22
do	A. Blare,	Ohio,	18
do	L. A. Porter,	New York,	42
do	M. C. Paul,	Vermont,	20
do	A. M. Hunt,	Ohio,	18
do	M. Serle,	Canada,	17
do	R. Stephenson,	Ohio,	31
do	M. Lewis,		
do	S. Ennes,	Canada,	
do	W. Skinner,	Virginia,	
Louisa,	J. N. Sellers,	Ohio,	21
do	J. T. Hall,	Pennsylvania,	38
do	W. N. Towndrow,	England,	30
do	Riley Case,	Connecticut,	33
do	John Cleaves,	Maine,	35
do	William Taylor,	Virginia,	25
do	E. W. Elsworth,	New York,	47
do	M. E. Blue,		
do	J. Wilson,	Ireland,	65
do	S. P. Deveuport,	Ohio,	23
do	D. P. Curran,	Maryland	22
do	C. Herrick,	New York,	42
do	T. B. Brown,	Indiana,	27
do	S. Moseby,	Indiana,	18
do	J. B. Grubb,	Ohio,	33
do	M. Reed,	Ohio,	18
do	James Helverson,	Virginia,	49
do	E. Bell,	Ohio,	16
do	J. Paschal,	Indiana,	20
do	M. Reed,	Ohio,	18
do	E. Jacobs,	Pennsylvania,	
do	J. F. McClellan,		
do	J. Sprague,	Ohio,	31
do	J. Keeler,	New York,	26
do	E. Duder,	New Jersey,	18
do	V. Willoughby		
do	S. A. Demott,	Ohio,	
do	S. Creighton,	Ohio,	
do	O. B. Donaldson,	Ohio,	
do	S. McBride,	Pennsylvania,	26
do	M. Gibson,	Ohio,	18
Monroe,	D. C. Barber,		
do	S. Bond,		
do	M. L. Barber,	Ohio,	
do	A. Campbell,	N. Hampshire,	
do	Mary Daugherty,	Pennsylvania,	
do	M. B. Allison,	Pennsylvania,	
do	J. Jhenks,		
do	H. Castle,		
do	M. Holbrook,		
do	H. Brown,		
Madison,	Lewis Davis,	Ohio,	
do	T. O. Berne,	Ireland,	
Marion,	Isaac Overcamp,		40
do	James Munting,		
do	Israel Miller,	Holland,	
do	W. E. Everett,	Pennsylvania,	
do	S. H. Wilkie,	New York,	33
do	P. R. Dronillard,	Ohio,	29
do		Ohio,	

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Marion,	A. F. Forbes,		
do	Mary Collins,	Indiana,	
do	E. E. Jenkins,	Kentucky,	
do	R. S. Lowry,		
do	N. Richards,	Connecticut,	
do	E. Jewett,		
do	H. May,	N. Carolina,	
do	Mary Weed,	Indiana,	
do	M. H. Brobst,	Pennsylvania,	
do	J. Ramey,	Ohio,	
do	E. S. Durhan,	Maine,	
do	J. M. Arnold,	Indiana,	
do	R. E. Phillips,		
Muscatine,	S. Keys,		
do	Samuel Reed,		
do	Sarah L. Matthews,		
do	E. H. Bales,		
do	H. Grey,		
do	B. F. Doles,	Pennsylvania,	
do	E. Campbell,		
do	H. Gray,		
do	J. Brooks,	New York,	
do	J. Bailey,		
do	R. Armstrong,		
do	A. H. Adams,		
do	James Chase,		
do	N. Dennis,		
do	J. McConley,		
do	Wm. Dallas,		
do	James M. Sweney,	Indiana,	25
Mafaska,	A. Rowland,	Maine,	28
do	A. M. Galor,	Ohio,	40
do	E. J. Louridge,	Ohio,	20
do	G. M. Elsey,	Ohio,	22
do	T. B. McCormack,	Ohio,	20
do	J. Newhall,	Massachusetts,	38
do	J. Walden,	Connecticut,	58
do	J. Turner,	Ohio,	24
do	M. Lochridge,	Ohio,	20
do	Isaac Stanley,	Ohio,	18
do	Mary J. Hannon,	Ohio,	
Van Buren,	A. Johnson,		
do	J. Whitam,		
do	Rebecca Walker,	Kentucky,	
do	John Priest,		
do	H. M. Loomis,		
do	D. Redman,		
do	A. C. Olney,	Ohio,	
do	Margaret Walker,	Indiana,	
do	J. P. Whitaker,	Ohio,	
do	S. Cuberly,		
do	J. C. Byers,	Pennsylvania,	
do	B. Broch,		
do	M. J. Lewis,	Indiana,	
do	William Monroe,		
do	M. A. Hamilton,	Virginia,	28
do	John Boyd,	Ohio,	
do	L. Gilbert,	New York,	18
do	George Stump,	Pennsylvania,	45
do	S. Glasgow,	Pennsylvania,	73



COUNTY.	NAME.	BIRTH PLACE.	AGE.
Wapello,	Isaac W. Stanley,		
do	M. J. Nosler,		
do	J. Ellson,		
do	T. Sparks,	Ohio,	
do	W. J. Barton,		
do	W. A. Nye,		
do	O. Pinkie,		
do	L. Johnson,	Ohio,	
do	M. Peach,		
do	David Caldwell,	Pennsylvania,	
do	W. F. Shannon,	Virginia,	
do	Nancy Churchfield,	Ohio,	
do	Nancy Lemmon,		
do	J. R. James,	Virginia,	
do	J. W. Hedrick,	New York,	
do	A. Hunt,		
do	M. C. Brown,		
do	Martha Brim,		
do	Miss Dudley,		
do	C. W. Reynolds,	New York,	20
do	P. J. Goss,		
do	F. Rush,		
do	R. McChesney,	New York,	
do	Caroline Carter,		
do	W. H. Cupp,		
do	A. J. Byerly,		
do	Miss Duffield,		
do	Sarah Dudley,		
do	W. S. Hutchinson,	Pennsylvania,	
do	B. W. Godfrey,		
do	J. R. Fisher,	Ohio,	
do	M. A. O. Bryant,	Ohio,	25
do	David Godfrey,		
do	J. B. Holmes,		
do	J. W. Layne,		
do	T. Martin,		
do	G. Mann,	Virginia,	
do	L. Lane,	Indiana,	
do	Sarah J. Miller,	Ohio,	
do	John Miklin,	Virginia,	
do	D. M. Clark,	Indiana,	
do	D. Webster,	Ohio,	
Polk,	Isaac Seaton,		
do	J. Dinwiddie,		
do	P. L. Garrett,		
do	Ira Young,	Ohio,	
do	W. P. Fink,		
do	R. G Hane,	South Carolina,	
do	J. Brand,		
do	B. Rice,	New York,	
do	J. E. Groom,	Ohio,	
do	W. McHenry,		
do	R. S. Prouty,	Vermont,	
Scott,	T. F. C. Prescott,	New Hampshire	31
do	Asa Prescott,	New Hampshire	33
do	M. A. McGuire,	Ireland,	
do	A. F. Brown,	Ohio,	
do	A. Allen,	Ohio,	
do	J. Thornington,		

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Scott,	W. P. Campbell,		
do	E. Metteer,		
do	M. C. Freeman,	New York,	
do	R. Creswill,	Pennsylvania,	54
do	J. R. Perrall,		
do	A. E. Maine,	Maine,	
do	J. Lincoln,	Virginia,	43
do	Jane McConnell,	Pennsylvania,	
do	H. Caldwell,	Vermont,	42
do	C. Seymor,	Michigan,	18
do	F. Binford,	Pennsylvania,	
do	J. B. Bell,	Virginia,	30
Washington,	D. L. Parker,	Massachusetts,	
do	Miss Piper,		
do	Miss Spillman,	Illinois,	
do	M. Lee,		
do	Miss Maxwell,		
do	M. Smith,		
do	L. Miner,		
do	Miss Morrison,		
do	Mr. Warren,	Ohio,	24
do	Miss Parent,	Indiana,	
do	Miss Seymour,	Ohio,	
do	Scribner,		
do	Miss Miller,	Ohio,	
do	Mr. Roberts,		
do	Miss Coe,		
do	Miss Robert,		
do	Mr Hill,	Pennsylvania,	
do	Mr Allen,		
do	Miss Hayden,	Ohio,	
do	Miss McKinney,		
do	M. Bosley,	Maryland,	
do	Miss English,	Pennsylvania,	
do	M. Miatton,		
do	Mr. Kincade,	Virginia,	
do	Mr. Young,		
do	Miss Springer,	Indiana,	
do	Mr. Easton,		
do	Miss McKinney,		
do	L. A. Carpenter,	New York,	
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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

### General Assembly of the State of Iowa.

BEGUN AND HELD AT THE CAPITOL, IN IOWA CITY, ON MONDAY THE SECOND  
DAY OF DECEMBER, A. D. 1850; BEING THE THIRD REGULAR  
SESSION UNDER THE CONSTITUTION.

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**JOURNAL**  
OF THE  
**HOUSE OF REPRESENTATIVES**  
**Of the State of Iowa.**

Begun and held at the Capitol, in Iowa City, on Monday the second day of December, A. D. 1850; being the third regular session under the Constitution.

TWELVE O'CLOCK, M;

The House was called to order by Mr. Abraham Updegraff, a member present from the county of Henry; and the Districts were called by James W. Woods, Esq., when the following persons presented credentials.

*From the County of Lee*—JOHN THOMPSON, R. P. WILSON, SMITH HAMIL, ADOLPHUS SALMON, and E. S. McCULLOCH.

*From the County of Van Buren*—GEORGE C. ALLENDER, ABNER H. McCARY and C. G. DIBBLE.

*From the Counties of Davis, Appanoose, and Wayne*—SAMUEL RIGGS, and REUBEN RIGGS.

*From the County of Wappello*—ANDREW MAJOR, and JOSEPH H. FLINT.

*From the Counties of Monroe and Lucas*—N. B. PRESTON.

*From the Counties of Marion, Polk, Dallas, Jasper, Marshall, Story, Boone, Warren and Madison*—LYSANDER W. BABBITT.

*From the County of Des Moines*—WILLIAM HARPER, MOSES W. ROBINSON and GEORGE TEMPLE.

*From the County of Henry*—ABRAHAM UPDEGRAFF and PEYTON WILSON.

*From the County of Jefferson*—CHARLES NEGUS, THOMAS McCULLOCH and HIRAM D. GIBSON.

*From the County of Louisa*—ANDREW GAMBLE.

*From the County of Washington*—DAVID BUNKER.

*From the County of Muscatine*—JOHN A. PARVIN.

*From the Counties of Mahaska, Keokuk and Poweshiek*—R. R. HARBOUR and WILLIAM JACOBS.

*From the Counties of Johnson and Iowa*—GILMAN FOLSOM.

*From the County of Scott*—LAUREL SUMMERS.

*From the County of Clinton*——————

*From the County of Cedar*—GOODWIN TAYLOR.

*From the Counties of Linn, Benton and Tama*—ISAAC M. PRESTON.

*From the Counties of Jackson and Jones*—R. B. WYCKOFF and JOHN E. GOODENOW.

*From the Counties of Dubuque, Delaware, Buchanan and Black Hawk*—THEOPHILUS CRAWFORD, HUGH V. GILDEA and A. K. EATON.

*From the Counties of Clayton, Fayette, Winneshiek and Allamakee*—ELIPHALET PRICE.

On motion of Mr. Gildea, R. R. Harbour, was appointed Speaker, *pro tem.*

On motion of Mr. Gamble, John Bell, jr. was appointed Clerk, *pro tem.*

On motion of Mr. Preston of Linn, James W. Woods, was appointed Assistant Clerk, *pro tem.*

On motion of Mr. Allender, R. T. Dibble, was appointed Sergeant-at-Arms, *pro tem.*

On motion of Mr. Gamble, Samuel Knapp, was appointed Fireman, *pro tem.*

On motion of Mr. McCulloch of Lee, a committee of five, was appointed to examine the credentials of members, elect.

Said committee was composed, of Messrs. McCulloch of Lee, Babbitt, Folsom, Preston of Linn and Jacobs.

On motion of Mr. Flint, the House adjourned till 10 o'clock, A. M., to-morrow.

TUESDAY, DECEMBER 3, 1850.

Mr. McCulloch of Lee, from the committee appointed to examine the credentials of members; reported that they had performed that duty, and found them formal, and correct.

Thereupon, the members elect were called, and the oath of office was administered by J. F. Kinney, Judge of the supreme court.

On motion of Mr. Wilson of Henry, the House proceeded to the election of a Speaker.

Mr. Summers nominated George Temple, of Des Moines county.

Upon a call of the roll, it appeared that George Temple had received thirty-six votes, and Laurel Summers one vote; whereupon George Temple, having received a majority of all the votes cast, was declared duly elected, and on being conducted to the chair by Messrs. Negus, and Flint, made the following address:

*Gentlemen:*

I would do injustice to my own feelings, were I not to express to you my gratitude for the high compliment you have paid me in selecting me as your presiding officer. Knowing as I do my want of experience, I feel deeply the responsibility resting upon me. When I reflect upon the very flattering manner in which I have been elevated to this responsible position, I am inspired with confidence to look to you, for that kind assistance which I shall so much need, and which alone can make our proceedings harmonious and honorable to all.

When we reflect upon the vast amount of business, that is likely to come before us; and the diversified interests which are presented here; every mind must be impressed with the necessity of making mutual concessions, that kind feeling may be engendered, and thereby the interests of our general constituency advanced.

Feeling confident that your efforts will be to promote harmony and decorum in our deliberations; I do the more cheerfully enter upon the duties your partiality has imposed upon me. I again tender to you my sincere thanks for this expression of your confidence, and assure you that it will ever be my desire to discharge the duties you have imposed upon me without partiality, and to the best of my ability.

On motion of Mr. Summers, the House proceeded to the election of chief clerk.

Mr. Preston of Linn, nominated C. C. Rockwell

The roll having been called, it appeared that C. C. Rockwell had received thirty-seven votes; which being a majority of the whole House, he was declared duly elected.

On motion of Mr. Harbour, the House proceeded to the election of an assistant clerk.

Mr. Babbit nominated J. Smith Hooton.

Upon a call of the roll, it appeared that J. Smith Hooton had re-thirty-seven votes; which being a majority of the whole House, he was declared duly elected.

On motion of Mr. Harbour, the House proceeded to the election of a sergeant at arms.

Upon a call of the roll, it appeared that John Fitzpatrick, had received thirty-seven votes; whereupon he was declared duly elected.

On motion of Mr. McCulloch of Lee, the House proceeded to the election of messenger.

Upon a call of the roll, it appeared that L. D. Kent had received thirty-seven votes; whereupon he was declared duly elected.

On motion of Mr. Flint, the House proceeded to the election of fireman.

Upon a call of the roll, it appeared that T. S. Green, had received thirty-seven votes; whereupon he was declared duly elected.

Messrs. Leffingwell and Alger were announced, a committee from the Senate; who informed the House that the Senate was organized, and ready to proceed to business.

The officers elect were called and sworn, for the faithful discharge of their respective duties; and immediately entered on the discharge of the same.

Mr. Harbour, moved that a committee of three be appointed to inform the Senate, that the House was permanently organized, and ready to proceed to business; agreed to, and Messrs. Harbour, Folsom and Summers, were appointed said committee.

On motion of Mr. Summers, a committee of three was appointed, to act in conjunction with a similar committee on the part of the Senate, to inform the Governor that the General Assembly was permanently organized, and to inquire if he had any communication to

make to the General Assembly ; and Messrs. Summers, Preston of Linn, and Negus, were appointed said committee.

Mr. Harbour, from the committee appointed to inform the Senate that the House was permanently organized, reported that they had discharged their duty.

Mr. Crawford, with leave, offered the following resolution,

Resolved, That the chief clerk be authorized to furnish each member of the House with twenty-five copies weekly, of such newspapers, published in this city, as they may direct.

Mr. Summers moved to lay said resolution on the table: disagreed to.

Mr. McCrary moved to strike out "twenty-five" and insert "twenty."

Mr. Goodenow moved to strike out the words "Iowa City," pending which,

On motion of Mr. Summers, same resolution was referred to a select committee, and Messrs. Summers, Harbour, Babbitt, Flint, Thompson, Robinson and Folsom ; were appointed said committee.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker—*

I am directed by the Senate to inform the House, that the Senate have appointed Messrs. Lewis and Everson a committee on the part of the Senate, to act with a similar committee on the part of the House, to await upon his excellency the Governor, and inquire if he has any communication to make to the General Assembly.

On motion of Mr. Preston of Linn,

Resolved, That the Secretary of State be requested to furnish each member of this House, with a copy of the Journals of the last session of the General Assembly, also with a copy of the laws passed at the same session, also with a copy of the Constitution of the State of Iowa.

On motion of Mr. Summers,

Resolved, That the use of the Hall of the House, be granted to Richard P. Morgan, Esq., for the purpose of enabling him to read his report of the survey of the Davenport, and Iowa City, rail road route; on to-morrow evening, at half past six o'clock, P. M.

On motion of Mr. Price,

Resolved, That the Editors, and Reporters of newspapers, be permitted to occupy seats within the Bar of the House.

Mr. Harper, offered, *with leave*, the following resolution,

Resolved, That the rules of this House at the last session of the

Legislature, be adopted for the government of the House, until other rules shall have been adopted. Pending which,

On motion of Mr. Updegraff, The House adjourned till 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

The question still pending on the adoption of the Resolution; was decided in the affirmative.

The Speaker laid before the House the communication from the Secretary of State, accompanying the official abstracts of the vote for Governor at the August Election, A. D. 1850:

On motion of Mr. Summers; laid on the table.

Mr. Summers from the Joint Committee, appointed to wait on the Governor and enquire if he had any communication to make to the General Assembly, reported that they had performed that duty, and received from him a message, which was read as follows :

*Gentlemen of the Senate, and*

*House of Representatives:*

Since the close of the last session of the General Assembly, it can with propriety be said that, as a people, we have enjoyed the blessing of general health. It is true, some portions of our State have, for a short period, been visited by a malignant disease, which, in other States of our confederacy, has carried thousands to the tomb, yet within our own borders, through the mercy of the sovereign Ruler of the Universe, its fierce ravages have been stayed, and but a small number of our people have fallen victims before the destroyer; though that number, small as it was, embraced some of our most prominent and distinguished citizens. While we deeply sympathize with those who are filled with sorrow for the loss of relatives and friends, our hearts should overflow with gratitude to Him who directs the pestilence, for the evidence he has given us of his kind care and consideration, and for the many and great blessings which he has showered upon our State and country.

Notwithstanding the prevalence of the disease as above mentioned, Iowa has steadily increased in population and wealth; her ener-

gies have been strengthened; her resources are being constantly developed; emigration is rapidly pouring in upon and spreading over her broad and fertile domain; and the evidence of enterprise and prosperity can be seen on every hand. Should we continue to be blessed by the smiles of Providence, we have every reason to believe that our course will continue to be onward and upward.

The following statement exhibits the amount of the receipts and disbursements of the Treasury, from the report of the Treasurer, bearing date October 31, 1848, up to November 4th, 1850.

	Receipts.	Payments.
Amount in Treasury October 31, 1848,	\$1,394 40	
Amount received up to March 5th 1849,	24,924 47	
Amount disbursed up to March 5th, 1849,		\$22,976 55
Amount received up to June 4th, 1849,	18,281 32	
Amount disbursed up to June 4th, 1849,		15,890 89
Amount received up to November 5th, 1849,	7,067 85	
Amount disbursed up to November 5th, 1849,		13,280 19
Amount received up to March 4th, 1850,	30,689 60	
Amount disbursed up to March 4th, 1850,		26,108 63
Amount received up to September 2d, 1850,	7,666 94	
Amount disbursed up to September 2d, 1850,		11,586 74
Amount received up to November 4th, 1850,	429 75	
Amount disbursed up to November 11th, 1850,		599 94
Total amount of receipts and disbursements to November 4th, 1850,	\$90,444 33	\$90,442 94
Balance in the Treasury,	1 39	

By the Auditors Report of December 4th, 1848, it will be seen that the liabilities of the State on outstanding warrants, at that time amounted to \$22,651 62. From that period up to November 30th 1850, the receipts of the treasury were \$90,444 12, and the expenditures \$90,442 94. This latter sum embraces the interest paid on the State loan, and \$11,685 75 of the liabilities on the 4th of December, 1848; thus decreasing our liabilities on outstanding warrants, on the 30th of November, 1850, to \$10,965 87. The resources to discharge these liabilities, and to meet the expenses of the coming year, are

24,154 83, due from the counties, prior to the year 1850, and the revenue assessed in 1850, amounting to \$56,538 38. The revenue for State purposes in 1848, amounted to \$36,129 05, consequently, the assessment of 1850, shows an increase of the revenue from taxable property within the State, of \$20,409 28. Should the revenue continue to increase in the same proportion, we may reasonably expect that our State will, in a few years, be freed from all incumbrances. For further information in regard to our financial condition, I respectfully refer you to the Auditor's Report.

By an act approved Jan. 16th 1847, I was authorized to agree with the State of Missouri, for the commencement and termination of such suit as might be necessary to procure a final decision by the Supreme Court of the United States, in regard to the southern boundary line of the State; and I was also required to employ counsel to conduct the suit on our part, and to do whatever might be necessary to maintain our rights in the premises. In pursuance of the authority thus granted, I did, in the following February, appoint the Hon. Charles Mason of Burlington, to act as counsel on behalf of the State; and I also immediately afterwards notified the Governor of Missouri of the passage of the above mentioned act, and of the appointment of Mr. Mason. On the 2nd Monday in June, 1847, the counsel on both sides met and agreed to institute an amicable suit. The cause came on for argument before the Supreme Court in February, 1849. It appears from the fact set forth in the decree of the Court, that in 1816, the United States caused to be run and marked two lines as part of a boundary between the United States and the Great and Little Osage Nations of Indians; the first line beginning on the eastern bank of the Missouri river, opposite the middle of the mouth of the Kansas river, and extending north one hundred miles, where a corner was made by Mr. Sullivan, the surveyor acting on behalf of the United States, and the Osage Nations, that from that corner a second line was then run and marked by the Surveyor, which was intended to be run due east, on a parallel of latitude, but which, by mistake, varied about two and one-half degrees towards the north of a due east and west line; that that portion of territory west of Sullivan's first line, and between the same and the Missouri river, was added to Missouri by an act of Congress of June 7th, 1836; and the court accordingly decreed that "the true and proper northern boundary

line of the State of Missouri, and the true southern boundary of the State of Iowa, is the line run and marked in 1816, by John C. Sullivan, as the Indian boundary, from the north-west corner made by Sullivan, extending eastwardly, as he run and marked the said line, to the middle of the Des Moines river, and that a line run due west, from said north-west corner to the middle of the Missouri river, is the proper dividing line between said State west of the aforesaid corner; and that the States of Missouri and Iowa are bound to conform their jurisdiction up to said line on their respective sides thereof, from the river Des Moines to the river Missouri."

Our State now embraces the territory lying between the line run by Missouri in 1837, as her northern boundary line, from the river Des Moines due west to the Missouri river, and the line established by the decree. Every citizen of the State must feel gratified that the vexatious question concerning our southern boundary, is at length settled. The condition and wants of the territory acquired will, I trust, receive your early and earnest attention.

Joseph C. Brown of the State of Missouri, and Henry B. Hendershott of the State of Iowa, were appointed Commissioners by the United States Supreme Court, to survey and mark the line fixed by the decree, and make returns to the Court on or before the first day of January, 1850. Mr. Brown having died previous to executing his duties, Robert W. Wells, of Missouri, was appointed in his place. The Commissioners were further ordered by the Court, to correspond with the Chief Magistrate of Missouri and Iowa, and request the co-operation and assistance of the State authorities, in the performance of their duties.

In a communication received by me from Mr. Hendershott, under date of May 57th, 1848, he suggested the propriety of the authorities of Iowa and Missouri immediately making some arrangements by which the Commissioners would be furnished funds to enable them speedily to prosecute their duties. The suggestion appeared to me both reasonable and proper; and as the legislature had made no provision for such services--as the Commissioners had been ordered by the Court to request the aid of the State authorities--and as it was of the highest importance that the boundary line should be marked as speedily as possible, I conceived it my duty to furnish Mr. Hendershott with a portion of the means necessary to prosecute the duties assigned the Commissioners.

Being unable to obtain the funds in any other quarter, I was compelled, though with great reluctance, to solicit from the Superintendent of Public Instruction, a loan from the School Fund, which I obtained to the amount of \$2,000, and gave my individual promissory note, (secured by bond,) for its repayment—which note bears interest according to the law in regard to the loaning of the School Fund, and is due and payable on the 15th of September, 1849—and placed the money in the treasury, subject to the order of Mr. Hendershott.

Should you coincide in the opinion that the pressing emergency justified the course pursued by me, I would recommend that an appropriation be made to replace, as speedily as possible, the money thus withdrawn from the School Fund.

In a communication from Mr. Hendershott, under date of October 23d, 1850, I have been informed that the Commissioners completed their work on the 18th day of September last, and that a return of the survey was filed by him in the office of the Secretary of State, on the 17th day of October following. Mr. Hendershott further informs me that “the amount of money expended by Iowa is \$2,180 33, and the amount expended by Missouri is \$2,099 86 cents. These sums, (\$4,280 19,) include every expense incurred, except for instruments, (which are yet on hand) and such compensation as may be made to the Commissioners, and such further compensation over and above \$3,00 per day, as shall be allowed to the Surveyors, whose duties were arduous, and faithfully discharged. This matter should also receive your attention.

The communications of Mr. Hendershott, one bearing date May 27th, 1849, and the other October 23d, 1850, are herewith submitted.

Great credit is due Mr. Mason for the zeal, industry and ability shown by him in the management of the suit on the part of the State. He thought proper to secure the services of a distinguished lawyer of another State, as assisting counsel, informing him at the same time, that he had no authority to employ additional counsel, but that if he would undertake the case, the Legislature would, no doubt, grant him a reasonable compensation. From the magnitude of the case, and the great interests involved, this step on the part of Mr. Mason was, most unquestionably, dictated by prudence and sound policy. It would therefore be proper that such an appropriation be made, as in your judgment will be a reasonable and adequate compensation for the services thus rendered.

The act for the settlement of the boundary line, appropriates \$1,000 to carry the same into effect. That amount has been drawn from the treasury by Mr. Mason. By reference to his report—which is herewith submitted—it will be seen that his expenses in travelling to different points to take depositions, collect testimony, etc., and his expenses at Washington, amount to \$980 00, which nearly covers the sum appropriated, and leaves him a mere pittance for his time and labor—justice would seem to demand that an additional appropriation should be made in his favor.

It is to be hoped that a very considerable portion of your time and attention will be expended in efforts to perfect our system of Common School education. The law passed at the last session of the Legislature, cured many of the defects existing in the previous law; but there are deficiencies in the present law which demand your action. It is expected that the Commissioners appointed to revise the code, will examine the School Law, and either present a new one, or prune away the excrescences, and supply the wants of the one now on the statute book. The report of the Superintendent of Public Instruction, together with the report of the Commissioners will, doubtless, materially aid you in determining what measures are necessary to advance the interests of Common Schools.

The Superintendent of Public Instruction, in his last report to the Legislature, takes the ground that some plan ought to be adopted whereby the expenses attending the management of the School Fund may be decreased. To remedy the evil, he recommends that the law providing for county Fund Commissioners be abolished, and the office of State School Fund Commissioner created. The labors of the county Fund Commissioners are arduous and complicated, and it may be questionable whether a State Fund Commissioner could properly attend to them. The Superintendent may, possibly, submit a different plan in his forthcoming report to you. Any scheme which you may adopt, whereby the objection may be wholly, or in part removed, would certainly be desirable.

The Constitution provides, in the second section of the tenth article that "the General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and *agricultural improvements*." No steps have been taken by the Legislature, since the adoption of the Constitution, for the advancement of agriculture.

This portion of the Constitution is as obligatory and binding as any other. It was probably inserted for the reason that our State has every facility for becoming, in an eminent degree, an agricultural State. The best method of cultivating the soil is, and it is believed ever will be, a subject of the first importance to a large majority of the citizens of the State. The greater portion of those who attend our Common Schools will become agriculturalists, when the term of their education expires; and consequently, any knowledge which they may obtain, touching that branch of industry, will be to them of the most essential service. It would therefore seem to become your duty to enquire whether books relative to agricultural science, can, with propriety, be introduced into our Normal and Common Schools. I feel confident that, if introduced, the most beneficial results may be anticipated.

The formation of agricultural societies should also be encouraged; and I trust that any facilities which you can supply, for the promotion of such societies, will be cheerfully granted.

A law was passed at the last session for dividing the State into three districts, and for the establishment of a Normal School in each district, for the education of school teachers and others. The State has been thus divided, and a board of trustees appointed for each district, as required by the act. The law further provides that the Schools shall be established at Andrew, Oskaloosa and Mount Pleasant. The school at Andrew commenced on the 21st of November, 1849. It is now under the Superintendence of teachers who are graduates of the New York State Normal School—a respectable number of pupils attend the institution, and its prospects are flattering. The trustees are erecting a building for the use of the school, at an estimated cost of \$2,500 about \$1,000 of which has been already expended. A very commendable zeal is manifested in that quarter for the support of the school. It is understood a similar feeling exists in each of the other districts, although I am not able to state the progress of those schools. That information you will probably obtain from the Report of the Superintendent of Public Instruction.

Wherever the Normal system has been in operation, in other States, the most fortunate results have been experienced. By the annual report of the executive committee of the State Normal School of the State of New York, made to the Legislature of that State, on

the 11th of February, 1850, it appears that the first term of that school began on the 18th of December, 1844. From that period up to the time the report was made, four hundred and twenty-eight pupils had graduated, and a large proportion of them had accepted situations in Common Schools; and, with few exceptions, had acquitted themselves in such a manner as to do honor to the school. The committee are of the opinion that these teachers have caused great improvement in the schools where they have taught, and that they have been highly instrumental in advancing the cause of Common School education.

Permit me to express the hope that the Normal Schools established in our State, will receive the fostering care of the Legislature. If there exists any opposition to them, it would seem to spring from a misapprehension of their objects. It is understood that there are two features characterising them which are not found in other schools or academies: First, the State pupil is required to devote his attention exclusively to obtaining an education, and to such studies as will qualify him to perform, in a superior manner, the duties of a Common School teacher; and, secondly, he is required to learn the best mode of communicating to others the knowledge which he has obtained. As experience teaches that these schools are productive of much good, any measures adopted by you which will conduce to their permanent prosperity, will, I feel assured, meet with the hearty approbation of the friends of education throughout the State.

Hon. Josiah H. Bonney was appointed by me to procure a suitable block of marble, to be furnished by the State of Iowa, for the Washington Monument. He has discharged the duty assigned him, as will be seen by his letter to me of November 30th, 1850, which is herewith submitted.

The Commissioners to revise the Code, have informed me that their labors are nearly completed. A portion of their report is herewith submitted.

The Board of Public Works have not made their report to me, as required by the statute. Some justifiable cause has, undoubtedly, produced the delay.

The first section of the seventh article of the Constitution, provides that the militia of this State shall be composed of all able bodied white male citizens, between the ages of eighteen and forty-five years; except such as are or may hereafter be exempt by the laws of

the United States, and shall be armed, equipped and trained as the General Assembly may provide by law.

In my last Message I presented the number of all able-bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty, in each of the counties which had been reported to me, in accordance with an act entitled "an act requiring the assessors to take lists of persons subject to military duty, approved Jan. 25, 1848, and urged an organization of the militia as speedily as practicable. No steps, however, were taken by the last General Assembly to effect that object. The 3d section of the above mentioned article of the Constitution provides that "all commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor." The militia law is at present a dead letter upon the statute book. Some measures should be taken to arrange the militia into divisions, brigades, regiments, &c.; to provide for the election of officers in accordance with the Constitution; and to provide further for such an enrollment as will enable the State to draw her quota of arms from the General Government.

At the last session of the Legislature, joint resolutions were passed instructing our Senators and requesting our Representatives in Congress to procure from the Government of the United States grants of land to aid in the construction of a Rail Road from Dubuque to Keokuk, and also one from Davenport to some suitable point near the Council Bluffs, on the Missouri river. Our delegation in Congress have labored faithfully to obtain these grants, but their efforts have, as yet, been unsuccessful. The attention of that body has, in a great measure, during the last session, been directed towards the adjustment of difficulties which threatened to disturb the harmony of our Union. I conceive it the duty of the Legislature to press upon Congress the necessity and importance of these works. Further applications, seconded by the exertions of our Senators and Representatives may, and undoubtedly will, secure the desired donations.

The Legislature appropriated the sum of three thousand dollars towards the completion of the public buildings in this City. The money to be expended under the superintendence of Hon. Joseph T. Fales. Most of the improvements specified in the act have been made, and they add much to the appearance and convenience of the

buildings. A further appropriation will be needed to finish the work according to the original plan.

By an act entitled "an act relative to the Penitentiary," approved January 13, 1849, Mr. A. H. Haskell was appointed Superintendent of that institution, and entered upon the discharge of the duties of his office on the 16th day of March following. His report of April 23d, 1849, exhibits an inventory of the property pertaining to the prison, amounting in value to the sum of \$825 60. The act appropriates \$6,000 for repairs upon the building, which sum has been drawn by Mr. Haskell, and expended, as will appear from his report of November 28th, 1849. In April last, I received information of his death, and by virtue of the authority granted me by the 16th section of the act, I appointed Mr. John Scott, of Lee county, to fill the vacancy. For information concerning the condition of the Prison, at the time Mr. Haskell became Superintendent, and the progress which has been made in repairing the same, I respectfully refer you to his reports, and to those of Mr. Scott, which are herewith submitted.

The Supreme Court has appointed Hon. George Greene, one of their number, to prepare and report the decisions of that tribunal. The first volume of his reports has already been published. The manner in which this work has been executed, is highly creditable to Mr. Greene, and will favorably compare with the law reports of our sister states. I have subscribed, on behalf of the State, for fifty copies of his first volume, which were deposited in the Secretary's office. A large portion of them have however been subsequently exchanged for the reports of the several states and territories. It will become your duty to make an appropriation to meet the expense incurred on behalf of the State.

From the formation of the Constitution to the present time, there has been no subject which has so seriously threatened the dissolution of the Union, as that of Slavery. That instrument recognizes the system, and provides for the restoration of such slaves as shall escape from their masters, and find refuge in other, or non-slaveholding States. This clause was inserted as a compromise measure, to conciliate and harmonize the differences of opinion existing at the formation of the Constitution, relative to this subject, and to induce the southern States to enter into the federal compact; consequently its letter and spirit should receive a steady and unflinching support from every friend of the Union. Congress, at its last session, passed

an act by which that clause of the Constitution could be more effectually carried out. One great object leading to the passage of the law was to exhibit to the slaveholding States, a determination on the part of the National Legislature to protect and enforce all of the rights guaranteed to them by the Constitution, and thus allay any apprehensions which they might experience concerning the security of those rights. Since the passage of that act, a disposition has been manifested in some of the northern states to resist its provisions. No good citizen of Iowa can, for a moment, sanction or countenance such proceedings. I think I may assert, without fear of contradiction, that the people of this State are a law-abiding people. One of the prominent reasons urged for resisting the law is that it violates that portion of the Constitution of the United States which provides that "the privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." It may be well for every citizen to remember, that Congress can pass no law prohibiting the issuing of this writ, unless the contingencies specified should occur. As no "rebellion or invasion" exists now, and did not exist at the time of the passage of the act, the writ of *Habeas Corpus* is in no manner suspended by its provisions.

But whatever differences of opinion may be entertained in regard to this law, it is now our duty to support it so long as it remains the law of the land; and I trust that every citizen of the State will, although he may be opposed to some of its details, as an American citizen and a lover of the Union, stand firmly by it.

I am now about to retire from the office of Chief Magistrate of this State. Four years ago the people thought proper to elect me to that office, and I assumed its duties and responsibilities, distrusting at the same time, my ability properly to discharge those duties. We were then entering upon our career as an independent State; the support which we had heretofore received from the General Government was withdrawn, the machinery of our State government was to be set in motion, and the means obtained to support it. Relying upon the assistance of the General Assembly, and the various officers of the State, I entered upon the discharge of my duties. You are familiar with the course which I have pursued. Whether it has been calculated or not to advance the interests of the State, you and the people are the judges. During my administration I may, and undoubtedly have, committed errors; but if such be the case, I shall ever be sup-

ported by the reflection that they sprang from no vicious or wrong motive. The courtesy and assistance extended to me by the Legislature, and by all connected with the government, will ever be a subject of grateful remembrance. In laying down the reins of government, I feel an additional gratification in the assurance that they are to be transferred to more able and competent hands. Permit me, in retiring, to express the fervent desire that this, my adopted State, may ever be distinguished for virtue, intelligence, and prosperity, and may she ever receive the care and protection of that Being who governs the Universe.

ANSEL BRIGGS.

Iowa City, December 3, 1850.

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DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

BURLINGTON, August 30, 1850.

*His Excellency Ansel Briggs:*

SIR: In pursuance of the act of January 16th, 1848, you did me the honor of appointing me to conduct, on the part of our State, an anticipated controversy with the State of Missouri in the Supreme Court of the United States, relative to our southern boundary. Although my appointment was dated in February of that year, and although every thing was done which was in the power of the counsel on either side to expedite the business for which we were appointed, it was not till the second Monday in June following that we were enabled to have a meeting to agree upon preliminary measures relative to the manner of conducting the controversy. I had, however, previously visited St. Louis and St. Charles for the purpose of acquiring information necessary to enable me to act more understandingly on this subject. I spent several days in each of those cities, with a reasonable degree of success.

At our meeting we agreed upon the institution of an amicable suit and the course of proceeding. Circumstances, however, for which I was not responsible, prevented any testimony from being taken till the month of November following. I had, however, taken every step which seemed advisable, for looking up the testimony, and being pre-

pared to take it at the proper time. I visited the Des Moines river country to gather up and arrange all the facts within reach, relative to the rapids on that river. I had researches made in Washington. I commenced a correspondence in every direction which seemed to promise the least advantage.

Early in November I repaired to St. Louis again, in order to make further searches for testimony previous to taking depositions. In this I was successful to as great an extent as could have been expected, considering that at the commencement I had to grope my way in darkness, and that most of those who possessed information could not be expected to be forward in communicating it to me.

Depositions were at length taken in St. Louis, Jefferson City, and St. Genevieve, and some valuable documentary evidence was procured at those places. This occupied our time industriously until December, and as I still wished to take the testimony of persons residing in Wisconsin, Illinois, Louisiana, and at Davenport, and different places on the Des Moines river, it became evident that the testimony could not be taken in time to have the argument heard at the then next term of the Supreme Court, and that the case must lie over till another year, contrary to our earnest desire and previous intention.

Late in January, however, I received a communication from counsel on the opposite side, proposing that we should proceed to Washington and have the case tried at once; professing at the same time that they would receive letters, or ex parte affidavits, from any of our witnesses, as legal testimony.

Believing that in this manner I could be prepared to safely go to trial, and deeply anxious to expedite a decision, I lost no time in closing with the proposition. I employed Messrs. Wright and Knapp to take the depositions of those witnesses living in Van Buren county, whose testimony I had ascertained to be material. I wrote letters to the other witnesses whose statements I wished to secure, and started at once for Washington, taking Keokuk, Palmyra, St. Charles, and St. Louis on my route, in each of which places I expected to obtain useful information. In this I was not disappointed so far as regarded some of those points.

I arrived in Washington about the end of February. Our case being the only one on the docket in which the Supreme Court had original jurisdiction, they agreed to give it a preference as soon as it

was ready for argument. The Court, however, adjourned about the tenth of March, and too soon for the trial of our cause. It was, however, the general expectation at the time of adjournment that there would be a special term of the Court in April—a bill to that effect having passed the House of Representatives by a large majority. It was understood on all hands that if the bill passed, our case should be tried without fail. After various vicissitudes of fortune, the bill was at length, towards the close of April, finally defeated in the Senate, and I left forthwith for home.

During the vacation I took all the steps necessary to perfect the testimony as far as was in my power. I visited the Des Moines river valley for the purpose of taking additional testimony. I met the antagonist counsel, at various places in this State and Missouri, for the purpose of taking further depositions, and about the middle of December started again for Washington.

As soon as some further preliminaries were settled—a little additional testimony taken at Washington, and the whole records and briefs arranged and printed—the cause came on for trial a little after the middle of February. With the result of that trial you have already been informed. I have only to add, that all the time spent by me in Washington during both the periods of my residence there, were industriously, and, I trust, not uselessly employed in the business which took me thither.

During my first stay in Washington I sought and secured the aid of the Hon. THOMAS EWING, believing it the dictate of prudence to avail myself of his legal ability and experience in conducting the cause. I fully informed him that I had no authority to employ additional counsel, but stated to him that if he would undertake in the business, I had no doubt the Legislature would make him a reasonable, though not an extravagant, compensation. Upon these terms he consented to proceed, and did render us very essential service, for which I hope he will be fairly compensated. I advanced him at the time the sum of \$50 00, for which, if the Legislature should disapprove of my course, I hold myself individually responsible.

The case, as your Excellency is aware, is not entirely ended. The Court has appointed Commissioners to place monuments along the boundary line fixed by them, and to report their doings to the Court. The want of funds, as I am informed, prevented their performing that duty last year, and perhaps the same cause will operate with the like

effect until after the next meeting of the Legislature. As nothing remains to be done by the Court, or by counsel, except the making of a more formal entry after the Commissioners have reported, my duties may be regarded as substantially ended, and I make report of my proceedings accordingly.

I have been thus particular in stating the proceedings of this case, that your Excellency may judge whether I have performed my duty in a diligent and proper manner. I have never spared pains or money where I thought they would prove available, nor have I expended a moment or a dime where I did not think it requisite in order to accomplish the purpose of my appointment.

The time during which I have been absent from home in exclusive attendance upon this business, amounts in the aggregate to about eight months. Besides this, the pleadings, the correspondence, and much of the business of arrangement and preparation was transacted at home.

The subjoined statement of my expenditures will show that they have not exceeded the amount appropriated by the General Assembly. I endeavored to keep a general account of those expenditures, but this was frequently omitted, from inadvertance or other causes. The statement is not therefore precise, though not far from truth.

Hoping that the manner in which this business has been conducted may meet with the approbation of your Excellency and the General Assembly, I remain,

Very Respectfully, Yours, &c.,

CHARLES MASON.

EXPENSES INCURRED IN CONDUCTING THE SUIT.

First trip to St. Louis, St. Charles, and Hannibal, . . . . .	\$30 00
Second trip to St. Louis, Jefferson City, St. Genevieve, . . . . .	60 00
Two journeys to Des Moines river, . . . . .	15 00
To Fort Madison to take testimony, . . . . .	3 00
To Keokuk, Alexandria, and St. Francisville, . . . . .	10 00
*Expenses of taking testimony, aside from the personal expenses above referred to, in all, . . . . .	100 00

\* Among these expenses are included \$20 00 paid Wright and Knapp for their servi-

Fees of Clerk of Supreme Court, as per bill rendered, . . . . .	112 00
Paid Mr. Ewing, . . . . .	50 00
Printing and other incidental expenses at Washington, . . . . .	100 00
Two journeys and personal expenses at Washington, being absent three months at each time, . . . . .	500 00
	\$930 00

The State orders I received would not have brought the above amount if sold for their current value. I borrowed money on my own credit, at ten per cent., and kept the orders until they were cashed.

OTTUMWA, October 23d, 1850.

SIR: I have the honor to inform your Excellency that on the 17th instant I filed in the office of the Secretary of State of the State of Iowa, my return of the survey of the boundary line between this State and the State of Missouri. This work was commenced by us on the 28th day of April and concluded on the 18th of September.

The amount of money expended by Iowa is \$2,180 33, and the amount expended by Missouri is \$2,099 86. These sums (\$4,280 19) include every expense incurred, except for instruments (which are yet on hand) and such compensation as may be made to the Commissioners, and such further compensation, over and above three dollars per day, as shall be allowed to the surveyors, whose duties were arduous, and faithfully discharged.

For a fuller account of the said survey I most respectfully refer your Excellency to my report on file in the secretary's office.

I am, most respectfully,

Your Excellency's most ob't serv't,

H. B. HENDERSHOTT,

*Commissioners, &c.*

HON. ANSEL BRIGGS, *Governor, &c.*

Andrew, Iowa.

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ces in taking testimony on the Des Moines river, about \$12 00 which I paid for procuring a copy of the French Constitution of Missouri, and other similar expenses, besides witnesses and Commissioners' fees, &c.

OTTUMWA, May, 27th, 1849.

SIR: On the 25th inst. I received a copy of the decree of the Supreme Court of the United States in the boundary case between Iowa and Missouri.

In accordance with said decree (a copy of which you have ere now received) I have to request, that you address the Executive of Missouri on the subject of our boundary, and that you agree between yourselves, in behalf of your respective States, as to the character of posts which are to be placed every ten miles on the line;—whether they shall be of stone, or whether they shall be of cast iron, and what dimensions.

The dimensions, as also the materials of these posts, should be selected by the authorities of the States concerned, as the expense of their procurement and erection is to be borne by the States.

This selection will be made, of course, with a view to durability and economy.

I would suggest the propriety of the authorities of Iowa and Missouri immediately making some arrangement, by which the commissioners will be furnished means to enable them speedily to prosecute their duties. It will not be expected, by the authorities of the States concerned, that the commissioners shall employ all the assistance necessarily incident to the carefully establishing a boundary between two independent and growing States at their own immediate expense. It is for the Executives, of Missouri and Iowa to adopt such measures in aid of the commissioners, as to them may seem proper.

Any instructions which your Excellency may please to give to the commissioners touching their duties, will be kindly received.

An early reply to this is requested. I have this day sent to his Excellency the Governor of Missouri, a counterpart of this letter.

I am, most respectfully,

Your Excellency's most ob't humble serv't,

HENRY B. HENDERSHOTT.

His Excellency, ANSEL BRIGGS, *Governor, &c.*,

IOWY. CITY, Iowa.

IOWA CITY, November 30th, 1850.

To his Excellency, ANSEL BRIGGS, *Governor, of Iowa:*

The undersigned, appointed by your Excellency an agent to pro-

cure a suitable block of marble or other stone, to be furnished by the State of Iowa, for the Washington Monument, would respectfully report—That after having examined all the quarries in the State now worked, from which it was supposed such stone could be obtained, succeeded in procuring a block of the proper dimensions from the quarry of Moses B. Root, of Van Buren county.

The stone is now at the shop of Mr. Root, in Keosauqua, blocked out of the proper size and shape, ready to be finished in such manner and with such inscription thereon, as the General Assembly may direct.

Mr. Root looks to the liberality of the General Assembly for such compensation for his services in this matter as they may think him entitled

I have the honor to be

Your Excellency's ob't serv't,

JOSIAH H. BONNEY.

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*To his Excellency the Governor of Iowa :*

SIR: The commissioners appointed by the act of January 25th, 1848, to draft, prepare and revise a code of statute law of a general nature, for the State of Iowa,

Respectfully report,

That their work is substantially done, and in doing it they have complied with the manner prescribed by the act, substantially and as nearly as was practicable.

They submit herewith an analysis of the subjects contained in the first part or division of the work, together with the first titles or subdivisions opening the same. The papers constituting the remainder of the work will be submitted in their order, as speedily as they are arranged and put into a form adapted for submission, and at as early a day as the General Assembly may have need of them.

They do not propose to enter into a detail of changes made by them as this can be better ascertained from a regular examination of the work, and can be better pointed out and explained in a different manner hereafter.

A few chapters have been left yet unfinished, for consultation with

the officers of the Government, or for information to be derived from their reports, and such portions will be soon completed and reported.

W. G. WOODWARD,  
CHARLES MASON,  
S. HEMPSTEAD.

IOWA CITY, December 2, 1850.

On motion of Mr. Summers, the reading of the documents accompanying the Governor's message was dispensed with.

Mr. Harbour, offered the following resolution,

Resolved, That the Governor's message be laid on the table, and fifteen hundred copies be printed for the use of the House.

On motion of Mr. Babbitt, said resolution was amended by striking out "fifteen hundred" and inserting "twenty-five hundred."

Mr. Summers moved to amend by adding the words "and accompanying documents"—disagreed to.

The question recurring on the adoption of the resolution, was decided in the affirmative.

On motion of Mr. Folsom,

Resolved, That the chief clerk of this House be authorized to make an arrangement with the post master at Iowa City in behalf of the House, for the payment of postage on letters and papers to and from the members of the same during the session.

Mr. Harper moved that a committee of three be appointed to draft rules for the government of the House, which was agreed to; and Messrs. Harper, Crawford and Folsom were appointed said committee.

On motion of Mr. Harbour, the House adjourned till ten o'clock A. M. to-morrow.

WEDNESDAY MORNING, DECEMBER 4, 1850.

The Speaker read the following communication from the Chief Clerk of the House :

HALL OF THE HOUSE OF REPRESENTATIVES,  
December 4, 1850. }

*To the Speaker of the House of Representatives :*

SIR :—I have the honor to inform the House, that in obedience to the resolution of yesterday, I have perfected an arrangement by which the payment of the postage on all letters, and papers, to and from members of the House, during the present session, will be charged to the General Assembly.

Very Respectfully,

C. C. ROCKWELL,  
Chief Clerk, House of Representatives.

The Speaker announced the standing committees as follows :

WAYS AND MEANS.—Messrs. Babbit, Robinson, Gildea, M'Culloch, of Lee; and Price.

JUDICIARY.—Messrs. Folsom, Preston, of Linn, Negus, Thompson, and Crawford.

CLAIMS.—Messrs. Crawford, Updegraff, Summers, Reuben Riggs, and Hamill.

SCHOOLS.—Messrs. Eaton, Harper, Parvin, Negus, and Jacobs.

MILITARY AFFAIRS.—Messrs. Harbour, Price, Bunker, M'Culloch, of Jefferson, and Wyckoff.

ENGROSSED BILLS.—Messrs. Summers, and Dibble.

ENROLLED BILLS.—Messrs. Harper, and Parvin.

EXPENDITURES.—Messrs. Robinson, Preston, of Linn, Taylor, Major, and Gibson.

ROADS AND HIGHWAYS.—Messrs. Dibble, Guiberson, Goodenow, Wilson; of Henry, and Jacobs.

TOWNSHIP AND COUNTY ORGANIZATION.—Messrs. Preston, of Linn, Gamble, Salmon, Allender, and Samuel Riggs.

PUBLIC BUILDINGS.—Messrs. Parvin, Wilson, of Lee, Preston, of Monroe, Folsom, and Guiberson.

NEW COUNTIES.—Messrs. Babbit, Negus, M'Culloch, of Lee, Eaton, and Harbour.

AGRICULTURE.—Messrs. Harper, Thompson, Jacobs, M'Culloch, of Jefferson, and Gamble.

ELECTIONS.—Messrs. Gamble, Flint, Preston, of Monroe, Taylor, and Samuel Riggs.

INCORPORATIONS.—Messrs. Negus, Harbour, Summers, Gildea, and Hamill.

IMPROVEMENT OF THE DES MOINES RIVER.—Messrs. Flint, Babbit, Reuben Riggs, M'Crary, and Gildea.

The Speaker laid before the House a communication from the Auditor of State. [See Appendix, A.]

On motion of Mr. McCreary, laid on the table, and fifteen hundred copies ordered to be printed.

On motion of Mr. Preston of Linn,

Resolved, That, the Senate concurring, the Senate will meet the House, in the hall of the House of Representatives, at 2½ o'clock P. M., of this day, for the purpose of opening and publishing the votes given for Governor at the last general election of the State of Iowa.

On motion of Mr. Harbour,

Resolved, That the chief clerk of this House be, and he is hereby authorized, to have a sufficient number of the list of standing committees printed, to furnish each member with a copy.

On motion of Mr. Summers, Mr. McCrary was added to the committee on the Des Moines river improvement.

Mr. Summers, from the select committee to whom was referred the resolution authorizing the chief clerk to furnish members with newspapers, reported the following resolution :

Resolved, That the chief clerk of this House be authorized to furnish each member thereof with twenty copies of such newspaper, or newspapers, published in this State, as the member may direct, during the time the Legislative Assembly may be in session.

Mr. Wilson of Henry, moved to amend, by striking out the word "State," and inserting the words "Iowa City : " which was disagreed to.

Mr. Parvin moved to strike out "twenty," and insert "ten."

Mr. Wilson moved an amendment to the amendment, as follows : strike out "ten," and insert "five."

A division of the question was called for, and being taken on striking out, was decided in the negative—

Yeas, 10.)

Nays, 28.)

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Harbour, Jacobs, Major, McCrary, Parvin, Preston of Linn, Preston of Monroe, and Wilson of Henry.

Those who voted in the negative were,

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gibson, Gildea, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, Negus, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Lee, Wyckoff, and Mr. Speaker.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate, to inform the House, that the Senate have concurred in the resolution of the House, to meet in joint convention at 2 o'clock P. M. this day, for the purpose of opening and publishing, the votes given for Governor at the last general election.

Mr. Folsom, offered the following substitute ;

Resolved, That the clerk of this House, be authorized in behalf of the House ; to subscribe for 25 copies, of any weekly newspaper ; or its equivalent, published in this State, for the use of each member during the present session ; which was rejected.

Mr. Parvin, moved to amend, by inserting the word "weekly," before the word "newspaper;" and the words "or its equivalent" after.

The previous question was moved by Mr. Summers, upon which the main question was refused ;

Yeas, 12, }

Nays, 25 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Bunker, Gamble, Gibson, Harper, McCulloch of Jefferson, Preston of Linn, Robinson, Summers, Taylor, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were,

Messrs. Allender, Crawford, Dibble, Eaton, Flint, Folsom, Goodenow, Guiberson, Hamill, Harbour, Jacobs, Major, McCulloch of Lee, McCrary, Negus, Parvin, Preston, of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon, Updegraff, Wilson of Lee, and Wyckoff.

On motion of Mr. Wilson of Henry, the House adjourned at 12, o'clock, M.

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TWO O'CLOCK, P. M.

A joint convention of the two Houses being the special order ;

On motion of Mr. Harbour, the clerk was ordered to inform the President, and members, of the Senate, that the House was ready to receive them in the Hall of the House, for the purpose of opening, and publishing the official abstract of votes for Governor at the last general election.

This duty having been performed ;

The members of the Senate, preceded by their President, Secretaries, and Sergeant at Arms, entered the Hall of the House, and having taken the seats assigned them, (the President of the Senate, acting as President ; and the chief clerk of the House, acting as Secretary,) the President forthwith announced the purpose of the Convention, and ordered a call of the roll, when the following members were found to be in attendance.

Messrs. Alger, Allender, Baker, Babbitt, Bunker, Casady, Cook, Crawford, Dibble, Espy, Everson, Eaton, Flint, Folsom, Gamble, Gibson, Gildea, Goodenow, Guiberson, Hendershott, Hepner, Howell, Hamill, Harbour, Harper, Jacobs, Leffingwell, Lewis, Lowe, Morton, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Sales, Shields, Spees, Salmon, Summers, Taylor, Temple, Thompson, Updegraff, Wright, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. President—56.

The Speaker of the House of Representatives, proceeded to open and publish the official abstracts of votes for Governor ; in presence of the two Houses ; when the same were duly canvassed, Mr. Lewis on the part of the Senate, and Mr. Negus on the part of the House, acting as Tellers.

The following is the result.

ABSTRACT STATEMENT of all the votes cast for "Governor" at an election held within and for the State of Iowa, on the first Monday the 5th, day of August, A. D. 1850, wherein the names of the several persons voted for, the number of votes each person received, and the several counties in which the same were cast are distinctly set forth:

NAMES OF COUNTIES.	STEPHEN HAMPTREAD.	JAMES L. THOMPSON.	W. PENN CLARK.	SAMUEL THOMPSON.	JAMES THOMPSON.	WILLIAM BRIGGS.	STEPHEN B. HAMPTREAD.
Alamakee, . . . . .	30	27					
Appanoose, . . . . .	263	176	6				
Boone, . . . . .	79	14					
Benton, . . . . .	58	46					
Buchanan, . . . . .	28	35	5				
Cedar, . . . . .	330	256	18				
Clayton, . . . . .	315	221	14				
Clinton, . . . . .	245	138					
Dallas, . . . . .	70	59					
Davis, . . . . .	513	446					
Decatur, . . . . .	70	59					
Delaware, . . . . .	124	130	3				
Des Moines, . . . . .	812	682					
Dubuque, . . . . .	721	353					
Fayette, . . . . .	38	63	1				
Fremont, . . . . .	77	78					
Henry, . . . . .	467	669	142				
Jackson, . . . . .	523	337	1				
Jasper, . . . . .	98	93					
Jefferson, . . . . .	733	674	19				
Johnson, . . . . .	396	268	7				
Jones, . . . . .	213	165	14				
Keokuk, . . . . .	400	307	2				
Lee, . . . . .	1,473	931	103				
Linn, . . . . .	436	380	26				
Louisa, . . . . .	299	352	21				
Lucas, . . . . .	46	41					
Madison, . . . . .	100	62					
Mahaska, . . . . .	484	518					
Marion, . . . . .	367	268	3				

Marshall, .....	24	11				
Monroe, .....	282	181	11			
Muscatine, .....	430	394				
Polk, .....	358	312				
Pottawattamie, .....	82	446				
Powesheik, .....	47	59				
Scott, .....	418	352	4			
Van Buren, .....	930	815	52			
Wapello, .....	702	576				
Warren, .....	40	61				
Washington, .....	289	358	122			
Iowa, .....	76	39	1			
Total,	13,486	11,403	575	4	5	1 1

Whereupon Stephen Hempstead, was declared duly elected Governor of the State of Iowa.

The President appointed Messrs. Hepner and Summers a committee to inform the Governor elect, that the two Houses were ready to receive him in joint session, in order that he might receive the oath prescribed by the Constitution.

Which duty having been performed by the committee; the Governor elect, accompanied by the Governor, the Judges of the Supreme Court, and the officers of State, entered the hall of the House; and having been duly announced, and taken the seats assigned them, the Governor elect delivered the following Inaugural Address:

Called to the executive chair of the State of Iowa, by the free suffrages of my fellow citizens, a frank expression of gratitude is due to them for the distinguished honor which they have conferred upon me, and of the leading principles which will govern me in the discharge of my official duties under the Constitution and laws, with the assurance on my part, that those duties shall be discharged to the best of my ability.

Knowing the fallibility of human nature, let me claim that indulgence for unintentional errors which as reasonable men we should extend toward each other. Elected by one of the great political parties of this State, I cannot expect to escape censure from those who differ from me in political sentiment, and rejoice that we live under a government where every citizen has the right of freely discussing the

conduct of public men, and public measures. From this rule I claim no exemption, and ask nothing but justice.

The principles by which I shall be governed in the administration of your affairs, are distinctly marked out in the Constitution of this State, a Constitution which in my judgment is eminently calculated to secure to us the enjoyment of life, liberty, equality, and the pursuit of happiness, or in other words, to secure the great objects for which governments should be established among men; and the prosperity of the State from its organization to the present time, is a forcible commentary of the justice and wisdom of the policy thus adopted.

By the restriction of State debts, the prohibition of banking and of special acts of incorporation, except for political or municipal purposes, we are secured from many evils which exist in older States, where, in consequence of the establishment and continuance of those institutions, their governments have become complicated, oppressive, and subversive of civil liberty.

- With no banks among us to create distress or panic by their failures, contractions, and expansions, with but few corporations except those formed under general laws, our citizens relying on their own industry and frugality, are advancing steadily to competence and wealth, showing to the world that bank indulgence, paper money, and special privileges, are unnecessary to secure to a people happiness and prosperity.

With a soil of great richness and productiveness, a climate salubrious and invigorating, and citizens possessing enterprise and industry, we require nothing more than what is secured by our Constitution; and let me say, if we desire a continuance of that prosperity, the stability of the State and the happiness of our citizens, it can only be accomplished by the enactment of equal and expedient laws, and not by those which are designed to build up and enrich a few at the expense of the many, or by giving one class of citizens privileges not possessed by others. The leading principles of a republican government, as I understand them, are "a perfect equality of political rights, a strict construction of constitutions, no monopolies, moderate legislation, a revenue meeting the wants of the people, and no more; strict responsibility of public officers, simplicity of the laws, and the least possible restraint upon the mind, person, energy and industry of every man, consistent with the rights of his fellow-men."

The best form of government that can be devised, is an abridgment of the natural rights of the citizen, and the laws necessary for the purposes of such government are sufficiently complicated and burthensome without adding to them those designed to regulate the conduct of persons upon mere questions of morality, when such objects can only be reached by the force of public opinion, and that alone; yet such laws are not unfrequently placed upon the statute books, where they remain without being enforced, or if exercised, can only be carried into effect when and where a temporary excitement prevails, and then frequently to gratify malice or revenge. If such laws are necessary, they should be enforced and sustained; if they cannot be enforced and sustained, they are unnecessary and should not be enacted.

It is made my duty by the Constitution, to see that the laws are faithfully executed. Experience shows us that in just proportion to their observance, is the peace and prosperity of our government. This extends not only to such laws as we believe to be right, but to all such as are lawfully enacted, until they are repealed, or declared unconstitutional by the judicial tribunals. While we have the ballot box and the courts, whatever may be the private opinion of any citizen, or class of citizens, upon such law, obedience to its requirements is an unavoidable duty. So far as any responsibility may rest on me, or power be entrusted, I shall neither hesitate to assume the one, or exercise the other, if necessary to ensure their prompt observance; and in this I am satisfied that I would have the countenance and support of my fellow citizens. My hope and confidence however is, that there will be no occasion when it will become necessary to assume or exercise the power thus given.

I cannot doubt that a prompt obedience, in all cases, and a fair construction, according to the purpose intended, of every law, whether state or national, will be yielded by every good citizen. So far as our national laws are concerned, we are bound further to such observance by a solemn compact with the other States of this Union, and no citizen who loves that Union will violate its laws, or permit others to do so, if in his power to prevent it. It is that Union which gives to the American people rank and power among men and nations—it is that union which protects our commerce, adjusts the difficulties between States, and defends us from the aggressions of foreign powers. Without union, our independence and liberty could not

have been achieved; without union, and the observance of the laws, they can never be maintained.

Desirous of seeing a continuance among us of a republican government, in fact as well as in name, I have thus briefly given my views as to the policy which should be pursued to secure those results, having no other object than to advance our best interests, maintain the honor and dignity of the State, and secure to every citizen the enjoyment of civil liberty.

After which the Governor elect, intimated his readiness to take the oath prescribed by the constitution; which was administered in due form by Chief Justice Williams.

Thereupon Messrs. Hepner and Summers, the committee of the convention, attended the Governor and the ex-Governor, from the hall of the House.

The purposes for which the convention assembled having been accomplished; the Senate retired from the Hall.

The question in order, being upon the amendment of Mr. Parvin, to the resolution before the House relative to newspapers; was decided in the affirmative.

The question then recurring upon the adoption of the resolution, as amended, was decided in the affirmative.

Mr. Harbour moved to lay the inaugural address of Governor Hempstead upon the table; and that fifteen hundred copies be ordered to be printed.

Mr. Summers moved to amend, by striking out "fifteen hundred," and inserting "twenty-five hundred;" which was agreed to.

The question recurring upon the motion as amended, was decided in the affirmative.

On motion of Mr. Harbour, the documents accompanying the Governor's message were taken from the table, read and referred to the committee on public buildings.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have ordered the following documents to be printed, viz: one thousand copies of the Governor's message, fifteen hundred copies of Governor Hempstead's inaugural address, and one thousand copies of the Auditor's report; all for the use of the Senate.

Mr. Harboru moved to adjourn until Friday next at 10 o'clock, A. M.—lost.

On motion of Mr. Allender, the House adjourned at 4 o'clock and 30 minutes P. M.

#### THURSDAY MORNING, DECEMBER 5, 1850.

Petitions were presented, read, and disposed of as follows:

By Mr. Wyckoff; a petition of citizens of Jackson county, praying for the repeal of Thomas S. Parks' ferry charter, and asking that a new one be granted to Levi Conklin, which was referred to the committee on incorporations.

By Mr. Parvin; a petition of the president and trustees of the town of Muscatine, praying for a city charter; laid on the table.

By Mr. Guiberson; a petition of citizens of the State of Iowa, praying for the location of a state road from Fort Des Moines to Council Bluffs; which was referred to the committee on roads and highways.

On motion of Mr. Gibson.

Resolved, That the use of the Hall be tendered to the state rail road convention for the remainder of the day.

On motion of Mr. Harbour,

The House adjourned until to-morrow at 10 o'clock, A. M.

#### FRIDAY MORNING, DECEMBER 6, 1850.

Petitions were presented, read, and disposed of as follows:

By Mr. Summers; a petition of citizens of Scott county, praying for the enactment of a law restraining swine from running at large; which was referred to the committee on agriculture.

By Mr. Summers; a petition of citizens of Leclair and vicinity,

praying for the repeal of all laws licensing the sale of ardent spirits, and praying for the enactment of a law making it a criminal offence to sell or give away the same; which was referred to the committee on the Judiciary.

By Reuben Riggs; a petition of citizens of the State of Iowa, praying the location of a state road from Drakeville, in Davis county, to Charifon Point, in Lucas county; which was referred to the committee on roads and highways.

By Mr. Parvin; three petitions of ladies of Muscatine, asking the repeal of all existing laws authorising the sale of spiritous liquors within the State, and the enactment of a law prohibiting entirely, under adequate penalties, the traffic in intoxicating drinks as a beverage; which was laid on the table.

By Mr. McCulloch, of Lee; a petition of citizens of Lee county, praying for the vacation of a certain state road in said county; which was referred to the committee on roads and highways.

By Mr. McCulloch, of Lee; a petition of S. A. James, praying for an appropriation to pay for his services as a witness before a committee of the House of Representatives, at the first regular session of the General Assembly of the State of Iowa; which was referred to the committee on claims.

By Mr. Babbitt; a petition of citizens of Boone county, praying for an additional tier of townships on the west side of said county, and for the appointment of commissioners to locate the seat of justice within its limits; which was referred to the committee on new counties.

By Mr. Babbitt; a petition of citizens of Marion county, praying for a ferry charter to N. B. Allison and Co., with the exclusive privilege to keep a ferry at Red Rock on the Des Moines, for the space of two miles up and down said river, for the term of twelve years; which was referred to the committee on incorporations.

Notice to bring in the following bills was given:

By Mr. Parvin; A bill granting to the Muscatine, Washington and Oscaloosa road and bridge company, the right of way, for a graded or plank road from Muscatine, in Muscatine county, to Oskaloosa, in Mahaska county.

By Mr. Flint; A bill to amend an act to re-organise a board of public works, and repealing so much of the several acts relating thereto, as conflicts with the provisions of this act; approved Jan. 15 1850.

By Mr. Reuben Riggs; A bill for an act to locate the seat of justice of Decatur county.

By Mr. Price; A bill for an act to locate a state road from M'Gregor, on the Mississippi river, to Fort Clark on the Des Moines.

On motion of Mr. Summers,

Resolved, That a committee on federal relations be added to the standing committees of the House.

Messrs. Summers, Negus, Flint, Hamill and Wilson of Henry were appointed said committee.

On motion of Mr. Allender,

Resolved, That this House proceed to-morrow morning to elect an enrolling clerk, to commence his duties when the House shall require them.

Mr. Babbitt, with leave, introduced H. R. file No. 1, Joint resolution relative to a military road from Council Bluffs Sub-Agency, to Sacramento City; which was read a first time.

Mr. Babbitt, with leave, introduced H. R. file No. 2, Joint Resolution in relation to the purchase of Indian titles in Nebraska Territory; which was read a first time.

Mr. Folsom offered the following resolution; which was agreed to.

Resolved, by the House, the Senate concurring, that a committee of three be appointed on the part of the House, to act with a similar committee on the part of the Senate, to correspond or confer with Hon. Charles Mason, Wm. G. Woodward Esq., and Hon. Stephen Hempstead, a committee to draft, revise and prepare a code of laws for the State of Iowa, appointed by an act of the General Assembly of the State of Iowa, approved January 25th, 1848, and ascertain whether said committee are at this time prepared to report a complete and perfect code to the Governor of said State, or any part thereof, and if so, how much and what part of said code.

Messrs. Folsom, Babbitt, and Preston of Linn were appointed said committee.

On motion of Mr. Flint,

Resolved, That it shall be the duty of the Messenger of this House, to equally divide all the documents that may be printed for the use of the House, among the members thereof.

On motion of Mr. Wickoff,

Resolved, That the members of this House be required to leave on

or attached to their desks, their names, in order to assist the Messenger in the distribution of documents and papers.

Mr. Parvin, with leave, introduced H. R. file No. 3, A bill for an act to incorporate and establish the City of Muscatine; which was read a first time, and,

On his motion the forty-second rule was suspended, said bill was read a second time and referred to the committee on incorporations.

On motion of Mr. Gildea,

Resolved, That the Chief Clerk of this House be instructed to procure three copies of Carlton's map of the State of Iowa for this House.

On motion of Mr. Crawford,

The House adjourned at 12 o'clock M.

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TWO O'CLOCK, P. M.

On motion of Mr. Summers, the Governor's message was taken from the table.

On motion of Mr. Summers, that part relating to education was referred to the committee on schools.

On motion of Mr. Harbour, that part relative to the Judiciary was referred to the committee on the judiciary.

On motion of Mr. Harper, that portion relating to agriculture was referred to the committee on agriculture.

On motion of Mr. Guiberson, that portion relating to expenditures was referred to the committee on expenditures.

On motion of Mr. Summers, that portion relating to slavery was referred to the committee on federal relations.

On motion of Mr. Preston of Linn, that portion relating to the militia was referred to the committee on military affairs.

On motion of Mr. Guiberson, that portion relating to the Des Moines River improvement was referred to the committee on the Des Moines river improvement.

On motion of Mr. Wyckoff, that portion relating to the Penitentiary was referred to the committee on public buildings.

On motion of Mr. Summers, that portion relating to internal improvements was referred to the committee on internal improvements.

On motion of Mr. Parvin, that portion relating to the boundary line between Missouri and Iowa was referred to the committee on claims.

Mr. Harbour offered the following resolution; which was agreed to.

Resolved, That a committee of one from each judicial district, be appointed to act as a standing committee on internal improvements.

Messrs: Harbour, Preston of Linn, Crawford, Babbitt and Thompson, were announced as said committee.

Mr. Wilson of Henry, moved to adjourn until to-morrow at ten o'clock A. M.; which was disagreed to.

On motion of Mr. Bunker, the House adjourned at 4 o'clock P. M.

#### SATURDAY MORNING, DECEMBER 7, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Summers; a petition of citizens of Scott county, praying that a charter be granted A. J. Brown, to keep a ferry across the Mississippi river at Le Clair; which was referred to the committee on incorporations.

By Mr. Wyckoff; a petition of citizens of Jackson county and vicinity, praying that a charter be granted to Wade H. Eldridge, to keep a ferry across the Mississippi river at Sabula; which was referred to the committee on incorporations.

By Mr. Wilson of Henry; a petition of J. D. Hoag, asking remuneration for his services as commissioner, for the re-location of the seat of government.

By Mr. McCulloch of Lee; a petition of John Brown, asking remuneration for his services as commissioner for the re-location of the seat of government.

Both of said petitions were referred to the committee on claims.

Message from the Senate, by Mr. Bradley their Secretary.

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate file No. 1, joint resolution requesting our Senators and Representatives in Congress, to use their exertions to procure the

passage of a law, refunding money, or granting lands to the State of Iowa. Also,

Senate file No. 3, a joint resolution requesting the services of Hon. Charles Mason, and Hon. Wm. G. Woodward, in explanation of the new code of laws, presented by them to the General Assembly.

In all of which the concurrence of the House is respectfully requested.

I am also directed by the Senate to inform the House that the Senate have appointed Messrs. Wright, Lewis and Hendershott, a committee on the part of the Senate, to act in conjunction with a similar committee on the part of the House, to report at an early day what portions, if any, of the report of the commissioners appointed to revise the laws, it may be necessary to publish.

Mr. Summers presented credentials of Benjamin Rector, of Fremont county, and M. H. Clark, of Pottawatomie county, as Representatives from those counties to the General Assembly of Iowa; which were read and referred to the committee on elections, with instructions to report on Monday morning next.

On motion of Mr. McCrary,

Resolved, That the standing committee on roads and highways, are hereby requested to inquire into the expediency of legislating on the subject of reviews and relocations of roads and highways.

Notice to bring in the following bills was given:

By Mr. Eaton, a bill for an act for a State road from Delhi, in Delaware county, via Quasqueton, in Buchanan county, to Fort Des Moines, in Polk county.

By Mr. Price: a bill for an act to authorize Marcus H. Hays, his heirs and assigns, to establish and keep a ferry across the Mississippi river at the town of Guttenburg, in the county of Clayton. Also, a bill for an act to authorize William H. Morrison, his heirs and assigns, to establish and keep a ferry across the Mississippi river at Paint Rock landing, in the county of Allamakee.

By Mr. Guiberson, a bill for an act to locate a State road from Fort Des Moines to Council Bluffs, via Winterset, in Madison county, and Indian village, in Pottawattamie county.

Mr. Reuben Riggs, with leave, introduced H. R. file No. 4, a bill for an act to provide for the location of the seat of justice of Decatur county; which was read a first time and laid over under the rule.

Mr. Flint with leave introduced, H. R. file No. 5, A bill for an act

to amend an act, entitled an act providing for the re-organization of the Board of Public Works and repealing so much of the several acts relating thereto, as conflict with the provisions of this act; which was read a first time.

Mr. Flint moved that the forty-second rule be suspended and the bill be read a second time now, which was disagreed to and said bill laid over under the rule.

Mr. Price, with leave introduced H. R. file No. 6, A bill for an act to locate a state road leading from McGregor in the county of Clayton, to Fort Clarke on the Des Moines river, via Louisville in the county of Winneshiek; which was read a first time and laid over under the rule.

The election of an Enrolling Clerk being the special order of the day,

Mr. Thompson nominated Elkana Perdue.

Mr. Harbour nominated James B. Bowen.

Mr. Guiberson nominated John W. Rush.

Mr. Allender nominated R. T. Dibble.

Mr. Harbour, moved to lay the special order on the table; which was disagreed to.

Upon a call of the roll it appeared as follows:

R. T. Dibble,	received	-	-	-	-	-	11 votes
Elkana Perdue,	"	-	-	-	-	-	6 "
Noline,	"	-	-	-	-	-	1 "
Geo. S. Hampton,	"	-	-	-	-	-	3 "
James B. Bowen,	"	-	-	-	-	-	10 "
John W. Rush,	"	-	-	-	-	-	6 "

No choice having been made a second call of the roll was had when it appeared that

R. T. Dibble,	received	-	-	-	-	-	13 votes
Elkana Perdue,	"	-	-	-	-	-	2 "
Geo. S. Hampton,	"	-	-	-	-	-	1 "
John W. Rush,	"	-	-	-	-	-	6 "
James B. Bowen,	"	-	-	-	-	-	11 "

No choice having been made a third call of the roll was had, when it appeared that

R. T. Dibble,	received	-	-	-	-	-	17 votes
John W. Rush,	"	-	-	-	-	-	6 "
James B. Bowen,	"	-	-	-	-	-	14 "

No choice having been made a fourth call of the roll was had, when  
 James B. Bowen, received - - - - - 19 votes  
 R. T. Dibble, " - - - - - 18 "

Whereupon James B. Bowen was declared duly elected Enrolling Clerk from such time as the House shall need his services.

On motion of Mr. Harbour the message from the Senate was taken from the table.

Senate file No. 3, Joint Resolution requesting the services of Hon. Charles Mason and Hon. Wm. G. Woodward in explanation of the new code of laws presented by them to the General Assembly, was read a first time.

Mr. Harbour, moved that the forty-second rule be suspended and said joint resolution read a second time now; whereupon it was decided by the Chair that "said resolution in its nature, character and formation not being a joint resolution, but a simple resolution of the Senate asking the concurrence of the House" the motion to suspend the rule being unnecessary was out of order, from which decision of the Chair Mr. Harbour appealed.

The question was then put "Shall the decision of the Chair remain the judgment of this House?" Decided in the negative.

YEAS, 12 }  
 NAYS, 23 }

The yeas and nays were desired, and those who voted in the affirmative were Messrs. Allender, Babbitt, Dibble, Guiberson, Harper, Parvin, Samuel Riggs, Robinson, Summers, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were Messrs. Bunker, Crawford, Gamble, Gibson, Gildea, Goodenow, Hamill, Harbour, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Reuben Riggs, Salmon, Taylor, Thompson, and Wilson of Lee.

So said question was decided in the negative.

On motion of Mr. Flint the House adjourned at 12, o'clock M.

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TWO O'CLOCK, P. M.

H. R. file No. 1, Joint Resolution relative to a military road from

Council Bluffs' Indian Sub-Agency, to Sacramento City was read a second time and on motion of Mr. Babbitt ordered to be engrossed and read a third time on Monday next.

H. R. file No. 2, Joint Resolution in relation to the purchase of Indian titles in Nebraska Territory was read a second time and on motion of Mr. Babbitt was ordered to be engrossed for a third reading on Monday next.

Mr. Guiberson offered the following resolution:

Resolved, That the Secretary of State be requested to furnish each member and the clerk's of this House, with one of Robbins' pens, and also to furnish each member and the clerk's of this House with a letter stamp.

Mr. Parvin moved the indefinite postponement of the resolution, which was decided in the affirmative.

YEAS, 27.)

NAYS, 10.)

The yeas and nays, were desired, and those who voted in the affirmative were,

Messrs. Bunker, Dibble, Eaton, Flint, Gibson, Gildea, Goodenow, Harbour, Jacobs, Major, McCulloch, of Lee, McCulloch, of Jefferson, McCrary, Parvin, Preston, of Monroe, Samuel Riggs, Reuben Riggs, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson, of Lee, Wyckoff, and Mr. Speaker.

Those who voted in the negative were,

Messrs. Babbitt, Crawford, Gamble, Guiberson, Hamill, Harper, Negus, Preston, of Linn, Price, and Robinson.

Mr. Flint offered the following resolution:

Resolved, That James B. Bowen have the use of this Hall this evening to deliver a lecture at half past six o'clock on the subject of "*men and things*," which was disagreed to.

Mr. Taylor offered the following resolution:

Resolved, That the Chief Clerk be required to employ an assistant Messenger for this House for a limited time.

Mr. Harper moved to amend by adding the words "at one dollar and twenty-five cents per day."

Mr. Babbitt offered the following substitute:

Resolved, That the Sergeant-at-Arms be required to employ a door keeper, at a cost of one dollar per day, whose duty it shall be at all times to be in attendance at the door of this House for the purpose

of announcing messages, and keeping the door properly closed, and that it shall be the duty of the Sergeant-at-Arms to assist the Messenger in the performance of his duties in the House when not otherwise engaged in his official duties.

Mr. Summers moved to lay said resolution, amendment and substitute on the table; which was agreed to.

YEAS, 27.)

NAYS, 10.)

The yeas and nays were desired, and those who voted in the affirmative were,

Messrs. Allender, Bunker, Dibble, Eaton, Flint, Gamble, Gibson, Goodenow, Hamill, Harbour, Jacobs, Major, McCulloch, of Lee, McCulloch, of Jefferson, McCrary, Negus, Parvin, Preston, of Monroe, Samuel Riggs, Salmon, Summers, Thompson, Updegraff, Wilson, of Henry, Wilson, of Lee, Wyekoff, Mr. President.

Those who voted in the negative were,

Messrs. Babbitt, Gildea, Guiberson, Harper, Preston, of Linn, Price, Reuben Riggs, Robinson and Taylor.

On motion of Mr. Summers the Chief Clerk was ordered to assign the duties of the Sergeant-at-Arms, Messenger and Fireman.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House that the Senate have passed Senate file, No. 2; Joint resolution relative to the reports and accounts of A. H. Haskell, late superintendent of the Iowa Penitentiary, deceased.

In which the concurrence of the House is requested.

The following Message was received from his Excellency Governor Hempstead:

*Gentlemen of the Senate and House of Representatives—*

I herewith transmit the Report of the Board of Public Works, which was placed in my hands on yesterday, and which I am assured would have been made to my predecessor had not the Secretary of the Board been unavoidably delayed in his arrival at this city.

In submitting this report, permit me to express the hope, that it will be thoroughly and carefully considered by the General Assembly, and that such provisions may be made to secure the progress of the

work as will accord with the Constitution, the object of the grant made by Congress, and the best interests of the State.

S. HEMPSTEAD.

December 7th, 1850.

(REPORT—See Appendix D.)

Message from the Senate, by Mr. Bradley, their Secretary:

MR. SPEAKER: I am directed to inform the House, that the Senate have ordered the printing of twenty-five hundred copies of the Report of the Board of Public Works, with the accompanying documents to be printed for the use of the General Assembly, one thousand copies of which shall be for the use of the Senate.

On motion of Mr. Allender,

The Report of the Board of Public Works was referred to the committee on Des Moines river improvement.

Message from the Senate coming up in order, Senate file No. 2, joint resolution relative to the report and accounts of A. H. Haskell, Esq. late superintendent of the penitentiary, deceased.

On motion of Mr. Jacobs,

The forty-second rule was ruspended and said joint resolution was read a second and third time, passed, and the title agreed to.

Mr. Taylor moved that the House adjourn until Monday morning, at 9 o'clock, A. M.

Mr. Summers moved to amend, by striking out "nine and inserting ten," which was agreed to.

YEAS, 18}

NAYS, 12}

The yeas and nays being desired, those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Gamble, Hamill, Harper, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Price, Robinson, Salmon, Summers and Mr. Speaker.

Those who voted in the negative, were,

Messrs. Babbitt, Flint, Gibson, Gildea, Goodenow, Guiberson, Jacobs, Preston of Linn, Samuel Riggs, Reuben Riggs, Taylor, Thompson, Wilson of Henry, Wilson of Lee and Wyckoff.

The question then recurring on the motion, as amended, was decided in the affirmative, and the House adjourned at 4 o'clock, P. M.

MONDAY MORNING, DECEMBER 9, 1850.

Petitions were presented, read, and disposed of as follows:

By Mr. M'Culloch, of Lee; a petition of citizens of Lee and Van Buren counties, praying for the location of a state road from Franklin township in Lee county, to Plymouth in Van Buren county; which was referred to a select committee composed of the representatives from Lee and Van Buren.

By Mr. Flint; a petition of citizens of the State of Iowa, praying for the location of a state road from Iowaville in Van Buren county, to the south line of Keokuk county; which was referred to the committee on roads and highways.

On motion of Mr. Gibson,

Resolved, That there be appointed a select committee, to consist of one member from each judicial district in this State to enquire into the expediency of the government of the United States making a donation of lands to actual settlers in such quantities and under such regulations as Congress in its wisdom may deem proper and that they be instructed to report at an early day by memorial or otherwise, and,

Messrs. Gibson, Harper, Preston of Monroe, Goodenow and Bunker were appointed said committee.

On motion of Mr. Price,

Resolved, That a committee of three be appointed to act with a similar committee on the part of the Senate, to enquire what mail routes are necessary for a further extension of mail facilities to the people of this State, and report a suitable memorial to Congress upon that subject before the close of this session of the legislature; Messrs. Price, Dibble, and Updegraff were appointed said committee.

Mr. Wykoff gave notice that on some future day he would ask leave to introduce a bill for an act to restrain swine from running at large in Jackson county.

Notice to bring in the following bills was given:

By Mr. Preston, of Monroe; A bill for an act to organize the county of Clark.

By Mr. Babbitt; A bill for an act to be entitled "an act" to locate a state road from Fort Des Moines to Fort Clark.

A bill for an act to be entitled an act to locate and establish the seats of justice of the counties of Boon and Marshal.

A bill for an act to be entitled "an act to locate a state road from Chariton in Lucas county, to Newton in Jasper county."

A bill for an act to be entitled "an act to locate a state road from Chariton in Lucas county, to Fort Des Moines in Polk county," and

A bill for an act to be entitled "an act to locate a state road from Knoxville in Marion county, to Winterset, in Madison county.

By Mr. Dibble; A bill for an act to locate a state road from Washington to Farmington.

On motion of Mr. Preston of Linn.

Resolved, That it be out of order for any member of the House to fold documents or papers at their desks during the session of the House.

Mr. Babbit, with leave, introduced H. R. file No. 7, Joint Resolution requesting our Senators and Representatives in Congress to use their influence to procure the extension of the United States Military Road from Agency City in Wapello county, to a point opposite Council Bluffs on the Missouri river.

Mr. Harper, from the select committee appointed to draft rules for the government of the House, submitted the following

#### REPORT:

Your committee have examined the rules adopted by the last session of the House, and recommend that they be adopted, with the following amendments and substitutions, as the standing rules of this House, to-wit:

For rule 25, substitute, "The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question."

Add to rule 28, "A motion to strike out and insert shall be deemed to be indivisible."

Substitute for rule 42d, "Every bill shall receive three several readings previous to its passage, but no bill shall have its second and third readings on the same day, without a suspension of this rule."

Substitute for rule 43d, "The first reading of a bill shall be for information, and if objections be made to it, the question shall be, 'Shall the bill be rejected?' If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question."

Substitute for rule 54, "In filling up blanks, in committee and in the House, the largest sum and the longest time shall be first put."

Add to rule 60, "Committee on Federal Relations, committee on Internal Improvements."

Add to rule 61, "And the joint rules of both Houses."

Your committee further recommend that the chief clerk of this House be authorized to have eighty copies of said rules printed for the use of the members of this House.

All of which is respectfully submitted,

WM. HARPER, Chairman.

Mr. Jacobs, moved to amend the Report, so as to make the hour of meeting 9 instead of 10 o'clock, A. M., which was rejected.

YEAS, 10, }  
NAYS, 28. }

The yeas and nays were desired, those who voted affirmative, were:

Messrs. Babbitt, Flint, Gibson, Jacobs, Major, McCrary, Preston, of Linn, Samuel Riggs, Reuben Riggs, and Taylor.

Those who voted in the negative, were:

Messrs. Allender, Crawford, Dibbe, Eaton, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, McCulloch, of Lee, McCulloch, of Jefferson, Negus, Parvin, Preston, of Monroe, Price, Robinson, Salmon, Summers, Thompson, Updegraff, Wilson, of Henry, Wilson, of Lee, Wykoff and Mr. Speaker.

Mr. Babbitt moved to amend the substitute for the 42d rule, by inserting after the word "passage," the words "and all bills shall

be dispatched in the order they were introduced, unless where the House shall direct otherwise."

Mr. McCray moved to strike out the substitutes for the 42nd and 43rd rules, which was agreed to.

The question recurring on the adoption of the report as amended, was decided in the affirmative.

Mr. Summers, from the committee on engrossed bills, reported H. R. file No. 1, joint resolution relative to a military road from Council Bluffs, Indian Sub-Agency to Sacramento City, and

H. R. file, No. 2, joint resolution relative to the purchase of Indian titles, in Nebraska territory, as correctly engrossed.

On motion of Mr. Summers,

Resolved, That a committee of three be appointed to act with a similar committee on the part of the Senate, to prepare rules for the joint action of the two houses, and Messrs. Summers, Harbour, and Hamill were appointed said committee.

Mr. Gamble, from the committee on elections, to whom was referred the election certificates of M. H. Clark, and Benjamin Rector, reported progress and asked leave to sit again, which was granted.

Mr. Parvin, with leave introduced H. R. file No. 8, a Bill for an act granting to the Muscatine, Washington and Oskaloosa road and bridge company, the right of way and privileges of constructing a graded or plank road, from Muscatine in Muscatine county, to Oskaloosa, in Mahaska county; which was read a first time and laid over under the rule.

On motion of Mr. Harbour,

Resolved, That a committee of five be appointed to act with a committee of three, heretofore appointed on the part of the Senate, to ascertain what portion of the report of the committee of revision it may be necessary to have printed, and Messrs. Harbour, Preston, of Linn, Crawford, Harper and Wilson, of Henry, were appointed said committee.

On motion of Mr. Parvin, the petitions of ladies of Muscatine, asking a repeal of the license laws, &c., were taken from the table and referred to a select committee of five, of which Mr. Nagus should act as chairman.

Said committee was composed of Messrs. Negus, Parvin, Robinson, Summers and Samuel Riggs.

Mr. Dibble moved to add two to said committee, which was agreed to.

Messrs. Dibble and Thompson were thereupon appointed.

H. R. file No. 6, a bill for act to locate a state road from McGregor, in the county of Clayton, to Fort Clark, on the Des Moines river, *via*. Louisville in the county of Winneshiek, was read a second time, and

On motion of Mr. Price, referred to the committee on roads and highways.

H. R. file No. 5, A Bill for an act to amend an act entitled an act providing for the re-organization of the Board of Public Works—and repealing so much of the several acts relating thereto as conflicts with the provisions of this act, was read a second time, and

On motion of Flint, referred to the committee on the Des Moines river Improvements.

H. R. file, No. 4, a bill for an act to provide for the location of the seat of justice of Decatur county, was read a second time, and

On motion of Reuben Riggs, referred to a select committee, and Messrs. Reuben Riggs, Flint, Wykoff, Gibson and Updegraff were appointed said committee.

Mr. Negus moved to adjourn until 10 o'clock, A. M. to-morrow, which was disagreed to.

On motion of Mr. Preston, of Linn, the House adjourned till 12 o'clock, M.

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## TWO O'CLOCK, P. M.

Senate file, No. 3, Joint Resolution requesting the services of Hon. Charles Mason, and Hon. Wm. S. Woodward, in explanation of the new code of laws presented by them to the general assembly, was read a second time.

Mr. Jacobs offered a substitute therefor.

On motion of Mr. Preston, of Linn, said joint resolution and substitute was referred to the committee on the judiciary.

Senate file, No. 1, Joint Resolution asking our senators and rep-

representatives in Congress to use their exertions to procure the passage of a law refunding money or granting lands to the state of Iowa, was read a second time, and

On motion of Mr. Updegraff, ordered to a third reading to-morrow.

H. R. file, No. 2, Joint Resolution in relation to the purchase of Indian titles, in Nebraska Territory, was read a third time, passed, and the title agreed to.

H. R. file, No. 1, Joint Resolution relative to a military road from Council Bluffs Indian Sub-Agency to Sacramento City, was read a third time, passed, and the title agreed to.

On motion of Mr. McCrary, the House adjourned at 4 o'clock, P. M.

## TUESDAY MORNING, DECEMBER 10, 1860.

Notice to bring in the following bills was given :

By Mr. Gibson; a bill for an act to repeal an act, entitled an act to establish Normal Schools.

Message from the Senate, by Mr. Bradley, their Secretary.

*Mr. Speaker*:—I am instructed by the Senate to inform the House, that the Senate having appointed Messrs. Cook, Hepner and Espy, a committee on the part of the Senate, to act with a similar committee on the part of the House, to prepare rules for the joint action of the two Houses,

Mr. Allender offered the following :

Resolved, That all law for the collection of debts, be repealed.

Mr. Summers moved to refer to the joint committee for the examination of the Revised Code; which was disagreed to.

On motion of Mr. Crawford, said resolution was laid on the table.

Mr. Dibble, from the committee on Roads and Highways, to whom was referred a petition of citizens of the State of Iowa, for the location of a State road from Drakesville in Davis county, to Chariton in Lucas county; reported H. R. file No. 9, a bill for an act to lay

out and establish a State road from Drakesville in Davis county, to Chariton Point in Lucas county; which was read a first time.

Mr. Babbitt, *with leave*, introduced H. R. file No. 10, a bill for an act to locate a State road from Knoxville in Marion county, to Winterville in Madison county.

H. R. file No. 11, a bill for an act to locate a State road from Chariton in Lucas county, to Fort Des Moines in Polk county.

H. R. file No. 12, a bill for an act to locate a State road from Chariton in Lucas county, to Newton in Jasper county.

H. R. file No. 13, a bill for an act to locate a State road from Fort Des Moines to Fort Clark.

Said bills were severally read a first time.

H. R. file No. 7, Joint Resolution relative to the extension of the United States military road from Agency city in Wappello county, to a point opposite Council Bluffs on the Missouri river,

Was read a second time,

On motion of Mr. Babbitt, said resolution was considered as engrossed and ordered to a third reading to-morrow.

H. R. file No. 8, a bill for an act granting to the Muscatine, Washington and Oskaloosa road and bridge company, the right of way and the privilege of constructing a graded or plank road from Muscatine in Muscatine county, to Oskaloosa in Mahaska county;

Was read a second time,

On motion of Mr. Parvin, referred to a select committee, which was composed of Messrs. Parvin, Preston of Monroe, McCulloch of Jefferson, Flint and Price.

Senate file No. 1, Joint Resolution asking our Senator and Representatives in Congress to use their exertions to procure the passage of a law refunding money, or granting lands to the State of Iowa, was read a third time, passed, and title agreed to.

Mr. Folsom offered the following resolution:

Resolved, That the messenger of this house be authorized in behalf of this house to employ an assistant so long as it may be necessary, at a compensation of not more than one dollar per day, whose duty it shall be to fold papers and documents belonging to the members of this house and such other duties as he may be directed to perform by the messenger thereof.

Mr. McCrary moved to indefinitely postpone said resolution, which was disagreed to.

YEAS, 17 }  
 NAYS, 20 }

The yeas and nays were desired and those who voted in the affirmative were

Messrs. Allender, Dibble, Gamble, Gibson, Goodenow, Harper, Jacobs, Major, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Summers, Updegraff and Wilson of Henry.

Those who voted in the negative, were

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Hamill, Harbour, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Price, Reuben Riggs, Salmon, Taylor, Thompson, Wilson of Lee, Wyckoff and Mr. Speaker.

The question recurring on the adoption of the Resolution, was decided in the affirmative,

YEAS, 20 }  
 NAYS, 17 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Hamill, Harbour, M'Culloch of Lee, M'Culloch of Jefferson, Negus, Preston of Linn, Price, Reuben Riggs, Salmon, Taylor, Thompson, Wilson of Lee, and Mr. Sperker.

Those who voted in the negative were,

Messrs. Allender, Dibble, Gamble, Gibson, Goodenow, Harper, Jacobs, Major, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Summers, Updegraff, Wilson of Henry and Wyckoff.

Mr. Folsom, with leave, presented the claim of Mr. McIntosh, as book binder, which was referred to the committee on claims.

Mr. M'Culloch of Jefferson, with leave, introduced H. R. file No. 14, Joint Preamble and Resolution in relation to Hungarian exiles; which was read a first time.

On motion of Mr. Harbour the House adjourned at 12 o'clock M.

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TWO O'CLOCK, P. M.

Mr. Summers in the chair.

On motion of Mr. Wilson of Henry,

Resolved, That the chairman of the Judiciary committee transfer all petitions, documents and papers that have been referred to said committee in relation to vending spirituous liquors, to the chairman of the select committee appointed for their consideration.

Mr. Wilson of Henry, moved to add five to the select committee to whom was referred the petitions of ladies of Muscatine of which committee Mr. Negus was chairman; which was agreed to, and Messrs. Wilson of Henry, Allender, Wyckoff, Eaton and Taylor were thereupon added.

Message from the Senate by Mr. Bradley their secretary:

*Mr. Speaker:*

I am instructed by the Senate, to inform the House of Representatives, that the Senate have passed Senate file, No. 4, Joint Resolution in relation to Green's Reports.

In which they ask the concurrence of the House.

On motion of Mr. Harbour,

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of reporting a bill to provide for the location of a rail road, from Davenport to the Missouri river in this state, and also for the location of a rail road from Dubuque to Keokuk; said roads to be located by a board of commissioners to be appointed by the Legislature.

Senate file No. 4 Joint Resolution in relation to Green's Reports, was read a first time and laid over under the rule.

Mr. Harbour moved to suspend the 42nd rule and that said joint resolution be read a second time now which was disagreed to.

Mr. Folsom from the committee on the judiciary to whom was referred Senate file No. 4, Joint Resolution requesting the services of the Hon. Charles Mason and Hon. Wm. G. Woodward in explanation of the new code of laws, presented by them to the General Assembly and substitute therefor, reported adversely to the adoption of the substitute and the passage of the joint resolution which was concurred in by the House.

Mr. Folsom moved to reconsider the vote had on concurring in the report of the committee, which was disagreed to.

On motion of Mr. Wilson the House adjourned at 3 o'clock 50 minutes P. M.

WEDNESDAY MORNING, DECEMBER 11, 1850.

Petitions were presented, read and disposed of as follows :

By Mr. Gibson; A petition of citizens of the counties of Jefferson, Wapello and Keokuk, praying the location of a state road from Iowaville, in Van Buren county, to intersect the Lancaster road at the Keokuk line; which was on his motion laid on the table.

By Mr. Folson; a memorial of citizens of Iowa City, asking of the general assembly, the donation of the market square in Iowa City, to the Davenport and Iowa City rail road company, as a place for the erection of a depot; which on his motion was referred to the committee on Internal Improvements.

Notices to bring in the following bills were given :

By Mr. Gibson; A Bill to locate a state road from Iowaville, in Van Buren county, to intersect a state road to Lancaster, in Keokuk county.

By Mr. Samuel Riggs; A Bill to provide for building a court house in Davis county.

On motion of Mr. Taylor,

Resolved, That a committee of five be appointed to examine into the prices now paid for public printing, and ascertain what reduction might be made in the same, and if necessary enquire into the expediency of repealing the law creating the office of state printer, and that Mr. Babbitt be the chairman of the same :

Thereupon Messrs. Babbitt, Taylor, Eaton, Wilson, of Lee, and Gamble, were appointed said committee.

Mr. Babbitt, with leave, introduced H. R. file, No. 15, Preamble and Joint Resolution in relation to the establishment of a military post; which was read a first time, and laid over under the rule.

Mr. Babbitt offered the following resolution:

Resolved, That the committee appointed to act in conjunction with a similar committee appointed by the Senate, to confer with the committee on the "Revised Code," and to determine what part if any of said code, shall be printed; be instructed to insist that one hundred copies of the entire code be printed in a speedy manner, for the use of members of this House; said printing to be done in

a manner and form similar to the Auditor's report and other documents printed for the use of the House, and that they be instructed to report the proceedings of said joint committee to the House.

On motion of Mr. Preston, of Linn, the House adjourned at 12 o'clock, M.

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TWO O'CLOCK, P. M.

Mr. Eaton, moved to lay the resolution on the table; which was agreed to.

YEAS, 23. }  
 NAYS, 14. }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Allender, Bunker, Dibble, Eaton, Gibson, Gildea, Goodenow, Hamill, Harbour, Major, McCulloch, of Lee, McCulloch, of Jefferson, McCrary, Negus, Parvin, Preston, of Monroe, Reuben Riggs, Salmon, Summers, Thompson, Updegraff, Wilson, of Henry and Wilson, of Lee.

Those who voted in the negative were,

Messrs. Babbitt, Flint, Folsom, Gamble, Guiberson, Harper, Jacobs, Preston, of Linn, Price, Samuel Riggs, Robinson, Taylor, Wyckoff and Mr. Speaker.

Mr. Gamble, from the committee on elections, to whom was referred the credentials of M. H. Clark and Benjamin Rector, with leave, submitted the following

REPORT.

1st. That Benjamin Rector, of Fremont county, appears to have been elected at the last August election, a Representative to represent the interests of the people of that county in this House, during its present session. It further appears from the report of the Auditor of state, that the people of Fremont county, have paid taxes into the state treasury for the years 1849 and 1850; which would imply (in the judgment of your committee) that they should be represented; as it is a cardinal principle in our form of govern-

ment, that representation and taxation should go together. But by the 31st section of the 4th article of the constitution, the number of representatives is limited to thirty-nine: and by an act entitled "an act to re-apportion the state and define the boundaries of senatorial and representative districts therein;" the whole number of representatives was therein provided for; and as Fremont county was not included in any one of the districts, defined by said act, your committee knows of no law whereby the said Rector can be admitted either as a representative or delegate on the floor of this House.

2nd. It appears from the paper which was before the committee, that "at a meeting of the citizens of Council Bluffs and vicinity," Dr. M. H. Clark was appointed a special delegate to attend the present session of the legislature, to represent the interests of Pottawattamie county. This county, like Fremont has been taxed for the last two years, and contains several thousand souls; yet it is entirely without any representative in either branch of the state legislature, nor can your committee find either law or precedent, by which the special delegate from Council Bluffs, or any other person from said county, (no matter how or by whom he may have been elected can have admittance to a seat on the floor of this House, to participate in its deliberations in any way whatever.

Your committee having submitted a plain statement of facts for the consideration of the House, would respectfully ask to be discharged from the further consideration of the subject.

Mr. Preston, of Monroe, presented the credentials of Henry W. Miller, claiming the right to a seat within the bar of the House, as representative from the county of Pottawattamie.

On motion of Mr. Flint, the House resolved itself into a committee of the whole for the consideration of the report of the committee on elections, together with the credentials of Henry W. Miller, at 25 minutes past 2 o'clock, P. M., Mr. Preston, of Linn, in the chair.

Four o'clock, 15 minutes, P. M.

The committee rose, and by their chairman reported progress, and asked leave to sit again at 2 o'clock, P. M. to-morrow which was granted.

On motion Mr. Jacobs, the House adjourned at 5 o'clock, P. M.

THURSDAY MORNING, DECEMBER 12, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Allender, a petition of citizens of Van Buren county, praying that a charter be granted to William Guston and John M. Estice, to keep a ferry across the Des Moines river between North and South Bentonsport, which was referred to the committee on incorporations.

By Mr. Gamble, a petition of citizens of the State praying the repeal of all laws licensing the sale of ardent spirits; which was referred to the committee on that subject.

Mr. Robinson with leave introduced H. R. file No. 16, Joint Resolution for an appropriation for the improvement of the Des Moines and Rock river rapids in the Mississippi river; which was read a first time.

Mr. Summers from the joint committee to report rules for the government of the two houses submitted the following

### REPORT.

The Committee recommend the adoption of the joint rules for the government of the last General Assembly.

Provided, however, amendments, conferences, communications, &c, &c, between the two houses, when acting on the revised code, either in parts or in whole, may take place on the second reading of said code.

Mr. Harper from the committee on agriculture; to whom was referred a petition of citizens of Scott county, reported H. R. file No. 17, a bill for an act to restrain swine from running at large in Scott county; which was read a first time.

Mr. Crawford from the committee on claims to whom was referred the claim of James McIntosh, reported H. R. file No. 18, Joint Resolution for the payment of the claim of James McIntosh; which was read a first time.

Mr. Negus from the committee on incorporations, to whom was referred H. R. file No. 3, a bill for an act to incorporate and estab-

lish the city of Muscatine, reported the same back with sundry amendments; which were concurred in.

Said bill was read a second time and,

On motion of Mr. Parvin, considered as engrossed and ordered to a third reading to-morrow.

Mr. Harbour from the joint committee, appointed to examine the report of the commissioners appointed by an act passed January 25th, 1848, to revise and prepare a code of laws for state, submitted the following

### REPORT.

Your committee have had the subject under consideration, and have selected the following titles and chapters of said report which your committee recommend be printed for the use of the General Assembly, to-wit:

Of Title 3, Part 1, Chapters 5, 6, 7, 8, 9, 12 and 13.

Of Title 4, Part 1, Chapters 1, 6, 7, 8, 9, 10, 11 and 12.

Of Title 7, Part 1.

Of Title 8, Part 1.

Of Title 5, Part 1, Chapters 1, 2 and 3.

Of Title 11, Part 1, Chapter 1.

Of Title 12, Part 1, Chapter 1.

Of Title 13, Part 1, Chapter 8.

Of Title 14, Part 1, Chapter 2.

Of Title 1, Part 2, Chapter 7.

Of Title 2, Part 2, Chapter 1.

Of Title 2, Part 3.

Of Title 4, Part 3.

Of Title 5, Part 3, Chapters 1, 4, 5, 6 and 8.

Mr. Babbitt moved that the House resolve itself into a committee of the whole for the consideration of the report of the joint committee; which was disagreed to.

Mr. Summers moved to lay the report on the table; which was agreed to.

Mr. Parvin from the select committee, to whom was referred H. R. file No. 8, a bill for an act granting to the Muscatine, Washington and Oskaloosa road and bridge company, the right of way and the privilege of constructing a graded or plank road from Muscatine

in Muscatine county, to Oskaloosa in Mahaska county; reported the same back with one amendment, and recommended its reference to a committee of the whole house; which report was concurred in.

Thereupon the House resolved itself into a committee of the whole at fifteen minutes before eleven o'clock A. M., Mr. Crawford in the chair.

10 minutes past 12 M.—The committee rose and by their chairman reported progress and asked leave to sit again at 7 o'clock P. M. which was granted.

Message from the Senate by Mr. Bradley its secretary.

*Mr. Speaker:*

I herewith return H. R. file No. 1, Joint Resolution relative to a military road from Council Bluffs Indian Sub-Agency to Sacramento City.

The same having passed the Senate without amendment, also

H. R. file No. 2, Joint Resolution relative to the purchase of Indian titles in Nebraska territory.

The same having passed the Senate with one amendment.

On motion of Mr. Preston of Linn, the House adjourned until two o'clock P. M.

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## TWO O'CLOCK, P. M.

A committee of the whole house for the consideration of the credentials of M. H. Clark, Benjamin Rector and Henry W. Miller, Mr. Preston in the chair.

Half past 3 P. M.—The committee rose and by their chairman reported back the same without recommendation.

On motion of Mr. Summers, said report was laid on the table.

Mr. Summers offered the following resolution:

Resolved, That Mr. Rector of Fremont county, and Messrs. Clark Henry W. Miller of Pottawattamie county, be admitted to seats within the bar of this House.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have concurred in the report of the committee appointed to report rules for the government of the two houses.

Pending the question on the adoption of said resolution, Mr. Harper moved a call of the House; when it appeared that Messrs. Bunker and Haun were absent.

Mr. Haun was excused.

On motion of Mr. Flint, the call was suspended, and the question being on the adoption of the resolution; was decided in the affirmative.

YEAS, 27, }  
NAYS, 10. }

The yeas and nays were desired; those who voted in the affirmative, were

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, McCulloch, of Lee, McCulloch, of Jefferson, McCrary, Negus, Preston, of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon, Summers, Updegraff, Wilson, of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Allender, Gibson, Jacobs, Major, Parvin, Preston, of Linn, Robinson, Taylor, Thompson and Wilson, of Lee.

Mr. Samuel Riggs, with leave, introduced H. R. file, No. 19, a bill for an act authorizing the county commissioners of the county of Davis, to have a vote taken, in relation to building a court house in said county; which was read a first time.

Message from the Senate, by Mr. Bradley their secretary,

*Mr. Speaker:*

I am instructed by the Senate to inform the House that titles first, second and third, of part first, of the revised code, have been read a first and second times in the Senate and were ordered to be transmitted to the House of Representatives.

Mr. Gibson, with leave, introduced H. R. file, No. 20, A Bill for an act to establish a state road from Iowaville, to intersect the Lancaster road at the south line of Keokuk county; which was read a first time.

On motion of Mr. Flint, the 42nd rule was suspended, said bill read a second time and referred (with the petition which offered grounds for the same,) to the committee on roads and highways.

Mr. Summers offered the following resolution:

Resolved, That — copies of the rules of the House of Repre-

sentatives, together with the joint rules regulating the intercourse between the two houses, the constitution of this state, and the standing committees, be printed for the use of the House.

Mr. Preston moved to fill the blank with 500.

Mr. McCrary moved to fill the blank with 75.

The question being taken on filling the blank with "500," was decided in the negative.

YEAS, 17. }  
NAYS, 17. }

The yeas and nays were desired and those who voted in the affirmative, were

Messrs. Babbitt, Crawford, Flint, Gildea, Goodenow, Guiberson, Hamill, Harper, Major, Preston, of Linn, Preston, of Monroe, Price, Samuel Riggs, Salmon, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative, were

Messrs. Allender, Dibble, Eaton, Folsom, Gibson, Harbour, Jacobs, McCulloch, of Lee, McCulloch, of Jefferson, M'Crary, Negus, Parvin, Reuben Riggs, Summers, Thompson, Wilson, of Henry and Wilson of Lee.

Mr. Summers moved to insert "400," which was agreed to.

YEAS, 19. }  
NAYS, 15. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Gildea, Goodenow, Guiberson, Hamill, Harper, Major, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Salmon, Summers, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Dibble, Folsom, Gibson, Harbour, Jacobs, McCulloch, of Lee, McCulloch, of Jefferson, M'Crary, Negus, Parvin, Reuben Riggs, Thompson, Wilson, of Henry and Wilson, of Lee.

Mr. Jacobs moved to lay said bill on the table; pending which a call of the House was had, when it appeared that Messrs. Bunker, Gamble and Robinson were absent.

Mr. Bunker was excused.

On motion of Mr. Summers, the call was suspended.

The question being on laying the resolution on the table, was decided in the negative.

YEAS, 14. }  
NAYS, 19. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Dibble, Flint, Folsom, Gibson, Hamill, Harbour, Jacobs, McCulloch of Lee, M'Crary, Negus, Parvin, Reuben Riggs and Wilson of Lee.

Those who voted in the negative were:

Messrs. Babbit, Crawford, Eaton, Gildea, Goodenow, Guiberson, Harper, Major, McCulloch of Jefferson, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon, Summers, Taylor, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Preston moved to amend the resolution so as to embrace the rules of the Senate, in the same; which was disagreed to.

The question recurring on the adoption of the resolution, was decided in the affirmative.

YEAS, 22. }  
NAYS, 9. }

The yeas and nays being desired, those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Taylor, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Dibble, Gibson, Harbour, Jacobs, M'Crary, Negus, Parvin, Thompson and Wilson of Lee.

On motion of Mr. Wyckoff, the House adjourned till 7 o'clock, P. M.

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#### SEVEN O'CLOCK, P. M.

A committee of the whole House being the special order, the House resolved itself accordingly, for the consideration of H. R. file, No. 8, A Bill for an act granting to the Muscatine, Washing-

ton and Oscaloosa road and bridge company the right of way and privilege of constructing a graded or plank road from Muscatine in Muscatine county, to Oscaloosa in Mahaska county, Mr. Crawford in the chair.

Seven o'clock and 55 minutes, P. M.

The committee rose and by their chairman reported the same back with sundry amendments; which was concurred in.

Said Bill was read a second time, and

On motion of Mr. Babbitt, referred to the committee on the judiciary, with instructions to report on Tuesday next.

On motion of Mr. Negus, the House adjourned at 9 o'clock, P. M.

#### FRIDAY MORNING, DECEMBER 13, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Parvin, petition of citizens of town of Muscatine, praying the amendment of the contemplated charter of said town; which on his motion was laid on the table.

By Mr. Harbour, petition of citizens of Mahaska county, praying for a relocation of a part of the state road from Oskaloosa in Mahaska county to Knoxville in Marion county; which, was referred to a select committee, composed of the representatives from Mahaska and Marion counties.

By Mr. Hamill, memorial of the grand jury for the county of Lee, praying the prohibition of licensed grog shops; which was referred to the select committee on that subject.

By Mr. Folsom, the claim of Miles Greenwood for hardware furnished State of Iowa; which was referred to the committee on claims.

Mr. Price gave notice that on some future day, he would introduce a bill for an act to organize the county of Winneshiek and locate the county seat thereof.

On motion of Mr. Eaton,

Resolved, That the committee on new counties be instructed to inquire into the expediency of laying out into counties of proper

size, all or any part of the surveyed territory of this state; which is not now laid out into counties.

Mr. Reuben Riggs, from the select committee to whom was referred H. R. file, No. 4, A Bill for an act to provide for the location of the seat of justice of Decatur county; reported a substitute therefor; a bill for an act to provide for the location of the seat of justice of the several counties therein named; which was accepted, and read a second time.

Mr. Price, with leave, introduced H. R. file, No. 21, A bill for an act to authorize Marcus H. Hays, his heirs and assignees to establish and keep a Ferry across the Mississippi river at the town of Guttenberg, in the county of Clayton; which was read a first time.

On motion of Mr. Price, the 42nd rule was suspended, said bill read a second time, and referred to the committee on incorporations.

Mr. Crawford with leave, introduced H. R. file, No. 22, joint resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa; which was read a first time.

H. R. file, No. 7, joint resolution requesting our Senators and Representatives in Congress, to use their influence to procure the extension of the United States military road from Agency City, in Wapello county, to a point opposite to Council Bluffs on the Missouri river; was read a third time, passed and title agreed to.

H. R. file, No. 9, a bill for an act to lay out and establish a state road from Drakesville, in Davis county, to Chariton Point, in Lucas county; was read a second time, and ordered to be engrossed for a third reading on Tuesday night.

H. R. file, No. 10, a bill for an act to locate a state road from Knoxville, in Marion county, to Winterset, in Madison county; was considered as engrossed and ordered to a third reading, to-morrow.

H. R. file, No. 11, a bill for act to locate a state road from Chariton, in Lucas county, to Fort Des Moines, in Polk county; was read a second time and referred to the committee on roads and highways.

H. R. file, No. 12, a bill for an act to locate a state road from Chariton, in Lucas county, to Newton, in Jasper county; was read a second time and referred to the committee on roads and highways.

H. R. file, No. 13, a bill for an act to locate a state road from Fort Des Moines to Fort Clark; was read a second time and referred to the committee on roads and highways.

H. R. file, No. 14, joint preamble and resolution in relation to Hungarian exiles; was read a second time and referred to the committee on federal relations.

Senate file, No. 4, joint resolution in relation to Green's Reports; was read a second time and referred to the committee on the judiciary.

H. R. file, No. 15, preamble and joint resolution in relation to the establishment of a military post; was read a second time and referred to the committee on military affairs.

Message from the Senate being in order, the question was taken on concurring in the amendments made by the Senate, to H. R. file, No. 2, joint resolution relative to the purchase of Indian titles in Nebraska Territory, and decided in the affirmative.

On motion of Mr. Summers, the message was laid on the table.

H. R. file, No. 3, a bill for an act to incorporate and establish the city of Muscatine; was read a third time, passed and title agreed to.

H. R. file, No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock river rapids, in the Mississippi river; was read a second time and referred to the committee on federal relations.

H. R. file, No. 17, a bill for an act to restrain swine from running at large in Scott county; was read a second time and referred to the committee on the judiciary.

H. R. file, No. 18, joint resolution for the payment of the claim of James McIntosh; was read a second time.

Mr. Folsom offered a substitute therefor; which was accepted, read a second time, considered as engrossed, and ordered to a third reading to-morrow.

H. R. file, No. 19, a bill for an act authorizing the county commissioners court of the county of Davis, to have a vote taken in relation to building a court house in said county; was read a second time, and

On motion of Mr. M'Crary was referred to the committee on public buildings.

On motion of Mr. Eaton,

Resolved, That the committee on the judiciary, to whom was referred the bill granting the right of way, &c., for a road from Muscatine to Oskaloosa, report the law and facts upon the following:

1st. Is there a corporation formed under the law of 1847 for said road?

2nd. Will the bill now under consideration create a corporation?

3rd. Can a corporation which could not have been granted, by special enactment, be enlarged by special enactment?

4th. Can a privilege be conferred upon a corporation that could not be conferred upon natural persons?

On motion of Mr. Eaton,

Resolved, That the committee on incorporations on examining and reporting upon the bill granting to Marcus H. Hays, his heirs and assigns the right to keep a ferry, report whether the granting by special provisions, of said privilege to said Hays, his heirs and assigns, does not constitute a corporation prohibited by the constitution, except by a general provision.

Mr. Harbor moved that the message from the Senate, transmitting the revised code, be now taken from the table; which was agreed to.

On motion of Mr. Preston, of Linn,

Resolved, That the revised code as reported in the message from the Senate, be considered the special order of the day until the same is disposed of.

On motion of Mr. Taylor, the House adjourned at 10 minutes, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Babbitt,

Resolved, That all of the report of the commissioners to prepare a revised code, from chapter 5 inclusive, to the end of the code, be printed for the use of the House.

On motion of Mr. Crawford the House adjourned at 3 o'clock and 59 minutes, P. M.

SATURDAY MORNING, DECEMBER 14, 1850.

On motion of Mr. Babbitt, the resolution before the House and the report of the joint committee to which the same relates was laid on the table.

Message from the Senate by Mr. Bradley their Secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House, that titles No. 4, 9, 10 and 11 of the revised code, have been read the first and second time, and were ordered to be transmitted to the House of Representatives.

I am also directed to inform the House, that the Senate have passed Senate file, No. 7; a bill for an act for the relief of the Rock Island and Lasalle rail road company, in which they ask the concurrence of the House of Representatives.

Petitions were presented, read and disposed of as follows:

By Mr. Babbitt, four petitions of citizens of Pella, praying the permanent location of the seat of government at that place, also, the memorial of H. P. Scholt for the same and offering a donation of land to aid in the construction of public buildings; which were referred to the committee on public buildings.

Mr. Preston of Linn, offered the following resolution:

Resolved, That all rules of this House conflicting with the provision of this resolution, be suspended during the consideration of the code of laws as revised and reported, by the commissioners appointed by an act of the General Assembly, approved January 25, 1848, and that said code of laws be disposed of in the following order:

FIRST—The entire code of laws as reported by said commissioners be read by the clerk.

SECOND—That said code of laws be read a second time by its title and ordered to a third reading without amendment,

THIRD—That said code be read a third time by its title and passed as reported by said commissioners without amendment; Provided, Said several readings be on three different days.

Mr. Jacobs offered a substitute therefor.

On motion of Mr. Harper, said resolution and substitute were laid on the table.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have ordered the printing of 2500 copies of the report of the secretary of state, showing an abstract of the population of the State of Iowa, as appears from the census returns for 1849, and an abstract of the criminal returns from the State of Iowa, for the years ending Nov. 1st, 1849 and 1850, for the use of the General Assembly, also,

That Messrs. Wright, Shields and Espy have been appointed a committee on the part of the Senate, to act with a similar committee to be appointed on the part of the House, to take into consideration that portion of the Governor's message in relation to the procurement of a block of marble for the Washington monument.

I also herewith present for your signature, Senate files, Nos. 1 and 2, which have passed both houses of the General Assembly.

Mr. Gamble offered the following resolution:

Resolved, That one hundred and thirty copies of the revised code be printed for the use of the General Assembly, commencing at chapter 5th, of title 3d, part 1st, said printing to be done in manner and form similar to the "auditor's report;" and that said printing shall be in parts; and when part 1st is printed the same shall be laid before the House for the purpose of being read, discussed and referred; and that each part shall be taken up and disposed of in their proper order.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed Senate file No. 8, an act to authorize the corporation of Davenport to issue bonds to the Rock Island and LaSalle rail road company, and provide for the payment of the interest on the same, also

Senate file, No. 9, an act to authorize the proper officers of Scott county, to issue bonds to the Rock Island and LaSalle rail road company, and to provide for the payment of the interest thereon.

In which the concurrence of the House of Representatives is requested.

The question being on the adoption of the resolution; was decided in the affirmative.

YEAS, 21 }  
NAYS, 17 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Allender, Babbitt, Flint, Folsom, Gamble, Gibson, Gildea, Guiberson, Harper, Jacobs, M'Culloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Bunker, Crawford, Dibble, Eaton, Goodenow, Hamill, Harbour, Major, M'Culloch of Lee, M'Crary, Parvin, Salmon, Summers, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

Mr. Summers from the committee on engrossed bills, reported H. R. file, No. 9, a bill for an act to establish a state road from Drakesville to Chariton Point, as correctly engrossed.

Titles one and two, of part one of the report of the committee of revision, was read a first time, on motion of Mr. Summers the 42nd rule was suspended, said titles read a second time and laid on the table.

Mr. Harbour with leave introduced H. R. file, No. 23, joint resolution relative to adjournment; which was read a first time.

Mr. Harper from the committee on enrolled bills, reported H. R. file, No. 1, joint resolution relative to a military road from Council Bluffs Indian Sub-Agency to Sacramento City, as correctly enrolled.

Mr. Dibble from the committee on roads and highways, to whom was referred H. R. file No. 20, a bill for an act to establish a state road from Iowaville to intersect the Lancaster road; reported the same back and recommended its passage.

Said bill was read a second time, and

On motion of Mr. Flint referred to a select committee and Messrs. Flint, Wilson of Lee and Jacobs were appointed said committee.

Mr. Dibble from the committee on roads and highways, to whom was referred a petition of citizens of Lee county asking the vacation of certain roads therein named; reported H. R. file No. 24, a bill for an act to vacate a portion of certain roads therein named; which was read first time.

Mr. Guiberson to whom was referred petition of citizens of Madison county, praying for the location of a state road, reported H. R. file No. 25 a bill for an act to locate a state road from Fort Des Moines in Polk county to Council Bluffs in Pottawattamie county; which was read a first time.

On motion of Mr. Crawford, the House adjourned until Monday morning 10 o'clock A. M. at 10 minutes P. M.

MONDAY MORNING, DECEMBER 16, 1850.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House, that the Senate have passed Senate file, No. 11, a bill granting the Burlington and Mount Pleasant plank road company the right of way, in which the concurrence of the House is requested.

I herewith return H. R. file, No. 1, joint resolution relative to a road from Council Bluffs, Indian Sub-Agency to Sacramento city; the same having been signed by the president of the Senate.

I am also directed to inform the House, that titles No. 12 and 13 of the revised code, have been read the first and second times and were ordered to be transmitted to the House of Representatives.

Petitions and memorials were presented, read and disposed of as follows:

By Mr. Harper; a memorial of the city council of Burlington, asking an extension of their city limits; which was referred to the representatives from Des Moines county.

By Mr. Reuben Riggs; a petition of citizens of Fremont county, praying for a state road; which was referred to the committee on roads and highways.

By the Speaker, Mr. Summers in the chair; five petitions of citizens of Pella and vicinity, praying the removal of the seat of government to that place; which were referred to the committee on public buildings.

By Mr. Negus; a petition of citizens of the state of Iowa, praying for a state road from Iowaville, to Lancaster; which was on his motion referred to a select committee composed of Messrs. Flint, Wilson of Lee and Jacobs.

Mr. Gibson from the select committee appointed to inquire into

the expediency of asking a donation of public lands to actual settlers, reported H. R. file No. 26, joint resolution asking a donation of lands to actual settlers, which was read a first time.

Mr. Price offered the following resolution:

Resolved, That a committee of three be appointed on the part of the House, to act in connection with a like committee appointed on the part of the Senate, to prepare a memorial to Congress praying a grant of 25000 acres of the alternate sections of land lying along Turkey river, to be adpropriated in aid of the building of bridges across said river at Millville, Peck's ferry, Elkport and Elkador; which was agreed to, and Messrs. Price, Goodenow and Salmon were appointed said committee.

Mr. Price with leave introduced H. R. file, No. 27, a bill for an act to authorize Wm. H. Morrison to keep a ferry across the Mississippi river; which was read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on incorporations.

Mr. Wyckoff with leave introduced H. R. file, No. 28, a bill for an act to restrain swine from running at large in Jackson county; which was read a first time.

Mr. Price with leave introduced H. R. file, No. 29, a bill for an act to organize the county of Winneshiek and locate the county seat thereof; which was read a first time.

Message from the Senate being in order, Messrs. Harbour, Negus and Parvin were appointed a committee to act with a similar committee appointed by the Senate, to take into consideration that portion of the Governor's message in relation to the procuring of a block of marble for the Washington monument.

Senate file, No. 7, a bill for an act for the relief of the Rock Island and Laselle rail road company; was read a first time.

Senate file, No. 8, a bill for an act to authorize the corporation of Davenport to issue bonds to the Rock Island and Lasalle rail road company and provide for the payment of the interest thereon; was read a first time.

Senate file, No. 9, a bill for an act to authorize the proper officer of Scott county, to issue bonds to the Rock Island and Lasalle rail road company and to provide for the payment of the interest thereon; was read a first time.

Substitute for H. R. file, No. 4, a bill for an act to provide for the location of the seat of justice of the several counties therein named; was read a third time, passed and the title agreed to.

Substitute for H. R. file, No. 18, joint resolution for the payment of the claim of James McIntosh; was read a third time, passed and the title agreed to.

H. R. file, No. 10, a bill for an act to locate a state road from Knoxville, in Marion county, to Winterset, in Madison county; was read a third time, passed and the title agreed to.

H. R. file No. 22, joint resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa; was read a second time and considered as engrossed and ordered to a third reading to-morrow.

H. R. file, No. 23, joint resolution relative to adjournment; was read a second time.

On motion of Mr. Harbour, laid on the table.

H. R. file, No. 24, a bill for an act to vacate a portion of certain roads therein named; was read a second time.

On motion of Mr. McCulloch of Lee, referred to the representatives from Lee and Jefferson.

H. R. file, No. 25, a bill for an act to locate a state road from Fort Des Moines to Council Bluffs; was read a second time, and referred to the committee on roads and highways.

Senate file, No. 11, a bill for an act granting the Burlington and Mount Pleasant plank road company the right of way; was read a first time.

On motion of Mr. Temple, (Mr. Harbour in the chair,) the 42nd rule was suspended and said bill read a second time.

Mr. Negus moved to refer to the committee on the judiciary.

Mr. Folsom moved to amend by substituting the committee on incorporations; which was disagreed to.

The question recurring on the motion to refer to the committee on the judiciary; was decided in the negative.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House, that the Senate have passed Senate file, No. 6, an act to renew a ferry charter for

the benefit of John Wilson and James Hale; in which the concurrence of the House is requested.

On motion of Mr. Taylor the House adjourned at 10 minutes P. M.

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TWO O'CLOCK, P. M.

Mr. Folsom offered an amendment to the 8th section of Senate file, No. 11, a bill for an act granting the Burlington and Mount Pleasant plank road company the right of way; which was adopted.

On motion of Mr. Summers, the 42nd rule was suspended and said bill read a third time.

The question being on the passage of the bill, a call of the House was had, when it appeared that the members were all in attendance.

The further call was suspended, the question was put and decided in the affirmative.

YEAS, 35. }

NAYS, 3. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Dibble, Flint, Folsom, Gamble, Gibson, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, M Crary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Lee, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Eaton and Negus.

So said bill was passed and title agreed to:

Senate file, No. 6, a bill for an act to renew a ferry charter, for the benefit of John Wilson and James Hale, was read a first time.

Mr. Summers moved to take from the table titles 1 and 2 of part one of the report of the committee of revision; which was agreed to.

On motion of Mr. Harper title one was referred to committee of the whole House now.

The House resolved itself accordingly, at two o'clock and 25 minutes P. M., Mr. Crawford in the chair.

Two o'clock 48 minutes; committee rose and by their chairman reported the same back without amendment.

On motion of Mr. Summers, title one of part first was laid on the table.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker.*

I am directed to inform the House that title 14th of part first of the revised code, has been read the first and second time, and was ordered to be transmitted to the House of Representatives.

On motion of Mr. Harper title two was referred to committee of the whole House now.

The House resolved itself accordingly at three o'clock P. M., Mr. Preston of Linn in the chair.

Three o'clock 40 minutes:—The committee rose and by their chairman reported the same back without amendment.

On motion of Mr. Bunker, title two of part first, was laid on the table.

On motion of Mr. Samuel Riggs, the House adjourned at four o'clock and 25 minutes P. M.

## TUESDAY MORNING, DECEMBER 17, 1850.

Mr. M'Culloch of Lee, moved to dispense with the reading of the journals; which was disagreed to.

Message from the Senate by Mr. Bradley their Secretary.

*Mr. Speaker:*

I am directed by the Senate, to inform the House that parts second, third and fourth of the Revised Code have been read the first and second times, and were ordered to be transmitted to the House of Representatives.

Petitions and remonstrances were presented read and disposed of as follows:

By Mr. Babbitt, the remonstrance of Joseph Tally and seventy-seven others, against the petition to relocate a part of the state road from Oskaloosa to Knoxville; which was referred to the select committee composed of the representatives from Mahaska and Marion counties.

By Mr. Gamble, the petition of Wm. L. Toole and twenty-seven others praying the repeal of all existing license laws; which was referred to the select committee on that subject.

Notice to bring in the following bill was given.

By Mr. Folsom, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company and for other purposes.

By Mr. McCulloch of Jefferson, a bill for an act to relocate so much of the state road from Fairfield to Oskaloosa and Fort Des Moines, as passes through the town of Abingdon in Jefferson county.

By Mr. Dibble, a bill for an act to locate a state road from Washington in Henry county, to Farmington in Van Buren county.

Mr. Taylor with leave introduced H. R. file No. 30, joint resolution relative to adjournment; which was read a first time.

On motion of Mr. Harbour the 42nd rule was suspended and said joint resolution read a second time.

On motion of Mr. Summers, said joint resolution was referred to a committee of three, and Messrs. Summers, Taylor and Harbour were appointed said committee.

Mr. Eaton with leave introduced H. R. file No. 31, joint resolution in relation to the establishment of a land office in Blackhawk county; which was read a first time.

Mr. Summers from committee on federal relations to whom was referred H. R. file No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock River Rapids in the Mississippi river; reported the same back without amendment.

Said joint resolution was read a second time.

Mr. Summers from the committee on federal relations to whom was referred H. R. file No. 14, joint preamble and resolution relative to Hungarian exiles submitted a report.

On motion of Mr. Babbitt, said report was referred to a committee of the whole house and made the special order for Thursday at 6 o'clock and 30 minutes P. M.

Mr. Dibble from the committee on roads and highways to whom

was referred H. R. file No. 11, a bill for an act to locate a state road from Chariton in Lucas county to Fort Desmoines in Polk county, H. R. file No. 12, a bill for an act to locate a state road from Chariton in Lucas county, to Newton in Jasper county and H. R. file No. 13, a bill for an act to locate a state road from Fort Des Moines to Fort Clarke; reported the same back with one amendment each which were disagreed to.

YEAS, 18. }

NAYS, 18. }

The yeas and nays were desired; those who voted in the affirmative were,

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Folsom, Gamble, Goodenow, Guiberson, Jacobs, Major, M'Culloch of Jefferson, Negus, Preston of Monroe, Samuel Riggs, Salmon, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were,

Messrs. Bunker, Eaton, Gibson, Gildea, Hamill, Harbour, Harper, M'Culloch of Lee, M'Crary, Parvin, Preston of Linn, Price, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Lee and Wyckoff.

On motion of Mr. Babbitt said bills were considered as engrossed and ordered to a third reading to-morrow.

Mr. Dibble from the committee on roads and highways, to whom was referred H. R. file No. 25, a bill for an act to locate a state road from Fort Des Moines to Council Bluffs; reported the same back with one amendment which was concurred in.

Said bill was read a second time.

On motion of Mr. Guiberson said bill was referred to a select committee, and Messrs. Guiberson, Harbour and Harper were appointed said committee.

Mr. Folsom from the committee on the judiciary to whom was referred H. R. file No. 8, a bill for an act granting to the Muscatine, Washington and Oskaloosa road and bridge company the right of way; reported the same back and recommended that its further consideration be postponed until after an examination of the report of the committee of revision relating to incorporations; which was disagreed to.

On motion of Mr. Negus, the House adjourned at 12 o'clock M.

## TWO O'CLOCK, P. M.

The question recurring on the motion to concur in the report of the committee on the judiciary, was decided in the negative.

YEAS, 3. }  
NAYS, 33. }

The yeas and nays being desired, those who voted in the affirmative were:

Messrs. Babbitt, Negus and Preston of Linn.

Those who voted in the negative were,

Messrs. Allender, Bunker, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Gibson, Goodenow, Guiber-on, Hamill, Harbour, Harper, Jacobs, Major, M'Culloch of Lee, M'Culloch of Jefferson, M'Crary, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Parvin offered a substitute for H. R. file No. 8, a bill for an act granting to the Muscatine, Washington and Oskaloosa road and bridge company, the right of way and the privilege of constructing a graded or plank road from Muscatine in Muscatine county to Oskaloosa in Mahaska county; which was accepted and read a second time.

Mr. Negus offered the following amendment to section 1st: insert after the word company, "or any other company" which was decided in the negative.

YEAS, 2 }  
NAYS, 34 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Gamble and Negus.

Those who voted in the negative were,

Messrs. Aliender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gibson, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, M'Culloch of Lee, M'Culloch of Jefferson, M'Crary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Folsom moved to amend the third and eighth sections of

substitute, by striking out the word "land" in the last line of said sections and inserting the words "right of way."

A call of the house was had, when it appeared that Mr. Crawford was absent, who having been excused, the call was suspended and the question put, and decided in the negative.

YEAS, 18, }  
NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Eaton, Folsom, Gamble, Gildea, Guiberson, Harbour, Jacobs, Major, M'Culloch of Jefferson, Negus, Preston of Linn, Samuel Riggs, Reuben Riggs, Taylor, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Allender, Bunker, Dibble, Flint, Gibson, Goodenow, Hamill, Harper, M'Culloch of Lee, M'Crary, Parvin, Preston of Monroe, Price, Robinson, Salmon, Summers, Thompson, Updegraff and Wilson of Henry.

Mr. Preston of Monroe moved to suspend the 42nd rule.

Mr. Gibson moved to adjourn until 6 o'clock P. M; lost.

The question on suspending the rule was decided in the negative.

YEAS, 20 }  
NAYS, 17 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Dibble, Eaton, Flint, Gamble, Hamill, Harbour, Harper, M'Culloch of Lee, M'Crary, Parvin, Preston of Monroe, Price, Robinson, Salmon, Summers, Thompson, Updegraff and Wilson of Henry.

Those who voted in the negative were,

Messrs. Babbitt, Folsom, Gibson, Gildea, Goodenow, Guiberson, Jacobs, Major, M'Culloch, of Jefferson, Negus, Preston of Linn, Samuel Riggs, Reuben Riggs, Taylor, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Harbour moved to adjourn till 6 o'clock P. M; lost.

On motion of Mr. Negus, the house adjourned at 4 o'clock P. M.

WEDNESDAY MORNING, DECEMBER 18, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Summers; a petition of citizens of the counties of Scott, Cedar, Clinton and Jones, praying the location of a state road from Davenport to Anamosa; referred to the committee on roads and highways.

By Mr. Guiberson; two petitions of the citizens of the counties of Polk and Boone, praying the location of a state road from Fort Clark to Fort Des Moines; referred to the committee on roads and highways.

By Mr. Price; a petition of citizens of Clayton county, praying for a ferry charter to Orin Keeler; referred to the committee on incorporations.

By Mr. Price; a petition of citizens of Guttenberg, praying a change of the name of said town; laid on the table.

By Mr. Babbitt; a petition of citizens of Marion county, asking a ferry charter to N. B. Allison.

By Mr. Babbitt; a petition of citizens of Marion county, asking a ferry charter to S. H. Wilkins.

Said petitions were referred to the committee on incorporations.

By Mr. Allender; a petition of citizens of Van Buren county, praying a repeal of laws licensing the sale of ardent spirits; referred to the select committee having that subject under consideration.

By Mr. Preston of Linn; a remonstrance of citizens of Davenport against granting a ferry charter to John Wilson and company; referred to the committee on incorporations.

By Mr. Flint; the petition of John W. Cohick asking the appointment of a committee to examine his accounts as superintendent of the Penitentiary for the years 1846, 7 and 8, which was granted and Messrs. Flint, Hamill and Harbour were appointed said committee.

By Mr. Taylor; three petitions of citizens of the state of Iowa, praying the appointment of commissioners to make a reconnoissance of the Dubuque and Keokuk rail road route; referred to the committee on internal improvements.

On motion of Mr. Harbour,

Resolved, That the committee of revision be authorized to make such alterations and amendments in the revised code as they may deem fit, previously to its being printed.

Message from the Senate by Mr. Bradley their Secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed H. R. file No. 7, joint resolution relative to the extension of the military road.

I am also directed to inform the House that Messrs. Lewis, Everson and Sales, have been appointed a committee on the part of the Senate to act with a similar committee on the part of the House, to prepare a memorial to Congress asking a grant of 25,000 acres of land to be appropriated for the purpose of building bridges across Turkey river; also

That the Senate have agreed to the amendment made by the House to Senate file, No. 11.

I herewith present for your signature, Senate file No, 11, a bill granting the Burlington and Mount Pleasant plank road company the right of way, the same having passed both branches of the general assembly.

On motion of Mr. Taylor,

Resolved, That the new code be the special order at 2 o'clock, P. M. of every day until dispensed with.

Mr. M'Crary offered the following resolution:

Resolved, That the use of this hall be tendered to the state temperance convention at 2 o'clock, P. M.; which was disagreed to.

Mr. Harbour offered the following resolution:

Resolved, That the use of this hall be tendered to the state temperance convention at 6 o'clock, P. M., which was disagreed to.

Mr. Parvin, from the committee on public buildings, to whom was referred the public documents relating to the penitentiary, submitted the following

## REPORT.

The committee on public buildings, to whom was referred sundry reports of the superintendant of the penitentiary, have had the same under consideration, and have instructed me to report as follows:

The committee have learned with regret that the penitentiary has formerly been kept in a very disagreeable, unwholesome, and filthy condition; but they are pleased to find that the prison was cleansed and the filth removed by the late superintendent, (Mr. Haskell.)

Your committee report that the building is yet in an unfinished and exposed situation. One half of said buildings the walls are not up to the square by about eleven feet, and covered only by boards which do not prevent the rain and snow from injuring the walls thus partly up and but imperfectly covered. As it now stands the building must, necessarily, be receiving more or less injury so long as it remains in such an exposed situation. Your committee therefore recommend an appropriation sufficient to inclose the house and save to the state the sums already expended thereon. To the kindness of Deet. Cole, of Fort Madison, is your committee indebted for an estimate of the expense of enclosing the same, which estimate they find to be twenty-seven hundred dollars, and your committee recommend an appropriation for the penitentiary to that amount.

The attention of your committee has been called to the subject of the title, of the state, to the land on which the penitentiary stands; and they have been unable to discover by what title if any the state of Iowa holds said land. They have therefore instructed me to report a bill authorizing the Governor to procure said title. Which said bill is herewith reported.

J. A. PARVIN, Chairman com. Public Buildings.

Mr. Parvin from the committee on public buildings, to whom was referred H. R. file, No. 19, "an act authorizing the county commissioners court of the county of Davis to have a vote taken in relation to building a court house in said county;" have had the same under consideration and have instructed me report the same back to the House, and request that the committee may be excused from the further consideration of said bill.

Respectfully submitted,

J. A. PARVIN, Chairman com. pub. buildings.

H. R. file, No. 32, a bill for an act authorizing the Governor of the state of Iowa, to procure the title to certain ground (accompanying the report of the committee on public buildings,) was read a first time.

Mr. Parvin, from the committee on public buildings, to whom was referred R. R. file, No. 19, a bill for an act authorizing the commissioners of the county of Davis, to have a vote taken in relation to building a court house in said county; reported the same back without amendment.

Said bill was read a second time and ordered to be engrossed for a third reading to-morrow.

Mr. Guiberson, from the select committee to whom was referred H. R. file, No. 25, a bill for an act to locate a state road from Fort Des Moines to Council Bluffs; reported the same back with one amendment.

On motion of Mr. Summers; laid on the table.

Mr. Flint from the select committee to whom was referred H. R. file, No. 20, a bill for an act to locate a state road from Iowaville, to intersect the Lancaster road at the Keokuk county line, reported the same back with a substitute for section 1; which was concurred in.

On motion of Mr. Negus; laid on the table.

Mr. Hamill, with leave, gave notice that on some future day he would introduce a bill for an act for the relief of occupants of the half breed lands.

Mr. Folsom from the committee on the judiciary to whom was referred Senate file, No. 21, joint resolution in relation to G. Green's Reports; reported the same back without amendment. Said bill was read a second time.

Mr. Harbour moved to strike out "250" and insert "100."

Mr. Allender moved to strike out 250 and insert 50.

Mr. Gibson moved to indefinitely postpone said bill; which was disagreed to.

YEAS, 13, }  
NAYS, 26. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Flint, Gibson, Guiberson, Jacobs, M'Crary, Parvin, Samuel Riggs, Robinson, Summers, Taylor, Wilson of Henry and Wilson of Lee.

Those who voted in the negative were,

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom,

Gamble, Goodenow, Hamill, Harbour, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Price, Reuben Riggs, Salmon, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed substitute for H. R. file, No. 18, joint resolution for the payment of the claim of James M'Intosh, without amendment.

Mr. Harbour moved to adjourn; disagreed to.

YEAS, 15, }  
NAYS, 24. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Goodenow, Hamill, Harbour, Harper, M'Crary, Negus, Parvin, Robinson, Updegraff, and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Flint, Folsom, Gamble, Gibson, Gildea, Guiberson, Haun, Jacobs, Major, McCulloch of Lee, M'Culloch of Jefferson, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon, Summers, Taylor, Thompson, Wilson of Lee, Wyckoff and Mr. Speaker.

On motion of Mr. Taylor, the House adjourned at 20 minutes, P. M.

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TWO O'CLOCK, P. M.

Report of the committee to prepare a revised code, being the special order, was

On motion of Mr. Summers, postponed.

Question pending on the amendment of Mr. Harbour to Senate file No. 4, joint resolution in relation to Green's Reports.

On motion of Mr. Summers, said joint resolution and amendments were laid on the table.

Mr. Folsom with leave introduced H. R. file, No. 22, a bill for

an act to grant Centre Market in Iowa City to the Davenport and Iowa City rail road company; which was read a first time.

Mr. Folsom with leave introduced H. R. file, No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company; which was read a first time.

Mr. Folsom moved to suspend the 42nd rule and read said bills a second time now; which was disagreed to.

Mr. Gibson, with leave introduced H. R. file No. 35, a bill for an act to repeal the fourth section of an act to establish normal schools; which was read a first time.

H. R. file, No. 9, a bill for an act to lay out and establish a state road from Drakesville, in Davis county, to Chariton Point, in Lucas county; was read a third time, passed and the title agreed to.

H. R. file, No. 22, joint resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa, was read a third time, passed and the title agreed to.

H. R. file, No. 26, joint resolution asking a donation of land to actual settlers; was read a second time.

H. R. file, No. 28, a bill for an act to restrain swine from running at large in Jackson county; was read a second time.

H. R. file, No. 29, a bill for an act to organize the county of Winnebiek and locate the county seat thereof; was read a second time.

Senate file, No. 6, a bill for an act to renew a ferry charter for the benefit of John Wilson and James Hale; was read a second time.

On motion of Mr. Summers referred with the petitions and remonstrances to the committee on incorporations.

Senate file, No. 7, a bill for an act for the relief of the Rock Island and Lasalle rail road company; was read a second time and ordered to a third reading on Friday.

Senate file, No. 8, a bill for an act to authorize the corporation of Davenport to issue bonds to the Rock Island and Lasalle rail road and provide for the payment of the interest thereon; was read a second time.

On motion of Mr. Summers, referred to the committee on incorporations.

Senate file, No. 9, a bill for an act to authorize the proper officer of Scott county to issue bonds to the Rock Island and Lasalle rail

road company and to provide for the payment of the interest thereon; was read a second time.

On motion of Mr. Summers, was referred to the committee on incorporations.

Substitute for H. R. file, No. 8, a bill for an act granting the Muscatine, Washington and Oskaloosa road and bridge company the right of way, being in order for a third reading, on motion of Mr. Goodenow the vote had on the amendments offered by Mr. Folsom to the third and eighth sections of said bill was reconsidered; and the question being on the adoption of said amendments, was decided in the affirmative.

Mr. Negus offered the following amendment, "The legislature shall have the power to repeal this act whenever it shall deem proper.

Mr. Wyckoff offered the following amendment to the amendment, strike out the words "they deem proper," and insert "the public good may require it," which was disagreed to.

The question then recurring on the amendment, was decided in the negative.

YEAS, 7. }  
NAYS, 32. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Eaton, Gibson, Major, Negus, Summers and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Dibble, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, Harbour, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, M'Crary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry, Wilson of Lee and Mr. Speaker.

Said bill was read a third time passed and the title agreed to.

On motion of Mr. Wyckoff the House adjourned at 3 o'clock and 20 minutes, P. M.

THURSDAY MORNING, DECEMBER 19, 1850.

Petitions and memorials were presented, read and disposed of as follows:

By Mr. Preston of Linn, two petitions of citizens of Linn county, praying a repeal of all laws licensing the sale of intoxicating drinks.

By Mr. Robinson, a petition of citizens of the State of Iowa, praying a repeal of all laws licensing the sale of intoxicating drinks as a beverage.

Said petitions were referred to the select committee having that subject under consideration.

By Mr. Harper, a remonstrance of citizens in the immediate vicinity of Burlington against the memorial of the city council of Burlington asking an extension of city limits.

Referred to the representatives from Des Moines county.

Notice to bring in the following bills was given.

By Mr. Haun, a bill for an act to prevent free negroes and fugitive slaves from entering the state.

By Mr. Price, a bill for an act to change the name of the town of Guttenburg.

By Mr. Guiberson, a bill for an act to locate and establish a state road on the east side of the Des Moines river from Fort Des Moines to Fort Clarke.

By Mr. Preston of Linn, a bill granting the right of way to the Dubuque and Keokuk rail road company.

On motion of Mr. Babbitt,

Resolved, That the hour to which this house shall stand adjourned from day to day shall be nine o'clock A. M., until otherwise ordered.

Mr. Jacobs with leave introduced H. R. file No. 36, joint resolution for the extension of a mail route, from Lancaster in Keokuk county, to Indianapolis in Makaska county, to Montezuma in Poweshiek county, to the county seat of Marshall county, via Sugar grove in Poweshiek county; read a first time.

Mr. Parvin offered the following resolution:

Resolved, That the House of Representatives (the Senate con-

curing) will adjourn on the 24th instant, until the 3d; laid on the table.

Mr. Price from the joint committee appointed to prepare a memorial for a donation of land to aid in the construction of bridges across Turkey river, reported H. R. file No. 37 joint resolution of the General Assembly of Iowa, instructing our Senators and Representatives in Congress to use their influence to procure for the State of Iowa, a donation of land to be appropriated to the building of bridges across Turkey river; which was read a first time.

Mr. Summers from the committee on engrossed bills, to whom was referred H. R. file No. 19, a bill for an act authorising the county commissioners of Davis county, to have a vote taken in relation to building a court house in said county, as correctly engrossed.

Mr. Taylor from the select committee to whom was referred H. R. file No. 30, joint resolution relative to adjournment; reported the following resolution:

Resolved, (the Senate concurring,) That a Union Mass meeting be held in the hall of the House of Representatives on the 8th day of January next; which was agreed to.

Mr. Dibble from the committee on roads and highways, to whom was referred H. R. file No. 6, a bill for an act to locate a state road from M'Gregor in Clayton county, to Fort Clarke on the Des Moines river; reported the same back with sundry amendments.

On motion of Mr. Summers, laid on the table.

Leave was granted Mr. Taylor to absent himself from the House, until Tuesday next.

H. R. file No. 11, a bill for an act to locate a state road from Chariton in Lucas county to Fort Des Moines in Polk county; was read a third time, passed and title agreed to.

H. R. file No. 12, a bill for an act to locate a state road from Chariton in Lucas county, to Newton in Jasper county; was read a third time, passed and title agreed to.

H. R. file No. 13, a bill for an act to locate a state road from Fort Des Moines to Ft. Clarke; was read a third time, passed and title agreed to.

H. R. file No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock river rapids, in the Mississippi river; was read a third time, passed and title agreed to.

H. R. file No. 31, joint resolution relative to the establishment of a land office in Blachawk county; was read a second time, and ordered to be engrossed for a third reading to-morrow.

H. R. file No. 26, joint resolution asking a donation of land to actual settlers; being in order for a third reading was referred to a committee of the whole House and made the special order for to-morrow evening at 6 o'clock P. M.

H. R. file No. 28, a bill for an act to restrain swine from running at large in Jackson county; was read a third time, and

On motion of Mr. Harbour, laid on the table.

H. R. file No. 29, a bill for an act to organize the county of Winneshiek and locate the county seat thereof; was read a third time, passed and title agreed to.

H. R. file No. 32, a bill for an act authorising the governor to procure a title to certain ground; was read a second time, and

On motion of Mr. Parvin, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file No. 33, a bill for an act to grant Centre Market in Iowa City to the Davenport and Iowa City rail road company; was read a second time and referred to the committee on internal improvement with instructions to report to-morrow morning.

H. R. file No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company; was read a second time and referred to the committee on incorporations with instructions to report on Monday morning.

H. R. file No. 35, a bill for an act to repeal the fourth section of an act to establish Normal Schools; was read a second time and referred to the committee on schools.

H. R. file No. 19, a bill for an act authorising the county commissioners of Davis county to have a vote taken in relation to building a court house in said county; was read a third time, passed and title agreed to.

On motion of Mr. Preston of Linn, Senate file No. 4, joint resolution in relation to Green's Reports; was taken from the table.

Mr. Summers moved that the House now resolve itself into a committee of the whole on the said joint resolution; lost.

Pending amendment to said joint resolution being withdrawn.

On motion of Mr. McCrary, the same was referred to the committee on expenditures.

On motion of Mr. Preston of Monroe, the House adjourned at 20 minutes P. M.

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TWO O'CLOCK, P. M.

A consideration of the revised code being the special order, the House resolved into a committee of the whole, Mr. Parvin in the chair.

Four o'clock 5 minutes P. M.—Committee rose and by their chairman reported progress and asked leave to sit again.

On motion of Mr. Bunker, the House adjourned until six o'clock 30 minutes P. M. at four o'clock and 5 minutes P. M.

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SIX O'CLOCK 30 MIN. P. M.

Report of the committee on federal relations on H. R. file No. 14, joint preamble and resolution in relation to Hungarian exiles being the special order, the House resolved itself into committee of the whole, Mr. Babbitt in the chair.

Eight o'clock 30 minutes.—The committee rose and by their chairman reported the same back with the recommendation that the House do not concur in the substitute reported by said committee on federal relations; which was concurred in.

Said joint preamble and resolutions were read a second time.

Mr. Gibson moved to suspend the 42nd rule and read said joint preamble and resolution a third time now.

On motion of Mr. Negus the House adjourned at nine o'clock P. M.

FRIDAY MORNING, DECEMBER 20, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Allender, three petitions of citizens of the state, praying that a charter be granted to Roger N. Cresops and Joseph H. Perkins to keep a ferry across the Des Moines river at Bonaparte; referred to the committee on incorporations.

By Mr. Robinson, a petition of citizens of Des Moines county, praying a repeal of all laws licensing the sale of intoxicating drinks, also

By Mr. Summers a like petition of citizens of the State.

Said petitions were referred to the select committee appointed for their consideration.

By Mr. Preston of Monroe, the petition of the commissioners appointed to locate a state road from Ottumwa to Trader's Point asking payment for their services; referred to the committee on claims.

Mr. Price with leave introduced H. R. file No. 28, joint resolution in relation to borrowing money to pay members and officers of the General Assembly; which was read a first time.

Mr. Parvin moved to reject; which was disagreed to.

Mr. Price moved a suspension of the 42nd rule and that said joint resolution be read a 2nd and 3d time now; which was disagreed to.

YEAS, 23. }

NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Crawford, Eaton, Folsom, Gamble, Goodenow, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, M'Crary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon. Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Babbitt, Dibble, Flint, Gibson, Gildea, Guiberson, Harper, M'Culloch of Lee, McCulloch of Jefferson, Negus, Parvin, Robinson, Summers, Thompson, Wilson of Lee.

Leave of absence was granted to Mr. Updegraff until the 27th instant.

On motion of Mr. Negus,

Resolved, That the committee on the Des Moines improvement, be instructed to take into consideration that part of the report of the board of public works, relating to the appointment of a committee to examine the work and affairs of the board, and report as to the expediency of the same to-morrow morning.

Mr. M'Crary with leave introduced H. R. file No. 39, joint resolution in relation to the accounts of Paul Brattan, late treasurer of the board of Public Works; which was read a first time.

Mr. Harper from the committee on enrolled bills, reported H. R. file No. 9, joint resolution relating to the extension of a military road.

H. R. file No. 2, joint resolution relative to the purchase of Indian titles in Nebraska territory, and

H. R. file No. 18, joint resolution for the payment of the claim of James M'Intosh correctly enrolled.

Mr. Summers from the committee on engrossed bills, to whom was referred H. R. file, No. 31, joint resolution in relation to the establishment of a land office in Blackhawk county; reported the same correctly engrossed.

Mr. Harbour, from the joint committee appointed to take into consideration that portion of the Governor's message relating to the procuring a block of marble to the Washington monument, reported the following motto,—“Iowa: her affections like the rivers of her borders, flow to an inseparable Union;” which was adopted.

Mr. Harbour, from the committee on internal improvement, was granted further time to report on H. R. file, No. 33.

Mr. Preston of Linn, introduced H. R. file, No. 40, a bill for an act to grant the right of way to the Dubuque and Keokuk rail road company; said bill was read a first time.

On his motion the 42d rule was suspended, said bill read a second time and referred to the committee on incorporations.

Mr. Price introduced H. R. file, No. 41, a bill for an act to change the name of the towns of Guttenberg and Guthenberg, to Prairie La Porte; which was read a first time.

Senate file, No. 7, a bill for an act for the relief of the Rock

Island and Lasalle rail road company, was read a third time, passed and title agreed to.

H. R. file, No. 14, joint preamble and resolution in relation to Hungarian exiles, was read a third time, passed and title agreed to.

H. R. file, No. 36, joint resolution for the extension of a mail route from Lancaster, in Keokuk county, to Indianapolis, in Mahaska county, to Montezuma in Poweshiek county, to the county seat of Marshall county, via Sugar Grove in Poweshiek county; was read a second time and the following amendment made thereto: insert the words "timber creek" in the second section.

Said bill was considered as engrossed and ordered to a third reading to-morrow.

H. R. file, No. 37, joint resolution instructing our senators and representatives in Congress to procure for the state of Iowa a donation of land to be appropriated to the building of bridges across the Turkey river; was read a second time.

Mr. Eaton offered a substitute, which was accepted.

On motion of Mr. Price; referred to the representatives from Delaware, Clayton and Dubuque.

H. R. file, No. 31, joint resolution relative to the establishment of a land office in Blackhawk county, was read a third time, passed and the title agreed to.

Mr. Parvin moved to take from the table the following resolution: Resolved, That the House of Representatives (the Senate concurring therein,) will adjourn on the 24th inst., until the 30th inst.; which was disagreed to.

YEAS, 15. }  
NAYS, 21. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Gibson, Gildea, Goodenow, Harbour, Negus, Parvin, Preston of Linn, Price, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, M'Crory, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Thompson, Wilson of Lee and Mr. Speaker.

Mr. Guiberson with leave introduced H. R. file, No. 42, a bill for an act to locate a state road from Fort Desmoines to Fort Clark; which was read a first time.

On motion of Mr. Summers, the special order for 6 o'clock, P. M., was made the present special order in committee of the whole; whereupon the House resolved itself accordingly, Mr. Folsom in the chair, at eleven o'clock, A. M.

12 o'clock, M:—The committee rose and by their chairman reported back the subject under consideration without amendment.

Mr. Eaton moved the same be referred to the committee on federal relations.

On motion of Mr. Harper, the House adjourned at five minutes P. M.

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#### TWO O'CLOCK, P. M.

A consideration of the revised code being the special order in committee of the whole, the House resolved itself accordingly, Mr. Parvin in the chair.

Four o'clock, 20 minutes P. M.—The committee rose, and by their chairman reported progress and asked leave to sit again, which was granted.

Leave was granted to Mr. Gibson to absent himself until Thursday morning next.

On motion of Mr. Crawford the House adjourned at four o'clock and 20 minutes P. M.

#### SATURDAY MORNING, DECEMBER 21, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Parvin, petition of citizens of the state praying a repeal of laws, licensing peddlers; referred to the committee on the judiciary.

By Mr. Eaton, a petition of citizens of Deleware county for a law to change the name of John W. Branzon; referred to the representatives from Dubuque.

Notice to bring in the following bills was given:

By Mr. Eaton, a memorial to Congress for a grant of land to aid in the construction of a rail road from Dubuque, *via* the great bend of St. Peters river to North Red river.

Mr. Babbitt with leave introduced H. R. file No. 43, joint resolution staying monies in the hands of the state treasurer.

On motion of Mr. Parvin the 42nd rule was suspended, said joint resolution read a second time.

On motion of Mr. Allender, ordered to be engrossed for a third reading on Monday next.

Mr. M'Crory offered the following resolution:

Resolved, That this House will from this time positively refuse to legislate upon or receive any petitions on the subject of granting ferry charters.

On motion of Mr. Summers; laid on the table.

Mr. Negus from the committee on incorporations, to whom was referred Senate file No. 8, a bill for an act to authorise the corporation of Davenport to issue bonds to the Rock Island and Lasalle rail road company; reported the same back without amendment.

Said bill was read a second time.

Mr. Price from the select committee to whom was referred substitute to H. R. file No. 37, joint resolution of the General Assembly of Iowa instructing our Senators and Representatives in Congress to use their influence to procure a donation of land to be appropriated to the building of bridges across Turkey river; reported a substitute therefor, which was accepted and read a second time.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed substitute for H. R. file No. 4, an act to provide for the location of the seat of justice of the several counties therein named with two amendments.

The Senate have also passed substitute for Senate file No. 12, memorial to Congress for grants of land to aid in the construction of

rail roads from Dubuque to Keokuk and from the Mississippi to the Missouri rivers, also

Senate file No. 15, a memorial to Congress asking a donation of land to the Hungarian patriots who have settled in Decatur county Iowa. In all of which the concurrence of the House of Representatives is requested.

I herewith return to the House in which they originated, H. R. file No. 18, joint resolution for the payment of the claim of James M'Intosh.

H. R. file No. 7, joint resolution requesting our Senators and Representatives in Congress to use their influence to procure the extension of the United States military road from Agency City in Wapello county to a point opposite to Council Bluffs on the Missouri river, and

H. R. file No. 2, joint resolution in relation to Indian titles in Nebraska territory, the same having received the signature of the President of the Senate.

Mr. Negus from the committee on incorporations, to whom was referred Senate file No. 6, a bill for an act to renew a ferry charter for the benefit of John Wilson and James Hale, submitted the following

### REPORT.

The committee on incorporations to whom was referred Senate file No. 6, an act to renew a ferry charter for the benefit of John Wilson and James Hale, and sundry petitions for ferry charters, have had the same under consideration, have instructed me to report.— That they have examined the laws now in force, and find that in their opinion there is ample provisions made for the establishing of all ferrles, which may be beneficial to the public.

That the laws now in force allow the county commissioners to grant a ferry charter for the term of twelve years.

And your committee believe that the several counties have a better opportunity of judging of the wants and necessities of their own citizens, than the legislature.

That the legislature is liable to be imposed upon by designing individuals, and may be made the instrument of imposing severe

hardships upon those who are interested, by misrepresentation, fraud, and otherwise.

Wherefore your committee would recommend that the legislature establish no ferries by special acts. But if by adopting the new code they should impair the laws already in force, that they should, by a general law, authorize the proper authorities in each county to regulate all ferries within its limits.

CHARLES NEGUS, Chairman.

Said report was amended and concurrnd in, and said bill was read a second time.

Mr. Flint from the committee on the Des Moines river improvement, to whom was referred that portion of the report of the board of public works, recommending the appointment of a committee to examine the work; reported

That in the opinion of the committee, as now advised, it would be inexpedient to appoint such a committee, at the present time.

On motion of Mr. Allender; laid on the table.

On motion of Mr. Parvin, titles one and two, of part one of the report of the committee of revision; were taken from the table and ordered to be returned to the Senate.

H. R. file No. 36, joint resolution for the extension of a mail route from Lancaster in Keokuk county to the county seat of Marshall county; was read a third time, passed and title agreed to.

Message from the Senate coming up in order.

The amendments made by the Senate to substitute for H. R. file No. 14, a bill for an act to provide for the location of the seats of justice of the several counties therein named; were considered and disagreed to.

Substitute for Senate file No. 12, memorial to Congress for a grant of lands to aid in the construction of a rail road from Dnbuque to Keokuk, and from the Mississippi to the Missouri river; was read a first time.

Senate file No. 15, a memorial to Congress asking a donation of land to the Hungarian exiles who have settled in Decatur county, in the State of Iowa; was read a first time.

Mr. Summers moved to suspend the 42nd rule; which was disagreed to.

Mr. Jacobs moved to lay on the table; lost.

On motion of Mr. Gamble, the House adjourned at 12 o'clock M.

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### TWO O'CLOCK, P. M.

The revised code being the special order, the House resolved itself into a committee of the whole. Mr. Preston in the chair.

Four o'clock P. M.—The committee rose and by their chairman reported title three back to the House, with sundry amendments.

On motion of Mr. Folsom the House adjourned.

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### MONDAY MORNING, DECEMBER 23, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Summers; a petition of citizens of Scott county, praying for a law to prevent swine from running at large; laid on the table.

By Mr. Dibble; a petition of citizens of Lee and Van Buren counties, praying for a state road from Farmington in Van Buren county, to Washington in Henry county; referred to the committee on roads and highways.

By Mr. Babbitt; two petitions of citizens of Iowa, for a ferry charter to N. B. Allison and Mr. Wilkins; laid on the table.

By Mr. Reuben Riggs; a petition of citizens of Iowa, praying for a state road from Ottumwa to Carpenter's mill; referred to the committee on roads and highways.

By Mr. Reuben Riggs; a petition of citizens of Appanoose county, praying a repeal of laws licensing the sale of intoxicating drinks; referred to the committee on that subject.

Mr. Preston offered the following resolution:

Resolved, That the House adjourn on Tuesday the 24th inst. till Saturday the 28th inst.

Mr. Allender moved to indefinitely postpone said resolution; lost.

11 17 10

YEAS, 15, }  
 NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Flint, Guiberson, Hamill, Harper, McCulloch of Lee, M'Cray, Preston of Monroe, Samuel Riggs, Robinson, Salmon, Summers and Thompson.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Dibble, Eaton, Gildea, Goodenow, Harbour, Haun, Jacobs, Major, Negus, Parvin, Preston of Linn, Price, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Summers moved to lay said resolution on the table; lost.

YEAS, 16, }  
 NAYS, 17. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Flint, Guiberson, Hamill, Harper, Major, McCulloch of Lee, M'Crary, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers and Thompson.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Dibble, Eaton, Gildea, Goodenow, Harbour, Haun, Jacobs, Negus, Parvin, Preston of Linn, Price, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Allender moved to amend by adding the words "and members shall not receive their per diem during the time; disagreed to.

YEAS, 12, }  
 NAYS, 21. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Flint, Guiberson, Harper, Major, McCulloch of Lee, Negus, Parvin, Samuel Riggs, Reuben Riggs, Summers, Thompson and Wilson of Lee.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, M'Crary, Price, Preston of Linn, Preston of Monroe, Robinson, Salmon, Wilson of Henry, Wyckoff and Mr. Speaker.

The question being on the adoption of the resolution, was decided in the negative.

YEAS, 17. }  
 NAYS, 17. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Dibble, Eaton, Folsom, Gildea, Hamill, Harbour, Haun, Jacobs, Negus, Parvin, Preston of Linn, Price, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Flint, Goodenow, Guiberson, Harper, Major, McCulloch of Lee, M'Crary, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Thompson and Wilson of Lee.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed substitute for Senate file, No. 5, a bill for an act to establish new counties and define their boundaries; in which they ask the concurrence of the House of Representatives.

The Senate have also passed without amendment H. R. file No. 22, joint resolution authorizing H. B. Hendershott, to dispose of a solar compass belonging to the state of Iowa.

Mr. Summers from the committee on engrossed bills, reported R. R. file, No. 43, joint resolution staying monies in the hands of the state treasurer, correctly engrossed.

Notice to bring in the following bills was given:

By Mr. Wyckoff; a bill for an act to repeal an act entitled an act to authorise Thomas S. Parker to keep a ferry across the Mississippi river.

Mr. Preston of Monroe introduced H. R. file, No. 44, joint resolution in relation to a removal of the land office from Fairfield to Albia, in Monroe county; which was read a first time.

Mr. Reuben Riggs introduced H. R. file, No. 45, a bill for an act for the location of a state road from Bloomfield, in Davis county, to a point on the Missouri river opposite old Fort Kearney; which was read a first time.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the Governor for his signature:

H. R. file, No. 1, joint resolution relative to a military road from Council Bluffs, Indian Sub-Agency to Sacramento City.

H. R. file, No. 18, joint resolution relative to the payment of the claim of James M'Intosh.

H. R. file, No. 7, Joint resolution relative to the extension of the United States military road from Agency City, in Wappello county, to a point opposite Council Bluffs, on the Missouri river.

H. R. file, No. 2, joint resolution relative to Indian titles in Nebraska Territory.

Mr. Negus from the committee on incorporations to whom was referred H. R. file, No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company; reported the same back with sundry amendments, which were concurred in.

Said bill was read a second time.

Mr. Harbour moved to amend by striking out the words "through any street or alley in Iowa City;" lost. Mr. M'Crary moved to strike out the last section of the bill; which was agreed to.

Said bill was ordered to be engrossed for a third reading to-morrow.

Mr. Negus, from the committee on incorporations, to whom was referred H. R. file, No. 40, a bill for an act to grant the right of way to the Dubuque and Keokuk rail road company; reported the same back without amendment.

Said bill was read a second time, and

On motion of Mr. Thompson, laid on the table till Thursday, January 2nd, 1851.

On motion of Mr. M'Crary, the House adjourned at 10 minutes, P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Flint, Mr. Salmon was added to the committee heretofore appointed to examine the accounts of John Cohick, late warden of the penitentiary; and leave was granted to Messrs. Salmon and Hamill, to absent themselves from the House.

Mr. Goodenow moved to reconsider the vote had on the resolu-

tion of Mr. Preston, providing for the adjournment of the House from Tuesday to Saturday; which was agreed to.

YEAS, 19 }  
NAYS, 15. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Bunker, Crawford, Dibble, Eaton, Folsom, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, Negus, Parvin, Preston of Linn, Price, Salmon, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Flint, Guiberson, Harper, Major, McCulloch of Lee, M'Crary, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Thompson and Wilson of Lee.

The question being on the adoption of the resolution, was decided in the negative.

YEAS, 17 }  
NAYS, 17 }

The yeas and nays were desired, those who voted in the affirmative were :

Messrs. Bunker, Crawford, Eaton, Folsom, Gildea, Goodenow, Harbour, Haun, Jacobs, Negus, Parvin, Preston of Linn, Price, Salmon, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Hamill, Harper, Major, McCulloch of Lee, M'Cray, Preston of Monroe, Samuel Riggs, Robinson, Summers, Thompson and Wilson of Lee.

Mr. Wyckoff, with leave withdrew a petition of citizens of Jackson county, asking a ferry charter to Wade H. Eldridge.

Leave of absence was granted to Mr. Goodenow.

The question pending on concurring in the report of the committee of the whole house on title 3 of the revised code, the amendments were severally read and concurred in; said title was read a second time.

Mr. Preston of Linn, moved to amend section one, chapter 12, of title III, by striking out the words "eight hundred" and inserting "one thousand," which was disagreed to.

YEAS, 13, }  
NAYS, 21. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Eaton, Goodenow, Harper, Negus, Preston of Linn, Price, Robinson, Salmon and Mr. Speaker.

Those who voted in the negative were:

Messrs. Dibble, Flint, Folsom, Gildea, Guiberson, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Lee, M'Crory, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Summers, Thompson, Wilson of Henry, Wilson of Lee and Wyckoff.

Mr. Harper, from committee on enrolled bills, reported H. R. file No. 22, joint resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa, correctly enrolled.

Mr. Eaton offered the following amendment to section 1, of chapter 12, of title three:

It shall in no case be less than fifty dollars and if the latest census of the state or United States shows a population in the county of between one thousand and fifteen hundred inhabitants, the salary shall be one hundred dollars; if between fifteen hundred and two thousand inhabitants, one hundred and twenty-five dollars; if between two and three thousand inhabitants, one hundred and fifty dollars; if between three and four thousand inhabitants, two hundred dollars; and for every extra one thousand the salary last aforesaid shall be increased twenty-five dollars, but in no case shall the salary be more than eight hundred dollars; which was disagreed to.

YEAS, 5, }

NAYS, 29. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Eaton, Gildea, Harbour, Haun and Summers.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Folsom, Goodenow, Guiberson, Hamill, Harper, Jacobs, Major, McCulloch of Lee, M'Crory, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Thompson, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Parvin moved to amend section one, of chapter twelve of title three, by striking out of the ninth line the word "four" and inserting "three," and striking out the word "five" in tenth line and inserting "four" in the eleventh line, and striking out the words "and fifty," and in the twelfth line strike out the word "six" and insert "five" and insert the words "and fifty" between the words "hundred" and "dollars" and add at the close of the section, the words "until the salary amounts to the sum of eight hundred dollars;" which was agreed to.

Mr. Summers moved as a special amendment that wherever the word "four" occurs, in relation to the term of office of the county judge, the same be stricken out and the word "two" inserted; which was disagreed to.

YEAS, 16, }  
NAYS, 18. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Eaton, Folsom, Gildea, Goodenow, Hamill, Harbour, Haun, Major, McCulloch of Lee, Preston of Linn, Price, Salmon, Summers, Thompson, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Guiberson, Harper, Jacobs, M'Crary, Negus, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Wilson of Henry and Mr. Speaker.

Mr. Preston of Monroe moved to strike out "four" and insert "three;" lost.

Mr. Allender offered the following amendment to section thirty of chapter five of title three:

But no appeal shall be allowed where the sum in controversy does not exceed twenty dollars, exclusive of costs;" was disagreed to.

Mr. Babbitt moved to suspend the 42nd rule, and read title three a third time now; which was disagreed to.

Title four of part one of the revised code, was read a first time.

On motion of Mr. Parvin the 42nd rule was suspended, said title read a second time and referred to a committee of the whole House now.

The House resolved itself accordingly at 3 o'clock and 40 minutes P. M., Mr. Bunker in the chair.

Four o'clock and 20 minutes P. M.—The committee rose and by their chairman reported progress and asked leave to sit again which was granted.

Mr. Folsom offered the following resolution:

Resolved, That the messenger of the House have leave of absence and that during said absence he have leave to employ Edward C. Cole, to perform the duties of his office; which was adopted.

On motion of Samuel Riggs the House adjourned at four o'clock and 30 minutes P. M.

## TUESDAY MORNING, DECEMBER 24, 1850.

The Speaker laid before the House a resolution of the State Temperance Society, requesting the passage of a law prohibiting the sale of intoxicating drinks, except for mechanical or medicinal purposes; referred to the select committee on that subject.

Mr. Parvin offered the following resolution:

Resolved, That the chief clerk of this House be authorized to have printed and distributed according to law, five hundred copies of the journal of the House of Representatives and that he receive \_\_\_\_\_ dollars for his services in superintending the printing of and distributing the same.

Mr. Price moved to strike out 500 and insert 700.

On motion of Mr. Harbour, said resolution and pending amendments were laid on the table.

Mr. Harbour from the committee on internal improvement to whom was referred H. R. file No. 33, a bill for an act to grant Centre Market in Iowa City to the Davenport and Iowa City rail road company; reported a substitute therefor which was accepted.

Said substitute was read a second time;

On motion of Mr. Folsom the 42nd rule was suspended, said bill read a third time and passed.

On motion of Mr. Folsom, the title of said bill was amended by inserting the words "the use of" before the word "centre."

Said title as amended was agreed to.

Mr. Summers from the committee on engrossed bills reported H. R. file No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company, correctly engrossed.

H. R. file No. 26, joint resolution asking a donation of land to actual settlers was read a second time.

On motion of Mr. Harbour, the 42nd rule was suspended said joint resolution read a third time passed and title agreed to.

H. R. file No. 38, joint resolution in relation to borrowing money to pay members and officers of the General Assembly; was read a second time.

On motion of Mr. Harbour, referred to the committee on ways and means.

Leave was granted to the following gentlemen to absent themselves from the House, viz: Messrs. Harbour, Parvin, Jacobs and Folsom

Mr. Preston of Linn moved to adjourn from nine o'clock A. M. to-morrow till Saturday morning; lost.

YEAS, 23. }  
NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Crawford, Folsom, Gamble, Gildea, Haun, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Guiberson, Harbour, Harper, Jacobs, Major, M'Culloch of Lee, M'Crary, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson and Wilson of Lee.

H. R. file No. 39, joint resolution in relation to the accounts of Paul Brattan, late treasurer of the board of Public Works; was read a second time and referred to the committee on the Des Moines river improvement.

H. R. file No. 41, a bill for an act entitled an act to change the name of the towns of Guttenburg and Guthenburg to Prairie La porte; was read a second time.

Mr. Price offered the following amendment:

SEC. 3. This act shall take effect from and after its publication in the Dubuque newspapers; Provided, That no expense for the printing of said law shall be incurred by the State of Iowa; which was agreed to.

On his motion, said bill was ordered to be engrossed for a third reading to-morrow.

H. R. file No. 42, a bill for an act to locate a state road from Fort Des Moines, to Fort Clarke; was read a second time, and referred to the committee on roads and highways.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate insists upon the amendments made by the Senate to substitute for H. R. file No. 4, an act to provide for the location of the seat of justice of the several counties therein named.

I herewith return H. R. file No. 29, a bill for an act to organize the county of Winneshiek and locate the county seat thereof, the same having passed the Senate with one amendment; in which the concurrence of the House is requested.

I herewith present for your signature Senate file No. 7, an act for relief of the Rock Island and LaSalle rail road company; the same having passed both branches of the General Assembly.

Substitute for H. R. file No. 37, joint resolution instructing our senators and requesting our representatives in Congress to procure for the State of Iowa a donation of land to be appropriated to aid in building bridges across the rivers of Turkey, Maquoketa, Wabipinicon and Cedar in the counties of Clayton, Delaware, Buchanan and Blackhawk; was read a third time, passed and title agreed to.

H. R. file No. 43, joint resolution staying money in the hands of the state treasurer; was read a third time, passed and title agreed to.

Senate file No. 6, a bill for an act to renew a ferry charter for the benefit of John Wilson and James Hale; was read a third time.

On motion of Mr. Crawford, indefinitely postponed.

Senate file No. 8, a bill for an act to authorize the corporation of

Davenport to issue bonds, to the Rock Island and LaSalle rail road company, and provide for the payment of the interest thereon; was read a third time.

The question being on the passage of the bill, was decided in the negative.

YEAS, 11. }  
NAYS, 20. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Eaton, Folsom, Gildea, Harper, Haun, Parvin, Robinson, Summers, Wilson of Henry and Mr. Speaker,

Those who voted in the negative were :

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Gamble, Guiberson, Harbour, Jacobs, Major, M'Culloch of Lee, M'Crary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor, Thompson and Wilson of Lee.

On motion of Mr. Flint the House adjourned at 12 o'clock M.

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## TWO O'CLOCK, P. M.

On motion of Mr. Preston of Linn,

Resolved, That the revised code be the special order of the day from this time until Monday morning the 30th inst and that no joint resolutions or bills of a private or local character, shall be considered and passed during said time.

Leave was granted to the following gentlemen to absent themselves: Messrs. Preston of Linn, Bunker and Gamble.

On motion of Mr. Babbitt the House resolved itself into a committee of the whole for consideration of the revised code, Mr. Folsom in the chair.

Three o'clock and 45 min. P. M.—The committee rose, and by their chairman reported progress, and asked leave to sit again; which was granted.

Mr. Crawford moved to adjourn till Thursday morning at nine o'clock A. M., lost.

YEAS, 9 }  
 NAYS, 22 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Crawford, Eaton, Gamble, Gildea, Guiberson, Samuel Riggs, Reuben Riggs, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Allender, Babbitt, Bunker, Dibble, Flint, Folsom, Harbour, Harper, Haun, Jacobs, Major, M'Culloch of Lee, M'Crary, Parvin, Preston of Linn, Price, Robinson, Summers, Taylor, Thompson, Wilson of Henry and Wilson of Lee.

Mr. Harbour moved to adjourn until Saturday morning at nine o'clock A. M., lost.

Y AAS, 12 }  
 NAYS, 19 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Bunker, Crawford, Folsom, Gamble, Gildea, Harbour Haun, Parvin, Preston of Linn, Price, Wilson of Henry and Wyckoff.

Those who voted in the negative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Guiberson, Harper, Jacobs, Major, McCulloch of Lee, McCrary, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Wilson of Henry and Mr. Speaker.

Leave was granted to the following gentlemen to absent themselves from the House, viz: Messrs. Gildea and Wyckoff.

Mr. Summers moved to adjourn until nine o'clock A. M. to-morrow; lost.

Mr. Babbitt moved to adjourn until six o'clock 30 min. P. M. lost.

YEAS, 12 }  
 NAYS, 29 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Allender, Babbitt, Flint, Guiberson, Harper, Major, McCulloch of Lee, Samuel Riggs, Robinson, Summers, Thompson and Wilson of Lee.

Those who voted in the negative were,

Messrs. Bunker, Crawford, Dibble, Eaton, Folsom, Gamble, Gildea, Harbour, Haun, Jacobs, McCrary, Parvin, Preston of Linn, Price, Reuben Riggs, Taylor, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Harper the House adjourned until Thursday morning; at four o'clock and 15 minutes P. M.

#### THURSDAY MORNING, DECEMBER 19, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Price, a petition of citizens of the county of Clayton asking for a law to grant the electors of the county the right to relocate the county seat thereof; referred to the representatives from Dubuque and Clayton.

By Mr. Price, a petition of citizens of Clayton county, praying a repeal of laws licensing the sale of intoxicating drinks; referred to the select committee on that subject.

On motion of Mr. Wilson of Henry,

Resolved, That the committee on schools, are instructed to enquire into the expediency of reducing the salary of the superintendent of public instruction and report by bill or otherwise.

Mr. Taylor with leave introduced H. R. file No. 46, joint resolution for the relief of California emigrants; which was read a first time.

Mr. Summers from the committee on engrossed bills reported H. R. file No. 41, a bill for an act to change the name of the towns of Guttenburg and Guthenburg to Prairie Laporte; correctly engrossed.

The consideration of part one, title four of the revised code in committee of the whole being in special order, the House resolved itself accordingly, Mr. Crawford in the chair; at nine o'clock and 45 minutes A. M.

Eleven o'clock and 30 minutes A. M.—The committee rose and by their chairman reported the same back, with sundry amendments; which were severally concurred in, except

**FIRST**—Strike out in chapter two, section twenty, the words “town or township in.”

**SECOND**—In the thirty-second section of chapter two, strike out the words “as soon as the returns from all the townships are received the county judge taking” and substitute, “it shall be the duty of the county judge on the 10th day after said election, to take,” and insert after the word “county” in the 3d line the word “who”.

On motion of Mr. Taylor the House adjourned.

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## TWO O’CLOCK, P. M.

Mr. Price offered the following resolution:

Resolved, That that portion of part one, title five of the revised code, which relates to the lands of the state, be referred to a select committee of seven, composed in part of a delegate from each of the counties of Clayton, Delaware, Marion, Mahaska, Lee and Monroe; laid on the table.

On motion of Mr. Eaton the 42nd rule was suspended and that portion of part one, title five of the revised code relating to the lands of this state; was read a first and second time and referred to a select committee of seven, and

Messrs. Eaton, Babbitt, Flint, M’Culloch of Lee, M’Culloch of Jefferson, Reuben Riggs and Harper were appointed said committee.

That portion of part one embraced in titles five and eight, except so much as had been referred, was read a first time and

On motion of Mr. Babbitt the 42nd rule was suspended, said titles read a second time and referred to a committee of the whole house now.

The House resolved itself accordingly, Mr. Summers in the chair at two o’clock and 15 minutes P. M.

Three o’clock and 30 minutes P. M.—The committee rose and reported the same back with sundry amendments, which were concurred in.

Said titles were read a second time, and

On motion of Mr. Crawford, that portion relating to roads was referred to a select committee and Messrs. Crawford, Harper, Price,

Haun, Folsom, Preston of Monroe and Thompson, were appointed said committee.

Mr. Wyckoff moved to amend section one, chapter four, title five by striking out all after the word "appointed" and insert the words "elected by the General Assembly, upon joint ballot;" which was agreed to.

Mr. Jacobs moved to amend section twelve, chapter two of title four by striking out the word "six" and inserting the word "four;" lost.

Mr. Taylor moved to adjourn till six o'clock P. M.; lost.

Mr. Dibble moved to amend by inserting after the word "election" in the 5th line of section twenty, chapter two, title 4, the words "and that you are now a resident of this township."

On motion of Mr. Crawford the House adjourned.

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#### FRIDAY MORNING, DECEMBER 27, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Babbitt, petition of J. A. Toom and 24 other residents of Pella praying the permanent location of the seat of government at Pella; laid on the table.

By Mr. Babbitt, petition of H. P. Scholte and 14 others, praying for the passage of a law to prevent and punish public indecencies in incorporated towns and villages; referred to the committee of the whole House and made the special order for six o'clock 30 minutes P. M.

By Mr. Eaton, two petitions of citizens of the State of Iowa, praying for the location of a state road from Cedar Rapids to Buena Vista on the Mississippi river, also the petition of Silas Messinger praying the assistance of the legislative assembly to procure him a pension from the general government.

Said petitions were referred to a select committee composed of the representatives from Dnbuque and Clayton.

By Mr. Preston of Monroe, a petition of citizens of Lucas county in relation to sale of saline lands of the state; referred to the select committee having under consideration that part of the revised code relating to state lands.

By the Speaker, (Mr. Babbitt in the chair,) a petition of citizens of Burlington asking an extension of the city limits; referred to the representatives from Des Moines county.

Notice to bring in the following bill was given:

By Mr. Price, a bill for an act to locate a state road from Quasqueton in Buchanan county to the north boundary line of the state via Elkador, Clidesdale, Hardin and Decorah, also a bill for an act to locate a state road from Guttenburg in Clayton county, to Louisville in Winneshiek county *via* Claremont.

On motion of Mr. Wilson of Henry,

Resolved, That the select committee to whom was referred that portion of the revised code, which relates to public roads and highways, be instructed to incorporate the following provisions:

FIRST—To provide that all persons who may be subject to work the public roads, be compelled to work two days for their personal privileges; and, if that is not sufficient to open and put the same in good repair, the supervisor shall have power to call out all the persons aforesaid, and compel them to work until the roads are opened and in good repair.

SECOND—To provide for one or more supervisor in each and every organized township.

THIRD—And that each and every supervisor be allowed for his services, the sum of one dollar per day for each and every day necessarily employed above the time they would be liable to work for their own personal privileges.

Mr. Babbitt moved that a committee of three be appointed to act with a similar committee on the part of the Senate, to confer upon all disagreements in either house to the amendments made by the other to the report of the committee of revision; which was agreed to and Messrs. Babbitt, Crawford and Thompson were appointed said committee.

The question pending on the amendment proposed by Mr. Dibble to section twenty, chapter two, part one of the revised code.

Mr. Harper offered a substitute.

Mr. Crawford moved to amend, by striking out the words "and that you are an actual resident of this township."

A call of the House was had when it appeared that there were twenty-six gentlemen present—all others having been excused, the call was suspended and the question decided in the negative.

YEAS, 12, }

NAYS, 14. }

The yeas and nays were desired, those who voted in the affirmative were :

Messrs. Allender, Crawford, Eaton, Gildea, Jacobs, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Babbitt, Dibble, Flint, Gibson, Guiberson, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Summers, Taylor and Mr. Speaker.

On motion of Mr. Crawford, said substitutes and amendments were laid on the table.

Titles nine, ten and eleven of part one of the revised code were read a first time, the 42nd rule suspended and said titles read a second time and referred to the committee of the whole House now.

The House resolved itself accordingly at ten o'clock and ten minutes A. M., Mr. Summers in the chair.

Fifteen minutes P. M.—The committee rose and by their chairman asked leave to resume its sitting at two o'clock P. M.; which was granted.

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## TWO O'CLOCK, P. M.

The committee of the whole House for the consideration of titles nine, ten and eleven of part one of the revised code resumed; Mr. Summers in the chair.

Four o'clock, P. M.—The committee rose and by their chairman asked leave to resume their sittings when the House should order; which was granted.

On motion of Mr. Wilson of Henry, the House adjourned till six o'clock and 30 minutes P. M.

## SIX O'CLOCK, 30 MIN. P. M.

On motion of Mr. Flint, the vote (referring the petition of citizens of Pella praying for a law to prevent indecent practices) was reconsidered, and said petition was referred to a select committee composed of Messrs. Babbitt, Flint and Reuben Riggs.

Title twelve of part one of the revised code was read a first time,

On motion of Mr. Summers the 42nd rule was suspended, said title read a second time and referred to a committee of the whole house now.

The House resolved itself accordingly at six o'clock and 30 minutes P. M.; Mr. Summers in the chair.

Seven o'clock and 40 minutes P. M.—The committee rose and by its chairman asked leave to resume its sittings to-morrow morning; which was granted.

On motion of Mr. Flint, the House adjourned.

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**SATURDAY MORNING, DECEMBER 28, 1850.**

Mr. McCulloch of Jefferson, with leave introduced H. R. file No. 47, a bill for an act to re-locate a portion of the state road from Fairfield to Oskaloosa; which was read a first time.

Mr. M'Crary offered the following resolution:

Resolved, That the members of this House proceed to read the revised code at their leisure hours, and prepare their amendments, so that it will not be necessary to read the same by sections in committee of the whole after Monday next, and it shall only be necessary for the clerk to name the chapters, and if the members have any amendments, they shall then present them; which was disagreed to.

On motion of Mr. Reuben Riggs,

Resolved, That the House doth insist on their disagreement to the amendments of the Senate, to substitute to H. R. file No. 4, a bill for an act to locate the seat of justice of counties therein named; and that the House asks a conference thereon.

Messrs. Reuben Riggs, Flint and Allcnder were appointed managers on the part of the House to conduct said conference.

The committee of the whole House resumed its sittings at 10 o'clock and 30 minutes A. M., for a further consideration of titles nine, ten, eleven and twelve of part one of the report of the committee of revision; Mr. Price in the chair.

Twelve o'clock, M.—The committee rose and by their chairman asked leave to resume its sitting at 2 o'clock P. M.; which was granted.

Mr. Taylor offered the following resolution :

Resolved, That the services of the assistant messenger of this House be discontinued, and that the Sergeant-at-arms be required to assist the messenger in his duties; laid on the table.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have rejected H. R. file No. 43, joint resolution staying money in the hands of the state Treasurer.

I herewith return H. R. file No. 16, joint resolution for an appropriation for the improvemet of the Des Moines and Rock River rapids in the Mississippi river; also

Substitute for H R. file No. 33, a bill for an act to grant the use of Centre Market in Iowa City, to the Davenport and Iowa City rail road company; the same having passed the Senate without amendment.

The Senate have also passed Senate file, No. 19, a bill for an act to authorize the erection of an institution of learning on the public square, in the town of New London, in Henry county; in which the concurrence of the House of Representatives is requested.

On motion of Mr. M'Crary, the House adjourned.

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TWO O'CLOCK, P. M.

The committee of the whole House for the consideration of titles nine, ten, eleven and twelve of part one, of the revised code resumed; Mr. Price in the chair.

Two o'clock 15 minutes, P. M.—The committee rose and by their chairman reported the same back with sundry amendments; which were severally read and concurred in.

Said titles were read a second time. Mr. Eaton moved to strike out all after the word peace in the seventh line of section thirty-nine, chapter three, title twelve, part first of the revised code; agreed to.

YEAS, 21 }  
NAYS, 5. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Gibson, Gildea, Harper, Jacobs, Major, McCulloch of Lee, McCrary, Price, Samuel Riggs, Reuben Riggs, Summers, Taylor, Thompson, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Folsom, Haun, McCulloch of Jefferson and Mr. Speaker.

Mr. Wilson of Henry, moved to lay section nine, of chapter one, title eleven, part first of the revised code, on the table; lost.

On motion of Mr. Folsom, chapter one of title two, part one, was referred to a select committee, composed of Messrs. Crawford, Folsom, Thompson, Taylor, McCulloch of Jefferson, Harper and Wilson of Henry.

On motion of Mr. Crawford, the word "white" was inserted before the word "male," in section one, of chapter two, title nine.

On motion of Mr. Wyckoff, the words "except in case of invasion or insurrection," were inserted after the word "volunteers" in the fifth section of chapter two, title nine.

On motion of Mr. Allender, the words "those purposes" in section one, chapter one, title twelve, were stricken out, and the words "a right of way not exceeding one hundred feet wide," were inserted.

Mr. Babbitt, moved to strike out chapter one, title twelve.

Mr. Wilson of Henry, moved to lay said chapter on the table; agreed to.

Mr. Allender moved to strike out chapter two, title twelve.

Mr. Wilson of Henry, moved to lay on the table; disagreed to.

The question recurring on striking out, was decided in the affirmative.

YEAS, 17 }  
NAYS, 10 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Folsom, Gilda, Jacobs, Major, McCulloch of Lee, Preston of Monroe, Price, Samuel Riggs, Taylor, Thompson, Wilson of Lee and Mr. Speaker.

Those who voted in the negative were:

Messrs. Eaton, Gibson, Harper, Haun, McCulloch of Jefferson, McCrary, Reuben Riggs, Summers, Wilson of Henry and Wyckoff.

On motion of Mr. Folsom, chapter one, title twelve, was taken from the table.

Mr. Babbitt moved to strike out said chapter; disagreed to.

YEAS, 5 }  
NAYS, 22 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Babbitt, Flint, Jacobs, Samuel Riggs and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Crawford, Dibble, Eaton, Folsom, Gibson, Gilda, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Monroe, Price, Reuben Riggs, Summers, Taylor, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Wilson of Henry, the House adjourned at 4 o'clock, P. M.

### MONDAY MORNING, DECEMBER 30, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Babbitt; a petition of citizens west of Dallas county, asking a county organization. A petition of citizens of Marshall county, praying an exemption to the officers of said county, from

the requirements of an act requiring them to reside at the seat of justice; and a petition of citizens of said county asking the appointment of commissioners to locate the seat of justice thereof; which were referred to the committee on new counties.

By Mr. Harbour; a petition of citizens of Iowa, praying for a state road from Wm. Waugh's in Keokuk county, to Oskaloosa; referred to the Representatives from Mahaska and Keokuk.

By Mr. Price; a petition of citizens of Alamakee county, praying for a law authorising the legal voters of said county to locate the seat of justice thereof; referred to the representatives from Dubuque and Clayton.

By Mr. Gildea; a petition of citizens of Dubuque county, remonstrating against the passage of a law prohibiting the sale of intoxicating drinks; referred to the committee on the judiciary.

By Mr. Price; a petition of ladies of Elkador, asking a law prohibiting the sale of intoxicating drinks as a beverage; referred to the committee on that subject.

By Mr. Wilson of Henry; a petition of citizens of Henry county, praying the removal of the normal school from Mount Pleasant to Salem; referred to the committee on schools.

Notice to bring in the following bills, was given :

By Mr. Preston of Monre; a bill for an act to appoint commissioners to locate the seat of justice of the counties of Clark and Ringgold.

Mr. Eaton, from the select committee to whom was referred petition of citizens of Delaware county; reported H. R. file, No. 48, a bill for an act to change the name of Wm. Branzon to Wm. Allen Lett; was read a first time.

Mr. Eaton introduced H. R. file No. 46, a bill for an act to establish a state road from Cedar Falls to Buena Vista; read a first time.

Mr. Eaton introduced H. R. file, No. 50, memorial to Congress for a donation of land to aid in the construction of a rail road from Du Buque, via. the great bend in St. Peters river, to Red river, and for an additional donation of land or money sufficient to build a bridge across the Mississippi river at Du Buque; read a first time.

Mr. Price introduced H. R. file No. 51, a bill for an act granting a state road from Quasqueton to the north boundary of the state of

Iowa; also H. R. file No. 52; a bill for an act granting a state road from Guttenberg, in Clayton county, to Jonesville, in Poweshiek county; said bills were read a first time.

Substitute for Senate file, No. 12, memorial to Congress for a grant of land to aid in the construction of a rail road from Du Buque to Keokuk, and from the Mississippi to the Missouri river; was read a second time.

Senate file, No. 15, memorial to Congress asking a donation of land to the Hungarian patriots, who have settled in Decatur county; was read a second time.

On motion of Mr. Harper, the 42nd rule was suspended, said memorial read a third time, passed and title agreed to.

Substitute for Senate file No. 5, a bill for an act to establish new counties and define their boundaries; was read a first time.

On motion of Mr. Harper, the 42nd rule was suspended, said bill read a second time and referred to a committee of the whole House, at 6 o'clock and 30 minutes, P. M.

H. R. file No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company; was read a third time, passed, and title agreed to.

H. R. file No. 44, joint resolution in relation to a removal of the land office from Fairfield, to Albia in Monroe county; was read a second time, and referred to a select committee, composed of Messrs. Preston of Monroe, McCulloch of Jefferson, Harper, Reuben Riggs and Harbour.

H. R. file No. 45, a bill for an act to provide for the location of a state road from Bloomfield, in Davis county, to a point on the Missouri river opposite old Fort Kearney, was read a second time and referred to a select committee, composed of Messrs. Reuben Riggs, Samuel Riggs and Harbour.

Senate amendments to H. R. file No. 29, a bill for an act to organize the county of Winneshiek and locate the county seat thereof; was concurred in.

On motion of Mr. Crawford said vote was reconsidered, and the question being on concurring in the amendments of the Senate; was decided in the negative.

H. R. file, No. 41, a bill for an act to change the name of the

towns of Guttenberg and Guthenburg, to Prairie La Port; was read a third time, passed and title agreed to.

H. R. file, No. 46, joint resolution for the relief of California emigrants, was read a second time and referred to the committee on federal relations.

H. R. file, No. 47, a bill for an act to re-locate a portion of a state road from Fairfield to Oskaloosa, was read a second time and referred to a select committee, composed of Messrs. Harbour, Thompson and McCulloch of Lee.

Senate file No. 19, a bill for an act to authorize the erection of an institution of learning on the public square in the town of New London, in Henry county; was read a first time.

On motion of Mr. Wilson of Henry, the 42nd rule was suspended, said bill read a second and third time, passed, and title agreed to.

On motion of Mr. Harper, the resolution of Mr. Parvin in relation to superintending the printing of the Journals of the House, was taken from the table, the following substitute accepted therefor:

Resolved, That seven hundred copies of the journals of this House be printed and distributed as follows, to wit: five copies to each member of this House; five copies in the office of the county commissioners clerk, for the use of the county; ten copies in the state library of this state, and the remaining number to be deposited in the office of the secretary of state, for the use of the state.

Resolved further, That C. C. Rockwell, chief clerk of this House, be and he is hereby authorized and required to superintend the printing, indexing and distributing the said journals for which services he is hereby allowed the sum of ——— dollars.

Said substitute was referred to a select committee composed of Messrs. Flint, Harbour and Taylor.

On motion of Mr. Eaton, the further services of the assistant messenger were dispensed with.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that Messrs. Wright, Alger and Hepner have been appointed on the part of the Senate, managers of the conference on the disagreeing vote of the two houses, on substitute for H. R. file, No. 4, an act to provide for the loca-

tion of the seat of justice of the several counties therein named.

The Senate have passed without amendment, substitute for H. R. file, No. 37; also

H. R. file, No. 26, with one amendment, in which they ask the concurrence of the House of Representatives.

The Senate have also passed, Senate file No. 20, a memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clark on the Des Moines river and from thence to the Council Bluffs on the Missouri river in which the concurrence of the House of Representatives is requested.

On motion of Mr. Price, H. R. file, No. 6, a bill for an act to locate a state road from McGregor in the county of Clayton, to Fort Clark, on the Des Moines river; was taken from the table and read a first time.

On his motion the 42nd rule was suspended, said bill read a second time.

Mr. Summers moved to refer to a select committee; lost.

Mr. Babbitt moved to strike out "100."

Mr. Wilson of Henry moved to engross for a third reading tomorrow.

On motion of Mr. Gamble, laid on the table.

Mr. Wyckoff, with leave introduced H. R. file, 63, a bill for an act granting a state road from Guthenburg in Clayton county, to Louisville, in Winneshiek county; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on incorporations.

On motion of Mr. Taylor, the House adjourned.

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TWO O'CLOCK, P. M.

Mr. Flint, from the select committee to whom was referred the resolution relative to superintending the printing of the journals of the House, with leave, reported the same back with the following amendments, viz: "Fill the blanks with '400' and add the words 'and he is required to make each paragraph as long as possible con-

sistent with a correct construction of the record;" which were concurred in and said resolution adopted.

Title thirteen of part one of the revised code was read a first time, and

On motion of Mr. Babbitt, the 42nd rule was suspended, said title read a second time and referred to a committee of the whole House now.

The House resolved itself accordingly, Mr. Crawford in the chair, at 2 o'clock and 15 minutes, P. M.

Four o'clock, P. M.—The committee rose and by their chairman asked leave to resume its sittings at 2 o'clock P. M. to-morrow; which was granted.

On motion of Mr. Wyckoff the House adjourned at 4 o'clock and 10 minutes P. M., till 6 o'clock and 30 minutes P. M.

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#### SIX O'CLOCK AND 30 MIN., P. M.

Committee of the whole House for consideration of substitute for Senate file, No. 5, a bill for an act to establish new counties and define their boundaries, Mr. Allender in the chair.

Eight o'clock and 50 minutes, P. M.—Committee rose and by their chairman reported the same back with sundry amendments, which were concurred in.

Mr. Parvin moved to amend by striking out "Buncombe" in the last section and inserting Knox; agreed to.

YEAS, 17. }  
NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Dibble, Eaton, Gildea, Goodenow, Harper, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Samuel Riggs, Summers, Taylor, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Flint, Folsom, Gamble, Haun, McCulloch of Lee, McCrary, Price, Reuben Riggs, Thompson and Wilson of Henry.

On motion of Mr. Babbitt, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

On motion of Mr. Wilson of Henry, the House adjourned.

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TUESDAY MORNING, DECEMBER 31, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Summers, a petition of citizens of Scott county praying a law to prevent swine from running at large in said county; referred to the committee on the judiciary.

By Mr. Goodenow, five petitions of citizens of Jackson county praying the prohibition of the sale of intoxicating drinks; referred to the select committee on that subject.

By Mr. Preston of Linn, a petition of citizens of Linn county for a state road from Marion to Cedar Falls; referred to the committee on roads and highways.

By Mr. Preston of Linn, a petition of citizens of Iowa for a state road from Benton to Fremont; laid on the table.

By Mr. Goodenow, a petition of citizens of Jackson county for an extra appropriation for the benefit of state pupils in the normal schools; referred to the committee on schools.

By Mr. Preston of Linn, a petition of citizens of the state for a state road from Quasqueton to the county seat of Keokuk county; referred to the committee on roads and highways.

Notice to bring in the following bills was given:

By Mr. Parvin, a bill for an act to establish a state road from Muscatine to the county line of Muscatine county towards Davenport, also a bill giving to the Iowa Western rail road company, the right of way from Davenport *via* Muscatine to Oskaloosa.

By Mr. Reuben Riggs, a bill for an act to locate a state road from Unionville in Appanoose county to intersect the state road from Ottumwa to the Missouri river at or near Pisgah.

By Mr. Preston of Linn, a bill for an act for a state road from Quasqueton to the county seat of Keokuk county.

By Mr. Eaton, a bill for an act to establish a state road from Independence to Cedar Falls, also a bill for an act for a state road from Independence to the Upper Big Woods of Cedar.

By Mr. Negus, a bill for an act to legalise certain state roads in Jefferson county.

By Mr. Harbour, a bill for an act to amend an act entitled an act to establish normal schools.

Mr. Wilson of Henry offered the following resolution:

Resolved, That no member of this House be permitted to speak more than ten minutes at any one time, upon any question before the House, or in committee of the whole House.

Mr. Summers moved to lay on the table; disagreed to.

Mr. Reuben Riggs moved to insert the words "without leave;" agreed to.

On motion of Mr. Harper, said resolution and amendments were laid on the table.

Mr. Taylor introduced H. R. file No. 54, joint resolution for a mail route from Davenport to Iowa City; read a first time.

On motion of Mr. Summers, the 42nd rule was suspended, said joint resolution read a second time and ordered to be engrossed for a third reading to-morrow.

Mr. Harper from committee on enrolled bills reported H. R. file No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock river rapids in the Mississippi river, and

H. R. file No. 33, a bill for an act to grant the use of Centre Market in Iowa City to the Davenport and Iowa City rail road company correctly enrolled.

Mr. Harbour from the committee on incorporations, to whom was referred H. R. file No. 53, a bill for an act to repeal an act authorising Thomas S. Parks to keep a ferry across the Mississippi river; reported the same back without amendment.

Said bill was read a second time and ordered to be engrossed for a third reading to-morrow.

Senate file No. 12, memorial to Congress for a donation of land to aid in the construction of rail road from Dubuque to Keokuk and from the Mississippi to Missouri river; was read a third time, passed and the title agreed to.

H. R. file No. 48, a bill for an act to change the name of John

William Branzon to William Allen Lett; was read a second time and on motion of Mr. Crawford the 42nd rule was suspended said bill read a third time, passed and title agreed to.

H. R. file No. 49, a bill for an act to lay out and establish a state road from Cedar Falls to Buena Vista; was read a second time.

H. R. file No. 50, memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque *via* the great bend in St. Peters river to Red river, and for an additional donation of land or money sufficient to build a bridge across the Mississippi river at Dubuque; was read a second time.

H. R. file No. 51, a bill for an act granting a state road from Quasqueton to the north boundary of the state; was read a second time.

H. R. file No. 52, a bill for an act granting a state road from Guttenberg in Clayton to Louisville in Winneshiek county; was read a second time.

Senate file No. 20, a memorial to Congress for the location and construction of a military road from the Mississippi river, to Fort Clarke on the Des Moines river, and from thence to Council Bluffs on the Missouri river; was read a first time.

Senate amendment to H. R. file No. 26, was read and concurred in.

On motion of Mr. Haun, the House resolved itself into committee of the whole for consideration of the revised code, at 10 o'clock, and 30 minutes A. M.; Mr. McCrary in the chair.

Eleven o'clock 50 minutes A. M.—The committee rose and by its chairman reported progress and asked leave to resume its sitting at two o'clock P. M., which was granted.

Mr. Price moved to adjourn until Thursday morning at 9 o'clock, A. M.; disagreed to.

YEAS, 3 }  
NAYS, 28 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Gildea, Price and Wyckoff.

Those who voted in the negative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Gamble, Goodenow, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, M'Crary, Negus, Par-

vin, Preston of Linn, Preston of Monroe, Samuel Riggs, Reuben Riggs, Summers, Taylor, Thompson, Wilson of Lee and Mr. Speaker.

On motion of Mr. Flint, the House adjourned at 12 o'clock, M.

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### TWO O'CLOCK, P. M.

Committee of the whole House resumed, Mr. McCrary in the chair.

Four o'clock and 15 minutes, P. M.—The committee rose and by their chairman asked leave to resume their sittings at 2 o'clock P. M. to-morrow, which was granted; and also recommended the reference of chapter four of title thirteen, part one to a select committee, which was concurred in.

Messrs. Flint and Preston of Monroe were appointed said committee.

On motion of Mr. Samuel Riggs, the House adjourned until Thursday morning at 9 o'clock, A. M.

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### THURSDAY MORNING, JANUARY 2, 1850.

Mr. Flint asked leave of absence until Saturday for the chief clerk of this House; which was granted.

Petitions were presented, read and disposed of as follows:

By Mr. Price; three petitions of citizens of Fayette county, praying the appointment of commissioners to locate the seat of justice of said county; referred to the Representatives from Dubuque and Clayton.

By Mr. Price; a petition of citizens of Clayton county, asking the passage of a law to locate the seat of justice of said county by vote; referred to the Representatives from Dubuque and Clayton.

By M. Wyckoff; a petition of citizens of Jackson county, relative to normal schools; referred to the committee on schools.

By Mr. Preston of Linn; a petition of citizens of Linn county,

asking a for a ferry charter for Wm. S. Rouf at Ivanhoe; laid on the table.

Mr. Parvin offered the following resolution:

Resolved, That the Hon. C. Mason and W. G. Woodward Esq. be allowed the privilege when the House is in committee of the whole on the revised code to make explanations of their report; to which Mr. Preston of Linn offered the following amendment.

Provided that they shall claim no compensation for any privilege hereby granted; lost.

Mr. Preston of Linn, moved to lay the resolution on the table; lost.

YEAS, 19. }  
NAYS, 15. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Gildea, Haun, Major, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Gamble, Goodenow, Guiberson, Harbour, Harper, Jacobs, M'Culloch of Lee, M'Culloch of Jefferson, M'Crary, Negus, Parvin, Reuben Riggs, Summers, Taylor, Thompson, Wilson of Henry and Mr. Speaker.

The question then recurring on the adoption of the resolution, was decided in the affirmative.

YEAS, 19. }  
NAYS, 15. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Goodenow, Guiberson, Harbour, Harper, Jacobs, M'Culloch of Jefferson; M'Culloch of Lee, M'Crary, Negus, Parvin, Reuben Riggs, Summers, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were,

Messrs. Babbitt, Dibble, Eaton, Flint, Folsom Gamble, Gildea, Haun, Major, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Taylor and Wilson of Lee.

Mr. Gamble offered the following resolution:

Resolved, That the consideration of the revised code be made the

special order of the day for every day after ten o'clock A. M., except Saturday, until it is finally disposed of; disagreed to.

Mr. Folsom offered the following resolution:

Resolved, That the Hon. Charles Mason and William G. Woodward Esq. each be entitled to receive the compensation of two dollars per day, for each day they may attend upon the committee of the whole.

On motion of Mr. Summers, laid on the table.

H. R. file No. 55, joint resolution for a mail route from Centreville in Appanoose county, to the Missouri river, near Fort Kearney; was read a first time.

Mr. Guiberson with leave gave notice that on some future day, he would ask leave to introduce a bill for an act to locate a state road from Adel in Dallas county, to Winterset in Madison county.

Mr. Summers from the committee on engrossed bills, reported H. S. file No. 53, a bill for an act to repeal an act to authorise Thomas S. Parks to keep a ferry across the Mississippi river, as correctly engrossed.

Mr. Dibble from the committee on roads and highways, reported back H. R. file No. 42, a bill for an act to locate a state road from Fort Des Moines to Fort Clarke with sundry amendments which were severally concurred in.

Said bill was then read a second time.

Mr. Dibble with leave presented the remonstrance of citizens of Lee and Van Buren counties against the location of a certain state road from Franklin township in Lee county, to Plymouth Mill in Van Buren county; referred to the representatives from Lee and Van Buren.

Mr. Parvin with leave introduced,

H. R. file No. 56, a bill for an act to establish a state road from Muscatine to the county line of Muscatine county, near the present road leading to Davenport, also

H. R. file No. 57, a bill for an act to grant the right of way to the Iowa Western Rail road company.

Said bills were read a first time.

Mr. Harbour with leave introduced H. R. file No. 58, a bill for an act to amend an act entitled an act to establish normal schools; which was read a first time.

On motion of Mr. Negus the 42nd rule was suspended, said bill read a second time, and referred to the committee on schools.

H. R. file No. 49, a bill for an act to lay out and establish a state road from Cedar Falls to Buena Vista; was read a third time, passed and the title agreed to.

H. R. file No. 50, memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque *via* the great bend of St. Peters river, to Red river, and a donation to aid in the construction of a bridge across the Mississippi river at Dubuque; was read a third time, passed and title agreed to.

H. R. file, No. 51, a bill for an act granting a state road from Quasqueton to the north boundary of the state of Iowa; was read a third time, passed and the title agreed to.

H. R. file No. 52, a bill for an act granting a state road from Guttenberg in Clayton county, to Louisville in Winneshiek county; was read a third time, passed and the title agreed to.

H. R. file No. 53, a bill for an act to repeal an act to authorise Thomas S. Parks to keep a ferry across the Mississippi river; was read a third time.

On motion of Mr. Preston of Linn, recommitted to the committee on incorporations.

H. R. file No. 54, joint resolution for a mail route from Davenport to Iowa City; was read a third time, passed and the title agreed to.

enate file No. 20, a memorial to Congress for the location and construction of a military road, from the Mississippi river to Fort Clarke on the Des Moines river, and from thence to the Council Bluffs on the Missouri river; was read a second time.

H. R. file No. 40, a bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company; was read a second time and on motion of Mr. Preston of Linn recommitted to the committee on incorporations.

On motion of Mr. Guiberson, H. R. file No. 25, a bill to locate a state road from Fort Des Moines to Council Bluffs, was taken from the table.

Mr. Summers moved to make said bill the special order in committee of the whole House for to-morrow evening at six o'clock 30 minutes P. M.

On motion of Mr. Preston of Linn, the House adjourned at 12 o'clock M.

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TWO O'CLOCK, P. M.

The committee of the whole House resumed; Mr. M'Crary in the chair

Four o'clock 20 min. P. M.—The committee rose, and by their chairman reported back to the House chapter eight, of title thirteen of part one.

On motion of Mr. Summers, said chapter was referred to the select committee having under consideration petitions relating to prohibition of the sale of intoxicating drinks as a beverage.

On motion of Mr. Allender, the House adjourned at four o'clock, 20 minutes P. M.

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FRIDAY MORNING, JANUARY 3, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Summers; a petition of citizens of Scott county, asking for the passage of a law restraining swine from running at large in said county; laid on the table.

By Mr. Thompson; four petitions of citizens of Lee county, asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the special committee having that subject under consideration.

By Mr. Taylor; two petitions of citizens of Cedar county, in relation to the location of the Dubuque and Keokuk rail road company; referred to the committee on internal improvements.

By Mr. Flint; a petition of citizens of Van Buren and Davis counties, asking a ferry charter to J. H. Wilson and John Hamilton; referred to the committee on incorporations.

On motion of Mr. McCrary,

Resolved, That the committee appointed for the purpose of enquiring into the prices paid for printing and the expediency of repealing the law creating the office of state printer, be requested to report as soon as practicable.

On motion of Mr. Crawford, the vote had yesterday on the resolution offered by Mr. Parvin, admitting the Hon. C. Mason and W. G. Woodward, Esq., to seats within the bar of the House, when in committee of the whole, on the subject of the revised code; was reconsidered.

YEAS, 21. }  
NAYS, 11. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Harbour, Harper, Haun, Jacobs, Major, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Dibble, Eaton, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Summers, Thompson, Wilson of Henry and Mr. Speaker.

Mr. Negus moved to lay said resolution on the table; lost.

YEAS, 14. }  
NAYS, 20. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Flint, Folsom, Gamble, Gildea, Harbour, Haun, Jacobs, Major, Negus, Preston of Monroe, Reuben Riggs and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Goodenow, Guiberson, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Price, Samuel Riggs, Summers, Taylor, Thompson, Wilson of Henry, Wilson of Lee and Mr. Speaker.

Mr. Folsom offered the following substitute:

Resolved, That a committee of three be appointed on the part of this House, to consult with the commissioners of the revised code,

when they may deem it necessary, or are instructed so to do by the House.

Mr. Babbitt moved the indefinite postponement of the resolution and substitute; which was disagreed to.

Mr. Harper moved the previous question, upon which the main question was ordered and put as follows: shall the substitute be adopted? and decided in the negative.

The question then recurring on the adoption of the resolution, was decided in the negative.

YEAS, 16, }  
NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Goodenow, Guiberson, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Summers, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Bunker, Crawford, Flint, Folsom, Gamble, Gildea, Harbour, Haun, Jacobs, Major; Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor and Wilson of Lee.

Mr. Preston of Linn, from committee on expenditures, reported back Senate file, No. 4, joint resolution in relation to Green's Reports; which was read a second time.

Mr. Gamble offered the following amendments, viz:

Strike out of the first resolution, the words "two hundred," also strike out all after the first resolution.

On motion of Mr. Wilson of Henry, the joint resolution and pending amendments, were laid on the table.

Mr. Crawford from special committee, to whom was referred chapter one, title eleven, part one, of the revised code, submitted the following majority

#### REPORT.

The select committee having under consideration that part of the revised code contained in chapter one, of title eleven, of part one,

relating to incorporations; report the same back with the following amendments:

Add to the tenth clause, section one:

“And there shall be posted up in the principal place of business of said corporation, a copy of the by-laws by which it is governed, the names of its officers appended thereto, together with a statement of the amount of the capital stock subscribed, and the amount actually paid in, subject to public inspection.”

Add to section nine:

“Provided that after the corporate property has first been exhausted, the private property of each stock holder, shall be holden for all corporate debts to the amount of his capital stock not paid in.

Mr. Taylor from the minority of said committee, submitted the following

### REPORT.

The minority of the select committee on incorporations to whom was referred that portion of the revised code that relates to incorporations, have had the same under consideration and beg leave to make the following report: That in our opinion the said code ought to be so amended as to make the private property of the stock holders in all incorporations liable for the debts contracted by said incorporations. Some of our reasons we will briefly state, which are as follows, to wit: In the first place we believe, to exempt the private property of individual stock holders, is a direct violation of the fundamental principles and basis upon which the fair fabric of our free institutions is built, “of equal rights to all.” In all other business transactions among men, whether in individual capacity, or in co-partnership transactions, individual or private property is made responsible for all debts contracted in such capacity. Then to exempt the private property of individuals in a corporate capacity from the debts contracted by said individuals in that capacity, is granting privileges to them, that are denied to others, and therefore is wrong in principle, and at war with democratic doctrine.

Secondly, we believe it will work a hardship upon the poor laboring class of community, who may have performed the labor and drudgery for said incorporations with the expectation of receiving a just compensation for their labor; but instead of realising their

expectations they will often be reduced to penury and want by the explosions of such soulless bodies, while the rich capitalist will laugh them to scorn.

And in the third place, we believe it to be dangerous to the prosperity of our state, by setting on foot numerous speculative projects of internal improvements that are uncalled for and unprofitable to community at large, and consequently disastrous to those connected with them.

On motion of Mr. Harper said reports were laid on the table and made the special order for Monday at 10 o'clock, A. M.

Mr. Guiberson with leave introduced H. R. file No. 58, a bill for an act to locate a state road from Winterset in Madison county, to Adel in Dallas county, was read a first time.

H. R. file No. 42, a bill for an act to locate a state road from Fort Des Moines to Fort Clark; was read a third time, passed and the title agreed to.

Senate file No. 20, a memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clarke on the Des Moines river, and from thence to the Council Bluffs on the Missouri river, was read a third time, passed and the title agreed to.

H. R. file No. 55, joint resolution for a mail route from Centreville, in Appanoose county, to the Missouri river opposite Fort Kearney; was read a second time.

On motion of Mr. Reuben Riggs, the 42nd rule was suspended, said joint resolution read a third time, passed and the title agreed to.

H. R. file No. 56, a bill for an act to establish a state road from Muscatine, to the county line of Muscatine county, near the present road leading to Davenport; was read a second time.

H. R. file, No. 57, a bill for an act to grant the right of way to the Iowa western rail road company; was read a second time.

H. R. file No. 25, a bill for an act to locate a state road from Fort Des Moines to Council Bluffs, being in order for a third reading,

Mr. Summers offered the following amendment to section 5, "Provided that this act shall be submitted to the voters of this state at

the next general election for ratification or rejection according to the provisions of the constitution."

On motion of Mr. Babbitt, laid on the table.

Mr. Folsom offered the following substitute for section 5: "That the sum of one hundred and fifty dollars be and hereby is appropriated for the purpose of locating said road on that portion of the line west of Madison county."

On motion of Mr. Guiberson said bill and pending amendments were referred to a select committee composed of Messrs. Guiberson, Samuel Riggs, Preston of Monroe, Wilson of Henry and Babbitt.

On motion of Mr. Wyckoff, the House adjourned at 12 o'clock, M.

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#### TWO O'CLOCK, P. M.

Title fourteen of part one of the revised code, was read a first time.

On motion of Mr. Crawford, the 42nd rule was suspended and said title read a second time.

Two o'clock 30 minutes, P. M.—Committee of the whole for the consideration of the revised code resumed, Mr. Taylor in the chair.

Four o'clock 15 minutes P. M.—The committee rose and by their chairman reported progress and asked leave to sit again to-morrow, which was granted.

On motion of Mr. Harper, the House adjourned.

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#### SATURDAY MORNING, JANUARY 4, 1850.

Petitions were presented, read and disposed of as follows:

By Mr. Price; a petition of citizens of Guttenburg, for an incorporation of said town; laid on the table.

By Mr. Updegraff; a petition of citizens of Iowa, for a state road from the state road in Jefferson county near Daniel Gurney's, to Washington in Washington county; referred to the Representatives from Henry and Washington.

By Mr. Robinson; a petition of citizens of the state, praying a law prohibiting the sale of intoxicating drinks; referred to the select committee on that subject.

By Mr. Negus; a petition of citizens of Jefferson, asking that certain state roads might be legalized; laid on the table.

By Mr. Eaton; a petition of citizens of Black Hawk and Buchanan counties, for a state road from Cedar Falls to Independence; referred to the representatives from Dubuque. Also a petition of citizens of Iowa for a state road from McGregor's landing in Clayton county to the county seat of Marshall county; referred to the Representatives from Dubuque and Clayton.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House of Representatives, that the Senate have insisted on their amendment to H. R. file No. 29, a bill for an act to organise the county of Winneshiek and locate the county seat thereof, and that Messrs. Lewis, Baker and Spees have been appointed a committee of conference thereon.

The Senate have passed without amendment H. R. file No. 19, a bill for an act authorising the county commissioners court of the county of Davis to have a vote taken in relation to building a court house in said county.

The Senate have also passed substitute for Senate file, No. 16, preamble and resolutions in reference to compromise measures passed by the Congress of the United States.

Senate file, No. 18, joint resolution for an increase of mail facilities.

Senate file No. 21, a bill to amend an act entitled an act to incorporate and establish the city of Du Buque; approved February 24th, 1847.

Senate file No. 23, an act to vacate a part of the town of Portland, in Van Buren county.

In all of which they ask the concurrence of the House of Representatives. Also,

That the Senate have disagreed to the amendments made by the

House to substitute for Senate file, No. 5, a bill for an act to establish new counties and define their boundaries.

I herewith return to the House in which they originated H. R. file No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock river rapids, in the Mississippi river. Also,

H. R. file, No. 22, joint resolution authorising H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa. Also.

H. R. file No. 33, an act to grant the use of Centre Market in Iowa City, to the Davenport and Iowa City rail road company; the same having received the signature of the President of the Senate.

Mr. Allender offered the following resolution:

Resolved, That Hon. Chas. Mason and Wm. G. Woodward, Esq., were not prohibited from making explanations in committee of the whole, by reason of any thing by them said or done while occupying seats in this House; laid on the table.

Mr. Flint offered the following resolution:

Resolved, (the Senate concurring,) That the general assembly will adjourn *sine die* on the 20th inst.

Mr. Jacobs moved to amend by striking out "20th" and inserting "22nd;" lost.

Mr. Haun moved to strike out 20th and insert 25th; lost.

Mr. Reuben Riggs moved to strike out 20th and insert 18th; lost.

Mr. Guiberson moved to strike out 20th and insert 30th; lost.

The question recurring on the adoption of the resolution, was decided in the affirmative.

Notices to bring in the following bills was given:

By Mr. Babbit; a bill for an act to locate a state road from Council Bluffs *via* Kaneshville, to Indian Town.

Mr. Babbitt introduced H. R. file, No. 59, joint resolution relative to an appropriation from Congress; read a first time.

Mr. Preston of Monroe introduced H. R. file No. 60, joint resolution in relation to mail facilities; read a first time.

Mr. Robinson introduced H. R. file, No. 61, joint resolution for an increase of mail facilities from Burlington to Keosauqua; read a first time.

Mr. Guiberson from the select committee, to whom was referred

H. R. file No. 25, a bill for an act to locate a state road from Fort Des Moines to Council Bluffs, reported the same back with one amendment, which was concurred in; said bill was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr. Reuben Riggs from the select committee to whom was referred H. R. file, No. 45, a bill for an act to provide for the location of a state road from Bloomfield in Davis county, to a point on the Missouri river opposite old Fort Kearney; reported the same back without amendment.

Said bill was read a second time.

Mr. Price, with leave introduced H. R. file, No. 62, a bill for an act to incorporate the town of Prairie La Porte; read a first time.

On his motion, the 42nd rule was suspended, said bill read a second time and referred to the committee on incorporations.

Mr. Negus from the committee on incorporations, to whom was referred H. R. file No. 53, a bill for an act to repeal an act authorising Thos. S. Parks to keep a ferry across the Mississippi river; reported the same back without amendment.

Said bill was read a second time.

Mr. Negus introduced H. R. file, No. 63, a bill for an act to legalise certain roads in Jefferson county, therein named; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on roads and highways.

H. R. file, No. 50, a bill for an act to establish a state road from Muscatine to the county line of Muscatine county, was read a third time, passed and title agreed to.

H. R. file, No. 57, a bill for an act to grant the right of way to the Iowa western rail road company; was read a third time, passed and title agreed to.

H. R. file, No. 58, a bill for an act to locate a state road from Winterset in Madison county, to Adel in Dallas county; was read a second time, and

On motion of Mr. Guiberson the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

Senate message coming up in order,

On motion of Mr. Price,

Resolved, That the House doth insist upon its disagreement to the amendment made by the Senate to H. R. file, No. 29, a bill for an act to organise the county of Winneshiek and locate the county seat thereof; and that the conference asked by the Senate thereon is granted.

Messrs. Price, Samuel Riggs and Flint were appointed managers to conduct said conference on the part of the House.

Substitute for Senate file, No. 16, preamble and resolution in reference to compromise measures passed by the Congress of the United States, was read a first time.

On motion of Mr. Summers the 42nd rule was suspended, said preamble and resolution was read a second time, and

On motion of Mr. Harper, referred to the committee on federal relations.

Senate file No. 18, joint resolution for an increase of mail facilities; was read a first time.

On motion of Mr. Taylor the 42nd rule was suspended, said joint resolution read a second time.

Mr. Taylor offered the following amendment, which was agreed to: "In the 9th line between the words 'of' and 'Anamosa' insert 'Tipton and Pioneer Grove.'

Senate file No. 21, a bill to amend an act entitled an act to incorporate and establish the city of Dubuque, was read a first time.

On motion of Mr. Gildea, the 42nd rule was suspended, said bill was read a second time and referred to the committee on incorporations.

Senate file No. 23, a bill for an act to vacate a part the town of Portland, in Van Buren county, was read a second time.

On motion of Mr. Allender, the 42nd rule was suspended, and said bill was read a second time.

Mr. Crawford with leave offered the following resolution:

Resolved, That there be appointed a committee of one from each senatorial district to report a bill to reapportion the state into representative and senatorial districts; agreed to.

Messrs. Crawford, Wyckoff, Preston of Linn, Summers, Parvin Harbour, Gamble, M'Culloch of Jefferson, Wilson of Henry, Harper, Babbitt, Preston of Monroe, Reuben Riggs, Allender and M'Culloch of Lee were appointed said committee.

The disagreement of the Senate to the amendments of the House to Senate file No. 5, a bill for an act to establish new counties and define the boundaries, being considered.

On motion of Mr. Summers,

Resolved, That the House doth insist upon its amendments thereto and that a conference is asked thereon.

Messrs. Summers, Allender and Crawford were appointed managers to conduct said conference in the part of the House.

Mr. Wilson of Henry moved that the House adjourn til Monday at 9 o'clock A. M.; lost.

Mr. M'Crary moved to adjourn till 2 o'clock P. M.; lost.

On motion of Mr. Price H. R. file No. 6, a bill for an act to locate a state road from M'Gregor in Clayton county, to Fort Clarke on the Des Moines river; was taken from the table and read a first time.

On motion of Mr. Eaton the 42nd rule was suspended, said bill read a second time and referred to the representatives from Dubuque and Clayton.

Mr. Harper from the committee on enrolled bills, reported

H. R. file No. 37, joint resolution of the General Assembly of Iowa instructing our senators and representatives in Congress, to use their influence to procure a donation of land to be appropriated to the building of bridges across Turkey river, correctly enrolled.

Mr. Allender moved to adjourn til Monday 10 o'clock A. M.; lost.

On motion of Mr. Taylor, the House adjourned.

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## TWO O'CLOCK, P. M.

Committed of the whole House resumed Mr. Babbitt in the chair.

Three o'clock P. M.—Committee rose and by their chairman reported title fourteen, part one, back with sundry amendments thereto and asked the concurrence of the House therein.

Amendments to chapter one, of title fourteen, part one, were concurred in.

The House refused to accept the substitute for chapter two reported by the committee of the whole.

YEAS, 16, }  
 NAYS, 18. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Flint, Gamble, Gildea, Goodenow, Guberson, Harper, Major, McCulloch of Jefferson, M'Crary, Preston of Linn, Reuben Riggs, Robinson, Taylor, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Harbour, Haun, Jacobs, McCulloch of Lee, Negus, Parvin, Samuel Riggs, Summers, Thompson, Updegraff, Wilson of Lee and Wyckoff.

Chapters one and two were read a second time.

Mr. Preston of Linn moved to refer chapter two, part one, title fourteen with amendments, to a select committee.

Disagreed to.

Mr. Folsom moved to strike out the word "becoming" in the first clause of section three, chapter two, part one; lost. Also

To strike out the last line of the second clause; lost. Also

To strike out section four; lost.

Mr. Negus offered the following:

SEC. 5. In no case shall a greater rate of interest be recoverable, than ten per cent. per annum.

Mr. Allender moved to adjourn; lost.

Mr. Babbitt moved the previous question; refused.

A call of the House was had and Messrs Crawford, Gibson and Preston of Monroe were found to be absent.

On motion of Mr. Harbour, the call was suspended.

Mr. Negus moved to adjourn; lost.

The question being taken on the adoption of section five; was decided in the affirmative.

Mr. Preston offered the following:

SEC. 6. Any person who shall violate the provisions of this act, by taking or receiving a greater amount of interest either in property, directly or indirectly, than ten per cent. Such persons shall forfeit and pay for every such violation to the person or persons from whom such sum or sums of money have been taken or received, a sum of not less than one hundred nor more than one thousand dollars; to be recovered by action before any court of competent jurisdiction;

YEAS, 14 }

NAYS, 20 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Allender, Flint, Gamble, Gildea, Goodenow, Harbour, Harper, Major, M'Crary, Preston of Linn, Robinson, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were :

Messrs. Babbitt, Bunker, Dibble, Eaton, Folsom, Cuiberson, Haun, Jabobs, M'Culloch of Lee, M'Culloch of Jefferson, Negus, Parvin, Price, Samuel Riggs, Reuben Riggs, Summers, Taylor, Thompson, Wilson of Lee and Wyckoff.

On motion of Mr. Gildea, chapter ten, title fourteen was read a second time and referred to a select committee.

Messrs. Gildea, Harbour, Flint, Dibble and M'Culloch of Jefferson were appointed said committee.

Question pending on concurring in the amendments of the committee of the whole to chapter five, title 13.

On motion of Mr. Taylor, the House adjourned.

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### MONDAY MORNING, JANUARY 6, 1851.

Petitions were presented, read and disposed of as follows :

By Mr. Hamill, a petition of citizens of Iowa for a law, prohibiting the sale of intoxicating drinks ; referred to the committee on that subject.

By Mr. Preston of Monroe, a petition of citizens of Iowa for a removal of the seat of government ; laid on the table.

By Mr. Reuben Riggs, a petition of citizens of Iowa for a removal of the seat of government ; laid on the table.

Notice to bring in the following bills was given :

By Mr. M'Culloch of Jefferson, a bill for an act to vacate the town of Pleasant Plain in Jefferson county.

Mr. Negus offered the following :

Resolved, That the revised code be made the special order of the day every day after half past nine o'clock A. M. for one week.

Mr. Harper moved to strike out the words "half past nine" and insert "ten;" agreed to.

The question recurring on the adoption of the resolution; was decided in the affirmative.

Mr. Babbitt introduced H. R. file No. 64, a bill for an act to locate a state road from Council Bluffs to Indian town; read a first time.

Mr. Reuben Riggs introduced H. R. file No. 65, a bill for an act to locate a state road from Unionville to Pisgah; read a first time.

Mr. Haun introduced H. R. file, No. 66, a bill for an act to prohibit the immigration of free negroes into this state; was read a first time.

Amendments of the committee of the whole house to chapter five, title fourteen, part one of the revised code; were concurred in by the House.

H. R. file No. 45, a bill for an act to provide for the location of a state road from Bloomfield in Davis county to a point on the Missouri river, opposite old Fort Kearney; was read a third time, passed and title agreed to.

H. R. file, No. 53, a bill for an act to repeal an act to authorise Thomas S. Parks to keep a ferry across the Mississippi river; was read a third time, passed and title agreed to.

Senate file No. 18, joint Resolution for an increase of mail facilities; was read a third time, passed and title agreed to.

H. R. file No. 59, joint resolution relative to an appropriation from Congress; was read a second time.

H. R. file No. 60, joint resolution in relation to mail facilities; was read a second time.

H. R. file No. 61; joint resolution for an increase of mail facilities from Burlington to Keosauque; was read a second time.

H. R. file No. 6, a bill for an act to locate a state road from McCregor in Clayton county, to Fort Clarke on the Des Moines river; was read a third time.

Mr. Crawford moved to lay on the table; lost.

YEAS, 12. }

NAYS, 26. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Crawford, Gamble, Gildea, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Robinson, Summers and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, McCulloch of Jefferson, Preston of Monroe, Price, Samuel Riggs, Rueben Riggs, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

The question was then put, shall the bill pass? and decided in the affirmative.

YEAS, 24 }

NAYS, 14 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, McCulloch of Lee, Preston of Monroe, Price, Samuel Riggs, Rueben Riggs, Salmon, Taylor, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Crawford, Gamble, Gildea, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Robinson, Summers Thompson and Wilson of Lee.

So said bill was passed and title agreed to.

The report of the select committee to whom was referred chapter one, title eleven, part one, being the special order,

Mr. Babbitt offered the following substitute for section nine and amendments, as reported by the select committee:

SEC. 9. Such corporation shall not exempt the private property of its members, from liability to corporate debts, but each stockholder in said corporation shall be individually liable for all the debts of the incorporation.

On motion of Mr. Harbour, special order was postponed till six o'clock and 30 minutes P. M.

Message from the Senate by Mr. Bradley their Secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed without amendment H. R. file No. 34, a bill for an act to grant the

right of way to the Davenport and Iowa City rail road company. Also,

H. R. file No. 41, a bill to change the name of Guttenburgh and Guthenburgh in Clayton county, to Prairie Laporte. Also,

H. R. file No. 48, a bill for an act to change the name of John William Branzon to William Allen Lett.

The Senate have also passed Senate file No. 25, an act to legalize certain proceedings of the school fund commissioner of Des Moines county, and of school district No. two of the township of Burlington in said county, in which they ask the concurrence of the House of Representatives.

I herewith return substitute for H. R. file No. 37, joint resolution of the General Assembly of Iowa, instructing our senators and representatives in Congress to use their influence to procure a donation of land to be appropriated to the building of bridges across Turkhly river, the same having received the signature of the President of the Senate.

Mr. Negus moved to strike out, section three, chapter three, title fourteen, of the revised code; lost.

Mr. Sumers from the committee on engrossed bills, reported H. R. file No. 25, a bill for any act to locate a state road from Fort Des Moines to Council Bluffs; correctly enrolled.

Said bill was read a third time.

The question was then put, shall the bill pass? and decided in the affirmative.

Y A A S, 25 }  
N A Y S, 11 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gamble, Goodenow, Guiberson, Hamill Haun, McCulloch of Lee, Negus, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Crawford, Gamble, Gildea, Jacobs, Major, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Summers and Wilson of Lee.

Mr. Guiderson, moved to strike out the words "Council Bluffs" in the title and insert the words Indian village on the Nishnabotany river; agreed to.

On motion of Mr. Taylor, the House adjourned.

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TWO O'CLOCK, P. M.

The speaker laid before the House the report of the Superintendent of Public Instruction with accompanying claims.

[For report see appendix, C.]

On motion of Mr. Babbitt, the claims were referred to the committee on claims.

Mr. Preston moved to lay the report on the table and order the printing of 2500 copies for the use of the General Assembly.

Mr. Eaton moved to strike out "2500" and insert "5000;" lost.

YEAS, 17, }

NAYS, 19. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, Robinson, Salmon, Summers and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Runker, Flint, Folsom, Harbour, Jacobs, Major, McCrary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

Mr. Samuel Riggs moved to strike out "2500" and insert "1500."

Mr. Harper moved to insert "3500;" lost.

Mr. Wyckoff moved to insert "3000;" agreed to.

YEAS, 19 }

NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, Preston of Linn, Robinson, Salmon, Summers, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Flint, Folsom, Harbour, Jacobs, Major, McCrary, Parvin, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 27, joint resolution for the establishment of a land office at Fort Des Moines, in which they ask the concurrence of the House of Representatives.

The Senate have also passed the following resolution:

Resolved, That the secretary call upon the House of Representatives, and request of them the resolution which has passed the House relative to an adjournment of the Legislature.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the governor, for his signature:

H. R. file No. 33, a bill for an act to grant the use of centre market in Iowa City to the Davenport and Iowa City rail road company.

H. R. file No. 22, joint resolution authorizing H. B. Hendershott to dispose of a solar compass belonging to the State of Iowa.

H. R. file No. 16, joint resolution for an appropriation for the improvement of the Des Moines and Rock river rapids in the Mississippi river.

Title fifteen and title five of part one were read a first time.

On motion of Mr. Crawford the 42nd rule was suspended, said titles read a second time and referred to the committee of the whole House now.

Two o'clock 20 minutes P. M.—The house resolved itself accordingly, Mr. Allender in the chair.

Three o'clock P. M.—The committee rose, and by its chairman reported said titles back with sundry amendments.

On motion of Mr. Harper, part one, title five was referred to a select committee of five and Mr. Flint appointed chairman, Messrs. Flint, Summers, Harper, Gildea and Parvin were appointed said committee.

Message from the Senate coming up in order.

Mr. Wyckoff moved to reconsider the vote had on House resolution relative to adjournment; lost.

On motion of Mr. Reuben Riggs, title fifteen of part one was referred to the select committee appointed for consideration of title five.

Title one, part second was read a first time, and

On motion of Mr. Flint, the 42nd rule was suspended, said title was read a second time and referred to the committee of the whole House now.

Four o'clock P. M.—The house resolved itself accordingly Mr. Crawford in the chair.

Four o'clock 35 minutes P. M.—The committee rose and by its chairman reported progress, and asked leave to resume again tomorrow at 10 o'clock A. M.; which was granted.

On motion of Mr. Wyckoff the House adjourned until six o'clock 30 minutes P. M.

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#### SIX O'CLOCK AND 30 MIN., P. M.

Mr. Harper moved a call of the House, when it appeared that Mr. Gibson was absent, who having been excused, the call was suspended.

The question being on the adoption of Mr. Babbitt's substitute for section nine in the report of the select committee; was decided in the negative.

YEAS, 18,  
NAYS, 20.)

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Gildea, Goode-now, Guiberson, Harbour, Jacobs, Major, Preston of Monroe, Sam-ael Riggs, Reuben Riggs, Robinson, Summers, Taylor and Wilson of Lee.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Folsom, Gamble, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus,

Parvin, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Folsom offered the following substitute:

SEC. 9. Corporations organized for the construction of canals, rail roads, McAdam, plank and graded roads, may exempt the private property of its members from liability to corporate debts, by a provision to that effect in its articles of incorporation, but subject to the provisions of this chapter in relation thereto; provided, that after the property of said corporation has first been exhausted, the private property of each stock-holder shall be holden for all corporate debts to the amount of his capital stock not paid in, and all other corporations shall not exempt the private property of its members from liability to corporate debts; but each stockholder in such corporation shall individually be liable for all the debts of said corporation; which was adopted.

YEAS, 21,

NAYS, 16.

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Goodenow, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gildea, Guiberson, Harbour, Jacobs, Major, McCrary, Price, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor and Wilson of Lee.

On motion of Mr. Folsom the House adjourned at ten o'clock 20 minutes P. M.

TUESDAY MORNING, JANUARY 7, 1851.

Mr. Eaton moved to reconsider the vote last had on the substitute to section nine, in the report of the committee to whom was

referred chapter one, title fourteen of the revised code, which was decided out of order for the following reasons:

1st. That the consideration of the law was by resolution set for 10 o'clock, A. M.

2nd. That the rules of the House require that after reading the journals, petitions and remonstrances, resolutions, &c., are next in order; and that these could not be dispensed with without a suspension of the rules.

Mr. Crawford appealed from the decision of the chair.

Mr. Summers having been called to the chair,

A call of the House was had, when it appeared that all the members not excused were present.

The question was then put, Shall the decision of the chair remain the judgment of this House? and decided in the negative.

YEAS, 17 }

NAYS, 20 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Folsom, Gamble, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Salmon, Thompson, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Gildea, Harbour, Jacobs, Major, Parvin, Preston of Linn, Price, Samuel Riggs, Robinson, Summers, Taylor and Updegraff.

The question being taken on the reconsideration of the vote last had on the substitute to section nine, in the report of the select committee to whom was referred chapter one, title fourteen, of part one, of the revised code; was decided in the affirmative.

YEAS, 22. }

NAYS, 16. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Gildea, Guiberson, Harbour, Jacobs, Major, McCrary, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Updegraff, Wilson of Lee and Mr. Speaker.

Those who voted in the negative were:

Messrs. Crawford, Folsom, Gamble, Goodenow, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Salmon, Thompson, Wilson of Henry and Wyckoff.

Mr. Summers moved to lay the report of the committee on the table; lost.

The question being on the adoption of the substitute,

Mr. Folsom, (with leave) withdrew it from the further consideration of the House.

Mr. Harper moved to lay the report on the table till 6 o'clock, and 30 minutes P. M.; lost.

Mr. Gamble moved the previous question; refused.

Mr. Parvin offered the following amendment to the report of the committee:

Section nine, add the words, "Provided such exemption shall only extend to works of internal improvement;" disagreed to.

YEAS, 14 }  
NAYS, 24 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Crawford, Folsom, Gamble, Goodenow, Hamill, Haun, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Monroe, Salmon, Thompson and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Gildea, Guiberson, Harbour, Harper, Jacobs, Major, McCrary, Preston of Linn, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Updegraff, Wilson of Henry, Wilson of Lee and Mr. Speaker.

Mr. Summers moved to strike out the words "to the amount of capital stock not paid in;" disagreed to.

YEAS, 18, }  
NAYS, 20. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Harbour, Jacobs, Major, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor and Wilson of Lee.

Those who voted in the negative were :

Messrs. Bunker, Crawford, Folsom, Gamble, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

The question being taken on concurring in the report of the select committee as amended; was decided in the negative.

YEAS, 19, }  
NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Crawford, Folsom, Gamble, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Eaton, Flint, Gildea, Goodenow, Guiberson, Harbour, Jacobs, Major, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor and Wilson of Lee.

Mr. Robinson moved to add the following:

Sec. 32. The officers, directors and stock holders of any corporation shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the amount of capital stock subscribed.

Sec. 33. Any officer director or stock holder of any corporation who shall create any debt or debts, liability or liabilities, in behalf of any such corporation, contrary to the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term not more than ten years, nor less than one year; and may be prosecuted therefor by indictment in any court of competent jurisdiction; and moreover shall be individually liable for all debts so contracted.

Mr. Preston of Linn, moved to lay on the table; lost.

YEAS, 17, }  
NAYS, 22. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Crawford, Folsom, Hamill, Haun, McColloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Salmon, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble. Eaton, Flint, Gamble, Gildea, Goodenow, Guiberson, Harbour, Harper, Jacobs, Major, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Wilson of Lee and Wyckoff.

On motion of Harper, the House resolved itself into a committee of the whole, for the consideration of chapter one, title eleven, part one, of the revised code, at 11 o'clock A. M.; Mr. Harbour in the chair.

Thirty minutes, P. M.—The committee rose and by their chairman reported the same back with sundry amendments thereto; and asked the concurrence of the House therein.

On motion of Mr. Preston of Linn, the House adjourned at 40 minutes P. M.

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## TWO O'CLOCK, P. M.

The question being on concurring in the report of the committee of the whole House, was taken separately upon sections nine, thirty-two, and thirty-three.

Mr. Babbitt moved that the question be taken first upon section thirty-two; agreed to.

Mr. Negus moved a call which was had, and

Messrs. Crawford and McCulloch of Jefferson were found to be absent.

On motion of Mr. Parvin the call was suspended.

On motion of Mr. Parvin the previous question was ordered.

The call of the House was resumed.

Mr. Summers moved to excuse Mr. McCulloch of Jefferson; disagreed to.

The absent members appeared, and the call was suspended.

On motion of Mr. Summers, Mr. Crawford was excused from voting.

The question being put, on concurring in section thirty-two; was decided in the affirmative.

YEAS, 25. }

NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Harbour, Harper, Jacobs, Major, Negus, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Gamble, Hamill, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Linn, Price, Salmon, Updegraff and Wilson of Henry.

The question being on concurring in section 33, was decided in the negative:

YEAS, 19, }

NAYS, 19. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Eaton Flint, Gildea, Harbour, Harper, Jacobs, Major, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Wilson of Lee and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Folsom, Gamble, Goodenow, Guiberson, Hamill, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry and Wyckoff.

The question was put upon concurring in section nine, reported from the committee of the whole as in the report of the committee of revision; disagreed to. ●

YEAS, 19. }

NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Folsom, Gamble, Hamill, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Harbour, Harper, Jacobs, Major, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor and Wilson of Lee.

Mr. Negus moved to reconsider the vote had on concurring in section 33; lost.

Mr. Negus moved to strike out chapter one, title eleven; lost.

YEAS, 15.)

NAYS, 23.)

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs. Bunker, Crawford, Gamble, Hamill, Haun, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative, were :

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Harbour, Harper, Jacobs, Major, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Wilson of Lee and Wyckoff.

Mr. Eaton moved to strike out the eighth clause of section one; agreed to.

On motion of Mr. Babbitt, the clerk was ordered to transfer to the Senate all parts of titles, which have received two readings, and now in possession of the House.

Part two of the revised code was read a first time, and

On motion of Mr. Harbour the 42nd rule was suspended, said part read a second time, and referred to a committee of the whole House now, Mr. Price in the chair, at 3 o'clock, P. M.

Four o'clock, P. M.—The committee rose and by their chairman reported back title one, of part two, with sundry amendments, which were concurred in.

Said title was read a second time.

Mr. Summers from the committee of conference to whom was re-

ferred the disagreeing vote between the Senate and House of Representatives on substitute for Senate file No. 5, submitted the following, viz:

That the Senate will agree to the amendments made by the House to the following sections to wit: three, four, eight, nine, thirteen, nineteen, twenty-three, twenty-four, twenty-eight, thirty-seven, thirty-nine, forty-two, forty-three, forty-six, and forty-seven, and the House recede from its amendments to sections twenty, twenty-one, twenty-five, twenty-seven, thirty-one, thirty-three, forty-one; forty-five, forty-nine and fifty.

The committee also recommend the name of Dickinson as a substitute for section forty-eight instead of the amendment made by the House.

Mr. Negus moved to lay on the table; lost.

The question being on the adoption of the report of conference; was decided in the affirmative.

Mr. Reuben Riggs, from the committee of conference on substitute for H. R. file, No. 4, a bill for an act to provide for the location of the seat of justice of the several counties therein named, with leave reported the following agreement:

The Senate recedes from the first amendment, and the House concurs in the second.

Said report was adopted.

Mr. Harper, from the committee on enrolled bills, reported:

H. R. file No. 41, an act to change the name of towns of Guttenberg and Guthenburg to Prairie la Porte.

H. R. file No. 48, an act to change the name of John William Branzon to Wm. Allen Lett.

H. R. file No. 26, joint resolution for a donation of land to actual settlers.

H. R. file No. 19, an act authorising the county commissioners of Davis county, to have a vote taken in relation to building a court house in said county.

H. R. file No. 34, a bill for an act to grant the right of way to the Davenport and Iowa City rail road company, correctly enrolled.

Mr. Crawford moved to adjourn; lost.

Mr. Parvin moved to strike out all after the period in section 126, of title one, part second; lost.

Mr. Preston of Linn, moved to strike out section four, chapter nine; lost.

Mr. Gamble moved to adjourn till Thursday; lost.

Mr. Robinson moved to adjourn till 6 o'clock and 30 minutes, P. M.; lost.

On motion of Mr. Babbitt, the House adjourned at 4 o'clock and 40 minutes P. M.

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### WEDNESDAY MORNING, JANUARY 8, 1851.

Petitions, reemonstrances and memorials were presented, read and dispose of as follows:

By Mr. Summers, memorial of the mayor and aldermen of the town of Davenport asking that said town be incorporated; referred to the representative from Scott county.

By Mr. Parvin, two petitions of citizens of Muscatine county asking the passage of a law prohibiting swine and sheep from running at large in said county; referred to the committee on agriculture, also

A petition of citizens of same county asking the passage of a law prohibiting the settlement of blacks and mulattoes in the state; referred to the committee on federal relations.

By Mr. Harbour, petition of citizens of Marion county, asking the location of a rail road from Davenport to Council Bluffs *via* Muscatine, Oskaloosa, Pella, Red Rock and Indianola; referred to the committee on internal improvements.

By Mr. Allender, a petition of citizens of Van Buren county, for the relief of Paul Brattain late treasurer of the Board of Public Works; referred to the committee on Des Moines river improvements.

By Mr. Folsom, a petition of citizens of Iowa, asking for a state from near Iowa City to Ceder Rapids; referred to a select committee of Messrs. Preston of Linn, Folsom and Taylor.

By Mr. Allender, remanstrance of citizens of Van Buren county,

against the alteration of a certain state road from Birmingham to Keokuk; laid on the table.

By Mr. Price, a petition of citizens of Fayette county, and also petition of ladies of same county, both asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the select committee on that subject.

By Mr. Hamill, petition of trustees of Jackson township, Lee county, asking a law for the relief of said township; referred to the committee on claims.

By Mr. Samuel Riggs, a petition of citizens of the State of Iowa, asking for a state road from the Des Moines river to Bloomfield in Davis county; referred to the committee on roads and highways.

By Mr. Price, a petition of citizens of Clay ton county asking the passage of a law for the relocation of the county seat of said county by a vote; referred to the representatives from Dubuque and Clayton.

By Mr. Wilson of Henry county, petition of citizens of the town of Washington in said county, asking the passage of a law to change the name of said town from Washington to Hillsboro; referred to the representatives from Henry county.

By Mr. Major, a petition of citizens of Wappello and Jefferson counties asking for the permanent location of the seat of government at Pella; referred to the committee on public buildings.

By Mr. Babbitt, a petition of citizens of Marion county asking for the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Babbitt, a memorial of H. P. Scholt, in relation to the permanent location of the seat of government at Pella; referred to the committee on federal relations.

By Mr. Guiberson, a petition of citizens of Poweshiek county, in relation to the permanent location of the seat of government at Fort Des Moines; referred to the committee on public buildings.

Notice to bring in the following bills was given:

By Mr. Harper, a bill for an act granting the Burlington and Toolsborough plank road company the right of way.

By Mr. Price, a bill for an act to locate the county seat of Fayette county by a vote of the legal voters of said county.

By Mr. Guiberson, a bill for an act to locate a state road from

Winterset in Madison county to the south line of the state in the direction of Athens, Missouri.

Mr. Robinson offered the following resolution :

Resolved, That this House hold regular evening sessions, during this session of the General Assembly unless otherwise ordered; laid on the table.

Mr. McCulloch of Jefferson introduced H. R. file, No. 67, a bill for an act to vacate the town of Pleasant Plain; which was read a first time.

H. R. file, No. 59, joint resolution relative to an appropriation from Congress; was read a third time, passed and the title agreed.

Ten o'clock A. M.—The House resolved itself into committee of the whole for consideration of the revised code, Mr. Allender in the chair.

Twelve o'clock M.—The committee rose and by its chairman reported progress and asked leave to sit again.

On motion of Mr. Summers, the House adjourned until to-morrow morning.

#### THURSDAY MORNING, JANUARY 9, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Harbour; a petition of citizens of Muscatine county, asking the permanent location of the seat of Government at Oskaloosa; referred to the committee on public buildings.

By Mr. Babbitt; a petition of citizens of Polk county asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Price; a petition of ladies of Delaware county, asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the select committee on that subject.

By Mr. Flint; a petition of citizens of Wapello county, asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. McCulloch of Lee; a petition of citizens of Lee county, asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the select committee on the subject of temperance petitions.

Mr. McCrary offered the following resolution:

Resolved, That this House read the remaining part of the revised code by titles, and pass it without amendments and immediately report it to the Senate; disagreed to.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed without amendment H. R. file No. 33, a bill for an act to repeal an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

I herewith present for your signature Senate file No. 20, a memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clarke on the Des Moines river and from thence to the Council Bluffs on the Missouri river; the same having passed both branches of the general assembly.

I herewith return H. R. files No. 19, 26, 34, 41, and 48, the same having been signed by the president of the Senate.

Mr. Summers from a select committee, reported H. R. file No. 68, a bill for an act to incorporate the city of Davenport; read a first time.

Mr. Price from a select committee, reported H. R. file, No. 69, a bill for act to locate the county seat of Alamakee county; read a first time. Also,

H. R. file, No. 70, a bill for an act to locate the county seat of Fayette county; read a first time.

Mr. Harper introduced H. R. file No. 71, a bill for an act granting the Burlington and Toolsborough plank road company the right of way; read a first time.

Mr. Babbitt introduced H. R. file, No. 72, a bill for an act to locate the seats of justice of certain counties therein named; read a first time, and

On motion of Mr. Preston of Monroe, the 42nd rule was suspended, and said bill read a second time.

Mr. Harbour moved to refer said bill to a select committee; lost.

Mr. Harbour offered the following amendments :

Sec. 2 Strike out the name of 'David Sweem,' and insert the name of 'John S. Walker;' lost. Also,

Sec. 1. Strike out the name of Isaac G. Honk of the county of Madison and insert the name of B. B. Berry of the county of Mahaska; agreed to.

On motion of Mr. Babbitt, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 60, joint resolution in relation to mail facilities, was read a third time, passed and title agreed to.

H. R. file No. 61, joint resolution for an increase of mail facilities from Burlington to Keosauqua; was read a third time, passed and title agreed to.

Ten o'clock A. M.—The committee of the whole House for consideration of the revised code resumed, Mr. Price in the chair.

Fifteen minutes P. M.—The committee rose and by its chairman reported progress and asked leave to resume its sittings at two o'clock P. M.

On motion of Mr. Allender the House adjourned.

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## TWO O'CLOCK, P. M.

The committee of the whole House for consideration of the revised code, resumed; Mr. Price in the chair.

Two o'clock 25 minutes, P. M.—The committee rose and by its chairman reported back to the House title two of part two with sundry amendments; which were concurred in.

Mr. Preston of Linn, moved to lay on the table "section 28 of chapter 6," as reported by the committee; disagreed to.

YEAS, 19. }  
NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Crawford, Dibble, Gamble, Guiberson, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, Parvin, Preston of Linn, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Updegraff and Wilson of Henry.

Those who voted in the negative were :

Messrs. Babbitt, Bunker, Eaton Flint, Folsom, Gildea, Goodenow, Harbour, Haun, Jacobs, Major, McCrary, Negus, Preston of Monroe, Price, Thompson, Wilson of Lee, Wyckoff and Mr. Speaker.

On motion of Mr. Goodenow, the words "or of either of them and in relation thereto they may be sued jointly or either of them severally," in section eight of chapter one, were stricken out.

Mr. Dibble moved to strike out sections six and eight of chapter one; lost.

Mr. Folsom moved to strike out chapter one; agreed to.

YEAS, 21, }  
NAYS, 17. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Brbitt, Bunker, Crawford Eaton, Flint, Folsom, Gildea, Guiberson, Hamill, Harbour, Jacobs, McCulloch of Jefferson, Negus, Preston of Linn, Samuel Riggs, Reuben Riggs, Robinson, Taylor, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Dibble, Gamble, Goodenow, Harper, Haun, Major, McCulloch of Lee, McCrary, Parvin, Preston of Monroe, Price, Salmon, Summers, Thompson, Updegraff and Mr. Speaker.

On motion of Mr. Allender, the words "and twenty-five cents," in section nine, of chapter two were stricken out.

On motion of Mr. Wilson of Henry, the following was added to the tenth section of chapter two: **FOURTH.** All religious denominations may marry according to their church discipline, if they see proper, by making and keeping a record of the same."

Mr. Babbitt offered the following amendment to section ten, of chapter two: "**FIFTH.** By some notary public;" disagreed to.

Mr. Wyckoff moved to strike out sections three, four, five, six, seven, eight and nine, of chapter two; lost.

Y A A S, 18 }  
N A Y S, 20 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Hamill, Harbour, Jacobs, McCulloch of Jefferson, Price, Samuel

Riggs, Reuben Riggs, Taylor, Updegraff, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Bunker, Folsom, Goodenow, Guiberson, Harper, Haun, Major, McCulloch of Lee, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Robinson, Salmon, Summers, Thompson, Wilson of Henry and Mr. Speaker.

On motion of Mr. Folsom, sections six and seven, of chapter three were stricken out.

YEAS, 24, }  
NAYS, 13. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson and Taylor.

Those who voted in the negative were :

Messrs. Allender, Dibble, Harper, Major, McCrary, Parvin, Salmon, Summers, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Hamill, moved to refer chapter three to a select committee of five; lost.

Mr. Summers moved to lay the entire revised code on the table till the 4th of July next; disagreed to.

YEAS, 4, }  
NAYS, 34. }

The yeas and nays were desired, those who voted in the affirmative were :

Messrs. Jacobs, Major, Summers and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Negus the House adjourned at 4 o'clock and 20 minutes P. M.

FRIDAY MORNING, JANUARY 10, 1851.

Petitions were presented, read and disposed of as follows :

By Mr. Summers, four petitions of citizens of Scott county asking the passage of a law restraining sheep and swine from running at large in said county ; laid on the table.

By Mr. Preston of Linn, a petition of citizens of the state of Iowa in relation to normal schools ; referred to committee on schools.

By Mr. Price, a petition of citizens of the State of Iowa asking the passage of a law to prohibit the sale of intoxicating drinks as a beverage ; referred to the select committee having that subject under consideration.

By Mr. Babbitt, a petition of citizens of Marion county asking the permanent location of the seat of government at Fort Des Moines ; laid on the table.

By Mr. Guiberson three petitions of citizens of Dallas, Madison and Pottawattamie counties asking the permanent location of the seat of government at Fort Des Moines ; laid on the table.

Mr. Harper offered the following resolution, which was laid over under the rule:

Resolved, That the state librarian be and he is hereby requested in compliance with the 13th and 14th sections of an act, entitled "An act to provide for the management of the state library, and the election of a librarian," to report a statement of facts, together with a statement of the contingent expenses and such other information relative to the library as is required by law, for the consideration of the General Assembly at as early a time as practicable.

Mr. Reuben Riggs offered the following resolution:

Resolved, That part third, titles one, two, three, four and five of the revised code be read a second time, by the title and returned to the Senate without amendment.

On motion of Mr. Price, laid on the table.

Mr. Robinson offered the following :

Whereas, the object for which the members of this House subscribed for certain weekly newspapers has in part, or totally failed,

namely: to procure correct reports of the proceedings of this body, to distribute among our constituents. Therefore,

Resolved, That any member who sees proper may discontinue any papers he ordered at the commencement of the session, and order any other papers in their stead, that he may see fit to choose, published in this state.

On motion of Mr. Harper, laid on the table and made the special order for Monday next, at six o'clock 30 minutes P. M.

Notice to bring in the following bills was given:

By Mr. Babbitt, a bill for an act to authorize John H. Franklin to transcribe the records of the probate court of Jasper county.

By Mr. Wyckoff, a bill for an act to incorporate the town of Bellevue, in the county of Jackson.

By Mr. Allender, a bill for an act repealing the office of State Printer.

By Mr. Reuben Riggs, a bill for an act to locate a state road from Ottumwa in Wapello county to Well's mills in Appanoose county.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the governor for his signature.

H. R. file No. 41, an act to change the name of the towns of Guttenberg and Guthenberg to Prairie Laporte.

H. R. file No. 48, an act to change the name of William Brazzon to William Allen Lett.

H. R. file No. 26, joint resolution for a donation of land to actual settlers.

H. R. file No. 19, an act authorizing the county commissioners of Davis county to have a vote taken in relation to building a court house in said county.

H. R. file No. 34, an act to grant the right of way to the Davenport and Iowa City rail road company.

H. R. file No. 37, joint resolution instructing our senators and representatives in Congress to procure for the State of Iowa, a donation of land to be appropriated to aid in building bridges across the rivers of Turkey, Maquoketa, Wapsipinicon and Cedar in the counties of Clayton, Delaware, Buchanan and Blackhawk.

Mr. Summers from the committee on federal relations submitted the following:

The committee on federal relations to whom was referred the petition of Henry P. Scholt of Pella, Marion county, on the subject of the removal of the seat of government, have had the same under consideration and beg leave to submit the following

#### REPORT.

Your committee do not feel disposed to express any opinion on the propriety or impropriety of the removal of the seat of government. That we conceive to be a question that does not properly belong to this committee, but we are of the opinion, that the petitioner has no reason to fear that Pella will be overlooked or in anywise neglected, whenever the legislature may deem it necessary to relocate the seat of government, from the fact that a majority of the citizens of that place were from Holland, we make no distinction between our own native citizens and those of any foreign country—under our institutions, we all stand on the same platform of equality, whether foreigners or native—that equality we are determined to maintain—we therefore ask to be discharged from any further consideration of the subject.

Said report was concurred in by the House.

Mr. Harper<sup>d</sup> from the committee on agriculture, submitted the following

#### REPORT.

The committee on agriculture to whom was referred petitions of citizens of Muscatine county praying the Legislature to pass a law restraining swine and sheep from running at large in said county, have had the same under consideration and have instructed me to report, that they do not deem it expedient to pass a special law for said county, as there are provisions made in section twelve, chapter five, title three, of part one of the revised code, to prevent stock from running at large when a majority of the voters of said county have so voted and that the committee ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

On motion of Mr. Summers, laid on the table.

Mr. Eaton from select committee reported H. R. file No. 73, a

bill for an act to lay out and establish a state road from Independence to Cedar Falls; read a first time.

Mr. Negus from the committee on incorporations to whom was submitted H. R. file No. 40, a bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company; reported therefor substitutes No. one and two.

Mr. Taylor moved to lay the report of the committee on the table; lost.

On motion of Mr. Preston of Linn, the report was concurred in and said substitutes read a first time.

Mr. Preston of Monroe, from select committee to whom was referred H. R. file No. 44, a joint resolution in relation to the removal of the land office from Fairfield to Albia in Monroe county, submitted the following

#### REPORT.

Your committee to whom was referred H. R. file No. 44, a joint resolution in relation to the removal of the land office from Fairfield to Albia in Monroe county, have had the same under consideration and beg leave to make the following report.

That in the opinion of a majority of your committee; common justice demands the removal of said office, as your committee are of opinion that the present location works a fresh hardship to a large majority of those persons immediately interested.

Mr. Harper from same committee submitted the following minority

#### REPORT.

The minority of the select committee to whom was referred the preamble and joint resolution "instructing our senators and requesting our representatives in Congress to use their influence to have the Fairfield land office moved to Albia in Monroe county," beg leave to report, that having given the subject a careful examination they believe said land office should not be removed and for cause, shew that such removal would work great inconvenience to the citizens of the eastern part of the Fairfield district, there yet remaining to be entered, large quantities of land in said district, bordering on the Mississippi river at a distance of from sixty to eighty miles

from the land office as now located, which, if removed to Albia, would increase the distance to from one hundred to one hundred and thirty miles. Your committee, therefore, for reasons above assigned recommend the indefinite postponement of the preamble and joint resolution and ask the concurrence of the House in this report.

All of which is respectfully submitted.

WM. HARPER,  
THOS. McCULLOCH.

The question being on concurring in the report of the majority of said committee; was decided in the negative.

On motion of Mr. Summers the report of the minority was laid on the table.

Mr. Harbour from select committee to whom was referred H. R. file No. 47, a bill for an act to relocate a portion of the state road from Fairfield to Oskaloosa reported the same back without amendment.

Said bill was read a second time.

Mr. Taylor introduced H. R. file No. 74, joint resolution for the establishment of a mail route from Sabula to Pioneer Grove; which was read a first time.

On his motion the 42nd rule was suspended, and said bill read a second time.

Mr. Price introduced H. R. file No. 75, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto; read a first time.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 30, a bill for an act for the relief of Daniel Hess; in which the concurrence of the House is requested.

I am also directed to inform the House that Messrs. Lewis, Hepner and Wright have been appointed a committee on the part of the Senate, to manage all conferences on their part, between the two houses on any disagreements which may arise in the consideration of the report of the revising committee.

Part third of the revised code was read a first time.

On motion of Mr. Flint the 42nd rule was suspended and said

part third, read a second time, and referred to a committee of the whole House.

Ten o'clock A. M.—The committee of the whole house for consideration of the revised code, resumed; Mr. Preston of Linn in the chair.

Ten minutes P. M.—The committee rose, and by its chairman reported progress and asked leave to resume its sittings at two o'clock P. M.; which was granted.

On motion of Mr. Wilson of Henry, the House adjourned.

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### TWO O'CLOCK, P. M.

Mr. Wilson of Henry with leave introduced H. R. file No. 76, a bill for an act to change the name of Washington in Henry county, to Hillsboro; read a first time.

On his motion, the 42nd rule was suspended, said bill read a second and third time, passed and title agreed to.

Mr. Bunker moved to postpone the consideration of the special order; disagreed to.

Two o'clock ten minutes P. M.—The committee of the whole House for consideration of the revised code, resumed; Mr. Preston of Linn in the chair.

Two o'clock 30 minutes P. M.—The committee rose and by its chairman reported back to the House title one of part third with sundry amendments; which were concurred in.

Mr. Parvin offered the following substitute for sections 1 and 2 of chapter one:

The supreme court shall be holden at the capital of the state as follows: Causes from the district court of the first judicial district, shall commence on the first Monday of January, in each and every year; causes from the second district, on the third Monday of January; from the third district, on the second Monday after the third Monday of January; from the fourth district, on the fifth Monday after the third Monday of January; from the fifth district, on the seventh Monday after the third Monday of January.

Mr. Negus moved to strike out the words "capital of the state," and insert the words "city of Muscatine;" disagreed to.

The question then recurring on the substitute, was decided in the negative.

YEAS, 7. }  
NAYS, 31. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Folsom, Gamble, Harbour, Parvin, Preston of Linn and Preston of Monroe.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

On motion of Mr. Preston of Linn sections 25 and 28, of chapter three, were stricken out.

On motion of Mr. Samuel Riggs, the word "third" in sections forty-one and forty-two was stricken out, and the word "two" inserted.

On motion of Mr. Preston of Linn, section fifty-three of chapter four, was stricken out.

YEAS, 26, }  
NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gamble, Gildea, Hamill, Harbour, Harper, Haun, Jacobs, Major, Parvin Preston of Linn, Price, Samuel Riggs, Reuben Riggs, Robinson, Taylor, Thompson, Updegraff, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Dibble, Goodenow, Guiberson, McCulloch of Lee, McCulloch of Jefferson, Preston of Monroe, Salmon, Summers and Wilson of Henry.

On motion of Mr. Folsom, section fifty-four of chapter four, was stricken out.

On motion of Mr. Folsom, the words "also" and "other" in section fifty-five of chapter four, were stricken out and the words "of practice," inserted between the words "rules" and "as."

Mr. Harper moved to strike out all after the word "statute" in section sixty-three, of chapter four; disagreed to.

On motion of Mr. Folsom the House resolved itself into committee of the whole for consideration of the revised code, at three o'clock 10 minutes P. M., Mr. Babbitt in the chair.

Four o'clock, 35 minutes P. M.—The committee rose, and by its chairman reported progress and asked leave to resume its sitting at 10 o'clock A. M., to-morrow.

On motion of Mr. Allender the House adjourned.

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### SATURDAY MORNING, JANUARY 11, 1851.

Petitions, were presented, read and disposed of as follows:

By Mr. Guiberson; two petitions of citizens of Dallas and Jasper counties asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Babbitt; a petition of citizens of Marion county asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Goodenow; a petition of citizens of the state of Iowa, asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the committee having that subject under consideration.

By Mr. Robinson; a petition of citizens of Burlington asking the passage of a law to amend the charter of said city; referred to the representatives from Des Moines county.

On motion of Mr. Samuel Riggs,

Resolved, That the several committees to whom has been referred portions of the revised code, be requested to report as soon as practicable.

Notice to bring in the following bills was given:

By Mr. Taylor; a bill for an act to authorise Robert Gower and others to build a bridge across Cedar river, in Cedar county; also a bill for an act to accept the grant of land of Congress to aid the state of Iowa in building a rail road from Du Buque to Keokuk.

By Mr. Preston of Linn; a bill for an act for the relief of Lewis D. Philips who purchased lots in Iowa City, at the first sale of lots in said city, which lots have been since sold by the state.

Mr. Negus from the committee on incorporations, to whom was referred Senate file, No. 21, a bill to amend an act entitled "an act to incorporate and establish the city of Du Buque, approved February 24th, 1847," reported the same back without amendment.

Said bill was read a second time, and

On motion of Mr. Gildea the 42nd rule was suspended, the bill read a third time, passed and title agreed to.

Mr. Price, from the conference of the two Houses upon H. R. file No. 29, a bill for an act to organise the county of Winneshiek and locate the county seat thereof; reported the following agreements and amendments.

1st. The House recedes from its disagreement to the amendment of the Senate thereto.

2nd. Insert the following enacting clause, "Be it enacted by the General Assembly of the state of Iowa;" which were accepted by the House.

On motion of Mr. Negus, Senate file, No. 4, joint resolution in relation to Green's Reports, was taken from the table and the special order postponed, for the consideration thereof.

The question being on the adoption of the following amendment, viz: Strike out the words "two hundred," in the first resolution, and strike out all after the first resolution; was decided in the negative.

YEAS, 8, }  
NAYS, 30. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs: Allender, Gamble, Parvin, Summers, Taylor, Updegraff, Wilson of Henry and Wilson of Lee.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibbl, Eaton, Flint, Folsom,

Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Thompson, Wyckoff and Mr. Speaker.

Mr. Haun, moved to strike out "250" and insert "200;" lost.

YEAS, 8, }  
NAYS, 29. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Goodenow, Haun, McCulloch of Jefferson, Negus, Parvin, Thompson and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, McCrary, Preston of Linn, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Negus moved to strike out "250" and insert "150;" lost.

Mr. Allender moved to strike out "250" and insert "100;" lost.

YEAS, 11 }  
NAYS, 27 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Allender, Flint, Goodenow, Guiberson, McCulloch of Jefferson, Parvin, Preston of Monroe, Price, Summers, Taylor and Wilson of Lee.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Gamble, Gildea, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCrary, Negus, Preston of Linn, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Negus moved to strike out "250;" lost.

YEAS, 16. }  
NAYS, 22. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Dibble, Flint, Gamble, Guiberson, McCrary, Parvin, Price, Samuel Riggs, Robinson, Summers, Taylor, Updegraff, Wilson of Henry and Wilson of Lee.

Those who voted in the negative were:

Messrs. Babbitt, Runker, Crawford, Eaton, Folsom, Gildea, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Reuben Riggs, Salmon, Thompson, Wyckoff and Mr. Speaker.

Mr. Preston of Linn, offered the following amendment:

After the word "copies," insert the words "of the present edition;" agreed to.

Mr. Bunker moved to suspend the 42nd rule and read said joint resolution a third time now; disagreed to.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed, with one amendment, substitute for H. R. file, No. 8, a bill for an act granting the Muscatine, Washington and Oskaloosa road and bridge company the right of way.

The Senate have also passed Senate file, No. 34, an act providing for the election of an additional justice of the peace in Bloomfield, Davis county.

I herewith present for your signature Senate file, No. 15, a memorial to Congress asking a donation of land to the Hungarian patriots who have settled in Decatur county, Iowa. Also,

Senate file, No. 19, an act to authorise the erection of an institution of learning on the public square in the town of New London, in Henry county, the same having passed both branches of the general assembly.

Eleven o'clock, A. M.—Committee of the whole House resumed, Mr. Babbitt in the chair.

Ten minutes P. M.—Committee rose and by its chairman asked leave to resume its sittings at 2 o'clock, P. M., on Monday next.

On motion of Mr. Samuel Riggs, the House adjourned at 20 minutes, P. M., till Monday, Jan. 13th.

MONDAY MORNING, JANUARY 13, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Allender; two petitions of citizens of Vernon township, Van Buren county, asking the passage of a law creating two election precincts in said township; referred to the representatives from Van Buren county.

By Mr. McCrary; three remonstrances of citizens of Vernon township Van Buren county against establishing two elective precincts in said township; referred to the representatives from Van Buren county.

By Mr. Harbour; a petition of citizens of the state asking the permanent location of the seat of government at Oskaloosa; referred to the committee on public buildings.

By Mr. Crawford; a petition of citizens of Buchanan, Delaware and Du Buque counties asking for the location of a state road from Independence in Buchanan county to the city of Du Buque; laid on the table.

By Mr. Eaton; a petition of citizens of the state asking the passage of a law prohibiting the sale of intoxicating drinks as a beverage; referred to the committee having that subject under consideration.

By Mr. Harbour; a petition of citizens of Keokuk county asking the location of a state road from Lancaster to Fairfield; referred to the representatives from Keokuk, Mahaska and Jefferson counties.

By Mr. Harbour; a petition of citizens of the state of Iowa asking the location of a state road from Washington, in Washington county to the county seat of Marshall county; referred to the representatives from Keokuk and Mahaska county.

By Mr. Price; a petition of citizens of Clayton county, asking the passage of a law for the relief of Ambrose Kennedy and Robert Hatfield; referred to the representatives from Du Buque and Clayton counties.

By Mr. Updegraff; two petitions of citizens of Henry county, asking the passage of a law prohibiting the sale of ardent spirits as

a beverage; referred to the committee having that subject under consideration.

By Mr. Major; a petition of citizens of Wapello county, asking the permanent location of the seat of government at Fort Des Moines; referred to the committee on public buildings.

By Mr. Flint; two petitions of citizens of Monroe and Wapello counties, asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Babbitt; a petition of citizens of Jefferson county, asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Preston of Linn; three petitions of citizens of Blackhawk and Buchanan counties, asking the location of certain state roads; referred to the representatives from Johnson, Delaware and Linn.

By Mr. Jacobs; a petition of citizens of Iowa, praying a removal of the seat of government to Oskaloosa; referred to the committee on public buildings.

Notice to bring in bills:

By Mr. Harper; a bill for an act to provide for the proving up, improving and disposing of the swamp and inundated lands within the State of Iowa.

By Mr. Eaton; joint resolutions for mail routes from Quasqueton to Fort Des Moines; also from Cedar Falls to Fort Clarke, and from Independence to the upper Big Woods of Cedar.

By Mr. McCulloch of Jefferson a bill for an act to amend the charter of the town of Fairfield.

By Mr. Babbitt; a bill for an act supplemental to an act entitled an act to re-organise the supreme court; approved January 22, 1848, and to repeal an act entitled an act to amend an act to re-organise the supreme court, approved January 15, 1849.

On motion of Mr. Preston of Linn,

Resolved, That the judiciary committee be instructed to report a bill providing for districting the state into judicial districts, and fixing the times of holding courts therein.

Mr. McCrary offered the following:

Resolved, That this House read the remaining part of the code except the appendix, by titles, and pass it without amendment and

immediately report it to the Senate. On motion of Mr. Wyckoff, laid on the table.

On motion of Mr. McCrary, Mr. McCulloch of Jefferson was added to the select committee to whom was referred that part of the revised code which relates to roads and highways.

On motion of Mr. Eaton, Messrs. Price, Hamill and Guiberson, were added to the committee on schools.

Mr. Crawford from the committee on claims, to whom was referred the claim and petition of S. A. Jones, reported adversely to its allowance; concurred in.

Mr. Negus from the committee on incorporations, to whom was referred H. R. file, No. 62, a bill for an act to incorporate the town of Prairie la Port, reported the same back with the following amendment, viz:

Strike out the words "Prairie la Porte," whenever they occur and insert the word "Guttenberg;" concurred in.

Said bill was read a second time.

Mr. Dibble from the committee on roads and highways, reported H. R. file No. 77, a bill for an act to establish a state road from the Des Moines river, to Bloomfield in Davis county; which was read a first time.

On motion of Mr. Samuel Riggs, the 42nd rule was suspended, said bill read a second and third times, passed, and title agreed to.

Mr. Eaton from the select committee to which was referred the petition for the relief of Silas Messenger, reported H. R. file, No. 78, joint resolution for a pension for Silas Messenger; read a first time.

On his motion the 42nd rule was suspended, said joint resolution read a second and third times, passed and title agreed to.

Mr. Wilson of Henry, from the select committee to whom was referred chapter four, of title thirteen, part one of the revised code, reported the same back with sundry amendments; which were concurred in.

Mr. Preston of Linn, from the select committee to which was referred a petition of citizens of Johnson and Linn counties, reported H. R. file No. 79, a bill for an act to establish a state road from Ezekiel Clark's mill, in Johnson county, to Cedar Falls, in Linn county; read a first time.

Mr. McCulloch of Lee, from the select committee to which was referred H. R. file No. 24, a bill for an act to vacate certain roads therein named, reported a substitute therefor; a bill for an act to change certain roads therein named; which was accepted and read a second time.

On his motion the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Babbitt, from the select committee to whom was referred resolution relative to printing, reported H. R. file No. 80, a bill for an act to abolish the office of state printer, and to provide for the public printing; read a first time.

Mr. Babbitt, from the committee on ways and means, to whom referred H. R. file, No. 38, joint resolution in relation to borrowing money for payment of members and officers of the general assembly, reported substitute therefor, a bill for an act to provide for a state loan; read a first time.

On his motion the 42nd rule was suspended and said bill read a second time.

Mr. Hamill with leave offered the following resolution :

Resolved, That the House go into committee of the whole after this day, on the revised code, after ten o'clock A. M., of each day until all is read through; disagreed to.

Mr. Babbitt introduced H. R. file, No. 81, a bill for an act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county; read a first time.

Mr. Eaton introduced H. R. file, No. 82, a bill for an act to lay out and establish a state road from Independence to the Rice Trading House in the upper Big Woods of Cedar; read a first time.

Mr. Preston of Linn, introduced H. R. file, No. 83, a bill for an act for the relief of Lewis D. Philips; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on claims.

Mr. Preston of Linn, introduced H. R. file No. 84, a bill for an act to establish a state road from Independence, in Buchanan county, to Lancaster, in Keokuk county; read a first time.

Mr. Wyckoff, introduced H. R. file No. 85, a bill for an act to incorporate the town of Bellevue, in the county of Jackson; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on incorporations.

Mr. Dibble introduced H. R. file No. 86, a bill for an act to locate and establish a state road from Washington, in Henry county, to Farmington, in Van Buren county; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the representatives from Henry, Lee and Van Buren counties.

Mr. Taylor introduced H. R. file, No. 87, a bill for an act to provide for making a rail road from Du Buque to Keokuk; read a first time.

Mr. Guiberson, introduced H. R. file, No. No. 88, a bill for an act to locate a state road from Winterset to the south line of the state; read a first time.

On his motion the 42nd rule was suspended and said bill read a second time.

The speaker laid before the House, the report of Lemuel B. Patterson, state librarian.

On motion of Mr. Babbitt, referred to the committee on expenditures.

Also the account of H. B. Hendershott, late boundary commissioner.

On motion of Mr. Flint referred to select committee of three appointed on the part of the House to act with a similar committee on the part of the Senate, and Messrs. Flint, Summers and Harper were appointed said committee.

H. R. file, No. 47, a bill for an act to re-locate a portion of the state road from Fairfield to Oskaloosa, was read a third time, passed and title agreed to.

H. R. file, No. 74, joint resolution for the establishment of a mail route from Sabula to Pioneer Grove; was read a third time, passed and title agreed to.

Senate file, No. 4, joint resolution relative to Green's Reports, was read a third time, the question being on its passage was decided in the affirmative.

YEAS, 21, }

NAYS, 16. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Bunker, Crawford, Eaton, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harbour, Haun, Jacobs, McCulloch of Jefferson, Negus, Preston of Linn, Price, Reuben Riggs, Salmon, Thompson, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Dibble, Flint, Gamble, Harper, Major, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Summers, Taylor, Updegraff, Wilson of Henry and Wilson of Lee.

H. R. file No. 64, a bill for an act to be entitled an act to locate a state road from Council Bluffs to Indian Town; was read a second time.

Mr. Babbitt offered the following amendment, which was agreed to:

Sec. 4. Nothing in this act contained shall be so construed as to prevent O. N. Tyson from acting as commissioner and surveyor, provided he receives pay as surveyor only.

On his motion ordered to be engrossed and read a third time tomorrow.

H. R. file No. 65, a bill for an act to locate a state road from Unionville to Pisgah; was read a second time.

H. R. file, No. 66, a bill for an act to prohibit the immigration of free negroes into this state; was read a second time, and

On motion of Mr. Allender referred to the committee on federal relations.

H. R. file No. 67, a bill for an act to vacate the town of Pleasant Plain; was read a second time.

H. R. file No. 69, a bill for an act to locate the county seat of Almakee county; was read a second time.

On motion of Mr. Price, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 70, a bill for an act to locate the county seat of Fayette county, was read a second time.

On motion of Mr. Price, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 71, a bill for an act granting the Burlington and

Toolsborough plank road company the right of way, was read a second time.

On motion of Mr. Harper, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file No. 73, a bill for an act to establish a state road from Independence to Cedar Falls; was read a second time.

H. R. file, No. 75, joint resolution to procure a donation for the state of Iowa of Fort Atkinson, and the lands attached thereto; was read a second time.

H. R. file No. 68, a bill for an act to incorporate the city of Davenport; was read a second time.

On motion of Mr. Summers, the 42nd rule was suspended, said bill read a third time, passed, and title agreed to.

Substitute No. 1, for H. R. file, No. 40, a bill for an act entitled an act to grant the right of way to the Du Buque and Keokuk rail road company, south; was read a second time.

Substitute No. 2, for H. R. file, No. 40, a bill for an act to grant the right of way to the Du Buque and Keokuk rail road company, north; was read a second time.

Mr. Taylor offered the following amendments:

Sec. 4. Provided said company shall never have the benefit of the lands that are or hereafter may be granted to the state of Iowa by the Congress of the United States, to aid in the construction of a rail road from Du Buque to Keokuk; disagreed to.

YEAS, 11. }  
NAYS, 21. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, McCrary, Preston of Monroe, Samuel Riggs, Reuben Riggs, Taylor and Wilson of Lee.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Gamble, Gildea, Goodenow, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Preston of Linn, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Allender, moved to strike out the words "taking into consideration the advantages and disadvantages of said road;" agreed to.

Mr. Babbitt offered the following:

Sec. 4. "That nothing in this act shall be so construed as to prevent the state from taking the right of way from said company upon such terms as the general assembly may hereafter direct."

Mr. Crawford moved a call of the House, which was had, when it appeared that Messrs. Harbour and Summers were absent.

On motion of Mr. Parvin, the call was suspended.

On motion of Mr. Hamill, the House adjourned at 12 o'clock M.

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TWO O'CLOCK, P. M.

Mr. Allender with leave, offered the following:

Resolved, That this House will read the revised code by the title of its chapters and make such amendments as may be deemed necessary, from and after to-morrow morning.

Mr. Flint offered the following substitute:

Resolved, That each chapter in the revised code, be amended by prefixing a title expressive of the subject matter contained in the chapter; together with the style, that is to say, "Be it enacted by the general assembly of the state of Iowa;" and that each chapter be considered as a bill, a single law, and passed or rejected as such.

On motion of Mr. Wilson of Henry, said resolution and substitute were laid on the table.

Two o'clock and 20 minutes.—Committee of the whole House, Mr. Harper in the chair.

Four o'clock and 30 minutes P. M.—The committee rose and by its chairman reported to the House title one, of part third, of the revised code, with sundry amendments; which were concurred in.

On motion of Mr. Goodenow, the House adjourned till 6 o'clock and 33 minutes P. M., at 4 o'clock and 40 minutes P. M.

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SIX O'CLOCK AND 30 MIN., P. M.

On motion of Mr. Preston of Linn, the special order was laid on the table.

On motion of Mr. Price, the House adjourned at 6 o'clock 45 minutes P. M.

TUESDAY MORNING, JANUARY 14, 1851.

Petitions, were presented, read and disposed of as follows:

By Mr. Gamble, a petition of the Louisa county agricultural society asking the passage of a law prohibiting sheep and swine from running at large; referred to the committee on agriculture.

By Mr. Jacobs, three petitions of citizens of Keokuk county asking the permanent location of the seat of government at Oskaloosa; referred to the committee on public buildings.

By Mr. Gildea, a petition of citizens of northern Iowa asking the location of a state road from Monona in Clayton county to the Minnesota line; referred to the committee on roads and highways.

By Mr. Preston of Linn, two petitions of citizens of the State of Iowa asking the passage of a law for the protection of burial grounds; referred to the select committee having under consideration the chapters of the revised code, relating to the property of the state.

Notice to bring in the following bills was given:

By Mr. Folsom, a bill for an act to lay out and establish a state road from Marengo in Iowa county to Fort Clark upon the Des Moines river.

By Mr. Parvin, a bill for an act to locate a state road from Cedar Rapids in Linn county *via* Fremont in Benton county to Ft. Clarke.

By Mr. Eaton, a bill for an act to locate a state road from Cedar Falls to Fort Clarke.

Mr. Babbitt offered the following:

Resolved, That the message of the Senate relative to the revised code be made the order of the day for every day at half past ten o'clock A. M. until twelve M. of each day; agreed to.

Mr. Summers from the committee on federal relations to whom was referred substitute for Senate file No. 16, preamble and resolution in reference to compromise measures passed by the Congress of the United States, and also so much of the governor's message as relates to the same subject made the following

## REPORT.

The present crisis in the history of our national affairs is full of deep and solemn interest; and your committee believe it to be the duty, as it certainly is the privilege, of the representatives of the people to speak their sentiments upon those great subjects which have so universally engrossed, and so deeply agitated the public mind. At such a time to forbear the proper expression of our opinions and feelings would be unjust to our sister states, since they have a right to know whether we look with favor upon the integrity of the Union, as it is to be found in the effectual provisions of the constitution, or whether we smile upon those who are disaffected, and ready to destroy it; it would, moreover, be unjust to ourselves, since the sustaining power of the government is to be found in the intelligent devotion of a willing people.

Perhaps it can not be expected that the course of government should always be smooth, unimpeded by any obstacles; but it must be confessed that the difficulties which now beset our own, are of no common magnitude, and it is known to all in what particular things they consist, they need not therefore be specifically enumerated—suffice it to say, that as matters now stand they are brought to a focus in the enactment of the “fugitive slave law.”

All the controversy respecting the prohibition of slavery in the territories is forever laid to sleep—that respecting the Texas boundary has subsided in the acceptance, by Texas, of the propositions made by the government of the United States, and those two governments were alone interested; the admission of California, however irregular and destitute of the full sanction of the president, is a thing done, and *that* but a small portion of the people will refuse to acquiesce; and the abolition of the slave trade in the District of Columbia, we think affords no just cause of complaint from any quarter. The great, the only question now at issue is, shall the fugitive slave law be sustained? And your committee confess the deep mortification which they feel in the consciousness of the fact that is forced upon them, that there is enough of opposition to that law, to raise the question with any degree of seriousness.

Your committee have had no occasion to consider of the powers

of the constitution upon this subject—they consider them as clear as the light of the sun, and as one of our eminent statesmen has said, “no one whose opinion is worth much, holds the contrary;” and in truth it is now so generally conceded, even on the part of those who at first assumed an attitude of hostility towards the law, that it is strictly in pursuance of a specific power in the constitution, that opposition to it is placed on other grounds.

Your committee are fully of the opinion that in things regulating the interests of society, the highest law is the fundamental law of the land; there is no other principle by which government can be maintained and society receive that protection in which it could confide for a day.

The right of human government is traced to the permission of the governor of the universe, and if truly, it must follow as a necessary consequence that the laws of a government are to be obeyed. It is not contended that every government is never to be overturned, with the righteous purpose of substituting a better in its place, it has often been necessary, as it often will be again. This is revolution. But do those who oppose, or threaten to oppose the law in question, plant themselves upon the right of revolution? Perhaps it would be well if they did, then their country would know how to deal with them. There are but two justifiable courses, which the oppressed, or the friends of the oppressed can take: the one is submission to law, the other open revolutionary resistance, of course your committee do not mean to exclude the resistance of argument and remonstrance. But this is not all the opposition that is threatened to the law in question.

But the objector asks, am I bound to give back my fellow man to bondage? The answer is, if you have covenanted so to do you are bound. But he asks again, have I thus covenanted? The answer is, your fathers have done it for you, and that is precisely the same thing as though you had done it yourself. But he says there is a law of the inner man, of the moral constitution which is abhorrent to such a thing and forbids its performance. To such a reasoner your committee would say, that he is too pure for the transactions of men and the society of earth, and that in the language of holy writ, “he must needs go out of the world.”

The capacity of a law to work evil, does not authorize a refusal to

sustain it, much less open resistance to its execution. Suppose that it were necessary under a treaty stipulation with Great Britain to yield her seamen from on board our vessels to the unjust and horrible impressment of the British service? Could we refuse because of the consequences. It *might* become necessary to treat with the oppressive Austrian, and the haughty Russian for the delivery of the oppressed Hungarians. Could we rightfully disregard the treaty? We constantly deliver the citizens of other states upon the mere charge of crime which may be malignant and false. The laws of these states commit to the jurisdiction of the cruel husband and father, the helpless wife and childred, and yet these laws are not contemned and set at naught.

The objector then derives no aid from analogy—in silent acquiescence he yields daily obedience to laws which in some sense work evil, without the least suspicion of a violation of good conscience.

But there is a large class of opposers who base their opposition upon the supposed dictates of religion—they say that the positive precepts of revelation forbid the purpose of the law, and that they must yield obedience to the commands of God, rather than the enactments of men. Your committee however are full in the belief that such ground of resistance is wholly feigned and untenable. It is admitted that both the old and new testament contain some precepts which tolerate disobedience to the injunctions of the civil power, but your committee are of the opinion that they can not be strained to afford authority for resistance in the case under consideration—one often adduced by teachers of a certain stamp, is the case of Shadrach, Ameshach and Abednigo when they refused to obey the impious decree of the impious Nebuchadnezzar, that at the time the cornet, flute, sackbut, psaltery, dulcimer and all kinds of music should be heard \* \* \* \* \*

whosoever did not fall down and worship the image, should be cast into the fiery furnace. Here was a direct interference with the worship of God; and when the laws of this government command similar acts, it will be time enough to make the application. Another is the case of Peter, who when commanded not to teach the great doctrines of his divine master, enquired with the edge of keen rebuke whether it were not right to obey God rather than men? of course his enquiry and meaning were limited to the matter then spoken of.

The opinion is fully entertained; that not a single precept of religion can be pressed into the service of those who counsel opposition to law, as obedience to God. Such teachings are believed to be the workings of narrow, perverse and bigoted minds, deeply dangerous in their tendency, and not worthy to be entertained by the people; moreover, they are in direct opposition to the plainest examples and the most explicit commands. Jesus Christ performed a miracle to enable himself and his followers to pay the required tribute to Tiberius Cæsar, notwithstanding his whole government was cruel, oppressive and corrupt, and it was known that the tribute money would in all likelihood be used for purposes abhorrent to freedom and virtue. Again it is written, "obey every ordinance of man for the Lord's sake," and in this connection is a catalogue of precepts which those who advise resistance would do well to consider.

But it is insisted that it is not in keeping with the progress of the age to tolerate slavery, and here at this point many honest minds are led astray—they think they must not only denounce slavery, but do all in their power to crush it, else they are recreant to the spirit of the age, and living to no purpose.

In inquiries concerning the duties of men, it is well to keep in mind specific questions. Slavery is a civil institution, a matter of government, and is expressly so recognised in the constitution.—The question therefore is, whether the spirit of the age, greatly advanced as it is in light and knowledge, will authorize individual resistance, or even organized, as we see it in some of the states, to the supreme power, and the laws made in pursuance thereof. Your committee are of the opinion that those who thus believe come under the denomination of "truce breakers," "who speak evil of dignities," "who resist the power," "high-minded," "whose end is destruction." Those therefore who set up the loose, ill-defined maxim of the spirit of the age as a warrant for opposition to well settled institutions are blind, leaders of the blind, and are unworthy to be followed.

Your committee are aware that there is a class of citizens, sometimes denominated abolitionists, sometimes higher law men, sometimes the liberty party, who denounce the constitution as a work of iniquity, because of that feature in it which barely tolerates the slave laws of a portion of the states of the union. It has been shown, that not every unrighteous law may be resisted. And your commit-

tee are frank to say that they do not envy any man, or set of men all the satisfaction they can derive in an attempt to asperse the memory of the framers of the constitution. Could those of the free states have done less? They did not establish slavery, they did not enact slave laws—both existed when they of the North met those of the South in convention; and the former agreed with the latter that they should not be molested in the enjoyment of their institutions and property; that those who were seeking to evade these laws should not find a lurking place with them; and the mind which in this, finds cause of censure, would in the outset have been no benefaction to his country or to mankind, and would now if it had sufficient power “pluck down ruin.”

But it is said that the voice of christendom, the voice of mankind is against slavery.

Your committee are no apologists for slavery; they are merely the advocates of their country's integrity, and as a consequence of her largest and most effectual good.

But who says that the voice of christendom is against slavery? Is it a fugitive member of the British parliament? We do not recognise his authority, or approbate the arrogance of his mission. Does the British nation say so? We will believe in her sincerity when she shall have made some demonstration in sackcloth and ashes for the iniquity of having forced upon the states of the south, in the spirit of cupidity and by the strong arm of power, that which she now so loudly denounces as the sin of the south. We will believe in her sincerity when she shall have relieved the thousand sufferers in her factories and her mines, who are the slaves of law and necessity combined, and whose wretchedness is as the iron which enters into the soul compared to that of the black population of the south. But it may be confidently asked, has not Great Britain tested her sincerity by her acts in the West Indies emancipation? If this be granted, the states of the south have more effectually tested their benevolence, in a larger and more costly emancipation.

Great Britain has emancipated to the amount of 20,000,000 of pounds sterling. It is an ascertained fact that our states of the south have emancipated to the amount of 25,000,000 of pounds; and all this a clear loss on the part of individuals to the full extent, while the British nation only pays the interest upon her debt, and

never expects to pay more. The southern states emancipated in the pure spirit of benevolence, the English nation in the hope of reducing the price of sugar. It is said that the voice of christendom has entered up her decrees against slavery.

There are fifteen states of this Union from which no such voice has gone out, and yet we are willing to recognise them in the bonds of paternal citizenship, and as of the household of the faith—and we deprecate that exclusive, uncharitable, self-complacent spirit, the language of which is, “stand by thyself, for I am holier than thou.”

Your committee do not suppose that any apology will be expected on account of their protracted remarks, and the various views which they have taken of the subject matter of the resolutions—they deemed the course which they have taken necessary for the encouragement of those who are in tribulation abroad, and for the rebuke of the disorganizer and the disloyal every where.

Your committee therefore, by the devotion which is due to the constitution, by the good faith with which law should be sustained by the binding efficacy of sound morality, and true religion, by the spirit of fraternity which we owe to the citizens of all the states, by the best interests of the country present and future, by the hopes of mankind in redemption from the thralldom of oppression, most heartily approve the resolutions, and recommend the concurrence of this House.

Respectfully submitted,

LAUREL SUMMERS, Chairman.

Said report was concurred in.

Mr. Haun moved that 500 copies of the report be printed for the use of the House; disagreed to.

YEAS, 17, }

NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Dibble, Guiberson, Hamill Haun, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Eaton, Flint, Gamble, Gil-

dea, Goodenow, Jacobs, Major, McCrary, Parvin, Preston of Linn, Price, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

Said preamble and joint resolution was read a second time.

On motion of Mr. Summers, the 42nd rule was suspended, said preamble and joint resolution read a third time, passed and title agreed to.

Mr. Crawford from the committee on claims, to whom was referred the petition of Joseph D. Hoag and John Brown, submitted the following

### REPORT.

The committee on claims to whom was referred the petitions of Joseph D. Hoag and John Brown, asking remuneration for their services for locating the seat of government of the state of Iowa, have instructed me to report a bill to repeal the proviso to the fifth section of an act to provide for refunding the purchase money paid by purchasers of lots in Monroe City. They have also instructed me to recommend that Joseph D. Hoag be allowed the sum of one hundred and eleven dollars, and John Brown the sum of ninety-three dollars and sixty-three cents; the said sums being the balance which your committee find to be due to the said Brown and Hoag for their services as commissioners to locate the seat of government.

Said report was concurred in.

H. R. file No. 89, a bill for an act to repeal the proviso of an act entitled an act to provide for the refunding of the purchase money to the purchasers of lots in Monroe City, and vacate the same; read a first time.

Mr. Gildea from the select committee to whom was referred part one, title fourteen, chapter ten, "of mechanics liens;" reported the same back with sundry amendments.

On motion of Mr. Folsom, laid on the table and made the special order to-morrow morning.

Mr. Price from select committee reported H. R. file No. 90, a bill for an act for the relief of Ambrose Kennedy and Robert Hetfield; read a first time.

Mr. Negus from the select committee to whom was referred part one, title thirteen, chapter eight, "of the sale of intoxicating li-

quors," and also, petitions relative to the same subject, submitted the following

### REPORT.

The special committee to whom was referred numerous petitions on the cause of temperance, and also that portion of the revised code relating to the sale of intoxicating liquors, have had the same under consideration, and instructed me to report the following:

The subject of temperance in our state has claimed the attention of the moralist and the philanthropist, ever since our young and flourishing state has been settled by the white man. But their efforts to correct the evil of intemperance availed but little, till within the past few years. Frequently through the efforts of the temperance men, aided by public lectures, there seemed to be a great temperance reformation, for the time being; but the influence of the grocery soon overcame the apparent reformation and the cause of temperance instead of advancing made a retrograde march. Those who were friendly to the cause of temperance, became convinced if they wished to bring about any great reformation it was necessary to call into their aid the strong arm of the law; so that when they planted the germs of temperance the liquor dealer might not poison the mind of the convert and blast the expected harvest.

Our law makers previous to the year of 1847 seemed to regard the traffic in liquors the same as any other business, and appeared disposed to put no more restrictions upon the dogery keeper than upon the dealer in any other merchandise. It is true the grocery keeper by law was to get a license, but the object of this seemed to be more for the purpose of creating a revenue than for putting any restriction upon liquor traffic. Most of the grocery keepers invested but a small amount of capital while they soon sold for cash and that at large profits.

The liquor dealer with a few hundred dollars in capital could realise more profit in his trade than the regular merchant could with a much greater amount. So that it seemed necessary in order to work equal justice in way of taxation that the grocery keeper should pay a tax by way of license.

The legislature which first convened under our state constitution

had their attention called to the baneful influence which the liquor traffic had upon our citizens, and they passed a law leaving it with the qualified voters of each county to vote for or against a license being granted to any individual or individuals in their proper counties to retail intoxicating liquors in less quantities than one gallon. The vote on this question was taken at the April election of 1847, and the result of that vote showed that there was a great majority of the citizens of our state who were friendly to the cause of temperance and were willing to lend their aid to suppress the dogery and dram-shop. If we mistake not every county in the state with one exception, voted against the licensing of retailing intoxicating liquors. The result of this vote seemed to nerve the arm and thrill the heart of the man of temperance, and it was hoped that there would be a great reformation brought about in this cause. But that great good which was hoped to have been brought about from this law and the vote taken by virtue of it was not realised and for causes which at the time was not foreseen.

At first it seemed to have a little check on the liquor traffic.— Some quit the business, others sold other commodities and gave away liquor. But the question was soon mooted that this was an unconstitutional law, and many had had the assurance to persist in the traffic in open violation of the law. State officers were notified by the grand juries, indictments found, the offender arrested and brought into court.

About the time this law for suppressing the liquor traffic was to be enforced by the judicial decisions of our courts, a decision was made by the supreme court of the state of Pennsylvania upon a similar statute and was there decided to be an unconstitutional law.— This decision, though there were dissenting opinions, ruled the decisions of the courts in our state, and the law of 1847 became a dead letter on our statute book. After this decision was made many of the counties in our state reversed their former vote and authorised the county commissioners to grant licenses, but even under these circumstances some refused to do it. It has been contended that the public sentiment has changed from what it was in 1847, and that there is a disposition now to grant grocery licenses. Your committee cannot come to that conclusion, but believe that the public sentiment is stronger now against the liquor traffic than it was in

1847, and that the public sentiment is in favor of enforcing that law, and that the decisions of the court as to the constitutionality of the law was the only reason why it was not sustained.

There are now before this House petitions praying for the suppression of the liquor traffic with four thousand two hundred and ninety-six names to them, besides a large number before the other branch of the legislature. These petitions are from all parts of the state and signed by our most worthy citizens, which convince us that there is a deep feeling upon this subject and that the people expect that this legislative body will take this subject under their careful consideration, and that they will enact some stringent law for the suppression of this great evil.

The question as to the constitutionality of the law of 1847, (if your committee mistake not,) since the decision of the supreme court of Pennsylvania, has undergone further consideration by some of the state courts and the courts of the United States and that decision has been reversed, and the judicial decisions now seem to be that every state has the right to regulate its own internal liquor traffic according to its own judgment.

Chief justice Taney says: "Every state may regulate its own internal traffic according to its own judgment and upon its own views of the interest and well being of its citizens. I am not aware these principles have ever been questioned. If any state deem the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, sin and debauchery, I see nothing in the constitution of the United States to prevent it from regulating and restraining the traffic or prohibiting it altogether if it thinks proper."

Mr. John McLean says: "The acknowledged police power of a state extends often to the destruction of property. A nuisance may be abated. It is the settled construction of every regulation of commerce that no person can introduce into a community malignant diseases or any thing which contaminates its morals or endangers its safety. Individuals in the enjoyment of their own rights must be careful not to injure the rights of others."

Mr. Joshua Colden says: "I admit as irresistible that if the state has the power to restrain by licensing to any extent she has the discretionary power to judge of its limits and may go the length

of prohibiting sales altogether of such be her policy, and that this court cannot interfere in the case before us, neither could we interfere in the extreme case of entire exclusion."

That our legislature has the right by law to control the internal policy of the liquor traffic in the state in the manner it may deem proper, your committee after consulting the opinions of the above named learned men have not a doubt, and that the traffic in liquor as it is now carried on in our state is an evil and demoralising to our citizens, and should if possible be checked, your committee have but one opinion. The only difference of opinion is as to the best manner of remedying this great evil. To correct an evil and work a moral reformation in society by legislation it is necessary that the laws enacted should correspond with public sentiment.— Experience has shown that to make too stringent laws and impose too serious penalties when popular sentiment is not prepared for them, instead of curtailing the evil and accomplishing the object for which they were enacted, has the contrary effect. Whilst on the other hand if you let the laws remain too loose and easy to be evaded it throws a damper upon the effort of the moralist and the work of reformation ceases to go on. Your committee are of opinion the best way to correct an evil is to take a medium course, and to enact such laws as the public sentiment are prepared to sustain.

Your committee are of opinion that the law now in force regulating the traffic of intoxicating liquors are not as stringent as the public sentiment requires. That the license system instead of correcting the evil has an injurious effect, for it holds out inducements and causes many individuals to engage in the business who would not did they not do it under the sanction of law. From the sentiment expressed in the numerous petitions presented to this body on the subject of the liquor traffic, your committee believe that public sentiment at this time demands that the license law should be repealed, and that the traffic in liquor as it is termed by the glass or dram should be prohibited. If such a law was enacted at this time it is believed that public sentiment would sustain it and that it would work a great moral good.

Your committee find by reference to the report of the secretary of the state that more than one-third of the criminals who have

been convicted for violation of the laws of the state, have been persons adicted to intemperance.

They also find by reference to the statement of the grand jury of the county of Lee that a great portion of the expenses of that county is caused by the use of liquor, and your committee have no reason to doubt but that other counties in our state are equal sufferers from the same influence.

The violation of the laws, the expenses of administering our government, the health of our citizens and more particularly that of our large towns, the widow and the orphan, the distressed wife and the begard children, all urge upon us the necessity of taking some decisive action to suppress that great and growing evil.

Wherefore your committee would recommend the passage of the law herewith reported.

Part one, title thirteen, chapter eight, page 128. Add to section two, the following: "And the sale of such liquors in any quantity whatsoever with a view to their being drank on or about the premises, is a selling by the dram within the meaning of this section."

In section four, the sixth line strike out the word "purchased elsewhere."

In section seven in the second line, strike out the words "one hundred," and insert "ten," and in the third line strike out "two" and insert "one."

Concurred in.

To section ten, add the following: "Provided that nothing herein contained shall be so construed as to subject the homestead and its exemption to execution or lien in any case whatever."

In section twelve, in the sixth line, strike out the words "and destroying all the prohibited liquors therein." Concurred in.

And strike out all of section thirteen.

The three first amendments were adopted.

On motion of Mr. Price said report was laid on the table until tomorrow at 2 o'clock P. M.

Mr. Parvin introduced H. R. file, No. 91, joint resolution for a military road from Fort Clarke, to Muscatine and from Fort Clarke to the Mississippi river opposite Fort Crawford; read a first time.

Mr. Guiberson introduced H. R. file No. 92, joint resolution ask-

ing a grant of land to construct a graded road from Fort Des Moines to Council Bluffs; read a first time.

Mr. Taylor introduced H. R. file, No. 93, a bill for an act to authorise Robert Gower, James H. Gower, Jacob Shawver and Peter Diltz and others to erect a toll bridge across Cedar river, in Cedar county; read a first time.

Mr. Eaton introduced H. R. file No. 94, joint memorial for a mail route from Quasqueton to Fort Des Moines; a mail route from Cedar Falls to Fort Clarke, and a mail route from Independence to the Rice Trading House in the upper big woods of Cedar; read a first time.

Mr. Babbitt introduced H. R. file No. 95, a bill for an act to be entitled an act, supplemental to an act entitled an act to reorganise the supreme court, approved January 22nd; 1848, and to repeal an act to amend an act to reorganise the supreme court, approved January 15th, 1849; read a first time.

The question being on the adoption of the amendment offered by Mr. Babbitt to substitute No. 2, for H. R. file, No. 40,

A call of the House was had, when it appeared that all the members not excused were present and the call was suspended.

The question being put, said amendment was disagreed to.

YEAS, 9,  
NAYS, 28.

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Guiberson, Jacobs, Major, Preston of Monroe, Samuel Riggs, Taylor, Wilson of Lee and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Price, Reuben Riggs, Robinson, Salmon, Summers, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

On motion of Mr. Preston of Linn said bill was considered as engrossed and read a third time, passed and title agreed to.

Mr. Harper from the committee on enrolled bills, reported

H. R. file No. 53, a bill for an act to repeal an act to authorise Thomas S. Parks to keep a ferry across the Mississippi river, and

H. R. file No. 29, a bill for an act to organize the county of Winneshiak and locate the county seat thereof, correctly enrolled.

Mr. Summers from the committee on engrossed bills reported;

H. R. file, No. 64, a bill for an act, to be entitled an act to locate a state road from Council Bluffs to Indian Town; as correctly engrossed.

Senate file No. 25, a bill for an act to legalize certain proceedings of the school fund commissioner of Des Moines county and of school district number two of the township of Burlington in said county; was read a first time.

On motion of Mr. Harper, the 42nd rule was suspended, said bill read a second and third times, passed and title agreed to.

Senate file No. 27, joint resolution for the establishment of a land office at Fort Des Moines; was read a first time.

On motion of Mr. Allender, the 42nd rule was suspended, said joint resolution read a second and third time, passed and title agreed to.

Senate file No. 30, a bill for an act for the relief of Daniel Hess; was read a first time.

On motion of Mr. Allender the 42nd rule was suspended, said bill read a second and third time, passed and title agreed to.

Senate file No. 34, a bill for an act providing for the election of an additional justice of the peace in Bloomfield, Davis county; was read a first time.

On motion of Mr. Hamill the 42nd rule was suspended, said bill read a second and third time, passed and title agreed to.

Senate amendments to substitute for H. R. file No. 8, a bill for an act granting the Muscatine, Washington and Oskoloosa road and bridge company the right of way; were read and concurred in.

Substitute for H. R. file No. 38, a bill for an act to provide for a state loan; was read a third time.

The question being on the passage of the bill was decided in the affirmative.

YEAS, 25, }  
NAYS, 13. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton,

Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Gamble, Harbour, Jacobs, McCrary, Negus, Parvin, Robinson, Salmon, Summers, Taylor, Thompson, Wilson of Henry and Wilson of Lee.

So said bill passed and title agreed to.

Substitute No. 1, for H. R. file No. 40, a bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company, South; was read a third time, passed and title agreed to.

H. R. file, No. 62, a bill for an act to incorporate the town of Guttenburg; was read a third time, passed and title agreed to.

H. R. file, No. 64, a bill for an act to be entitled an act to locate a state road from Council Bluffs to Indian town; was read a third time, passed and title agreed.

H. R. file, No. 65, a bill for an act to locate a state road from Unionville to Pisgah; was read a third time passed and title agreed to.

H. R. file No. 67, a bill for an act to vacate the town of Pleasant Plain; was read a third time, passed and title agreed to.

H. R. file No. 73, a bill for an act to lay out and establish a state road from Independence to Cedar Falls; was read a third time, passed and title agreed to.

H. R. file No. 75, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto; was read a third time, passed and title agreed to.

H. R. file No. 88, a bill to locate a state road from Winterset to the south line of the state; was read a third time passed and title agreed to.

H. R. file No. 79, a bill for an act to establish a state road from Ezekiel Clark's mill in Johnson county to Cedar Rapids in Linn county; read a second time.

On motion of Mr. Preston of Linn the 42nd rule was suspended, said bill was read a third time, passed and title agreed to.

H. R. file No. 80, a bill for an act to abolish the office of State Printer and to provide for the public printing; was read a second time; and

On motion of Mr. Gamble recommitted to select committee on printing.

H. R. file No. 81, a bill for an act to authorize John H. Franklin, to transcribe the records of the probate court of Jasper county; was read a second time.

On motion of Mr. Allender the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file No. 82, a bill for an act to lay out and establish a state road from Independence to the Rice trading house in the Upper Big Woods of Cedar; was read a second time and referred to the representative from Delaware county.

H. R. file No. 84, a bill for an act to establish a state road from Independence in Buchanan county to Lancaster in Keokuk county; was read a second time.

On motion of Mr. Hamill the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file No. 87, a bill for an act to provide for making a rail road from Dubuque to Keokuk; was read a second time; and

On motion referred to the committee on internal improvements.

On motion of Mr. Wyckoff, H. R. file, No. 28, a bill for an act to restrain swine from running at large in Jackson county; was taken from the table and referred to the committee on agriculture.

On motion of Mr. Harper, the name of Mr. Haun was substituted in place of the present chairman of the standing committee on agriculture.

On motion of Mr. Updegraff the House adjourned at 12 o'clock M.

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## TWO O'CLOCK, P. M.

On motion of Mr. McCrary, the resolution offered yesterday by Mr. Allender and the substitute therefor were taken from the table.

Mr. Flint with leave withdrew the substitute.

The question then being on the adoption of the original resolution; was decided in the affirmative.

Two o'clock 20 minutes P. M.—The committee of the whole house for consideration of the revised code, resumed; Mr. McCulloch of Lee in the chair.

Three o'clock 25 minutes P. M.—The committee rose and by its chairman reported back to the House title three, of part three with sundry amendments; which were concurred in.

Three o'clock 35 minutes P. M.—The committee of the whole House resumed; Mr. McCulloch of Jefferson in the chair.

Four o'clock 15 minutes P. M.—The committee rose and by its chairman reported back to the House title four, part three with one amendment, in which they asked the concurrence of the House.

On motion of Mr. McCulloch of Jefferson the House adjourned at four o'clock P. M.

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### WEDNESDAY MORNING, JANUARY 15, 1851.

Petitions, were presented, read and disposed of as follows:

By Mr. Preston of Linn, a petition of citizens of Linn and Benton counties, asking the location of a state road from Cedar Rapids to the seat of justice of Blackhawk county; laid on the table.

By Mr. Guiberson, a petition of citizens of Polk and Warren counties, asking the location of a state road from Fort Des Moines to the southern boundary of the state, *via* Parmlee and Beache's Mill and Indianola; referred to the representatives of the Polk district.

By Mr. Price, two petitions of citizens and ladies of Clayton county praying for a law, prohibiting the sale of intoxicating drinks.

By the Speaker, (Mr. Summers in the chair,) a petition of citizens of Iowa on the subject of grocery license.

By Mr. Goodenow, a petition of citizens of Jackson county, on the subject of grocery license.

Said petitions were referred to the select committee appointed for their consideration.

Mr. Preston of Monroe, with leave introduced H. R. file No. 96, memorial and joint resolution asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs; read a first time, and

On his motion the 42nd rule was suspended, said joint resolution was read a second and third time, passed and title agreed to.

Notice to bring in the following bills was given:

By Mr. Guiberson, a bill for an act to locate a state road from Fort Des Moines to the south line of this state also, a bill for an act authorizing F. J. Wheeling, M. H. Clark and their associates to build a toll bridge across the east fork of the Nishnabotany river.

By Mr. Preston of Linn, a bill for an act to locate a state road from Cedar Rapids in Linn county, *via* Fremont in Benton county to the county seat of Blackhawk county.

Mr. Dibble from the committee on roads and highways, to which was referred H. R. file No. 63, a bill for an act to legalise certain roads in Jefferson county therein named; reported the same back without amendment.

Said bill was read a second time, and

On motion of Mr. Negus the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Wilson of Henry, from the select committee to whom was referred H. R. file No. 86, a bill for an act to locate and establish a state road from Washington in Henry county, to Farmington in Van Buren county; reported the same back without amendment.

Said bill was read a second time, and

On his motion the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Harper from the committee on enrolled bills; reported

Substitute for H. R. file No. 8, a bill for an act to grant the Muscatine, Washington and Oskaloosa road and bridge company the right of way, and

Substitute for H. R. file No. 4, a bill for an act to locate the county seat of several counties therein named; as correctly enrolled.

Mr. Eaton from the select committee to whom was referred H. R. file, No. 82, a bill for an act to lay out and establish a state road from Independence to the Rice trading house in the Upper Big Woods of Cedar; reported the same back with one amendment, which was concurred in and said bill was read a second time.

On his motion, the 42nd rule was suspended, said bill read a third time.

The question being put, shall the bill pass? was decided in the affirmative.

YEAS, 23. }  
NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Harper, Haun, McCulloch of Lee, Negus, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Taylor, Updegeaff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Crawford, Gamble, Goodenow, Hamill, Jacobs, Major, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Salmon, Summers, Thompson and Wilson of Lee.

So said bill was passed and title agreed to.

Mr. McCulloch of Jefferson, introduced H. R. file No. 97, a bill for an act to amend an act, entitled an act, to incorporate the town of Fairfield; approved January 9th, 1847; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on incorporations.

Mr. Parvin introduced H. R. file No. 98, a bill for an act to legalise the acts of the trustees of the Methodist Episcopal Church at Muscatine; read a first time.

On motion of Mr. Parvin, the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

The question pending on concurring in the amendments made by a committee of the whole House to section 68, chapter one, title four; was decided in the affirmative.

YEAS, 23 }  
NAYS, 13 }

The yeas and nays being desired, those who voted in the affirmative were,

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Gamble, Gildea, Guiberson, Harper, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Price, Samuel Riggs, Reuben Riggs, Summers, Taylor, Updegraff, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Dibble, Goodenow, Hamill, Harbour, Haun, McCrary, Parvin, Preston of Monroe, Robinson, Salmon, Thompson and Mr. Speaker.

On motion of Mr. Babbitt, the following was added to section 69:

Provided the appellant, his agent or attorney shall file an affidavit with the justice, setting forth that the appeal is not taken for the purpose of delay, but that justice may be had.

The report of the select committee to which was referred, chapter ten, title fourteen, part one, being the special order.

On motion of Mr. Summers; recommitted.

On motion of Mr. Harbour, Mr. Summers was added to said select committee.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have disagreed to the first, second and fourth amendments, and have agreed to the third amendment made by the House to section twelve of chapter five, title third, part first.

The Senate have also concurred in the amendments made by the House to sections fifteen and sixteen of said chapter, and that they have disagreed to the amendment made by the House to section 20 in the same chapter.

The Senate have also disagreed to the amendments made by the House to section first, chapter eight. They have also concurred in the amendments made to section first, chapter twelve.

They have also concurred in all the amendments made by the House to chapter thirteen.

The Senate have also concurred in House amendment to section twenty-nine, chapter two, title four, part one, also amendment to section fifty-eight, chapter two, title four.

Also to amendments to section two and three of chapter five, also to House amendment to section nine, chapter six, title four, part one.

The Senate disagrees to amendment made to second clause of section first, chapter eight.

The Senate have also concurred in the amendments made by the House to section one, chapter ten, title four, part one.

The Senate have also made several amendments thereto, which are attached in their proper places, and marked Senate amendments;

in which they ask a concurrence on the part of the House of Representatives.

The Senate have passed, substitute for H. R. file No. 3, a bill for an act to incorporate, and establish the city of Muscatine.

The Senate have also passed without amendment H. R. file No. 39, joint resolution relative to an appropriation from Congress.

Also H. R. file No. 76, a bill for an act to change the name of Washington in Henry county, to Hillsboro.

The Senate have also passed Senate file No. 39, a bill to repeal an act to change the name of Guttenburgh or Guthenburgh to Prairie Laporte, approved January 9th 1851.

Also Senate file No. 38, joint resolution respecting saline lands; in which they ask a concurrence on the part of the House.

I herewith present for your signature Senate file No. 18, joint resolution for mail facilities, also

Senate file No. 23, an act to vacate a part of the town of Portland in Van Buren county, also

Substitute for Senate file No. 5, a bill for an act to establish new counties and define their boundaries; also

Senate file No. 4, joint resolution in relation to Green's Reports the same having passed both branches of the General Assembly.

I herewith return H. R. file No. 29, an act to organize the county of Winneshiek and locate the county seat thereof; also

H. R. file No. 53, an act to repeal an act, entitled "an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river; the same having received the signature of the President of the Senate.

On motion of Mr. Jacobs, the House adjourned at 12 o'clock M.

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TWO O'CLOCK, P. M.

Special order for the consideration of the report of the select committee to which was referred chapter seven, title thirteen of part one of the revised code.

Mr. Harbour was called to the chair.

On motion of Mr. Folsom the House adjourned at four o'clock 30 minutes P. M.

THURSDAY MORNING, JANUARY 16, 1851.

Petitions and memorials were presented, read and disposed of as follows:

By Mr. Parvin; a petition of citizens of Iowa for a law to restrain swine from running at large; referred to the committee on agriculture.

By Mr. Parvin; the proceedings of a rail road meeting at Knoxville, Marion county; referred to the committee on internal improvements.

By Mr. Parvin; a petition of citizens of Muscatine county for a law to appropriate the road tax in the district where the land lies; referred to the select committee to whom was referred chapter one, title eight, of part one, of the revised code.

By Mr. Parvin; three petitions of citizens of Marion, Warren and Madison counties for a removal of the seat of government to Oskaloosa.

By Mr. Parvin; three remonstrances of citizens of Marion county against the removal of the seat of government to Fort Des Moines.

By Mr. Jacobs; a petition of citizens of Iowa for a removal of the seat of government to Oskaloosa.

By Mr. Harbour; thirteen petitions of Iowa for a removal of the seat of government to Oskaloosa.

Said petitions were referred to the committee on public buildings.

By Mr. Babbitt; five petitions of citizens of Marion county for a removal of the seat of government to Fort Des Moines; laid on the table.

By Mr. Babbitt; a petition of citizens of Marion county for a change of the names of Alexander Leles and Lucy Turner; referred to the committee on the judiciary.

By Mr. Flint; sundry petitions of citizens of Jefferson and Wapello counties for a state road from Ashland to Libertyville; referred to the representatives from Jefferson and Wapello.

By Mr. Crawford; a remonstrance of citizens of Clayton town-

ty against changing the name of the town of Guttenberg; laid on the table. Also

A remonstrance of citizens of Clayton county against a law providing for the removal of the seat of justice of said county; referred to the representatives from Clayton and Du Buque.

Mr. Allender offered the following:

Resolved, That the removal of the seat of government be postponed till after the storm; adopted.

Notice to bring in the following bills was given:

By Mr. Folsom, a bill for an act to incorporate Iowa City.

By Mr. Bunker, a bill for an act to repair the military bridge across English river, in Washington county.

Mr. Babbitt from the select committee to whom was referred,

H. R. file No. 80, a bill for an act to abolish the office of State Printer and to provide for the public printing; reported the same back without amendment.

On motion of Mr. Gamble, laid on the table.

Mr. Eaton introduced H. R. file No. 99, a bill for an act for a state road from Cedar Falls to the county seat of Marshall county; read a first time.

Mr. Dibble from the committee on roads and highways, to whom was referred certain petitions, reported H. R. file No. 100, a bill for an act to establish a state road from the south-west corner of section sixteen, of Franklin township in Lee county, to Plymouth in Van Buren county; which was read a first time.

On his motion the 42nd rule was suspended, said bill read a second and third time, passed and title agreed to.

Mr. Flint from the select committee, to which was referred chapter one of title six, of part one of the revised code, reported the same back with sundry amendments, which was concurred in.

Said chapter was read a second time.

Mr. Jacobs from the select committee to which was referred certain petitions, reported H. R. file No. 101, a bill for an act to establish a state road from Washington to the county seat of Marshall county; read a first time.

Mr. Harper from the committee on enrolled bills.

Reported H. R. file No. 76, a bill for an act to change the name of the town of Washington, in Henry county to Hillsboro; and

H. R. file No. 59, joint resolution for procuring an appropriation from Congress; correctly enrolled.

That they had presented the following bills to the Governor for his signature.

H. R. file No. 53, a bill for an act to repeal an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river; and

H. R. file No. 29, a bill for an act to organize the county of Winneshiek and to locate the county seat thereof.

Mr. Eaton introduced H. R. file No. 102, a bill for an act to lay out and establish a state road from Delhi to Quasqueton; also for a state road from Quasqueton to the county seat of Marshall county; also for a state road from the county seat of Marshall county to Fort Des Moines; read a first time.

Mr. Parvin introduced H. R. file No. 103, a bill for an act for a state road from Cedar Rapids to Fort Clarke; read a first time.

Mr. Harper introduced H. R. file No. 104, a bill for an act in relation to swamp lands in the state of Iowa; read a first time.

Mr. Hamill introduced H. R. file, No. 105, a bill for an act to perfect the title to the half breed lands in the state of Iowa; read a first time.

On his motion the 42nd rule was suspended, said bill read a second time and referred to the committee on the judiciary.

Mr. Guiberson introduced H. R. file No. 106, a bill for an act authorising G. J. Wheeling, M. H. Clark and associates to erect a toll bridge across east Nishnebotany; read a first time.

Mr. Preston introduced H. R. file No. 107, a bill for an act to establish a state road from Cedar Rapids, in Linn county, to Fremont, in Benton county; read a first time.

On his motion the 42nd rule was suspended, said bill read a second and third time, passed and title agreed to.

The question pending on concurring in the report of the select committee to which was referred chapter eight, of title thirteen of part one; was decided in the affirmative.

Mr. Preston of Linn, moved to strike out the word "not" in the third line; lost.

Mr. Eaton moved to strike out all that refers to "imprisonment in the county jail" in the seventh section; lost.

YEAS, 16,

NAYS, 20.

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The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, Samuel Riggs, Salmon, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Gamble, Goodenow, Hamill, Harper, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff and Mr. Speaker.

Mr. Preston of Linn, moved to insert after the word "dram" in section two, the words "or as an article of merchandise;" lost.

Mr. Reuben Riggs moved to add to section 7: "If upon information before a justice of the peace the punishment shall be by fine only;" agreed to.

YEAS, 20. }

NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, Preston of Linn, Samuel Riggs, Reuben Riggs, Salmon, Summers, Taylor, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Gamble, Goodenow, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Monroe, Robinson, Thompson, Updegraff and Mr. Speaker.

Mr. Flint moved to add the following:

"Sec. 15. This chapter shall not take effect until the question of its acceptance is first submitted to the people at a regular April election; and if at such election a majority of the voters of the state shall be in favor of the provisions of said chapter, then it shall be in force and not otherwise.

Sec. 16. The mode of submitting the question shall be the same as is provided in section thirteen, chapter five, title three of part one, of this code, as far as the same is practicable, and the return

of said vote shall be made and published according to the election law."

Mr. Wilson of Henry, moved to amend by inserting the words "by counties," after the word "people."

Mr. Negus moved to lay on the table till 2 o'clock P. M., to-morrow; lost.

On motion of Mr. Harbour the House adjourned at 15 minutes P. M.

### TWO O'CLOCK, P. M.

A call of the House was had, and Messrs. Folsom and Gamble were found to be absent.

Those gentlemen appearing, the call was suspended, and

The question being on the adoption of the amendment to the amendment, was decided in the negative.

The question recurring on the adoption of the amendment, was decided in the negative.

YEAS, 17, }  
NAYS, 22. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Harbour, Haun, Jacobs, Major, Price, Samuel Riggs, Reuben Riggs, Salmon, Taylor and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Gamble, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Robinson, Summers, Thompson, Updegraff, Wilson of Henry, Wilson of Lee and Mr. Speaker.

Mr. Eaton moved to strike out "90 days," in section 7, and insert "24 hours;" lost.

YEAS, 15, }  
NAYS, 23. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Har-

bour, Haun, Jacobs, Major, Price, Samuel Riggs, Salmon, Wilson of Henry and Wyckoff.

Those who voted in the negative were :

Messrs. Babbitt, Dibble, Gamble, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Lee and Mr. Speaker.

Mr. Eaton moved to strike out "90" and insert "10;" lost.

YEAS, 15, }

NAYS, 23. }

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs. Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Harbour, Haun, Jacobs, Major, Price, Samuel Riggs, Salmon, Wilson of Henry and Wyckoff.

Those who voted in the negative, were :

Messrs. Allender, Babbitt, Dibble, Gamble, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Lee and Mr. Speaker.

Mr. Wilson of Henry, moved to amend by striking out the word "not," in the third line of section one, and insert after the word "prohibited," the words "except for medicinal, mechanical and chemical purposes; lost.

YEAS, 2, }

NAYS, 35. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Preston of Linn and Wilson of Henry.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Lee, Wyckoff and Mr. Speaker.

Mr. Folsom offered the following substitute to chapter of title thirteen of part one, of the revised code:

## CHAPTER 8.

### GROCERY LICENSE.

SECTION 1. Any person wishing to obtain a license to keep a grocery or wishing to sell any spiritous or vinous liquors in any quantity less than one gallon, shall apply to the judge of the proper county, who shall issue their warrant, directing the person so applying to pay into the county treasury a sum not exceeding one hundred and fifty nor less than twenty-five dollars, as the case may be, in the discretion of the judge, and obtain the treasurer's receipt for the same, and upon the presentation of such receipt the judge shall grant to such applicant a license to keep a grocery in said county for the term of one year, by the applicant executing a bond to the said judge in the penalty of two hundred dollars, with one or more sufficient securities, conditional that he will keep a good orderly house and that he will not permit any unlawful gaming or riotous conduct in or about his house; neither will he permit any habitual drunkenness, or those that are daily in the habit of becoming intoxicated to be and remain about his house, and upon a violation of the requisitions herein contained, the persons offending shall pay a penalty of not less than ten, nor more than fifty dollars for the use of the county in which the offence was committed, to be recovered by law as other debts are recovered.

§ 2. License granted to keep a grocery shall not authorise the person obtaining such license, to vend or sell spirituous or vinous liquors in more than one place or house in the county in which such license was obtained.

§ 3. A grocery shall be deemed to include any house or place where spirituous or vinous liquors are retailed by quantities less than one gallon.

§ 4. If any person shall sell or retail any spirituous or vinous liquors in less quantity or quantities than one gallon, without first having obtained a license agreeable to this chapter, he shall upon conviction thereof be fined in any sum not exceeding one hundred nor less than ten dollars, for the use of the county where the offence

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e been committed, to be recovered by indictment in any court in this state having cognisance thereof, or be imprisoned in the jail of the proper county not less than ten nor more than days, to be fixed by the jury trying the cause or both.

5. And it is hereby made the duty of all county or township officers, knowing of any violations of the foregoing regulations of this chapter, to make complaint thereof to the grand jury at the next session of the district court after such violation; and any other person who may know of any violation of the foregoing chapter may make complaint before the grand jury as aforesaid, and the county judge to sue on the bond for any violation of its conditions; *Provided, however,* That no provisions of this chapter shall be so construed as to interfere with or in any way to abridge the powers and privileges granted to cities or incorporated towns within this state.

§ 6. In all cases of a violation of this chapter, justices of the peace shall have the same primary jurisdiction as in other criminal cases.

§ 7. In all cases when a majority of the voters of any county who have voted at any April election have deposited a ballot with the words "No grocery license," inscribed thereon, the said county judge may withhold a license during said year.

The question being on the adoption of the substitute, a call of the House was had, when it appeared that Messrs. Harbour and Wyckoff were absent.

Those gentlemen having appeared, the call was suspended.

Mr. Crawford moved to adjourn; lost.

Mr. Parvin moved the previous question and afterwards withdrew the same to give Mr. Wyckoff an opportunity to explain.

Mr. Preston of Linn, moved to adjourn; lost.

The question was put and decided in the negative.

YEAS, 14 }  
NAYS, 24 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Crawford, Flint, Folsom, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, Price, Salmon, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Gamble, Goodenow, Hamill, Harper, McCulloch of Lee, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Mr. Wyckoff moved to strike out section nine; lost.

YEAS, 16 }

NAYS, 22 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, Samuel Riggs, Salmon, Taylor, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Gamble, Goodenow, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Reuben Riggs, Robinson, Summers, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

On motion of Mr. Harper, the House adjourned at 5 o'clock and 50 minutes P. M.

### FRIDAY MORNING, JANUARY 17, 1851.

Petitions and remonstrances were presented, read and disposed of as follows:

By Mr. Harbour, a remonstrance of citizens of Mahaska county against the location of a state road from Fairfield in Jefferson county to Waugh's Point thence to near Oskaloosa; referred to the representatives from Keokuk and Mahaska counties.

By Mr. Harbour, a petition of citizens of Marion county asking a charter for a rail road from Davenport on the Mississippi river, to Council Bluffs on the Missouri river *via* Muscatine, Washington,

Oskaloosa, Pella, Red Rock, Indianola and Winterset; referred to the committee on internal improvements.

By Mr. Harbour, a petition of citizens of Keokuk and Mahaska counties asking the permanent location of the seat of government at Oskaloosa; referred to the committee on public buildings.

By Mr. Babbitt, a petition of citizens of Polk county asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Babbitt, a petition of citizens of Lee county asking the permanent location of the seat of government at Fort Des Moines; laid on the table.

Mr. Samuel Riggs, with leave introduced H. R. file, No. 108, joint resolution for the appointment of a librarian; read a first time.

On his motion the 42nd rule was suspended, said joint resolution read a second and third time, passed and title agreed to.

Notice to bring in the following bills was given:

By Mr. Harper, a bill for an act to provide for completing the penitentiary.

By Mr. Babbitt, a bill for an act to amend an act to establish normal schools. approved January 15th, 1849.

Mr. Preston of Monroe, with leave introduced H. R. file No. 109, joint resolution relative to the establishment of a land office at Albia in Monroe county, Iowa; read a first time.

On his motion the 42nd rule was suspended, said joint resolution read a second and third time, passed and the title agreed to.

Mr. Crawford from the committee on claims, submitted the following

## REPORT.

The committee on claims to whom was referred the report of the commissioners appointed to locate a state road, from Chariton Point in Lucas county, to Trader's Point on the Missouri river, have had the said report under consideration and instructed me to make the following report: your committee find, upon an examination of the subject, that by an act approved January 15th, 1849, John Webb, John Clark, W. S. Townsend and John G. Baker were appointed commissioners to locate the above named road, and that the said

commissioners took to their assistance, John F. Stratton as surveyor, Henry Allen and James Finorta chainmen, and Johnson King marker, Lewis Judson flagman, William Judson cook, and John McMMain waggoner, and proceeded to lay out and establish said road in pursuance of the above named act, your committee recommend that John F. Stratton be allowed the sum of one hundred and twenty dollars for services as surveyor on said road; and that the commissioners and the other hands employed by them be allowed the sum of one dollar and fifty cents per day each, for their services, which for thirty-eight days (the time which it appears they were employed) amounts to fifty-seven dollars each.

Mr. Preston of Monroe moved to amend so as to allow the commissioners two dollars per day; lost.

Said report was then concurred in.

Mr. McCrary introduced H. R. file No. 110, a bill to lay out and establish a state road from Birmingham in Van Buren county to Hillsborough in Henry county; read a first time.

On his motion the 42nd rule was suspended, said bill read a second and third time, passed and the title agreed to.

Senate message coming up in order, the House proceeded to consider the disagreements of the Senate to the amendments made by the House to title three part one of the revised code.

Chapter five, section twelve, the House receded from its first and second amendments and insisted on its fourth amendment, and on its amendments to section twenty.

Chapter eight, section one, the House receded from its amendment.

Chapter twelve, section four, the House insisted on its amendment.

Part one, title four, chapter eight, section one, the House receded from its amendment.

The House then proceeded to consider the amendments made by the Senate to said titles.

Chapter five, part one, title three, the House disagreed to Senate amendments to section twenty-three, viz: sections twenty-three a, b, c, d, e, f, g and h.

YEAS, 8. }  
NAYS, 30. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Bunker, Goodenow, Haun, Jacobs, McCulloch of Lee, Salmon and Wyckoff.

Those who voted in the negative were :

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Guiberson, Hamill, Harbour, Harper, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wilson of Lee and Mr. Speaker.

The House concurred in all the amendments made by the Senate to chapter one of title four of part one.

The House concurred in the amendments made by the Senate to sections one, two, three, four and nine of chapter two, title four of part one.

The House concurred in Senate amendment to section eighteen of chapter two, title four, part one.

YEAS, 23,

NAYS, 15.

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Dibble, Flint, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Crawford, Eaton, Gildea, Harbour, Jacobs, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Wilson of Henry, Wilson of Lee and Wyckoff.

The House concurred in Senate amendments to sections thirty-eight and thirty-nine of chapter two, title four of part one.

Mr. Flint moved to reconsider the vote last had on Senate amendment to section eighteen; lost.

The House concurred in all the amendments made by the Senate to chapters four, five, six, seven, eight and ten, except the amendment to section four of chapter ten.

Pending which on motion of Mr. Crawford, the House adjourned at twelve o'clock M.

## TWO O'CLOCK, P. M.

Mr. Preston of Linn with leave introduced H. R. file No. 111, joint resolution for the appointment of a warden of the State Penitentiary; read a first time.

On his motion the 42nd rule was suspended, said joint resolution read a second and third time, passed and title agreed to.

On motion of Mr. Babbitt, the special order for consideration of the revised code was postponed.

The House disagreed to the amendment made by the Senate to section seven of chapter twelve, title four.

On motion of Mr. Babbitt,

Resolved, That no new amendments to that portion of the revised code which has been acted upon in the House, and sent to the Senate and returned with amendments from the Senate, shall be entertained except an amendment to an amendment made by the Senate.

Three o'clock P. M.—The committee of the whole House for consideration of the revised code, resumed; Mr. Preston of Linn in the chair.

Four o'clock 35 minutes P. M.—The committee rose and by its chairman reported back to the House title five of part three with amendments and asked the concurrence of the House; pending which,

On motion of Mr. Eaton the House adjourned at five o'clock P. M.

## SATURDAY MORNING, JANUARY 18, 1851.

Petitions, were presented, read and disposed of as follows:

By Mr. Bunker, a petition of citizens of Johnson county for a law authorising the legal voters of said county to vote upon the question of building a bridge across the Iowa river; referred to the committee on internal improvement.

By Mr. Babbitt, a petition of the citizens of counties of Madison

and Polk, for a removal of the seat of government to Fort Des Moines; laid on the table.

By Mr. Robinson, a petition of citizens of Des Moines and Henry counties for a state road; referred to the representatives from Des Moines and Henry counties.

Mr. Summers offered the following:

Resolved, That no new bills shall be introduced into this House after Thursday next, but from and after that day, nothing shall be in order except the business which at that time may be on the clerk's table or messages from the Senate; laid on the table.

On motion of Mr. Parvin,

Resolved, That the new code be made the special order for every day at two o'clock P. M. in committee of the whole, and read by sections.

Mr. Preston of Linn offered the following:

Resolved, That each chapter of the revised code be amended by affixing a title thereto, expressive of the subject matter therein contained, and that each chapter be considered as a single bill or law and read a third time and passed as such, and that for the purpose of preparing and arranging said amendments, a select committee of three be appointed with instructions to arrange the title and style of said chapters or laws in accordance with the constitution of the State of Iowa; which was agreed to.

YEAS, 26, }  
NAYS, 10. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Bunker, Eaton, Flint, Gamble, Gildea, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Samuel Riggs, Reuben Riggs, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs Crawford, Dibble, Goodenow, McCulloch of Lee, Parvin, Price, Robinson, Salmon, Summers and Thompson.

Messrs. Preston of Linn, Babbitt and Negus were appointed said committee.

Notice to bring in the following bills was given:

By Mr. Babbitt, a bill for an act to locate the seat of government at Fort Des Moines also, a bill for an act to establish a teachers' institute.

By Mr. Gildea, a bill for an act making appropriation for the branches of the State University at Dubuque and Fairfield.

Mr. Babbitt introduced H. R. file No. 112, memorial and joint resolution for the organization of Nebraska territory; read a first time.

Mr. Hamill offered the following:

Resolved, the Senate concurring, That the two houses of the General Assembly adjourn *sine die* on the third day of February one thousand eight hundred and fifty-one; laid on the table.

Mr. Parvin introduced H. R. file No. 113, a bill for an act to amend an act entitled an act granting to James Weed and his associates the right of way and privilege of constructing a road from Bloomington in Muscatine county *via* Tipton in Cedar county to the county seat of Benton county, approved Jan. 8, 1849; read a first time.

On motion of Mr. Preston of Linn, the 42nd rule was suspended, said bill read a second time.

Mr. Eaton offered the following amendment, viz: "Provided said grade shall not obstruct any highway;" adopted.

Said bill was read a third time, passed and title agreed to.

Mr. Crawford introduced H. R. file No. 114, a bill for an act to locate a state road therein named; which was read a first time.

On motion of Mr. Gildea, the 42nd rule was suspended, said bill was read a second and third time, passed and title agreed to.

Mr. Robinson introduced H. R. file No. 115, a bill for an act to amend the charter of the city of Burlington; which was read a first time.

On his motion the 42nd rule was suspended and said bill read a second time.

Mr. Eaton moved to strike out all that requires "a person to have paid the poll tax assessed against him; which was agreed to.

YEAS, 21, }  
NAYS, 14. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford; Dibble, Eaton, Flint, Gildea, Griberson, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, Parvin, Preston of Linn, Price, Summers, Thompson, Updegraff, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Gamble, Goodenow, Hamill, Harper, McCulloch of Lee, McCrary, Negus, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Wilson of Henry and Mr. Speaker.

On motion of Mr. Harper the "eighth section" was struck out.

Said bill was read a third time, passed and title agreed to.

Mr. Eaton introduced H. R. file No. 116, joint resolution for an appropriation for the survey of the unsurveyed lands of the State of Iowa; read a first time.

Also H. R. file No. 117, a bill for an act to lay out and establish a state road from Cedar Falls to Ft. Clarke; read a first time.

Mr. Harper introduced H. R. file No. 118, a bill for an act to provide for completing the penitentiary; read a first time.

Mr. Reuben Riggs introduced H. R. file No. 119, a bill for an act for a state road from Ottumwa to Wells' Mills; read a first time.

Mr. Gamble from the minority of the select committee to whom was referred the resolution of December 11th 1859, to examine into the prices now paid for public printing, and ascertain what reduction might be made in the same and also if necessary to enquire into the expediency of abolishing the office of State Printer, submitted the following

#### REPORT.

That the minority of your committee has strictly confined itself to the subject matter of the resolution, viz: "To inquire into the present prices paid for public printing, and what reduction might be made in the same, and also into the expediency of abolishing the office of state printer." The minority of your committee would respectfully represent that they have sought to obtain all the information within their reach and applicable to our present condition, with regard to the prices now paid for public printing in other states similarly situated; that they have entered into a comparison between the operation of their laws and our own pres-

ent law, and have also had the contract system under consideration. In comparing prices, the minority of your committee have deemed it right and proper to take as a criterion those states similarly situated as our own, both as to prices paid for workmen and also with reference to the ordinary facilities for performing the work.

Your committee beg leave as an intelligible basis of comparison first to allude to the prices under our present law. Under that law we find that the laws of our last general assembly cost, for printing and paper, in a volume of 236 pages, 32 cents per copy; that the volume of school laws, instructions, &c., published by the superintendent of public instruction, cost the state 20½ cents per copy for printing. Your committee has also procured an approximate estimate of the cost of printing the statute now in course of revision, according with the prices now fixed by law for the same. It has made this estimate upon the presumption that the same will make a volume of 700 pages and upon an edition of 8,000 copies. Upon this basis, and calculating that 600 pages will be in small pica type and 100 in brevier, your committee find that the printing and paper (without the binding,) will cost the state \$5708 54, or 71¼ cents per copy.

In our neighboring state—Missouri, the prices are about one-fourth less than our own, while in the case of some other items they are fully up to those fixed by law for the same items done here. It will be recollected however, that while the *amount* of public printing in that state is far greater, the materials for doing the same are at a higher price here, and require quite as large an amount of type, &c., to be kept on hand and lies almost entirely as idle capital during the two years between sessions. (See statutes of Missouri, page 910, sec. 19.)

In Mississippi the price of public printing is so much per page, varying in degree for the different kinds of work and nothing being said about paper or press work. These prices are on an average about one-fourth higher than our own, as may be seen by comparing the operation of the two laws in detail. (See Digest Miss. code.)

The prices for book work in Arkansas are \$2 62½ cents per page for the first 500 pages and 90 cents per page for every additional 500 pages. Under this law the printing of 8000 copies of the new

code, (estimated here to cost, under our law \$5708 54,) would come to \$11,287 50, or about twice the price paid under our law. (See Ark. Digest, page 830.)

In the state of Virginia the office of state printer is as old as the government itself, having been established in the year 1777. The state printer is there elected by the legislative assembly and receives a stated salary. (See code of Virginia, page 92 and 109.)

Thus it will be seen, that the prices of public printing are as various as the systems under which they are computed. Leaving the western and going to the eastern and more populous older states, the prices are generally less in proportion to the greater amount of printing done.

As to prices paid under the contract system, they are, of course quite at variance in the several states where the system has been tried, and to such a degree that the public printing of some of those states has been let out to contractors who have, in many instances, entered into engagements to do the work at as low rates as *one-half* the usual prices paid to workmen in their own offices. But in these as in other cases of low prices under the contract system, the contractors have usually asked, and generally obtained relief from succeeding legislative assemblies, and often (as in case of corruption and favoritism) to an extent far beyond a fair and living profit upon the work performed.

As instance of this kind, your committee would refer to the bonus of some \$40,000 paid to Gales & Seaton, printers to Congress but a few years since, and other similar cases of congressional allowances made by that body when printing had been taken at prices below a living profit.

Your committee would also point to the application for relief by Wendell & Benthuyesen, the present contractors, at this time pending before Congress; and also to the miserable and almost unreadable manner in which the public congressional printing is now done by them under the contract system.

For further information in reference to the execution of the public printing under the contract system your committee beg leave to refer to the proceedings of the two houses of Congress on the 17th of January last and found in the Congressional Globe, page 171 and 172.

Mr. Evans of Maryland then said, that the wretched execution of the public printing under the *contract system* was "an *abuse* crying loudly for remedy. The paper was of the most inferior description, being such as was used in the grocers shops, for ordinary wrapping, full of blurs, blemishes and impurities, and the type and press-work was what we might expect from the paper." Mr. McClelland in the same connection, went into a more extended statement. He said "that under the contract system the cost of public printing was almost a *waste of the public money*. The history of public printing was instructive in the point of *economy* in that connection. Upon the removal of the seat of government from Philadelphia to Washington, Mr. Duane was elected public printer. The system established by that election continued until about 1817, when it was substituted by the contract system which continued until 1819, when it was rejected, repudiated as defective and unworthy. In 1819 the prior system was restored in the election of Gales & Seaton, which was continued until 1844, when at the instance of an ex-member of Congress Mr. Botts, a law was passed requiring Tyler to let the printing of the executive by contract. This movement originated, probably, in personal hostility to president Tyler. In 1846 the contract system was renewed, applying also to the printing of Congress, since which time it has been in operation, and what of its operation? It is undeniable that our printing has been wretchedly executed, and cheaply in manner and in regard to time. It often comes too late for public use; and when it came, it came upon inferior paper in inferior style. This had been predicted by skilful men in the first place, and it was now predicted that the public printing executed under this system, would have to be renewed in the course of a few years. The ink would spread and the impression fade, and a reprint be ordered. It probably would be economy to abolish the system at once—even at the expense of some \$5,000, \$10,000 or \$15,000 *paid as an indemnity*."

Declarations and statements similar to the above might be multiplied from this and other quarters in reference to the inefficiency and impracticability of the contract system in practical operation. The above facts, however, are deemed sufficient for a body who wish to be guided by the light and experience of the past, and to

take advantage of the information gained through the misguided legislation of others.

In regard to that portion of the instructions of your committee which imposes upon them the duty of inquiring "into the expediency of abolishing the office of state printer," your committee beg leave most respectfully to represent, that they have not encountered the first reasonable objection, either in or out of this body, to the *manner* or the *dispatch* with which the printing has been executed under the *present system*, or during the present session of the general assembly. Every one must admit it is not only done much more speedily, but in a better manner than ever before done here since the formation of a territorial government, (as a comparison of the work will prove,) notwithstanding the successive reductions which have been made in the prices during that time; first from \$2 50 per 1000 and per token in 1839, to \$1 25, then to \$1 00, and lastly as in 1848 to 75 cents per 1000 ems and per token of press work, as at present existing. Much of this improvement your committee are of opinion is in consequence of the abandonment of the old territorial system, under which the printing was given out, at the above stated prices, to different individuals throughout different parts of the state or territory, none of whom could be justified (either by the amount received or in precarious expectancy,) in preparing themselves fully for its execution.

Your committee would also beg leave, in the most respectful manner, to refer to the publication of the late reports of the supreme court of this state. After vesting the copy right of said book in the publisher and subscribing to and taking 150 copies of the work, the state was at the present session of the general assembly compelled to take 250 additional copies in order to relieve the publisher from the great expense of the same. Now these reports were printed in the city of New York where the art of printing (as well as every material used) is reduced to its cheapest possible limit, and yet these books cost the state \$5 00 per copy, printing and binding, about three times the sum the code now in progress will cost, after adding the cost of binding to the cost of printing the same, as stated herein by your committee.

In view of all the statements and facts herewith submitted, the minority of your committee begs leave to make a single remark

before concluding, viz: that the true interests of the state are better subserved not only in printing, but in all other state business, by paying a fair and reasonable compensation for all work done or services rendered. "The laborer is worthy of his hire," and in the opinion of your committee it would be unworthy the dignity of the great state of Iowa to introduce the "system of peddling and huxtering out the public work to the lowest bidder. If you do so you may be sure you will have your work done in an inefficient manner. By it you offer a bounty, a premium for mean work, if they will only do it cheap." Not only so, "but you offer an inducement for irresponsible adventurers to underbid the regular mechanic, and if he does not cheat you in his work he will have to cheat his workmen."

Your committee would therefore recommend a reduction of 20 per cent. in the state printing and recommend that the office of state printer be not abolished.

All of which is respectfully submitted.

ANDREW GAMBLE.

Which was on motion of Mr. Harbour, laid on the table and made the special order for Monday at 6 o'clock, 30 minutes P. M.

Mr. Haun offered the following:

Resolved, That the remarks made on this floor in favor of disfranchising certain citizens of the city of Burlington because they are unable to, or do not pay their poll tax, be rescinded from the doings of this body, and no member or reporter be suffered to publish them, either *viva voce* or with the pen; laid on the table.

Mr. Jacobs from select committee, reported H. R. file No. 120, a bill for an act to establish a state road from Lancaster, in Keokuk county, to Fairfield, in Jefferson county; read a first time.

Mr. Updegraff from select committee reported H. R. file, No. 121, a bill for an act to establish a state road from Jefferson, in Henry county, to Washington, in Washington county; read a first time.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate has concurred in the amendment made by the House to chapter one, title twelve, part one.

The Senate have disagreed to the amendment made by the House to chapter two, title twelve.

The Senate disagreed to the amendments made by the House to sections 1 and 47, of chapter three, and concurred in the amendments to sections 3, 4, 15, 22, 28 and 46 of the same chapter and title.

The Senate concurred in House amendment to section 1, chapter two, title nine, and disagreed to the amendment made to section 5.

The Senate have also disagreed to the House amendment to sections 20 and 21 of chapter one, title thirteen, part one; also to sections 42, 43, 44 and 45 of same chapter.

The Senate have also disagreed to House amendment to chapter two, title thirteen. Also

To amendments made to chapter five and chapter six, title thirteen.

The Senate have also disagreed to House amendments made to chapter one title fourteen. Also

To House amendment to chapter two, title fourteen. Also to House amendments to chapters five and nine of title fourteen.

The Senate have disagreed to House amendment made to chapter four, title five.

The Senate have also made sundry amendments thereto, in which they ask the concurrence of the House of Representatives.

The Senate have passed Senate file No. 42, memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road with branch to Keosauqua. Also

Senate file No. 43, a bill for an act to provide for the location of the county seat of Pottawattamie county. Also

Senate file No. 46, a bill for an act to incorporate the city of Keosauqua. Also

Senate file No. 47, an act granting the Keokuk and Des Moines valley plank road company the right of way. Also

Senate file No. 48, a bill for an act to locate the county seats of Cass and Adair counties. In all of which the concurrence of the House of Representatives is requested.

I herewith return H. R. file No. 67, a bill to vacate the town of Pleasant Plain.

H. R. file No. 69, a bill for an act to locate the county seat of Alamakee county.

H. R. file No. 70, a bill for an act to locate the county seat of Fayette county.

H. R. file No. 76, joint resolution to procure for the state of Iowa a donation of Fort Atkinson, and the lands attached thereto.

H. R. file, No. 81, an act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county. And

H. R. file No. 96, memorial and joint resolution asking a donation of land to build bridges across Grand and Nodawa rivers; which have passed the Senate without amendment.

The Senate have also passed with one amendment,

H. R. file No. 72, an act to locate the seats of justice of certain counties therein named. Also

Senate substitute for H. R. file No. 78, joint resolution relative to the pension of Silas Messenger, in which they ask the concurrence of the House of Representatives.

I herewith present for your signature,

Senate file No. 25, an act to legalise certain proceedings of the school fund commissioners of Des Moines county, and of school district No. 2, of the township of Burlington, in said county. Also

Senate file No. 27, joint resolution for establishing a land office at Fort Des Moines. Also

Senate file No. 30, an act for the relief of Daniel Hess. Also

Senate file No. 34, an act providing for the election of an additional justice of the peace in Bloomfield township, in Davis county. Also

Senate file No. 21, an act to amend an act entitled an act to incorporate and establish the city of Du Buque, approved February 24th, 1847.

The same having passed both branches of the general assembly.

I herewith return substitute for H. R. file No. 4, an act to provide for the location of the seat of justice of the several counties therein named. Also

Substitute for H. R. file No. 8, an act granting the Muscatine, Washington and Oskaloosa road and bridge company the right of way, the same having received the signature of the president of the Senate.

On motion of Mr. Babbitt,

**Resolved,** That the clerk request of the Senate that all disagree-

ments between the two Houses upon amendments to titles one, two, three and four of part one of the revised code, may be referred to the standing conference appointed for their consideration.

Mr. Price from select committee, reported H. R. file No. 122, a bill for an act to establish a state road from Lower Big Woods, in Cedar *via* Centreville, West Union and Claremont, to intersect the road from Monona to McGregor's landing; read a first time.

On motion of Mr. Negus, H. R. file No. 20, a bill for an act to establish a state road from Iowaville to intersect the Lancaster road at the south line of Keokuk county, was taken from the table and referred to the representatives from Jefferson and Keokuk counties.

Mr. Price from select committee reported H. R. file, No. 123, a bill for an act to relocate the county seat of Clayton county; read a first time.

Mr. Harbour moved that the House adjourn; lost.

On motion of Mr. Preston of Linn, the House went into committee of the whole for consideration of the appendix to the revised code, Mr. Preston of Linn in the chair, at 5 minutes P. M.

15 minutes P. M.—The committee rose and by its chairman reported progress and asked leave to sit again.

On motion of Mr. Hamill the House adjourned.

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## TWO O'CLOCK, P. M.

On motion of Mr. Harper the vote last had on the resolution offered this morning by Mr. Preston of Linn, relative to the revised code, was reconsidered.

Mr. Preston of Linn offered the following substitute therefor:

Resolved, the Senate concurring herein, that each chapter of the revised code be amended by affixing a title thereto expressive of the subject matter therein contained and that each chapter be considered as a single bill or law and read a third time and passed upon as such and that for the purpose of preparing and arranging said amendments, a select committee of five be appointed on the part of the House, to act with a similar committee on the part of the Senate with instructions to arrange the title and style to said chapters

or laws in accordance with the constitution of the state of Iowa; said substitute was accepted and adopted.

Messrs. Preston of Linn, Babbitt, Negus, McCulloch of Lee and Samuel Riggs were appointed said committee on the part of the House.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 51, a bill providing for the medical department of the Iowa University. Also

Senate substitute for H. R. file No. 50, memorial to Congress for a donation of land to aid in the construction of a rail road from Du Buque by the way of the great bend in the St. Peters river to Red river; and an additional donation of land or money sufficient to build a bridge across the Mississippi river at Du Buque; in which the concurrence of the House of Representatives is requested.

I herewith return H. R. file No. 71, a bill for an act granting the Burlington and Toolsborough plank road company the right of way, the same having passed the Senate without amendment.

I herewith present for your signature substitute for Senate file No. 16, preamble and resolutions in reference to the compromise measures passed by the Congress of the United States; the same having passed both branches of the general assembly.

On motion of Mr. Babbitt the Senate messages were taken up.

Senate file No. 42, memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road, with branch to Keosauqua; read a first time.

Mr. Harbour moved to suspend the 42nd rule and read said memorial a second time now; lost.

Senate file No. 43, a bill for an act to locate the county seat of Pottawattamie; read a first time.

Mr. Hamill moved to suspend the 42nd rule and read said bill a second time now; lost.

Senate file No. 46, a bill for an act to incorporate the city of Keosauqua; read a first time.

On motion of Mr. McCrary the 42nd rule was suspended, said bill read a second time and referred to the representatives from Van Buren county.

Senate file No. 47, a bill for an act granting the Keokuk and Des Moines valley plank road company the right of way; read a first time.

On motion of Mr. Hamill the 42nd rule was suspended, said bill read a second time.

Mr. Jacobs offered the following amendment: Strike out the words "deed for the land" wherever they occur in the bill and insert "deed for the right of way;" which was agreed to.

On motion of Mr. Hamill said bill was referred to the representatives from Lee and Van Buren counties.

Senate file No. 48, a bill for an act to locate the county seats of Cass and Adair counties; was read a first time.

Mr. Guiberson moved to suspend the 42nd rule and read said bill a second time now; lost.

Senate file No. 51, a bill providing for the medical department of the Iowa University; was read a first time.

Senate substitute for H. R. file, No. 3, a bill for an act to incorporate and establish the city of Muscatine; was read a first time.

On motion of Mr. Parvin the 42nd rule was suspended said bill read a second time and referred to a select committee.

Messrs. Parvin, McCrary and McCulloch of Jefferson were appointed said committee.

Senate substitute for H. R. file No. 50, memorial to Congress for the purposes therein contained; read a first time.

Senate substitute for H. R. file No. 78, joint resolution relative to the pension of Silas Messenger; read a first time.

Senate amendment to H. R. file No. 72, a bill for an act to locate the seats of justice of certain counties there named; was read and concurred in.

The House proceeded to consider the disagreements of the Senate to the amendments made by the House to chapter four, title five, part one of the revised code.

The House receded from its amendment to section one of said chapter.

YEAS, 21, }  
NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Gildea, Guiberson, Hamill, Harper, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Samuel Riggs, Reuben Riggs, Robinson, Summers, Updegraff and Wilson of Lee.

Those who voted in the negative were :

Messrs. Bunker, Gamble, Goodenow, Major, Parvin, Preston of Linn, Preston of Monroe, Price, Salmon, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

The House insisted on its amendments to chapter two of title twelve of part one:

YEAS, 20. }  
NAYS, 16. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Gildea, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Jefferson, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Thompson, Updegraff and Wilson of Lee.

Those who voted in the negative were :

Messrs. Bunker, Eaton, Gamble, Goodenow, Haun, McCulloch of Lee, McCrary, Negus, Parvin, Price, Reuben Riggs, Salmon, Summers, Wilson of Henry, Wyckoff and Mr. Speaker.

The House concurred in the amendment made by the Senate to chapter one, title nine, of part one.

Mr. Reuben Riggs gave notice that he would on Monday next offer a resolution to so change the 42nd rule that each bill may be read a second and third times immediately after it is introduced, unless there be objection made to the same.

Pending the further consideration of the Senate messages,

On motion of Mr. Allender, the House adjourned at 4 o'clock 15 minutes P. M.

MONDAY MORNING, JANUARY 20, 1851.

Petitions were presented, read and disposed of as follows :

By Mr. Bunker, a petition of citizens of the counties of Johnson

and Muscatine, for a state road from Iowa City to the Muscatine and Oskaloosa road and bridge company's bridge across Cedar river; referred to the committee on roads and highways. Also

A petition of citizens of Iowa for a law to prevent the circulation of paper currency within this state; laid on the table.

By Mr. Crawford, a petition of citizens of Iowa for a road from Independence in Buchanan county to the city of Dubuque; laid on the table.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have concurred in all the amendments made by the House to chapters one, two, three, four, five, six, seven, eight and nine of title one, part two, except the first amendment made by the House to section seventy-eight of chapter eight, to which they have disagreed.

The Senate have also concurred in the amendment made by the House to section twenty-three of chapter four of title three, and have disagreed to the amendment made by the House to section fifteen of chapter five of title four.

The Senate have also disagreed to the amendments made by the House to the fourth and fifth clauses of section one also to amendments to section twelve and seventeen of chapter one, title two of part three.

Also have disagreed to House amendment striking out section thirteen, fourteen, fifteen, sixteen and seventeen of chapter two and have concurred in the amendments made by the House to section twenty-five of said chapter.

The Senate have also concurred in the House amendment to section thirteen, chapter five.

The Senate have concurred in House amendments made to chapter nine, also have disagreed to House amendment made to section twenty and concurred in the House amendment to section twenty-two of chapter twelve.

Also have disagreed to House amendments made to chap. sixteen.

The Senate have also made some amendments thereto, in which they ask the concurrence of the House of Representatives.

I hereby return H. R. file No. 98, a bill for an act to legalize

the acts of the trustees of the Methodist Episcopal Church of Muscatine, the same having passed the Senate without amendment.

By Mr. Harper, a petition of members of the bar of Des Moines county for an appropriation to pay the expenses of the Supreme court; referred to the committee on the judiciary.

By Mr. Major, a petition of the citizens of Iowa for a removal of the seat of government to Oskaloosa; laid on the table.

By Mr. Babbitt, three petitions of citizens of Warren, Jasper and Poweshiek counties for a removal of the seat of government to Ft. Des Moines; laid on the table.

By Mr. Harbour, two petitions of citizens of Iowa for a removal of the seat of government to Oskaloosa; referred to the committee on public buildings.

Mr. Price offered the following:

Resolved, That a committee of three be appointed to enquire and report to the House the name of the author, and if practicable obtain the original draft of the inscription adopted by the General Assembly, for the marble slab designed to represent the state of Iowa in the National Washington Monument, which at this time is being erected at the city of Washington in the District of Columbia.

Mr. Crawford moved to lay on the table; lost.

The question being on the adoption of the resolution, was decided in the negative.

Mr. Hamill offered the following resolution which was adopted.

Resolved, That the members from Fremont and Pottawattamie have an equal distribution of the report of the superintendent of public instruction.

Mr. Preston of Linn introduced H. R. file No. 124, joint resolution relating to the selection of lands for the Dubuque and Keokuk railroad; which was read a first time.

Mr. Price introduced H. R. file No. 125, preamble and joint resolution for a title of lands to Thomas C. Linton his heirs and assigns; which was read a first time.

On motion of Mr. Harbour,

Resolved, That a committee of five be appointed to act in conjunction with a committee on the part of the Senate and report when the present session of the General Assembly can be brought to a close, without injury to the interest of the state.

Messrs. Harbour, Parvin, Hamill, Reuben Riggs and Robinson were appointed said committee.

On motion of Mr. Samuel Riggs,

Resolved, That there be a committee of three appointed to enquire into and report to the House the cause of the detention of that part of the new code that relates to the school law.

Messrs. Samuel Riggs, Negus and Wilson of Lee were appointed said committee.

Notice to bring in the following bills was given:

By Mr. Folsom a bill for an act to authorize owners of certain blocks or out lots in surveyed or incorporated towns to fence up streets and alleys under certain circumstances therein mentioned.

By Mr. Eaton a bill for an act for a state road from Delhi to Marion.

Mr. McCrary from select committee to whom was referred Senate file No. 46, a bill for an act to incorporate the city of Keosauqu reported the same back without amendment; said bill was read a second time.

Mr. McCulloch of Lee from select committee to whom was referred Senate file No. 47, a bill for an act granting the Keokuk and Des Moines Valley Plank road company the right of way, reported the same back without amendment; said bill was read a second time.

Mr. Bunker introduced H. R. file No. 126, a bill for an act making an appropriation for the repair of the bridge across English river on the military road; which was read a first time.

Mr. Gildea introduced H. R. file No. 127, a bill making appropriation for the branches of the State University at Dubuque and Fairfield; which was read a first time.

Mr. Babbitt introduced H. R. file No. 128, a bill for an act to locate the seat of government of the State of Iowa at Fort Des Moines; which was read a first time.

Mr. Babbitt introduced H. R. file No. 129, a bill for an act to establish a teachers' institute for the education of teachers and others; which was read a first time.

Question pending on the amendments and disagreements to the House amendments by the Senate.

The House receded from its amendment to section five, chapter one of title two, part one, also from amendment to section one, chap-

ter three, title twelve of part one and also from amendment to section one, chapter five, title fourteen of part one.

The House refused to recede from its amendment to section forty-seven of chapter three, title twelve, part one and also from amendments to sections twenty, twenty-one, forty-two, forty-three, forty-four, forty-five of chapter one of title thirteen, also refused to recede from amendments to section two of chapter two, title thirteen and to section ten of chapter three, and to sections five and eight of chapter five and to section six of chapter six of same title and part.

The House also refused to recede from its amendment to section three of chapter one of title fourteen, part one.

YEAS, 16, }  
NAYS, 20. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Crawford, Gamble, Goodenow, Hamill, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Reuben Riggs, Robinson, Salmon, Updegraff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Dibble, Eaton, Flint, Folsom, Gildea, Cuiber-son, Harbour, Harper, Jacobs, Major, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Summers, Thompson, Wilson of Henry, Wilson of Lee and Wyckoff.

The House refused to recede from its amendment to section four of chapter one of title fourteen, also from its amendment to section five of chapter two, and also from its amendment to section 5 of chapter five of same title and part.

The House concurred in Senate amendments to section twenty-four of chapter three, title twelve of part one.

The House disagreed to Senate amendments to section thirty-nine, and 39a of chapter three, title twelve, part one.

YEAS, 6 }  
NAYS, 31 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Dibble, Folsom, Goodenow, McCulloch of Jefferson and Parvin.

Those who voted in the negative were :

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Gamble, Gildea, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

The House disagreed to Senate amendment to section four, chapter two of title fourteen, part one.

YEAS, 9, }  
NAYS, 26. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Crawford, Gildea, Goodenow, Haun, McCulloch of Lee, Parvin, Summers, Wyckoff and Mr. Speaker.

Those who voted in the negative, were :

Messrs. Allender, Babbitt, Bunker, Dibble, Flint, Gamble, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

H. R. file No. 89, a bill for an act to repeal the proviso of an act entitled an act to provide for refunding the purchase money to the purchasers of lots in Monroe City and vacate the same; was read a second time.

Mr. Wilson of Henry moved to order said bill to be engrossed and read a third time to-morrow; pending which, on motion of Mr. Allender the House adjourned at 20 minutes P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Babbitt, the special order for consideration of the revised code in committee of the whole; was postponed.

Question pending, the motion of Mr. Wilson of Henry to order H. R. file No. 89, to be engrossed and read a third time to-morrow.

Mr. Preston of Linn offered the following amendment to section two:

All the provisions of this act shall be applicable and extend to Iowa City, in case the capitol be hereafter removed from said city, so far as relates to those persons who have purchased lots in said city, and all moneys received by the State from lot holders be refunded upon the removal of the capital.

On motion of Mr. Wilson of Henry a call of the House was had when the following gentlemen were found to be absent: Messrs. Folsom, Preston of Monroe and Updegraff.

On motion of Mr. Hamill, the further call of the House was suspended.

On motion of Mr. Wilson of Henry, a second call of the House was had and Messrs. Folsom, Preston of Monroe and Updegraff were found to be absent.

Those gentlemen having appeared.

On motion of Mr. Wyckoff, the call was suspended.

On motion of Mr. Wyckoff, said bill was laid on the table till July 4th, 1851.

H. R. file No. 90, a bill for an act for the relief of Ambrose Kennedy and Robert Herfield; was read a second time.

On motion of Mr. Parvin said bill was indefinitely postponed.

H. R. file No. 91, joint resolution for a military road from Fort Clarke to Muscatine and from Fort Clarke to the Mississippi river opposite Fort Crawford; was read a second time.

H. R. file, No. 92, joint resolution asking a grant of land to construct a graded road from Fort Des Moines to Council Bluffs; was read a second time.

H. R. file No. 93, a bill for an act to authorize Robert Gower, James H. Gower, Jacob Shawver, Peter Diltz and others to erect a toll bridge across Cedar river in Cedar county; was read a second time and on motion of Mr. Summers laid on the table.

H. R. file No. 94, joint memorial for a mail route from Quasqueton to Fort Des Moines, a mail route from Cedar Falls to Fort Clarke and a mail route from Independence to the Rice trading house in the Upper Big Woods of Cedar; was read a second time.

H. R. file No. 95, a bill for an act to be entitled an act supplemental to an act entitled an act to reorganize the supreme court approved January 22, 1848, and to repeal an act entitled "an act to

amend an act to reorganize the supreme court, approved, January 15, 1848; was read a second time.

On motion of Mr. Babbitt, ordered to be engrossed and read a third time to-morrow.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the governor for his signature:

H. R. file No. 59, joint resolution relative to procuring an appropriation from Congress. And

H. R. file No. 76, a bill for an act to change the name of Washington in Henry county to Hillsboro.

Substitute for H. R. file No. 8, a bill for an act to grant the Muscatine, Washington and Oskaloosa road and bridge company the right of way. And

Substitute for H. R. file No. 4, a bill for an act to locate the county seat of the several counties therein named.

H. R. file No. 99, a bill for an act for a state road from Cedar Falls to the county seat of Marshall county; was read a second time.

H. R. file No. 101, a bill for an act to locate a state road from Washington to the county seat of Marshall county; was read a second time.

H. R. file No. 102, a bill for an act to establish a state road from Delhi to Quasqueton, also for a state road from Quasqueton to the county seat of Marshall county, also for a state road from the county seat of Marshall county to Fort Des Moines; was read a second time.

H. R. file No. 103, a bill for an act for a state road from Cedar Rapids to Fort Clarke; was read a second time.

H. R. file, No. 104, a bill for an act in relation to the swamp lands within the State of Iowa; was read a second time.

Mr. Preston of Linn moved to refer to the committee on internal improvements; lost.

Mr. Summers moved to refer to the committee on agriculture; lost.

On motion of Mr. Dibble, referred to a select committee of one from each senatorial district.

Messrs. Dibble, McCulloch of Lee, Harper, Reuben Riggs, Flint,

Babbitt, Updegraff, Negus, Bunker, Jacobs, Parvin, Haun, Taylor, Wyckoff and Eaton were appointed said committee.

H. R. file No. 106, a bill for an act authorizing F. J. Wheeling, M. H. Clark and associates to erect a toll bridge across the Nishnabotany river; was read a second time.

Mr. Negus moved to refer said bill to the committee on incorporations.

H. R. file No. 112, memorial and joint resolution for the organization of Nebraska territory; was read a second time.

H. R. file No. 116, joint resolution for an appropriation for the survey of the unsurveyed lands of the state of Iowa; was read a second time.

H. R. file No. 117, a bill for an act to lay out and establish a state road from Cedar Falls to Fort Clarke; was read a second time.

H. R. file No. 118, a bill for an act to provide for completing the penitentiary; was read a second time. And

On motion of Mr. Harper, referred to the committee on public buildings.

H. R. file No. 119, a bill for an act for a state road from Ottumwa to Well's Mills; was read a second time.

H. R. file No. 120, a bill for an act to establish a state road from Lancaster in Keokuk county, to Fairfield in Jefferson county; was read a second time and laid on the table.

H. R. file No. 121, a bill for an act to establish a state road from Jefferson county, to Washington in Washington county; was read a second time.

On motion of Mr. Wilson of Henry, ordered to be engrossed for a third reading to-morrow.

H. R. file No. 122, a bill for an act for a state road from the lower Big Woods of Cedar *via* Centreville, West Union and Claremont to intersect the road from Monona to McGregor's landing; was read a second time.

H. R. file No. 123, a bill for an act to relocate the county seat of Clayton county; was read a second time.

Mr. Haun moved to indefinitely postpone; lost.

YEAS, 14, }  
NAYS, 23. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Crawford, Eaton, Flint, Folsom, Gildea, Goodenow, Haun, Jacobs, McCulloch of Jefferson, Negus, Parvin, Robinson, Salmon and Thompson.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Gamble, Guiberson, Hamill, Harbour, Harper, Major, McCulloch of Lee, McCrary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Summers, Updegraff, Wilson of Henry, Wilson of Lee, Wycokoff and Mr. Speaker.

Mr. Harper from the committee on enrolled bills; reported

H. R. file No. 40, an act to vacate the town of Pleasant Plain.

H. R. file No. 69, an act to locate the county seat of Alamakee county.

H. R. file, No. 70, an act to locate the county seat of Fayette county.

H. R. file No. 71, an act granting the Burlington and Toolsboro plank road company the right of way.

H. R. file No. 72, an act to locate the seat of justice of certain counties therein named.

H. R. file No. 75, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto.

H. R. file No. 81, an act to authorize John H. Franklin to transcribe the records of the probate court of Jasper county. And

H. R. file No. 96, memorial and joint resolution asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs; correctly enrolled.

Senate file No. 42, memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines railroad; was read a second time.

Mr. Haun introduced H. R. file No. 130, joint resolution for a donation of all the land in the West; read a first time. And

On motion of Mr. Goodenow, laid on the table.

On motion of Mr. Reuben Riggs,

Resolved, That the 42nd rule is hereby suspended during the remainder of the session, unless objection is made.

Senate file No. 48, a bill for an act to locate the county seats of

Cass and Adair county; was read a second and third time, passed and title agreed to.

Senate file No. 42, a bill for an act to provide for the location of the county seat of Pottawattamie county; was read a second and third time, passed and title agreed to.

Senate substitute for H. R. file No. 50, a memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque *via* the great bend in St. Peters river, to Red river and an additional donation of land or money sufficient to build a bridge across the Mississippi river at Dubuque; was read a second time.

On motion of Mr. Eaton, referred to the representatives from the Dubuque district.

Senate file No. 51, a bill for an act providing for the medical department of the State University; was read a second time. And

On motion of Mr. Preston of Linn, referred to the committee on schools.

Senate substitute to H. R. file No. 78, joint resolution relative to the pension of Silas Messinger; was read a second and third time, passed and title agreed to.

Senate file No. 39, a bill for an act to repeal an act to change the name of the town of Guttenberg or Guthenberg to Prairie Laporte; was read a first and second time.

Mr. Price moved to indefinitely postpone; lost.

Mr. Wyckoff moved to lay on the table; lost.

Mr. Price moved to refer to a select committee; lost.

Said bill was read a third time and the question being on the passage of the bill, was decided in the affirmative.

YEAS, 19, }  
NAYS, 16. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Crawford, Flint, Gamble, Gildea, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Samuel Riggs, Robinson, Salmon, Summers, Thompson and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Dibble, Eaton, Goodenow, Guiberson,

Hamill, Harbour, McGrary, Preston of Monroe, Price, Reuben Riggs, Updegraff, Wilson of Henry, Wilson of Lee and Wyckoff.

So said bill was passed and title agreed to.

Senate file No. 38, joint resolution respecting saline lands; was read a second and third time, passed and title agreed to.

Leave of absence was granted to Mr. Preston of Monroe.

On motion of Mr. Eaton, the House adjourned at four o'clock and 30 minutes P. M.

## TUESDAY MORNING, JANUARY 21, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Babbitt, two petitions of citizens of Polk county for a removal of the seat of government to Fort Des Moines; laid on the table.

By Mr. Parvin; a petition of citizens of Muscatine and Cedar counties for a continuation of the Muscatine and Iowa City northern road; referred to the committee on roads and highways.

By Mr. Hamill; two petitions of citizens of Keokuk for an amendment to their city charter; referred to the representatives from Lee county.

By Mr. Goodenow; a remonstrance of citizens of Jackson county against a law restraining swine from running at large; referred to the committee on agriculture. Also

A petition of commissioners of Jackson county for a law authorising them to compel the petitioners for reviews of roads to pay for the same; referred to the committee on roads and highways. Also

A petition of citizens of said county for a law authorising the township trustees of said county to apprentice pauper children; laid on the table.

Notice to bring in the following bills was given:

By Mr. Updegraff; a bill for an act to grant the right of way to the Mount Pleasant, Trenton, Deedsville and Brighton plank road and bridge company.

Mr. Babbitt offered the following resolution, which was agreed to: Resolved, (the Senate concurring herein,) That the conference committee be authorised and required to make such alterations and amendments to the revised code, as the same requires, not inconsistent with the spirit and intent of the law and amendments.

Mr. Robinson from the select committee to whom was referred certain petitions; reported H. R. file No. 136, a bill for an act to establish a state road therein named.

Said bill was read a first, second and third times, passed and title agreed to.

Mr. Negus from the committee on incorporations, to whom was referred H. R. file No. 85, a bill for an act to incorporate the town of Bellevue, in the county of Jackson; reported the same back with sundry amendments, which were concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Taylor introduced H. R. file No. 130, joint resolution for a mail route from Rochester in Cedar county, to Mount Vernon in Linn county; which was read a first and second time.

Mr. Summers from the committee on engrossed bills, reported

H. R. file No. 95, a bill for an act supplemental to an act entitled an act to reorganise the supreme court; approved January 22, 1848, and to repeal an act to amend an act to reorganise the supreme court; approved Jan. 15, 1848. And

H. R. file No. 121, a bill for an act to establish a state road from Jefferson, in Henry county, to Washington, in Washington county, correctly engrossed.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 22, a bill to restrain swine and sheep from running at large.

Senate file No. 53, a bill for an act to legalise the acts of the officers of school district No. 3, in Baltimore township in Henry county.

Senate file No. 54, a bill for an act granting to the Camanche and Council Bluffs rail road company the right of way. And

Senate file No. 56, a bill for an act granting the Ottumwa and Libertyville plank road company the right of way.

In all of which they ask the concurrence of the House of Representatives.

I herewith return H. R. file No. 67, an act to vacate the town of Pleasant Plain. Also, H. R. file No. 69, an act to locate the county seat of Alamakee county.

H. R. file No. 70, an act to locate the county seat of Fayette county.

H. R. file, No. 71, an act granting the Burlington and Toolsborough plank road company the right of way.

H. R. file No. 72, an act to locate the seats of justice of certain counties therein named.

H. R. file No. 75, joint resolution to procure for the state of Iowa a donation of Fort Atkinson and the lands attached thereto.

H. R. file No. 81, an act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county. And

H. R. file No. 96, a memorial and joint resolution asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs.

The same having received the signature of the president of the Senate.

Mr. Parvin from the select committee to whom was referred Senate substitute for H. R. file No. 3, a bill for an act to incorporate and establish the city of Muscatine, reported the same back with sundry amendmets; which were concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Negus from the committee on incorporations, to whom was referred H. R. file No. 106, a bill for an act authorising F. J. Wheeling, M. H. Clark and associates to erect a toll bridge across east Nishnebotany, reported the same back with sundry amendments; which were concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Eaton from a select committee to whom was referred certain petitions reported H. R. file No. 137, a bill for an act to secure grave yards from obstruction and to set apart other lands for grave yards; which was read a first and second time and referred to the committee on the judiciary.

Mr. Eaton introduced H. R. file No. 131, a bill for an act to lay out and establish a state road from Delhi to Marion; which was read a first and second time.

Mr. Reuben Riggs introduced H. R. file No. 132, a bill for an act to create a sixth judicial district, which was read a first and second time and referred to the committee on the judiciary, and Mr. Reuben Riggs was added thereto, for the purposes of the reference.

Mr. Crawford with leave, introduced H. R. file No. 133, a bill for an act to provide for a loan from the school fund; which was read a first and second times and referred to the committee on the judiciary.

Mr. Folsom introduced H. R. file No. 135, a bill for an act to authorise the owners of entire blocks or out lots in surveyed or incorporated towns, to fence up streets and alleys under certain circumstances; which was read a first and second time, and

On his motion, referred to the committee on the judiciary.

Mr. Folsom introduced H. R. file No. 134, a bill for an act to incorporate Iowa City; which was read a first and second time, and

On his motion referred to the Representatives from Muscatine and Johnson.

Mr. McCulloch of Lee, offered the following which was agreed to:

Resolved, That the messenger of this House be authorised to employ an assistant for three days at a compensation of one dollar per day.

The special order (postponed from 20th inst.,) being for the consideration of the reports of the committee appointed to enquire into the prices paid for public printing, &c.

Mr. Summers moved to adopt the report of the minority.

Mr. Babbitt moved to amend by striking out "20" and inserting 33.

On motion of Mr. Crawford the House adjourned.

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TWO O'CLOCK, P. M.

On motion of Mr. Summers the reports before the House were referred to a select committee, and Messrs. Summers, Gamble and Goodenow were appointed said committee.

Mr. Preston of Linn, moved to reconsider the vote had on laying H. R. file No. 89, a bill for an act to repeal the proviso of an act entitled an act to provide for refunding the purchase money to the purchasers of lots in Monroe City and vacate the same, on the table; lost.

YEAS, 17 }  
NAYS, 20 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Folsom, Hamill, Harbour, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Linn, Price, Reuben Riggs, Salmon, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Babbitt, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Goodenow, Guiberson, Haun, Jacobs, Major, McCrary, Negus, Parvin, Samuel Riggs, Robinson, Taylor, Thompson and Wilson of Lee.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the Governor for his signature:

H. R. file No. 67, an act to vacate the town of Pleasant Plain.

H. R. file No. 69, an act to locate the county seat of Alamakee county.

H. R. file No. 70, an act to locate the county seat of Fayette county.

H. R. file, No. 71, an act granting the Burlington and Toolsborough plank road company the right of way.

H. R. file No. 72, an act to locate the seat of justice of certain counties therein named.

H. R. file No. 75, joint resolution to procure for the state of Iowa a donation of Fort Atkinson and the lands attached thereto.

H. R. file No. 81, an act to authorise John H. Franklin to transcribe the records of the probate court of Jasper county.

H. R. file No. 96, a memorial and joint resolution asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs.

On motion of Mr. Babbitt, that part of the report of the commit-

tee of revision known as the appendix, was read a first and second time and referred to a committee of the whole House now, Mr. Eaton in the chair, at 3 o'clock P. M.

Four o'clock P. M.—The committee rose and by their chairman reported the same back with sundry amendments, which were concurred in.

That portion of said report under the head of "abolition of capital punishment," was recommitted and made the special order for Saturday next, at 2 o'clock, P. M.

On motion of Mr. Crawford, the House adjourned at 4 o'clock and 20 minutes P. M.

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### WEDNESDAY MORNING, JANUARY 22, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Harbour, two petitions of citizens of Keokuk and Mahaska counties for a state road from Duncan's Mill near Oskaloosa to intersect the road to Iowa City, near said city; referred to the representatives from Keokuk and Mahaska counties. Also

A petition of citizens of Marion county for the permanent location of the seat of government at Oskaloosa; referred to the committee on public buildings.

By Mr. Babbitt, three petitions of citizens of Polk county for the permanent location of the seat of government at Fort Des Moines; laid on the table.

By Mr. Goodenow, proceedings of a temperance convention at Maquoketa; referred to the select committee on the subject of temperance.

By Mr. Price, a petition of citizens of Fayette county for a state road from West Union to Iowa City; laid on the table.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House of Representatives, that the

Senate has passed Senate file No. 50, a bill for an act to reorganize the Supreme Court.

In which they ask the concurrence of the House.

I herewith return H. R. file, No. 32, a bill for an act authorizing the governor of the State of Iowa, to procure a title to certain ground. Also

H. R. file, No. 108, joint resolution for the appointment of librarian; the same having passed the Senate without amendment.

The Senate has indefinitely postponed substitute for H. R. file No 38, a bill for an act to provide for a state loan.

The Senate have concurred in the amendments made by the House to sections two, seven and thirteen of chapter eight, title thirteen, part one, and have disagreed to House amendment to section twelve.

The Senate has also concurred in the House amendment to section ten except the words erased in said amendment.

The Senate have also amended section fourteen, in which they ask the concurrence of the House.

The Senate has concurred in the House amendment to section sixty-eight of title four of justice of the peace and their courts, and have disagreed to House amendment to section sixty-nine.

The Senate have also made several amendments thereto, in which they ask the concurrence of the House.

The Senate has concurred in all the amendments made by the House to chapter four, title thirteen, part one, except the amendments made to sections seven and eight to which they have disagreed.

The Senate have also made several amendments, to said chapter, in which they ask the concurrence of the House.

The Senate have disagreed to House amendment to chapter nine, title fourteen of part one.

I herewith return H. R. file No. 59, joint resolution relative to procuring an appropriation from Congress. And

H. R. file No. 76, an act to change the name of the town of Washington in Henry county to Hillsboro, the same having received the signature of the President of the Senate.

Mr. Babbitt from the joint committee of conference on the disagreements between the two houses relative to amendments made to the revised code. Submitted the following

## REPORT.

The joint committee of conference on disagreements to amendments made to the revised code, report that they have examined title nine and chapters one and two of title ten, and chapters one, two, three and four of title twelve of part one and find no disagreement to the amendments made thereto.

The committee have agreed to make the following recommendation, to wit:

That the Senate recede from its amendments to chapter two of title twelve, part one and concur in the amendment made by the House.

That the House recede from its amendments to sections twenty and twenty-one of chapter thirteen, title thirteen, and that the Senate concur in the amendments made by the House to sections forty-two, forty-three and forty-four; and that the House recede from its amendment to section forty-nine, chapter one of title thirteen; and that the Senate concur in the House amendment to section three and eight of chapter five of title thirteen; and that the House recede from its amendments to section three of title fourteen; and that the House recede from its amendment and concur in the amendment made by the Senate to chapter two of title fourteen of part one.

LYSANDER W. BABBITT, Chairman.

On the part of the House.

Said report was adopted.

Mr. Parvin from the committee on public buildings to whom was referred H. R. file No. 118, a bill for an act to provide for completing the penitentiary; reported the same back without amendment; said bill was read a second time and referred to the select committee having under consideration the subject of the swamp lands of the state.

Mr. Gildea from the select committee to whom was referred chapter ten, title fourteen of part one mechanic liens, reported the same back with sundry amendments, which were severally read and concurred in, except to section twelve, ninth clause; which was disagreed to.

Mr. Eaton from the select committee to whom was referred Sen-

ate substitute for H. R. file No. 50, memorial to Congress for the purposes therein contained, reported the same back with one amendment, which was concurred in; said memorial was read a second time.

Mr. Dibble from the committee on roads and highways, reported H. R. file No. 138, a bill for an act to establish a state road from Muscatine to Iowa City; which was read a first, second and third time, passed and title agreed to.

On motion, Mr. Crawford was excused from serving on the conference on the subject of disagreements of both Houses on the revised code and Mr. Haun was appointed in his stead.

Mr. Eaton from the committee on schools reported back Senate file No. 51, a bill providing for the medical department of the Iowa University without amendment; said bill was read a second and third time, passed and title agreed to.

Mr. Folsom introduced H. R. file No. 139, a bill for an act to locate and establish a state road from Marengo in Iowa county to Fort Clarke upon the Des Moines river; said bill was read a first and second time and referred to the representatives from Linn and Johnson.

The Speaker laid before the House the following communication of the secretary of State accompanying the census returns of the State of Iowa for the year 1850.

SIR: I herewith transmit to the House of Representatives, an abstract of the population of the State of Iowa for the year 1850, as shown by the census returns of the U. S. marshal on file in this office.

Respectfully your obd't serv't,

GEO. W. McCLEARY.

Secretary of State.

*Census of the State of Iowa for the year 1850.*

COUNTIES.	NUMBER.
1 Lee, - - - - -	18,783
2 Des Moines, - - - - -	12,915
3 Van Buren, - - - - -	12,269
4 Dubuque, - - - - -	10,841
5 Jefferson, - - - - -	9,997
6 Henry, - - - - -	8,707

COUNTIES.	NUMBER.
7 Wapello, - - - - -	8,473
8 Pottawattamie, - - - - -	7,828
9 Davis, - - - - -	7,264
10 Jackson, - - - - -	7,210
11 Scott, - - - - -	5,987
12 Mahaska, - - - - -	5,986
13 Muscatine, - - - - -	5,733
14 Linn, - - - - -	5,444
15 Marion, - - - - -	5,412
16 Louisa, - - - - -	5,037
17 Washington, - - - - -	4,991
18 Keokuk, - - - - -	4,822
19 Johnson, - - - - -	4,474
20 Polk, - - - - -	4,444
21 Cedar, - - - - -	3,941
22 Clayton, - - - - -	3,873
23 Appanoose, - - - - -	3,131
24 Jones, - - - - -	3,007
25 Monroe, - - - - -	2,886
26 Clinton, - - - - -	2,835
27 Deleware, - - - - -	1,759
28 Jasper, - - - - -	1,288
29 Fremont, - - - - -	1,244
30 Madison, - - - - -	1,174
31 Decatur, - - - - -	965
32 Warren, - - - - -	943
33 Fayette, - - - - -	825
34 Iowa, - - - - -	822
35 Dallas, - - - - -	812
36 Allamakee, - - - - -	777
37 Boone, - - - - -	756
38 Benton, - - - - -	673
39 Poweshiek, - - - - -	615
40 Page, - - - - -	551
41 Winneshiek, - - - - -	546
42 Buchanan, - - - - -	519
43 Lucas, - - - - -	471

COUNTIES.	NUMBER.
44 Wayne, - - - - -	341
45 Marshall, - - - - -	338
46 Taylor, - - - - -	204
47 Blackhawk, - - - - -	135
48 Ringgold, - - - - -	96
49 Clarke, - - - - -	79
50 Story, - - - - -	42
51 Tama, - - - - -	8

Total 192,204

I certify the foregoing to be a correct abstract of the population of the State of Iowa as shown by the census returns of the United States marshal for the year 1850, on file in this office.

GEO. W. McCLEARY,  
Secretary of State.

On motion of Mr. Harbour, laid on the table and 500 copies ordered to be printed.

H. R. No. 91, joint resolution for a military road from Ft. Clarke to the Mississippi river opposite Fort Crawford; was read a third time passed and title agreed to.

H. R. file No. 92, joint resolution asking a grant of land to construct a graded road from Fort Des Moines to Council Bluffs; was read a third time passed and title agreed to.

H. R. file No. 94, joint memorial for a mail route from Quasqueton to Fort Des Moines, a mail route from Cedar Falls to Ft. Clarke and a mail route from Independence to the Rice trading house in the Upper Big Woods of Cedar; was read a third time, passed and title agreed to.

H. R. file No. 95, a bill for an act entitled an act supplemental to an act entitled an act to reorganize the supreme court, approved January 22nd, 1848, and to repeal an act entitled an act to amend an act to reorganize the supreme court approved January 15th, 1849.

Mr. Preston of Linn moved to refer said bill to a select committee of three; disagreed to.

YEAS, 10. }  
NAYS, 25. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Folsom, Gamble, Coodenow, Harbour, Haun, Parvin, Preston of Linn, Price and Salmon.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Eaton, Flint, Gildea, Guiberson, Hamill, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Samuel Riggs, Reuben Riggs, Robinson, Summers, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Said bill was read a third time, passed and title agreed to.

H. R. file No. 99, a bill for an act for a state road from Cedar Falls to the county seat of Marshall county; was read a third time, passed and title agreed to.

H. R. file No. 101, a bill for an act to establish a state road from Washington in Washington county to the county seat of Marshall county; was read a third time, passed and title agreed to.

H. R. file No. 102, a bill for an act to lay out and establish a state road from Delhi to Quasqueton, also for a state road from Quasqueton to the county seat of Marshall county and also for a state road from the county seat of Marshall county to Fort Des Moines; was read a third time, passed and title agreed to.

H. R. file No. 103, a bill for an act for a state road from Cedar Rapids to Fort Clarke, was read a third time, passed and title agreed to.

H. R. file No. 112, memorial and joint resolution for the organization of Nebraska territory; was read a third time, passed and title agreed to.

H. R. file No. 116, joint resolution for an appropriation for the surveying of the unsurveyed lands of the state of Iowa; was read a third time, passed and title agreed to.

H. R. file No. 117, a bill for an act for a state road from Cedar Falls to Fort Clarke; was read a third time, passed and title agreed to.

H. R. file, No. 119, a bill for an act for a state road from Ottumwa to Wells' mill; was read a third time, passed and title agreed to.

H. R. file No. 121, a bill for an act to establish a state road from Jefferson, in Henry county, to Washington, in Washington county; was read a third time, passed and title agreed to.

H. R. file, No. 122, a bill for an act to establish a state road from

Lower Big Woods, of Cedar river, to intersect the road from Monona to McGregor's landing; was read a third time, passed and title agreed to.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed substitute for Senate file, No. 36, a bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement, and amendatory and supplemental to all other acts in relation thereto; in which they ask the concurrence of the House of Representatives.

I herewith present for your signature Senate file No. 38, joint resolution respecting saline lands.

Senate substitute for H. R. file, No. 78, joint resolution relative to the pension of Silas Messenger.

Senate file No. 39, a bill to repeal an act to change the name of Guttenberg or Guthenburgh to Prairie la Port, approved January 9th 1851.

Senate file No. 43, a bill for an act to provide for the location of the county seat of Pottawattamie county. And

Senate file No. 48, a bill for an act to locate the county seats of Cass and Adair counties.

The same having passed both branches of the legislature.

The Senate have concurred in the amendment made by the House to section 20; and disagreed to the House amendment to section 32 of Senate substitute for H. R. file No. 3, a bill for an act to incorporate and establish the city of Muscatine.

H. R. file No. 123, a bill for an act to relocate the county seat of Clayton county, was read a third time; the question being on the passage of said bill, was decided in the affirmative.

YEAS, 23, }  
NAYS, 13. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Gamble, Guiberson, Hamill, Harbour, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Linn, Price, Samuel Riggs, Reuben Riggs, Salmon, Taylor, Updegraff, Wilson of Henry, Wilson of Lee, Wyck-off and Mr. Speaker.

Those who voted in the negative were :

Messrs. Crawford, Eaton, Flint, Folsom, Gildea, Goodenow, Harper, Haun, Negus, Parvin, Robinson, Summers and Thompson.

On motion of Mr. Harbour the vote last had on printing 500 copies of the census report by the secretary of state, was reconsidered.

H. R. file No. 125, joint resolution relating to the selection of lands for Du Buque and Keokuk rail road, was referred to the committee on internal improvements.

Substitute for Senate file No. 36, a bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement and amendatory and supplemental to all other acts in relation thereto, was read a first and second times, and

On motion of Mr. Babbitt, referred to the committee on the Des Moines river improvement.

Senate file No. 22, a bill to restrain swine and sheep from running at large, was read a first and second times, and referred to the representatives from Scott, Clinton and Jackson counties.

On motion of Mr. Parvin the House receded from its amendment to section 32 of Senate substitute for H. R. file No. 3, a bill for an act to incorporate and establish the city of Muscatine.

On motion of Mr. Crawford the House adjourned at 15 min. P. M.

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## TWO O'CLOCK, P. M.

Part four of the revised code was read a first and second time and referred to the committee of the whole House now; Mr. Goodenow in the chair.

Four o'clock and 20 minutes P. M.—The committee rose and by their chairman, reported back the first six chapters of part four with sundry amendments thereto and asked the concurrence of the House therein.

Mr. Flint moved to make chapters one and two of said title the special order for Saturday next at 2 o'clock P. M.

The House concurred in the amendments made by the committee of the whole to chapters three, four and five and six:

YEAS, 29. }  
NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Eaton, Flint, Gamble, Gildea, Harbour, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Price, Samuel Riggs, Reuben Riggs, Salmon. Taylor, Thompson, Updegraff, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Dibble, Goodenow, Guiberson, Hamill, Harper, McCrary, Parvin, Preston of Linn, Robinson, Summers and Wilson of Henry.

On motion of Mr. Allender, the House adjourned at five o'clock, P. M.

#### THURSDAY MORNING, JANUARY 23, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Babbitt; a petition of John Ferguson and others praying that the acts of Isaac Mayer be legalised; laid on the table.

By Mr. Gildea; a remonstrance of citizens of Iowa City against fencing up the alleys in the same.

By Mr. Crawford; a petition of citizens of Iowa City on the same subject.

Said petitions were referred to the committee on incorporations.

By Mr. Preston of Linn; two petitions of citizens of Johnson county, for a law to authorise W. and G. Folsom to build a toll bridge across the Iowa river; referred to the representatives from Johnson, Washington and Linn.

By Mr. Folsom; a petition of citizens of Iowa, for a state road from King's ferry to Tallbot's mill, in Poweshiek county; referred to the representatives from Linn and Johnson.

Mr. Salmon introduced H. R. file No. 140, joint resolution relative to the printing of the constitution of the state of Iowa in the German language; which was read a first and second time and referred to the committee on federal relations.

Mr. Samuel Riggs introduced H. R. file No. 141, joint resolution asking a grant of land to aid in constructing bridges on the post route from Dover to Fort Kearney, on Missouri river; which was read a first, second and third time, passed and title agreed to.

Mr. Taylor introduced H. R. file No. 142, joint resolution for a mail route; which was read a first and second time.

Mr. Wilson of Henry, moved to insert the words "from Mt. Pleasant to Salem."

Said bill was read a third time, passed and title agreed to.

Mr. Preston of Linn, introduced H. R. file No. 143, preamble and joint resolution for a donation of land to improve the navigation of, and bridge the Maquoqueta river; which was read a first, second and third time, passed and title agreed to.

Notice to bring in the following bills, was given:

By Mr. Preston of Linn; a bill for an act to authorise W. and G. Folsom to build a toll bridge across the Iowa river.

By Mr. Folsom; a bill for an act to locate and establish a state road from Cedar Rapids to Tallbott's mill, in Poweshiek county.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 44, a memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clarke on the Des Moines river.

The Senate have also passed with amendments, H. R. file No. 111, joint resolution for the appointment of a superintendant of the state penitentiary.

In all of which the concurrence of the House of Representatives is requested.

The Senate have disagreed to the House amendment to chapter one, title two, part two.

The Senate concurred in the House amendments made to sections 2 and 9 in chapter two, and disagreed to the House amendment made to section 10.

The Senate disagreed to House amendment to chapter three, title one, part two.

The Senate have concurred in House amendments to sections 9

and 22 of chapter six, and disagreed to House amendments to sections 18, 23 and 28 of said chapter.

The Senate have also concurred in House amendment to section 52 of chapter three, title three, part three; and disagreed to House amendments made to sections 25, 28, 41, 42, 53, 54, and 55 of said chapter.

The Senate have also disagreed to the House amendment to section 3 of chapter five of title one, part three; and have concurred in the House amendment to section 16 of chapter seven of same title.

The Senate have also concurred in the House amendments made to sections 1 and 2 of chapter one, title six: the first two amendments to sections 2 and 1; second amendment to section 7; amendment to section 10; the third amendment to section 11; the fourth, fifth and sixth amendments to section 17; amendment to section 21; three first amendments to section 28; first amendment to section 32; and the amendments to sections 54 and 55. And have disagreed to the House amendment to tenth line of section 3; first and second amendments to section 11; amendment to section 16; first, second, third, seventh and eighth amendments to section 17; amendment to sections 19, 20, 22 and 24; the three last amendments to section 28; amendments to sections 29 and 31; the second and third amendments to section 32 and amendment to section 33.

The Senate have also made several amendments to said titles.

In which they ask the concurrence of the House of Representatives.

The Senate have also passed a substitute for chapter first, title eleven, part first, "Of corporations for pecuniary profit."

In which they ask the concurrence of the House of Representatives.

Mr. Harper, from the committee on enrolled bills, reported H. R. file, No. 32, a bill for an act authorising the Governor of the state of Iowa to procure a title to certain grounds.

H. R. file, No. 98, a bill for an act legalising the acts of the trustees of the Methodist Episcopal church at Muscatine; and

H. R. file No. 108, joint resolution for the appointment of a librarian, correctly enrolled.

Mr. Summers from the select committee to whom was referred

Senate file No. 22, a bill for an act to restrain swine and sheep from running at large; reported the same back with sundry amendments which were concurred in.

Said bill was read a second time.

Mr. Wyckoff moved to strike out the proviso; lost.

Mr. Eaton moved to include all counties adjoining, in the proviso; lost.

YEAS, 12, }

NAYS, 25. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Crawford, Eaton, Flint, Gildea, Harbour, Jacobs, Major, McCulloch of Jefferson, Negus, Reuben Riggs, Salmon and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, McCrary, Parvin, Preston of Linn, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Wyckoff offered a substitute for the proviso extending to all other counties; lost.

Mr. Allender moved to reconsider the vote had on striking out the proviso; agreed to.

The question then being on striking out; was decided in the affirmative.

YEAS, 24, }

NAYS, 12. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, McCrary, Parvin, Preston of Linn, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Crawford, Eaton, Flint, Gildea, Harbour, Jacobs, Major, McCulloch of Jefferson, Negus, Reuben Riggs, Salmon and Wilson of Lee.

Mr. Reuben Riggs moved to strike out all after the enacting clause; lost.

YEAS, 12, }  
NAYS, 25. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Crawford, Eaton, Flint, Gildea, Harbour, Jacobs, Major, McCulloch of Jefferson, Negus, Reuben Riggs, Salmon and Wilson of Lee.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harper, Haun, McCulloch of Lee, Parvin, Preston of Linn, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Said bill was read a third time and passed.

Mr. Summers moved to amend the title by adding the words "in the counties of Scott, Clinton and Jones; agreed to.

The title as amended was agreed to.

Mr. Flint from the committee on the Des Moines river improvement, to which was referred Senate file, No. 36, a bill for an act for the more effectual improvement of the Des Moines river; reported the same back with sundry amendments thereto.

Mr. Negus moved to lay the bill and amendments on the table, and that the House order the same printed; lost.

Y AAS, 14 }  
NAYS, 22 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Crawford, Eaton, Folsom, Gamble, Goodenow, Harbour, Haun, Jacobs, McCulloch of Jefferson, Negus, Preston of Linn, Robinson, Summers and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Flint, Gildea, Guiberson, Hamill, Harper, Major, McCulloch of Lee, McCrary, Parvin, Price, Samuel Riggs, Reuben Riggs, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

Mr. Harbour moved to lay on the table till to-morrow; agreed to.

YEAS, 22, }  
 NAYS, 14. }

The yeas and nays were desired; those who voted in the affirmative were:

Messrs. Bunker, Eaton, Folsom, Gamble, Goodenow, Hamill, Harbour, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gildea, Guiberson, Harper, Major, McCrary, Samuel Riggs, Reuben Riggs, Robinson, Summers and Taylor.

Mr. Hamill from the select committee to whom was referred certain petitions of the citizens of Keokuk, reported H. R. file No. 144, a bill for an act to amend the charter of the city of Keokuk; which was read a first, second and third time, passed and title agreed to.

Mr. Folsom from the committee on the judiciary to whom was referred petition of Alexander Lesle and others, reported H. R. file No. 145, a bill for an act to change the name of certain persons therein named.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Negus from the committee on incorporations to which was referred H. R. file No. 97, a bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9th, 1847; reported the same back with sundry amendments, which were concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Folsom from the committee on the judiciary to whom was referred H. R. file No. 133, a bill for an act to provide for a loan from the school fund, reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Folsom from the select committee to whom was referred H.

R. file No. 139, reported the same back with one amendment, which was concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Folsom from the committee on the judiciary to whom was referred H. R. file No. 135, a bill for an act to authorize the owners of blocks or out lots in incorporated towns to fence up streets and alleys under certain restrictions, and recommended its reference to the committee on incorporations; agreed to.

Mr. Folsom from the committee on the judiciary to which was referred H. R. file, No. 105, a bill for an act to perfect the title to half-breed lands in the state of Iowa, reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Folsom from the select committee to whom was referred H. R. file No. 134, a bill for an act to incorporate Iowa City; reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Crawford from the committee on claims to whom was referred H. R. file, No. 83, a bill for the relief of Lewis D. Philips, reported the same back and recommended its indefinite postponement; which was agreed to.

On motion of Mr. Wyckoff, the House adjourned at 10 min. P. M.

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## TWO O'CLOCK, P. M.

Special order committee of the whole House, Mr. Price in the chair.

Three o'clock 30 minutes P. M.—The committee rose and by their chairman reported back from chapter seven to chapter fifteen inclusive of title one of part four, chapters one, two, three, four and five of title two of part four without amendment.

Mr. Preston offered the following resolution:

Resolved, That the balance of the revised code be considered as

read and forthwith transmitted to the Senate; which was agreed to.

YEAS 18, }

NAYS 16: }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Gildea, Goodenow, Harper, Haun, McCulloch of Lee, McCrary, Preston of Linn, Samuel Riggs, Reuben Riggs, Updegraff and Wilson of Lee.

Those who voted in the negative were:

Messrs. Eaton, Guiberson, Hamill, Harbour, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Price, Robinson, Salmon, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Summers, the House adjourned at 4 o'clock 25 minutes P. M.

#### FRIDAY MORNING, JANUARY 24, 1851.

Petitions and remonstrances were presented, read and disposed of as follows:

By Mr. Harbour, remonstrance of citizens of Mahaska county against a state road from Fairfield to Sever's nursery *via* Waugh's Point; which was referred to the representatives from Keokuk and Mahaska counties.

By Mr. Price, three petitions of citizens and ladies of Clayton and Alamakee counties for the passage of a law prohibiting the sale of intoxicating drinks as a beverage; which was laid on the table.

By Mr. Crawford, a petition of citizens of the state, for a state road from Independence in Buchanan county to intersect the Delhi road; which was laid on the table.

On motion of Mr. Babbitt,

Resolved, That the standing committee on expenditures be instructed to enquire into the expediency of allowing Messrs. Clark, Miller and Reator per diem and mileage as delegates from Potta-

wattamie and other counties, and if found to be expedient and just to make any allowance, that they insert the same in the appropriation bill.

Mr. Wyckoff offered a resolution which modified as follows :

Resolved, That the Secretary of State be authorized and requested to furnish each member of this House with a copy of Green's Reports of the supreme court of this State, already purchased and now in his office and also one copy for each of the delegates from Pottawattamie and Fremont counties.

Mr. McCrary moved to lay said resolution on the table ; lost.

YEAS, 15. }

NAYS, 21. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Allender, Eaton, Flint, Folsom, Gildea, Goodenow, Hamill, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Salmon, Summers and Taylor.

Those who voted in the negative were :

Messrs. Babbitt, Bunker, Crawford, Dibble, Gamble, Guiberson, Harbour, Harper, Haun, Major, Negus, Preston of Linn, Price, Samuel Riggs, Reuben Riggs, Robinson, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Harper moved the previous question, upon which the main question was ordered, the main question was then put, shall the resolution as modified be now adopted? decided in the negative.

YEAS, 18. }

NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Gamble, Guiberson, Harbour, Harper, Haun, Price, Samuel Riggs, Reuben Riggs, Robinson, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative, were :

Messrs. Allender, Flint, Folsom, Gildea, Goodenow, Hamill, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Salmon, Summers, Taylor and Wilson of Henry.

On motion of Mr. Allender,

Resolved, That the messenger may employ an assistant messen-

ger until the reports of the Superintendent of Public Instruction be all enveloped.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed Senate file No. 52, a bill for an act to provide for the location of the seat of justice of Taylor and Ringgold counties.

Senate file No. 63, a bill for an act to authorise the board of commissioners of Lee county to purchase a farm and build a poor house.

Senate file No. 64, a bill for an act to repeal an act entitled an act to repeal an act entitled an act for the relief of the poor.

Senate file No. 67, a bill for an act granting to the Fort Madison, West Point and Salem plank road company the right of way.

Senate file No. 62, a bill for an act to grant the Burlington, Dodgeville and Virginia Grove plank road company the right of way.

In all of which the concurrence of the House of Representatives is requested.

The Senate has disagreed to the amendments made by the House to chapter ten, title fourteen of part one.

The Senate have also made several amendments thereto, in which they request a concurrence on the part of the House of Representatives.

I am also directed to inform the House that Messrs. Baker, Howell, Shields, Morton and Lowe had been appointed a committee on the part of the Senate, to act with the committee appointed by the House to enquire into and report at what time the General Assembly can adjourn, without detriment to the public interests,

I herewith return H. R. files No. 32, 98 and 108, the same having received the signature of the President of the Senate.

Mr. Babbitt offered the following:

Resolved, That no new bill or joint resolution shall be introduced after Wednesday next, except the same be introduced by the chairman of a committee upon subjects referred to said committee prior to that time.

Mr. Wyckoff moved to lay on the table; lost.

Said resolution was then adopted.

YEAS, 26 }  
NAYS, 9 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Jefferson, McCrary, Parvin, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Eaton, Harbour, Jacobs, Negus, Preston of Linn, Price, Thompson, Wyckoff and Mr. Speaker.

Mr. Harbour from the committee on internal improvements to whom was referred H. R. file No. 124, joint resolution relative to the selection of lands for the Dubuque and Keokuk rail road, reported the same back with sundry amendments, which were concurred in; said bill was read a second time.

Mr. Taylor offered a substitute therefor.

On motion of Mr. Allender, the House adjourned at 10 minutes P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Wilson of Henry, the vote last had on the resolution offered by Mr. Wyckoff in relation to Green's Reports; was reconsidered.

YEAS, 18 }  
NAYS, 15 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Gamble, Guiberson, Harbour, Harper, Haun, Negus, Price, Samuel Riggs, Reuben Riggs, Robinson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Eaton, Flint, Gildea, Hamill, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Salmon, Summers, Taylor and Thompson.

Mr. Wilson of Henry moved to insert "the clerks and officers;" which was agreed to.

Mr. Parvin moved to insert "and friends of each member;" lost.

Mr. Crawford offered the following amendment:

Provided, That those members of this house who have any constitutional objections or conscientious scruples upon the subject, be excused from taking said report; which was agreed to.

Mr. Summers offered the following amendment "that each lobby member who has attended round and about the House be entitled to one copy and also the reporters;" disagreed to.

The question on the adoption of the resolution as amended was decided in the negative.

YEAS, 15, }  
NAYS, 18. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Gamble, Guiberson, Harper, Haun, Price, Samuel Riggs, Reuben Riggs, Robinson, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Flint, Gildea, Goodenow, Hamill, Harbour, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Salmon, Summers, Taylor, Thompson and Mr. Speaker.

The question recurring on the adoption of the substitute for H. R. file No. 124.

Mr. Allender offered the following amendment: "Provided, That said engineers shall be paid out of the land donated to the state and that the state is not to be liable to the United States for the completion of said rail road; which was disagreed to.

Mr. Allender moved to lay the original joint resolution and substitute therefor on the table; which was disagreed to.

YEAS, 13, }  
NAYS, 23. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Flint, Goodenow, Guiberson, Hamill, Harbour, Harper, McCulloch of Lee, Parvin, Samuel Riggs, Robinson and Taylor.

Those who voted in the negative were :

Messrs. Bunker, Crawford, Dibble, Eaton, Folsom, Gamble, Gildea, Haun, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Price, Reuben Riggs, Salmon, Summers, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Taylor a call of the House was had, when it appearing that all the members not excused were in their seats.

Thereupon the call was suspended.

The question then being on the adoption of the substitute as offered by Mr. Taylor, was decided in the negative.

YEAS, 18, }  
NAYS, 18. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Goodenow, Guiberson, Harbour, Haun, Jacobs, Major, McCrary, Parvin, Samuel Riggs, Reuben Riggs, Robinson, Taylor and Wyckoff.

Those who voted in the negative were :

Messrs. Bunker, Crawford, Eaton, Folsom, Gildea, Hamill, Harper, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Price, Salmon, Summers, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Mr. Folsom offered the following amendment to the original joint resolution:

Resolved, further, That if any land shall be granted as aforesaid in aid of the construction of the Davenport and Council Bluffs rail road" and of the "Burlington and Fort Desmoines rail road" or either of them, the governor is authorised and required to cause said last mentioned lands to be selected in manner aforesaid.

Mr. Flint moved to lay the joint resolution and pending amendments on the table till July 4th, next.

Mr. Preston moved a call of the House which was had, all the members not excused being in their seats the call was suspended.

The motion to lay on the table was decided in the affirmative.

YEAS 20, }  
NAYS 16. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Goodenow, Guiberson, Hamill, Harbour, Harper, Jacobs, McCulloch of Lee, McCrary, Parvin, Price, Samuel Riggs, Reuben Riggs, Robinson, Taylor and Thompson.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gildea, Haun, Major, McCulloch of Jefferson, Negus, Preston of Linn, Salmon, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Babbitt, the Senate message was taken from the table.

The House concurred in the Senate amendments to section 24, chapter three, title one of part three also to section 19 of chapter seven same title and also to section 2 of chapter three, section 22 of chapter eleven, and sections 15 and 16a of chapter twelve, title two of part three.

The House receded from its amendments to sections 41, 42 and 53 of chapter three of title one, part three and from amendment to section 4, chapter sixteen, title two of part three.

The House refused to recede from its amendments to sections 25, 28, 54 and 55 of chapter three, title one, part three and also to section three of chapter five same title and part.

The House also refused to recede from its amendments to sections 1, 12 and 17 of chapter one, title two, also to sections 13, 14, 15, 16 and 17 of chapter two and also to section twenty of chapter twelve same title and part.

Mr. Jacobs with leave introduced H. R. file No. 144, a bill for an act to establish a state road from Dunean's Mill in Mahaska county to James Douglass' in Johnson county; which was read a first, second and third time, passed and title agreed to.

Mr. Harper with leave introduced H. R. file No. 145, a bill for an act to authorize the Secretary of State to have bound the census returns of 1850; which was read a first and second time, and referred to the committee on expenditures.

Mr. Hamill offered the following:

Resolved, That the chief clerk be authorised to employ such assistance as may be necessary to enroll any bills passed by the House, or to assist in enrolling the revised code.

On motion of Mr. Harper, laid on the table.

On motion of Mr. Harbour, the House adjourned at four o'clock 25 minutes P. M.

SATURDAY MORNING, JANUARY 25, 1851.

Petitions were presented, read and disposed of as follows :

By Mr. Bunker, a petition of citizens of Iowa for a memorial to Congress for a semi-weekly mail route from Oskaloosa to Brighton; referred to the representatives from Keokuk, Washington and Mahaska counties.

By Mr. Wyckoff, thirty-four petitions of citizens of Jackson county for a permission to relocate the seat of justice of said county; referred to the representatives from Jackson and Jones.

By Mr. Wyckoff, petition of citizens of Jackson county for a division of said county and the formation of a new county to be called Union; which was referred to the representatives from Jackson and Clinton counties.

Mr. Parvin introduced H. R. file No. 146, a bill for an act to grant the right of way for a graded or plank road from Muscatine to Iowa City; which was read a first and second time.

Mr. Babbitt moved to amend by striking out the title and inserting the following :

An act to violate the provisions of the constitution, and to take from the citizens of the State of Iowa one of the rights guaranteed to them by the first clause, of the second article of the constitution of the State of Iowa; lost.

Said bill was read a third time, passed and title agreed to.

Mr. Eaton with leave introduced H. R. file No. 147, a bill for an act to enable the counties of Bremer and Butler to be attached to Blackhawk county and to attach said county to Buchanan county; which was read a first time.

Notice to bring in the following bills was given :

By Mr. Reuben Riggs, a bill to provide for the sale of the saline lands belonging to the State of Iowa and appropriate the proceeds of the same.

By Mr. Folsom, a bill for an act making an appropriation for the public buildings at Iowa City.

Mr. Flint introduced H. R. file No. 148, a bill for an act to lay out and establish a certain road therein named.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Folsom introduced H. R. file No. 149, a bill for an act to lay out and establish a state road from Cedar Rapids in Linn county to Talbot's Mills in Poweshiek county.

Said bill was read a first, second and third time passed and title agreed to.

Mr. Samuel Riggs introduced H. R. file No. 150, a bill for an act to lay out and establish a state road from the southern boundary of the state in Fremont county to the Missouri river.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Preston of Linn, from the select committee to which was referred certain petitions, reported H. R. file No. 151, a bill for an act authorizing Winthrop Folsom and Gilman Folsom to build a bridge across Iowa river.

Said bill was read a first, second and third time and passed.

YEAS 30, }

NAYS 4. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Flint, Gamble, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Price, Samuel Riggs, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Gildea, Negus and Robinson.

The title to said bill was then agreed to.

Mr. Preston of Linn from the committee on the judiciary to which was referred H. R. file No. 137, a bill for an act to secure grave yards from obstruction and to set apart other lands for grave yards, reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Eaton from the committee on schools, reported H. R. file, No. 152, a bill for an act to amend an act entitled an act to establish normal schools, approved January 15th 1849; which was read a first time.

Mr. Summers from the committee on federal relations to which was referred H. R. file No. 140, joint resolution relative to printing the constitution of the State of Iowa in the German language; reported the same back without amendment.

Said bill was read a second time.

Mr. Folsom offered the following amendment, viz: And be it further provided that said translator shall be sworn to make a faithful translation, which said oath shall be administered by the judge of the district court; lost.

Said bill was read a third time and passed.

YEAS, 28, }  
NAYS, 7. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Preston of Linn, Price, Reuben Riggs, Robinson, Salmon, Summers, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, McCrary, Negus, Parvin, Samuel Riggs and Updegraff.

So said bill was passed and title agreed to.

Mr. Flint from the select committee appointed to examine the accounts of J. W. Cohick late warden of the penitentiary submitted the following

### REPORT.

Your committee find by an examination of the papers and evidence submitted to them, that the account between the said Cohick and the State stands thus:

JOHN W. COHICK,

To the State of Iowa

Dr.

To amount of inventory of penitentiary property, received:	
by said Cohick,	\$800,00
" amount of pine lumber belonging to the said peniten-	
tiary and used by said Cohick,	135,00
" rock taken by said Cohick belonging to the State,	25,00
" doors and windows, ditto,	15,000
	<hr/>
Total amount,	\$975,00

*Contra,*

By amount of property delivered to A. H. Haskell	
as per inventory,	\$354,05
" warrant paid said Haskell,	138,99
" stove for the use of Penitentiary,	20,00
Total amount,	<hr/>
	\$513,04

Balance due by Cohick, \$451,96

It will be seen by the above account that the said Cohick is in arrears to the State \$451,96.

All of which is most respectfully submitted for the action of the House.

J. H. FLINT, Chairman.

Said report was adopted.

Mr. McCulloch from the select committee to which was referred H. R. file No. 20, a bill for an act to locate a state road from Iowa-ville in Van Buren county to the south line of Keokuk county; reported a substitute therefor; which was accepted.

Said bill was read a second and third time, passed and title agreed to.

Mr. Summers from the committee on federal relations to whom was referred H. R. file No. 66; a bill for an act to prohibit the imi-gration of free negroes into the State of Iowa, reported the same back without recommendation.

And was discharged from further consideration of the same.

Said bill was read a second time.

Mr. Gamble moved to lay on the table; lost.

Mr. Allender moved to strike out all after the enacting clause.

Mr. Negus moved to strike out all after the word "possessed" in the fourth line of section three.

Mr. Gamble moved to refer to a committee of one with instruction not to report at the present session; lost.

YEAS, 14 }

NAYS, 21 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Allender, Bunker, Dibble, Gamble, Goodenow, Hamill, McCulloch of Lee, McCrary, Preston of Linn, Price, Salmon, Thompson, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Gildea, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Wyckoff and Mr. Speaker.

The question recurring on the adoption of the amendment was decided in the affirmative.

Mr. Hamill moved to amend by striking out all after the word "negro" in the eleventh line of section two; lost.

YEAS, 7, }

NAYS, 28. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Gamble, Hamill, McCrary, Price, Salmon and Wilson of Henry.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Samuel Riggs, Reuben Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wyckoff and Mr. Speaker.

On motion of Mr. Taylor, the House adjourned at ten min. P. M.

## TWO O'CLOCK, P. M.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the governor for his signature.

H. R. file No. 108, joint resolution for the appointment of a librarian.

H. R. file No. 98, a bill for an act to legalize the acts of the trustees of the Methodist Episcopal Church at Muscatine.

H. R. file No. 32, a bill for an act to authorize the governor of the State to procure a title to certain ground.

The speaker laid before the House the report of the committee appointed to examine the accounts of A. H. Haskell dec'd late superintendent of the penitentiary, which

On motion of Mr. Harbour, was referred to the committee on claims.

The speaker laid before the House the resignation of J. B. Bowen enrolling clerk; which was accepted and said Bowen was discharged from all further duties as enrolling clerk.

On motion of Mr. Wyckoff the House resolved itself into committee of the whole for consideration of the revised code at two o'clock 20 minutes P. M.; Mr. Price in the chair.

Four o'clock, 10 minutes P. M.—The committee rose and by its chairman reported back to the House the third division of the appendix and chapters one and two of title one of part four with sundry amendments; which were concurred in.

Mr. Babbitt moved to strike off the third division of the appendix.

Mr. Eaton offered the following substitute for section one of said division:

“From and after the fourth day of July in the year one thousand eight hundred and fifty-three the penalty of death shall cease to be inflicted as a punishment for a crime committed subsequent to said fourth day of July.”

Mr. Price offered the following amendment to the substitute “from and after the first day of January, eighteen hundred and fifty-two;” which was disagreed to.

The question then recurring on the substitute offered by Mr. Eaton; was decided in the negative.

On motion of Mr. Harper a call of the House was had, when it appeared that all the members not excused were present except Mr. Folsom.

Mr. Folsom having appeared and taken his seat the further call of the House was suspended.

The question then being on the motion of Mr. Babbitt to strike out; was decided in the negative.

YEAS, 17, }  
NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Flint, Folsom, Gamble, Gildea, Guiberson, Hamill, Harper, Haun, Jacobs, McCulloch of Lee, Negus, Parvin, Samuel Riggs, Robinson and Thompson.

Those who voted in the negative were:

Messrs. Allender, Bunker, Dibble, Eaton, Goodenow, Harbour, Major, McCulloch of Jefferson, McCrary, Preston of Linn, Price, Reuben Riggs, Salmon, Summers, Taylor, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Parvin moved to adjourn.

Mr. Preston of Linn moved a call of the House, which was entertained for sometime, when the Speaker decided that a call of the House could not be had pending a motion to adjourn; from which decision Mr. Preston of Linn appealed.

The question being then put, shall the decision of the chair stand as the judgment of the House? was decided in the affirmative.

YEAS 24, }  
NAYS 8. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Gamble, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Updegraff and Wyckoff.

Those who voted in the negative were:

Messrs. Bunker, Eaton, Gildea, Preston of Linn, Price, Reuben Riggs, Thompson and Wilson of Henry.

The motion of Mr. Parvin to adjourn, was then put and decided in the affirmative.

YEAS, 22, }  
NAYS, 12. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Major, McCulloch of Lee, McCrary, Parvin, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Summers, Taylor and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Bunker, Crawford, Eaton, Gamble, McCulloch of Jefferson, Negus, Preston of Linn, Price, Thompson, Updegraff, Wilson of Henry and Wyckoff.

### MONDAY MORNING, JANUARY 27, 1851.

The journal having been read by the clerk, Mr. Parvin stated that there was an error therein and moved that the following words be erased therefrom, viz:

“Mr. Flint moved to reconsider the vote had on laying H. R. file No. 124, joint resolution relating to the selection of lands for the Du Buque and Keokuk rail road, on the table until the 4th day of July, 1851;” agreed to.

YEAS 22, }  
NAYS 12. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Gildea, Goodenow, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Hamill, McCulloch

of Jefferson, McCrary, Negus, Preston, of Linn, Price, Updegraff and Wilson of Henry.

Leave of absence was granted to Mr. Reuben Riggs.

Petitions were presented, read and disposed of as follows :

By Mr. Price ; a petition of citizens of Blackhawk county, for county road ; laid on the table.

By Mr. Gildea ; a petition of citizens of Du Buque county, for a law licensing the sale of spirituous liquors ; laid on the table.

By Mr. Haun ; a memorial and petition of citizens of Clinton county, for the right of way to build a rail road from Lyons to within one mile of Council Bluffs ; referred to the representatives from Clinton, Cedar and Johnson counties.

By Mr. Preston of Linn ; a petition of citizens of said county for a law restraining boars from running at large ; referred to the committee on agriculture.

By Mr. Flint ; a petition of J. Cowles administrator of A. H. Haskill, deceased, late superintendant of the penitentiary ; referred to a select committee composed of Messrs. Flint, Thompson and Hamill.

Notice to bring in the following bills was given :

By Mr. Folsom ; a bill for an act to attach the southern tier of townships of Benton county to Iowa county.

By Mr. Negus ; a bill for an act supplemental to an act establishing a State University at Fairfield, approved January 15, 1849.

Mr. Hamill introduced H. R. file No. 153, joint resolution relative to the accounts of J. W. Cohick, which was read a first and second time and referred to a select committee composed of Messrs. Harbour, Hamill and Goodenow, with instructions to report to-morrow morning.

Mr. McCulloch of Jefferson introduced H. R. file No. 154, joint resolution appointing trustees of the branch of the state university at Fairfield ; which was read a first, second and third time, passed and title agreed to.

Mr. Jacobs offered the following:

Resolved, by the House (the Senate concurring,) That the secretary of state be requested to furnish the county judge of each organised county in this state with one copy of Green's reports, for

the use of the county, provided such copies be in the possession of the secretary of state.

Mr. Robinson moved to strike out the words "county judge," and insert "members of the general assembly."

Mr. Guiberson moved to amend the amendment as follows: insert the words "for the benefit of prosecuting attorney and other officers;" lost.

Mr. Summers moved to lay on the table till July 4th next; lost.

Mr. Eaton offered a substitute therefor; rejected.

The question recurring on Mr. Robinson's amendment, was decided in the negative.

YEAS, 14, }  
NAYS, 21. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Dibble, Gamble, Guiberson, Harbour, Harper, Haun, Preston of Linn, Price, Samuel Riggs, Robinson, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Bunker, Eaton, Flint, Folsom, Gildea, Goodenow, Hamill, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Salmon, Summers, Taylor, Thompson, Updegraff and Mr. Speaker.

The question being on the adoption of the resolution; was decided in the affirmative.

YEAS, 22 }  
NAYS, 13 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Flint, Folsom, Gamble, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Price, Samuel Riggs, Robinson, Salmon, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Gildea, Goodenow, Major, McCrary, Negus, Parvin, Preston of Linn, Taylor and Thompson.

Mr. Gamble introduced H. R. file No. 155, joint resolution rela-

tive to superintending the printing and distribution of the laws of the present session; which was read a first time.

Mr. Summers moved to add Mr. Samuel Riggs to the committee appointed to re-apportion the state into senatorial and representative districts; agreed to.

Mr. Summers from the committee on federal relations, to whom was referred H. R. file, No. 46, joint resolution for the relief of California emigrants; reported the same back and recommended its indefinite postponement, which was concurred in.

Mr. Flint from the select committee to whom was referred joint resolution requesting the governor to cause legal steps to be taken against Paul Brattain and his sureties for a recovery of the defect existing in his accounts as late treasurer of the board of public works, submitted the following

#### REPORT.

That from the evidences before them there can be no doubt of the existence of the deficit referred to in the joint resolution as shown by the books and vouchers kept by Mr. Brattain. He has unquestionably received near five thousand dollars for which he has failed to account and for which he and his securities are therefore legally liable.

From all they can learn your committee have been brought to the conviction, that this defalcation has grown out of the loss of some voucher or that it has resulted from mistake, or from the criminal conduct of some person other than the late treasurer of the board of public works.

Of Mr. Brattain's integrity no one, as far as we can learn, entertains any doubt. He has heretofore in a long life, much of it spent in places of public trust and usefulness, uniformly sustained a character for exemplary honesty and faithfulness. Those who know him best still remain unshaken in their opinion of his uprightness. A paper referred to your committee, numerously signed by his neighbors and acquaintances of both political parties, many of them known to be among the most upright and intelligent citizens of Van Buren county, sets forth that confidence in decided language. But what places this matter beyond doubt is the fact, as we are credibly

informed, the said Brattain has not only not been spending means which appeared to have been illy gotten, a fact which almost uniformly accompanies embezzlement, but that upon discovering his defalcation he surrendered all his property to save his sureties from loss, such property being nearly or quite sufficient for this purpose.

It appears that Mr. Brattain although well qualified in other respects, was wanting in one of the essential requisites of a good public officer, that of strict order and precision in keeping the books and papers of his office. This resulted doubtless from the fact that he was inexperienced in such matters, having been most of his life a farmer and not a book keeper. His accounts were not kept, nor his vouchers preserved with that care which is indispensable to safety in such cases.

It is the opinion of many well qualified to judge in this respect, that it is not improbable that every dollar of this deficit has been paid out for the benefit of the Des Moines river improvement, and that the defalcation results from the loss of the proper vouchers.

Your committee are not in favor of relaxing the salutary rule—that public officers should be held to a strict accountability. If therefore Mr. Brattain's difficulties has resulted from the fault of those in whom he has confided, he should be made to sustain the loss however severely it may affect him or his sureties. There is no other way to protect the interests of the public or ensure the vigilance of public officers.

But if it were made evident that the deficit in this case was the result of mistake or of the loss of vouchers and that all the money received by Mr. Brattain was actually paid out by him in the manner which the law required, it would be wholly unjust and improper for the state to take advantage of such mistake or accident from which the public has sustained no detriment, thus bringing ruin upon an honest though unfortunate public servant.

Not being possessed of the information necessary to judge understandingly on this subject, your committee believe that under all the circumstances it is alike due to Mr. Brattain and to the state that a careful investigation should be made of the whole matter before any further steps are taken on this subject. They therefore recommend the adoption of the accompanying joint resolution.

Having thus fully reported your committee ask to be discharged from the further consideration of the case.

J. H. FLINT, Chairman.

Said report was concurred in.

H. R. file No. 156, joint resolution for the appointment of a committee to investigate the accounts of Paul Brattain; was read a first and second time.

Mr. Preston moved to strike out the word "each" and insert the words "the Senate and two from the House;" agreed to.

Mr. Harbour moved to refer to a select committee.

Mr. Allender moved to lay on the table; lost.

YEAS, 12 }  
NAYS, 22 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Bunker, Goodenow, Guiberson, Haun, McCulloch of Jefferson, McCrary, Parvin, Summers, Taylor, Updegraff and Wyckoff.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Salmon, Thompson, Wilson of Henry and Mr. Speaker.

Mr. Harbour, withdrew his motion to refer and offered a substitute for said bill.

Mr. Negus moved to refer said bill and substitute to a select committee; lost.

Said substitute was then rejected.

Mr. Hamill moved to add the words "and that said committee be paid out of the lands belonging to the public works;" agreed to.

Mr. Harbour moved to strike out the words "a committee of one from the Senate and two from the House," and insert "Robert Brown of Jefferson and James Woods of Des Moines county;" lost.

YEAS, 6, }  
NAYS, 29. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Folsom, Goodenow, Harbour, Jacobs, Negus and Samuel Riggs.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Price, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Said bill was read a third time.

The question being on its passage was decided in the negative.

YEAS, 16, }

NAYS, 19. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Dibble, Eaton, Flint, Gamble, Gildea, Harper, Jacobs, Major, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Taylor and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Folsom, Goodenow, Guiberson, Hamill, Harbour, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Salmon, Summers, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Mr. Folsom moved to adjourn till 9 o'clock A. M. to-morrow; lost.

Mr. Crawford from the select committee to whom was referred chapter one, of title 8, part one of the revised code, reported the same back and asked to be discharged from the further consideration of the same; which was refused and said chapter recommitted.

On motion of Mr. Preston of Linn, the House adjourned at 35 minutes P. M.

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## TWO O'CLOCK, P. M.

Mr. Gamble offered the following resolution, which was agreed to:

Resolved, That no member shall speak more than five minutes on any question before the House during the remainder of the present session.

Mr. Harbour presented the claim of J. Cowles, administrator of the estate of A. H. Haskill, deceased; referred to the committee on claims.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Price introduced H. R. file No. 150, a bill for an act to locate a state road therein named.

Said bill was read a first, second and third time, passed and title agreed to.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 59, a bill for an act to create the sixth judicial district; and

Senate file No. 69, a bill for an act to authorise the commissioners of Jackson county to levy a tax to build a bridge across the Maquoketa river.

In which they ask a concurrence on the part of the House of Representatives.

The Senate have also passed without amendment H. R. file, No. 113, an act to amend an act entitled an act granting to James Weed and his associates, a right of way and the privilege of constructing a road from Bloomington in Muscatine county *via* Tipton in Cedar county, to the county seat of Benton county, approved January 8th, 1849; and

H. R. file No. 144, a bill for an act to amend the charter of the city of Keokuk. Also

H. R. file, No. 141, joint resolution asking a grant of land to aid in constructing bridges on post route from Dover to Fort Kearney on the Missouri river.

The Senate have also passed with amendments, substitute No. 1 for H. R. file No. 40, substitute No. 2 for H. R. file No. 40. Also

H. R. files No. 57, 97, 115 and 133, in which the concurrence of the House of Representatives is requested. Also

Senate file No. 70, a bill for an act authorising George M. French and his associates to erect a mill dam. Also

Substitute for H. R. file No. 95, and Senate file No. 73, a bill for an act to reorganise the supreme court.

In which they ask the concurrence of the House of Representatives.

I herewith present for your signature Senate file No. 22, an act

to restrain swine and sheep from running at large in Scott, Cedar and Jones counties, the same having passed both branches of the general assembly.

Mr. Wyckoff from the select committee to whom was referred the petition of citizens of Jackson county praying for a law to provide for re-locating the county seat of said county, reported the same back and recommended its reference to the committee on township and county organization; which was concurred in.

Mr. Wyckoff from the select committee to which was referred the petition of E. M. Westbrook and others for the establishment of a new county from parts of the counties of Jackson and Clinton, reported adverse to the prayer of the petition; which was concurred in.

Substitute for Senate file No. 36, a bill for an act for the more effectual improvement of the Des Moines river, was taken from the table and the amendments reported by the committee concurred in.

Said bill was read a second time.

Mr. Hamill moved to add to section 29, the following:

“29a. Suits may be brought against the commissioner by the name of A. B. commissioners of public works of the state of Iowa and such suits may be brought not only for liabilities incurred by himself but also for those which the late board of public works might have been sued.”

“29b. The commissioner has power in all cases to settle with contractors or other creditors of the Des Moines river improvement

Mr. Updegraff introduced H. R. file No. 157, a bill for an act granting the Mount Pleasant, Trenton, Deedsville and Brighton plank road company the right of way.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Samuel Riggs introduced H. R. file No. 158, a bill for an act to sell the saline lands belonging to the state of Iowa and appropriate the proceeds thereof.

Said bill was read a first and second time and referred to a select committee composed of Messrs. Flint, Harper and Haun.

Mr. Babbitt introduced H. R. file No. 159, a bill for an act to legalize the acts of Isaac Mayer, a justice of the peace of Marshall county.

fund and submit any controversy that may arise on these subjects to an arbitration when the same cannot be settled amicably."

Which was agreed to.

Mr. Flint offered the following:

"Sec. —. That if the commissioner and register can contract for the completion of the entire improvement below Keosauqua including the canal below St. Francisville, with any company or companies by pledging the entire nett proceeds arising from the sale of the lands laying below the Racoon Fork and water rents and tolls below Keosauqua, they are hereby authorised so to do any thing to the contrary in this act notwithstanding;" which was adopted.

Mr. Negus offered the following:

Add to section 25, "and for good cause the governor is hereby empowered to remove either of said officers and appoint others in their places;" which was agreed to.

Mr. Preston of Linn, moved to amend so as to provide for the election of the commissioner and register by joint convention of the general assembly; and strike out all that relates to the appointment by the governor of those officers; which was disagreed to.

Mr. Preston of Linn moved to amend so as to provide that the commissioner and register shall enter upon the duties of their office on the first Monday in August 1851, and strike out all that relates to their entering upon their duties before that time; which was disagreed to.

Mr. Harbour offered the following amendment to section 8, viz: strike out all after the word "by" in the 4th line to the word "which" in the 6th line and insert the following, "pledge to the contractors the proceeds of the sales of the lands;" which was decided in the negative.

YEAS, 4,  
NAYS, 31.)

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Gamble, Harbour, Preston of Linn and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson,

McCrary, Negus, Parvin, Price, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

H. R. file No. 128, a bill for an act to locate the seat of government of the state of Iowa at Fort Des Moines, together with all petitions relating thereto, was on

Motion of Mr. Babbitt, referred to a select committee of three.

Messrs. Babbitt, Crawford and Allender, were appointed said committee.

Mr. Babbitt with leave introduced H. R. file No. 161, a bill for an act to provide for the location of the permanent seat of government of the state of Iowa at Pella, which was read a first and second time and referred to the same committee with H. R. file No. 128.

Mr. Folsom from the committee on the judiciary to whom was referred H. R. file No. 132, a bill for an act to create a sixth judicial district, with leave reported the same back and was discharged from the further consideration thereof.

On motion of Mr. Updegraff, said bill was laid on the table.

On motion of Mr. Jacobs H. R. file No. 120, a bill for an act to locate a state road from Lancaster in Keokuk county to Fairfield in Jefferson county, was taken from the table, said bill was read a second and third time, passed and title agreed to.

On motion of Mr. Taylor, H. R. file No. 93, a bill for an act to authorize Robert Gower, James H. Gower, Jacob Shawver, Peter Dilts and others to erect a toll bridge across Cedar river in Cedar county; was taken from the table, said bill was read a second and third time.

The question being on the passage of said bill was decided in the affirmative.

YEAS, 23. }

NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Bunker, Dibble, Eaton, Flint, Folsom, Goode-  
now, Guiberson, Hamill, Haun, Major, McCulloch of Jefferson,  
McCrary, Parvin, Price, Samuel Riggs, Salmon, Summers, Taylor,  
Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Babbitt, Crawford, Gildea, Jacobs, Negus, Robinson and Thompson.

So said bill was passed and title agreed to.

Mr. Allender moved to strike out the words "taking into consideration the advantages and disadvantages of said road" in section two; which was agreed to.

Said bill was then read a third time, passed and title agreed to.

On motion of Mr. Gildea, the House adjourned at four o'clock 5 minutes P. M.

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## TUESDAY MORNING, JANUARY 28, 1851.

Petitions were presented, read and disposed of as follows: Mr. Summers in the chair.

By Mr. Goodenow; a petition of citizens of Jackson county for a law authorising the county commissioners of Jackson county to levy a tax to build bridges over Farmers' creek; which was referred to the committee on roads and highways.

By the Speaker; a petition of Burlington and Louisa county plank road company for a bill for an act granting said company the right of way; which was laid on the table.

Notice to bring in the following bills was given:

By Mr. Allender; a bill for an act to vacate the town of Harrisburgh in the county of Van Buren.

By Mr. Dibble; a bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington in Van Buren county.

Mr. Haun, from select committee to whom was referred certain petitions of citizens of Clinton county, reported H. R. file, No. 162, a bill for an act granting the right of way to the Lyons Iowa central rail road company; which was read a first, second and third time, passed and title agreed to.

Mr. Haun, from committee on agriculture, submitted the following

## REPORT.

Your committee respectfully report—

That the subject which has received the consideration of this committee, is one of vital importance to our young and prosperous State. But four years have elapsed since the foundation of our State government; and although we are in our infancy—taking our first steps in self-reliance, and our voice only beginning to be heard among the States of the Union, those steps have been firm and rapid in advancement to prosperity and happiness as a people, and already has Iowa spoken to the commercial world by her agricultural products, in language of traffic, so as to be heard, recognised and appreciated.

Here, where'but a few years since, the red man occupied and used the prairie and woodland as a hunting ground—a wilderness unbroken by the hand of industry, save what was rudely accomplished by the squaw to raise a few bushels of corn, to be as rudely prepared for savage use in the frail wickeup;—the first settlers who crossed the Mississippi river to make their Far West home, found their hope of thrift more than realised in the fertility of the soil, and by the great abundance of water, both for the ordinary uses of domestic life and navigation. Although for a season they were dependant on older settlements for the products of the soil necessary to supply the wants of life. This was so only for a short period, each, the second year, found himself possessed of a house and a farm sufficient, not only for himself and family, in comfort, but which yielded surplus products, enabling him to furnish supplies for his newly arrived neighbors. Thus as the flood of emigration from the older States continued and increased, each year, the immensely rich resources of our State became more and more developed, known and appreciated.

Soon upon our navigable streams, on our borders and in the interior, towns and young cities were built at convenient points as marts for traffic, and for the exportation of the products of the soil. As farms were multiplied by the rapidly increasing population, these towns and cities grew with the growth and increase of agriculture, industry and its produce yearly, so that, founded upon and connect-

ed with the unprecedented agricultural prosperity of our state, our commercial interests have assumed a condition unprecedented for the time in the history of any of the States of our Union. In connection with these considerations the fact that from east to west and north to south, Iowa is supplied with rivers and streams affording the most advantageous sites for water power, furnishing naturally the greatest facilities for milling and manufacturing purposes, is proper to be noticed; and the ingenious mechanic and the capitalist have already availed themselves of the wealth presented by nature in this respect. Mills for flouring and manufacturing generally have been extensively put in operation in the more densely populated portions of the State. Thus the hand of the manufacturer is extended to the farmer. The raw material of the agriculturalist is passed for its price in money to the manufacturer, and the manufactured article goes to market to be sold in due time, and then returned in the avails to add to the wealth of the State. Thus has Iowa, owing to the great agricultural resources she possesses, acquired a position in prosperity, within a few years, which places her in the advance of many of the older States of the Union, and of which we as citizens may be justly proud, and for which we should be grateful.

During the year just ended the influx of population has exceeded that of any previous year. This is to be accounted for by the fact that the immense agricultural and manufacturing resources are only beginning to be known abroad. Men of talent, energy and wealth have become assured that, although possessed of competence in other states, they can by availing themselves of the fertility of our soil, the facility with which it is worked and the readiness with which produce can be marketed, secure not only comfort and independence for the present, but wealth for their families in the future. Farms are not only made by the grove side, which borders the rich prairie, but now they are stretching out in the wide expanse until they join fences in its center. It may be reasonably expected that the coming season will find immigration still on the increase over that of the last year.

We might say much that would be interesting in relation to the progress and advancement of agriculture in our state; but we deem it unnecessary at this time; our present object being only to bring this important subject before this body. Hitherto individual enter-

prise, unnoticed and without encouragement by legislative action, or associated effort of any kind has exhibited the fact in bold relief that Iowa is preeminently an agricultural state.

A brief statistical statement taken from the report of the Auditor of state for the years 1848 and 1850, will suffice to exhibit satisfactorily the truth of our statement in relation to the character of our state as being agricultural, and will also show the rapid increase of this department of industry.

For the year 1848 we numbered 27,980 horses, over two years old, and valued at	\$993,946
Neat cattle 72,840, valued at	723,326
Sheep 114,623, valued at	131,338
Land taxed 2,316,904 acres valued at	8,081,698
Town lots taxed at	2,008,812
Capital employed in merchandise,	645,917
Value of mills, manufactories, distilleries, carding machines and tan yards,	237,655

The Report for the year 1850 shows the following results—

Horses over two years old 38,585 valued at	1,460,475
Showing an increase in number of 10,605 and in value	467,529
Neat cattle over two years old 90,406 valued at	1,106,055
It being an increase of 6,566, and in value of	385,729
Sheep over 6 months old 140,599, valued at	155,765
Which is an increase of	25,976
Land taxed 3,752,168 acres, valued at	13,277,483
Showing an increase of 1,435,464 acres, and valued at	5,245,785
Town lots value,	3,640,546
Showing an increase of	1,631,734
Value of capital employed in merchandise is	887,237
Showing an increase of	241,320
Value of mills, manufactories, distilleries, carding machines and tan yards, is	432,838
Showing an increase of	194,183

Your committee have no means of ascertaining the amount of the various kinds of grain and many other articles connected with agriculture, we therefore recommend that measures be adopted to accomplish this object.

These few items of statistical information officially ascertained,

and of record, may suffice to present to your honorable body something of the agricultural resources of our state, as developed in its infancy, under all the inconvenience and manifest disadvantages incident to a new settlement. It may be truly said, in view of the limited capital employed hitherto, that labour without money has accomplished almost all that has been done. The accumulation of wealth, such as is exhibited by the above statistics, is dependant upon the agricultural resources of a state; commerce and manufactures necessarily look to the products of the soil. Agriculture lies at the foundation of social and national welfare and prosperity.— Indeed experience has proved that the happiness and liberty of a nation is preserved and promoted in proportion as its agricultural interests are protected and increased. As has been said of another state, it may be emphatically said of Iowa, we are, and of necessity must be, an agricultural people; and it becomes us to inquire in what manner this great interest can best be sustained and advanced. In the older states of our Union it has been proved by experience, that much may and has been done to foster and advance this great interest by the formation of state and county agricultural societies; legislative aid has been given, in many of the states, for the encouragement and support of these measures. The results exhibited, by the influence of such associations, have not only realised the expectation of those who have promoted them, but they have justified the interposition of state patronage most fully. The wisest and greatest statesmen of our land have given their testimony, in the strongest terms, in favor of the claims of agriculture as the great source of individual and national happiness. The father of his country, in his speech on the opening of Congress, December 5th, 1796, said:

“ It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance in proportion as nations advance in population and other circumstances of nationality. This truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage; institutions for promoting it grow up supported by the public purse, and to what object can it be dedicated with greater propriety.”

Your committee then would respectfully ask, is this not the time when public patronage, by legislative enactment, should be given to this department of state industry, in which, as a people, we are so

vitally interested, so as at least to bestow on it a fostering care equal to that conferred on any other.

That the proper response may be elicited, and the action of this body seconded in this great design, your committee respectfully submit the following bill.

W. G. HAUN, Chairman.

On motion of Mr. Harper, said report was laid on the table, and 1500 copies ordered to be printed for the use of the general assembly.

YEAS, 22 }

NAYS, 12 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, Price, Robinson, Salmon, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Eaton, Flint, Jacobs, Major, McCrary, Negus, Parvin, Preston of Linn, Samuel Riggs, Taylor and Thompson.

Said committee also reported the following bill, H. R. file No. 163, a bill for an act for the encouragement of agriculture, which was read a first, second and third times, passed and title agreed to.

H. R. file No. 164, a bill for an act requiring additional duties of the several county assessors, which was read a first and second times and recommitted to the committee on agriculture.

Mr. Hamill from select committee to whom was referred H. R. file No. 153, joint resolution relative to the accounts of J. W. Cohick, reported a substitute therefor, said substitute was accepted, read a second and third time, passed and title agreed to.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have concurred in the amendments made by the House to sections 1 and 11 of chapter one, title five, part three, and have disagreed to the amendment made by the House to section 4 of said chapter.

The Senate have disagreed to the action of the House as to that portion of the appendix which relates to "courts of conciliation,"

and "offers of compromise," and have concurred in the action of the House as to that part relating to the "abolition of actions in certain cases."

The Senate concurred in the amendment made to section 14, chapter three, title one, part four. Also to the amendments made to chapter four of said title.

The Senate have also made several amendments to said parts in which the concurrence of the House is requested.

I herewith present for your signature Senate file No. 51, an act to provide for the medical department of the Iowa University. Also

Senate substitute for H. R. file No. 50, memorial to Congress for a donation of land to aid in the construction of a rail road from Du Buque by the way of the great bend of St. Peters river to Red river. And an additional donation of land or money sufficient to build a bridge across the Mississippi river at Du Buque.

The same having passed both branches of the general assembly.

The Senate have passed Senate file No. 72, a bill for an act granting the Port Louisa, Wapello and Virginia Grove plank road and bridge company, the right of way. Also

Substitute for Senate file No. 77, preamble and resolution relative to those engaged in the difficulty between Iowa and Missouri, as to the southern boundary;

In which the concurrence of the House of Representatives is requested.

The Senate have resolved, the House concurring, that the general assembly adjourn *sine die* on Wednesday the fifth day of February next.

Mr. Dibble from the committee on roads and highways to which was referred certain petitions, reported H. R. file No. 165, a bill for an act to locate a state road from the fourteen mile stake on the Davenport and Marion road by way of Thorn's Mill to Anamoosa in Jones county.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Dibble from the committee on roads and highways to whom was referred certain petitions, reported H. R. file No. 166, a bill for an act to locate a state road from the county seat of Freemont county to Indian town.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Dibble from the committee on roads and highways to which was referred certain petitions, reported H. R. file No. 167, a bill for an act authorizing the commissioners of Jackson county to require the petitioners to pay expenses of locating roads.

On motion of Mr. Harbour, the House proceeded to consider the resolution of the Senate providing for the adjournment of the General Assembly, on Wednesday the 5th day of February.

Mr. Wyckoff moved to lay the message on the table; lost.

The question was then put, will the House concur? and decided in the affirmative.

Mr. Babbitt introduced H. R. file No. 168, a bill for an act to amend an act entitled "an act to establish normal schools" approved January 15th, 1849; which was read a first and second time.

Mr. Folsom moved to refer said bill to a select committee of five.

Mr. Babbitt moved to lay on the table; which was agreed to.

Mr. Folsom introduced H. R. file No. 169, a bill for an act to attach the southern tier of townships in Benton county to Iowa county; which was read a first and second time and referred to the representatives from Linn and Johnson counties.

Mr. Gildea introduced H. R. file No. 170, a bill for an act to authorize the governor of this state to accept of a grant of land to aid in the construction of the Dubuque and Keokuk rail road; which was read a first time.

H. R. file No. 130, joint resolution for a mail route from Rochester in Cedar county to Mt. Vernon in Linn county; was read a third time, passed and title agreed to.

Mr. Crawford from the committee on claims to whom was referred the petition of the trustees of Jackson township with leave reported H. R. file No. 171, a bill for an act for the relief of the trustees of Jackson township in Lee county; which was read a first time.

The question pending on the motion of Mr. Allender to strike out all after the enacting clause of H. R. file No. 66, a bill for an act to prohibit the immigration of free negroes into this State.

On motion of Mr. Babbitt the words "or private citizen" in the seventh line of the second section was stricken out and also in the

eleventh line of the second section the word "ten" was struck out and the word "two" inserted.

Mr. Wyckoff moved to strike out the words "twenty-four hours" and insert "three days."

Mr. Gamble moved to amend the amendment by striking out "three days" and inserting "ten years."

On motion of Mr. McCrary, the House adjourned at 25 min. P. M.

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## TWO O'CLOCK, P. M.

A call of the House was had, when Messrs. Flint, Folsom and Negus were found to be absent; those gentleman having appeared and taken their seats the further call was suspended.

Question pending on the amendment to the amendment offered by Mr. Gamble was decided in the negative; lost.

The question then recurring on the amendment offered by Mr. Wyckoff; was decided in the affirmative.

Mr. Parvin moved to strike out section four; lost.

On motion of Mr. Parvin, the words "or may hereafter acquire" were added to section three.

Mr. Hamill moved to strike out all after the word "prosecution" in the 13th line of section two to the word state in the 16th line; lost.

Mr. Allender moved to amend section four by adding thereto, "and no person shall come under the perview of this act unless his hair is so curled as to kink his back;" lost.

Mr. Gamble offered the following:

SEC. 5. And be it further enacted, That the sum of five thousand dollars be and is hereby annually appropriated to the American Colonization Society for the purpose of colonizing the free blacks of this state on the west coast of Africa, and the auditor of state is hereby authorized and required to audit and draw a warrant on the treasurer for the same.

Which was disagreed to.

YEAS 9,  
NAYS 26.)

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Dibble, Gamble, McCrary, Negus, Preston of Linn, Price, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Wyckoff and Mr. Speaker.

Mr. Samuel Riggs moved the previous question upon which the main question was ordered and put, viz: will the House strike out all after the enacting clause? and decided in the negative.

YEAS, 14, }

NAYS, 21. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Bunker, Dibble, Gamble, Goodenow, Hamill, Harper, McCulloch of Lee, McCrary, Preston of Linn, Price, Thompson, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Wyckoff and Mr. Speaker.

Said bill was read a third time.

The question was then put, shall the bill pass? and decided in the affirmative.

YEAS, 20, }

NAYS, 15. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Gildea, Guiberson, Harbour, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Bunker, Dibble, Folsom, Gamble, Goodenow, Hamill, Harper, McCrary, Parvin, Preston of Linn, Price, Thompson, Updegraff and Wilson of Henry.

Mr. Price offered the following amendment to the title of said bill:

“an act of the General Assembly of the State of Iowa, declaring inoperative in certain cases, so much of the constitution of this state as reads, “all men are by nature free and independent and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and pursuing and obtaining safety and happiness.”

Mr. Folsom moved to lay said amendment on the table; disagreed to.

YEAS, 15 }  
NAYS, 19 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Folsom, Goodenow, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Parvin, Robinson, Salmon, Summers, Taylor, Thompson and Wyckoff.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Guiberson, Hamill, McCulloch of Lee, McCrary, Negus, Preston of Linn, Price, Samuel Riggs, Updegraff, Wilson of Henry and Mr. Speaker.

The question then recurring on the amendment to the title ; was decided in the negative.

YEAS, 9, }  
NAYS, 25. }

The yeas and nays were desired, those who voted in the affirmative were :

Messrs. Allender, Bunker, Dibble, Hamill, McCrary, Preston of Linn, Price, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Wyckoff and Mr. Speaker.

The title to said bill was then agreed to.

Mr. Preston of Linn from the committee on township and county organization to whom was referred certain petitions of citizens of Jackson county with leave reported H. R. file No. 172, a bill for an act to relocate the seat of justice of Jackson county ; said bill was read a first time.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 79, a bill for an act granting to the junction rail road company the right of way.

Also Senate file No. 80, a bill for an act for the preservation of game.

In which the concurrence of the House of Representatives is requested.

The Senate have also passed without amendment H. R. file No. 140, joint resolution relative to printing the constitution of the State of Iowa in the German language. Also

H. R. file No. 146, a bill for an act to grant the right of way for a graded or plank road from Muscatine to Iowa City. Also

H. R. file No. 160, a bill for an act granting the right of way to the Lyons Iowa Central rail road company.

On motion of Mr. Flint, Mr. John Stout was employed as assistant fireman during the time the present fireman of the House shall be unable to attend to his duties.

Mr. Hamill introduced H. R. file No. 173, joint resolution relative to Barnard's school architecture; which was read a first and second time.

On motion of Mr. Harper, said joint resolution was referred to the committee on schools.

H. R. file No. 131, a bill for an act to lay out and establish a state road from Delhi to Marion; was read a third time, passed and title agreed to.

Senate file No. 42, memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road, with branch to Keosauqua; was read a third time, passed and title agreed to.

Senate file No. 46, a bill for an act to incorporate the city of Keosauqua; was read a third time, passed and title agreed to.

Senate file No. 47, a bill for an act granting the Keokuk and Des Moines Valley plank road company the right of way; was read a third time, passed and title agreed to.

H. R. file No. 125, Joint preamble and resolution for a title of lands to Thomas C. Linton; was read a second and third time.

The question being on the passage of said bill was decided in the negative.

H. R. file No. 126, a bill for an act making an appropriation for the repair of the bridge across English river, on the military road; was read a second time. And

On motion of Mr. Crawford said bill was referred to a select committee.

Messrs. Crawford, Bunker and Goodenow were appointed said committee.

H. R. file No. 127, a bill making an appropriation for the branches of the State University at Dubuque and Fairfield; was read a second time and on motion of Mr. Parvin, referred to the committee on schools.

H. R. file No. 129, a bill for an act to establish teachers' institutes for the education of teachers and others; was read a second time.

And on motion of Mr. Parvin referred to the committee on schools

Senate file No. 80, a bill for an act for the preservation of game; was read a first and second times.

Mr. Babbitt moved to indefinitely postpone said bill; which was disagreed to.

Mr. Summers, moved to refer to the committee on internal improvements; lost.

On motion of Mr. Babbitt, said bill was laid on the table till the 4th day of March next.

Senate file No. 79, a bill for an act granting to the junction rail road company the right of way; was read a first, second and third time, passed and title agreed to.

Senate file No. 52, a bill for an act to provide for the location of the seat of justice of Taylor and Ringgold counties; was read a first second and third time, passed and title agreed to.

Senate file No. 44, a memorial to Congress for the location and construction of a military road from the Mississippi river to Fort Clarke on the Des Moines river; was read a first, second and third time, passed and title agreed to.

Senate file No. 50, a bill for an act to amend an act to reorganize the supreme court; was read a first and second time.

Mr. Robinson moved to strike out "Fort Des Moines in Polk

county" wherever they occur in said bill and insert "Knoxville in Marion county."

Mr. Price moved to amend the amendment by striking out "Knoxville" and inserting "Cuttentberg;" disagreed to.

The question then recurring on the amendment, was decided in the affirmative.

YEAS, 20, }  
NAYS, 15. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Flint, Gamble, Gildea, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, Parvin, Preston of Linn, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Dibble, Eaton, Folsom, Goodenow, Guiberson, Haun, McCulloch of Jefferson, McCrary, Negus; Price, Samuel Riggs, Summers, Taylor and Mr. Speaker.

Said bill was read a third time, passed and title agreed to.

Mr. Harper from the committee on enrolled bills reported:

H. R. file No. 141, joint resolution asking a grant of land to aid in constructing bridges on post route from Dover to Fort Kearney on the Missouri river. Also

H. R. file, No. 144, a bill for an act to amend the charter of the city of Keokuk. Also

H. R. file No. 113, a bill for an act to amend an act entitled an act granting James Weed and his associates the right of way and the privilege of constructing a road from Bloomington in Muscatine county *via* Tipton in Cedar county to the county seat of Benton county, approved January 8, 1849; correctly enrolled.

Senate file No. 53, a bill for an act to legalize the acts of the officers of school district No. 3, in Baltimore township in Henry county; was read a first, second and third time, passed and title agreed to.

Senate file No. 56, a bill for an act granting the Ottumwa and Libertyville plank road company the right of way; was read a first, second and third time, passed and title agreed to.

Senate file No. 69, a bill for an act to authorize the county com-

missioners of Jackson county to levy a tax to build a bridge across Maquoketa river; was read a first and second time.

On motion of Mr. Wyckoff, referred to a select committee.

Messrs. Wyckoff, Summers and Taylor were appointed said committee.

Substitute for H. R. file No. 95, and Senate file No. 73, a bill for an act to reorganize the supreme court; was read a first and second times and on motion of Mr. Babbitt laid on the table.

Senate file No. 72, a bill for an act granting the Port Louisa, Wapello and Virginia Grove plank road and bridge company the right of way; was read a first and second time.

On motion of Mr. Gamble, the words "and Burlington Hawkeye" in section fifteen were struck out.

Said bill was read a third time, passed and title agreed to.

Senate file No. 77, preamble and resolution relative to the pay of those engaged in the difficulty between Iowa and Missouri as to the southern boundary; was read a first, second and third time, passed and title agreed to.

Senate file No. 70, a bill for an act authorizing George M. French and his associates to erect a mill dam; was read a first time.

Senate file No. 59, a bill for an act to create the 6th judicial district; was read a first, second and third time, passed and title agreed to.

Senate file No. 62, a bill for an act granting the Burlington, Dodgeville and Virginia Grove plank road company the right of way; was read a first and second time and referred to a select committee composed of Messrs. Harper, Wyckoff and Robinson.

Senate file No. 67, a bill for an act granting the Fort Madison, West Point and Salem plank road company the right of way; was read a first, second and third time passed and title agreed to.

On motion of Mr. Crawford, the House adjourned at 5 o'clock P. M.

WEDNESDAY MORNING, JANUARY 29, 1851.

The hour of nine o'clock A. M. having arrived and the speaker not being present.

On motion of Mr. Preston of Linn, Mr. Flint was appointed speaker *pro tem*.

On motion of Mr. Crawford, a call of the House was had, when Messrs. Babbitt, Folsom, Guiberson, Hamill, Harbour, Harper, Haun, McCulloch of Lee, Negus, Robinson, Salmon, Thompson and Mr. Speaker were found to be absent.

On motion of Mr. Crawford the further call of the House was suspended.

Petitions were presented read and disposed of as follows:

By Mr. Taylor, a petition of citizens of Cedar county for the right of way for the Lyons Iowa Central railroad company; laid on the table.

Mr. Robinson offered a resolution, which was modified and agreed to as follows:

Resolved, That the Rev. J. B. Bowen and Judge Mason have the use of this hall, this evening for the discussion of the subject of capital punishment.

Mr. Harper from the select committee to whom was referred Senate file No. 62, a bill for an act granting the Burlington, Dodgeville and Virginia Grove plank road company the right of way; reported the same back with sundry amendments to the title and the bill, which were concurred in.

Said bill was read a second and third time; passed and title agreed to.

Mr. Eaton from the committee on schools to whom was referred H. R. file No. 35, a bill for an act to repeal the fourth section of an act to establish normal schools. And

H. R. file No. 127, a bill for an act making an appropriation for the branches of the State University at Dubuque and Fairfield, and

H. R. file No. 58, a bill for an act to amend an act entitled an act to establish normal schools, approved January 11, 1849.

Reported a substitute therefor; which was accepted and read a second time.

Mr. Babbitt moved to amend by striking out so much as refers to appropriating the funds arising from the sale of the saline lands.

On motion of Mr. Summers, laid on the table.

Mr. Price from the joint committee appointed to enquire what mail facilities were needed, reported H. R. file No. 174, joint resolution asking an increase of mail routes; which was read a first and second times. Also

H. R. file No. 175, joint resolution asking an increase of mail facilities; which was read a first and second time.

Mr. Summers from the select committee to whom was referred the minority report of the select committee on printing, reported H. R. file No. 176, a bill for an act to amend an act entitled an act to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29, 1849; said bill was read a first time.

Mr. Crawford from the select committee to whom was referred H. R. file No. 126, a bill for an act making an appropriation for the repair of the bridge across English river, on the military road, reported the same back with sundry amendments; which were severally read and concurred in.

Said bill was then read a second and third time.

The question on the passage of the bill was decided in the affirmative.

YEAS, 21. }  
NAYS, 15. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Guiberson, McCulloch of Lee, McCrary, Preston of Linn, Preston of Monroe, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Samuel Riggs, Robinson, Summers and Taylor.

On motion of Mr. Crawford, the title of the bill was so amended as to include the "Wapisipinacon" river.

The title as amended was then agreed to.

Mr. Harbour, with leave introduced H. R. file No. 177, a bill for an act to locate and establish a state road therein named.

Said bill was read a first, second and third time, passed and title agreed to.

On motion of Mr. Preston of Linn, the vote last had on the passage of H. R. file No. 126, was reconsidered.

The question being then put, shall the bill pass? was decided in the affirmative.

YEAS, 22.)

NAYS, 14.)

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Guiberson, Hamill, McCulloch of Lee, McCrary, Preston of Linn, Preston of Monroe, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wilson of Lee, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Goodenow, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Samuel Riggs, Robinson, Summers and Taylor.

Mr. Dibble from the committee on roads and highways to whom was referred certain petitions of citizens of Jackson county, reported H. R. file No. 178, a bill for an act to authorize the commissioners of Jackson county to submit to the people of said county, the question of levying a tax to build certain bridges therein named.

Said bill was read a first, second and third times.

The question then being on the passage of said bill was decided in the negative.

Mr. Robinson from the committee on expenditures, to whom was referred H. R. file No. 145, a bill for an act to authorise the secretary of state to have bound the census returns of 1850, reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Wyckoff to whom was referred Senate file No. 69, a bill for an act to authorise the county commissioners of Jackson county to levy a tax to build a bridge across Maquoketa river, reported the same back with one amendment; which was concurred in.

Said bill was read a second and third time, passed and title agreed to.

Mr. Dibble introduced H. R. file No. 179, a bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington in Van Buren county; which was read a first, second and third time, passed and title agreed to.

Mr. Allender introduced H. R. file No. 180, a bill for an act to vacate the town of Harrisburg in the county of Van Buren; which was read a first, second and third time, passed and title agreed to.

On motion of Mr. Negus the name of Mr. McCulloch of Jefferson was substituted for that of Mr. Gibson as one of the committee on expenditures.

Mr. Guiberson introduced H. R. file No. 181, a bill to amend an act entitled an act to grant the Lyons Iowa Central rail road company the right of way; which was read a first, second and third time, passed and title agreed to.

Mr. Harper from the committee on enrolled bills reported :

H. R. file No. 146, a bill for an act granting the right of way for a graded or plank road from Muscatine to Iowa City. And also

H. R. file No. 162, a bill for an act to grant to the Lyons Iowa Central rail road company the right of way; correctly enrolled.

Mr. McCrary introduced H. R. file No. 182, a bill for an act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution; which was read a first time.

On motion of Mr. Summers, said bill was rejected.

YEAS, 26, }  
NAYS, 9. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Allender, Babbitt, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Monroe, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Folsom, Guiberson, McCrary, Preston of Linn, Price, Updegraff, Wilson of Henry and Wyckoff.

Mr. Eaton introduced H. R. file No. 183, a bill for an act to declare a part of a survey therein named a state road; which was read a first, second and third times, passed and title agreed to.

On motion of Mr. Hamill, the House adjourned at 25 min. P. M.

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### TWO O'CLOCK, P. M.

Mr. Haun introduced H. R. file No. 184, joint resolution in relation to the mails in this State; which was read a first and second time.

Mr. Hamill moved to strike out all after the word "derived;" lost.

Mr. Crawford moved to suspend the 42nd rule and read said joint resolution a third time now; disagreed to.

On motion of Mr. Folsom, the House adjourned at two o'clock 20 minutes P. M., until ten o'clock A. M. to-morrow.

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### THURSDAY MORNING, JANUARY 30, 1851.

Mr. Crawford from the select committee appointed to re-apportion the state into Senatorial and Representative districts, reported H. R. file No. 185, a bill for an act to re-apportion the state and define the boundaries of senatorial and representative districts therein; which was read a first and second time.

On motion of Mr. Babbitt the 42nd rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Haun from the committee on agriculture to whom was referred H. R. file No. 164, a bill for an act requiring additional duties of the several county assessors, reported the same back without amendment.

Said bill was read a second time.

Mr. Preston of Linn, offered the following:

Sec. 2. This act shall be considered for statistical information only, and not for the purpose of taxation; which was adopted.

Said bill was then read a third time and the question being put "shall the bill pass?" was decided in the negative.

Mr. Eaton from the committee on schools to whom was referred H. R. file No. 173, joint resolution relative to Barnard's school architecture, reported the same back without amendment.

Said bill was read a second and third time, and the question being on the passage of the bill, was decided in the negative.

YEAS, 15, }  
NAYS, 21. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Eaton, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, Negus, Salmon, Summers, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Folsom, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Taylor, Thompson and Updegraff.

Mr. Crawford from the committee on claims, to whom was referred the report of the committee appointed to examine the accounts of A. H. Haskell, deceased, late superintendant of the penitentiary; reported the same back and asked to be discharged from the further consideration thereof.

On motion of Mr. Summers, the committee was excused from the further consideration of said report.

Mr. Price from the select committee to whom was referred H. R. file No. 175, joint resolution for an increase of mail facilities, reported the same back with sundry amendments thereto; which were read and concurred in.

Said bill was read a second time.

The following amendments were proposed and adopted:

By Mr. Allender, section 35.

By Mr. Goodenow, section 36.

By Mr. Summers section 37.

By Mr. Babbitt, section 38.

By Mr. Samuel Riggs, section 39.

By Mr. Eaton, section 40.

By Mr. Babbitt, section 41.

By Mr. Negus, section 12.

By Mr. Robinson, section 43.

By Mr. Samuel Riggs, section 44.

By Mr. Hamill, section 45.

By Mr. Gamble, section 46.

By Mr. Wilson of Henry, section 47.

By Mr. McCrary, section 48.

On motion of Mr. Haun, the words "Elk River" were inserted between "Sabula" and "Oziah Hunters," in section 26.

Mr. Preston of Linn moved to strike out all points and insert "all public highways in the state;" disagreed to.

Mr. Crawford moved to add section 49, "from Iowa City in Johnson county to the county seat of Buncombe county, *via* Guttenberg in Clayton county; disagreed to.

On motion of Mr. Gamble, said bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Gamble,

Resolved, That the committee on swamp lands be and they are hereby required to report to-morrow morning.

On motion of Mr. Gamble, the name of Mr. Samuel Riggs was substituted for the name of Mr. Reuben Riggs on the committee in relation to swamp lands.

H. R. file No. 172, a bill for an act to re-locate the seat of justice of Jackson county; was read a second time.

Mr. Goodenow offered a substitute therefor, which was accepted and read a second and third time, passed and title agreed to.

On motion of Mr. Crawford, the House adjourned at 10 min. P. M.

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TWO O'CLOCK, P. M.

H. R. file No. 184, joint resolution in relation to the mails in this state, was read a second and third time.

The question being on the passage of the joint resolution, was decided in the affirmative.

YEAS 27, }  
 NAYS 3. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Eaton, Flint, Gildea, Goodenow, Guiberson, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Hamill, McCulloch of Lee and McCrary.

So said bill was passed and title agreed to.

Senate file No. 70, a bill for an act authorising George M. French and his associates to erect a mill dam; was read a second and third times.

The question being on the passage of the bill, was decided in the negative.

YEAS, 11 }  
 NAYS, 19 }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Haun, Parvin, Preston of Monroe, Samuel Riggs, Taylor, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Eaton, Flint, Gildea, Guiberson, Hamill, Harbour, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Robinson, Salmon, Summers and Thompson.

H. R. file No. 147, a bill to enable the counties of Bremer, Butler and Grundy to be attached to Blackhawk county and to attach said counties to Buchanan county, was read a second and third time, passed and title agreed to.

H. R. file No. 152, a bill for an act to amend an act entitled an act to establish normal schools, approved January 15, 1849, was read a second and third time, passed and title agreed to.

H. R. file No. 155, joint resolution relative to superintending the printing and distribution of the laws of the present session; was read a second time, and

On motion of Mr. Gamble, laid on the table.

H. R. file, No. 170, a bill for an act to authorise the Governor of the State to accept of a grant of land to aid in the construction of the Du Buque and Keokuk rail road; was read a second time.

Mr. Taylor moved to refer said bill to a committee of five of which Mr. Babbitt should be chairman.

Mr. Harper moved to refer to the committee on internal improvements.

On motion of Mr. Crawford a call of the House was had, when Mr. Price was found to be absent.

Mr. Price having appeared and taken his seat, the call was suspended.

The question then being on the reference to the committee on internal improvements, was decided in the negative.

YEAS, 9, }  
NAYS, 27. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Gamble, Harper, Major, Negus, Parvin, Samuel Riggs, Robinson and Summers.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harbour, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Linn, Preston of Monroe, Price, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

The question then recurring to refer to a select committee of five, was decided in the negative.

YEAS 16, }  
NAYS 20. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Guiberson, Harper, Major, McCrary, Negus, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Salmon, Summers and Taylor.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Goodenow, Hamill, Harbour, Haun, Jacobs, McCulloch of Lee, McCulloch of

Jefferson, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Taylor offered the following amendment: in section 4, strike out all after the word "grant" and insert "he is hereby authorised and required to employ a competent engineer to make a reconnoissance and survey of the route for said road.

On motion of Mr. Taylor a call of the House was had, when it appeared that all the members not excused were in their seats.

The question being on the amendment was decided in the negative.

YEAS 18, }  
NAYS 18. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Summers and Taylor.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gildea, Goodenow, Hamill, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Taylor offered the following amendment:

"Strike out all that relates to the governor and insert the census board" which was agreed to.

YEAS, 21. }  
NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Gildea, Guiberson, Harper, Haun, Jacobs, Major, McCrary, Negus, Parvin, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Taylor and Wyckoff.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Goodenow, Hamill, McCulloch of Lee, McCulloch of Jefferson, Preston of Linn, Salmon, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

On motion of Mr. Crawford said bill was indefinitely postponed.

YEAS, 26 )

NAYS, 9 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Allander, Babbitt, Bunker, Crawford, Dibble, Flint, Folsom, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Eaton, Gamble, Gildea, Goodenow, Harbour, Jacobs, Negus, Price and Wilson of Henry.

H. R. file No. 171, a bill for an act for the relief of the trustees of Jackson township in Lee county; was read a second time and referred to the representatives from Lee county.

Message from the Senate by Mr. Bradley, their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 55, a bill for an act to provide for the establishment of a state Lunatic Asylum. Also

Senate file No. 65, a bill for an act to authorise Samuel Chandler and his associates to construct a dam across the Maquoketa river, in Jackson county. Also

Senate file No. 81, joint resolution relative to the accounts of the Iowa penitentiary.

In which the concurrence of the House is requested.

I also return H. R. file No. 106, a bill for an act authorising F. J. Wheeling and M. H. Clark and associates to erect a toll bridge across the east Nishnebotany. And

H. R. file No. 151, a bill for an act authorising Winthrop Folsom and Gilman Folsom and their successors to build a bridge across the Iowa river.

Both of which have passed the Senate without amendment.

The Senate have made several amendments to chapter seven, title one, part four, in which they ask the concurrence of the House.

The Senate have concurred in the amendment made by the House to section 10 of chapter two, title one, part four, and have disagreed to all the other amendments made by the House to said chapter.

The Senate has concurred in the amendment made by the House

to that portion of the appendix relating to the abolition of capital punishment.

The Senate have also made amendments thereto, in which they ask the concurrence of the House.

The Senate have indefinitely postponed H. R. file Nos. 84, 88, 107, 121 and 136.

The Senate have also passed without amendment H. R. file No. 159, a bill for an act to legalise the acts of Isaac Meyer a justice of the peace of Marshall county.

Also with one amendment H. R. file No. 68, a bill to incorporate the city of Davenport, in which they ask the concurrence of the House.

I herewith present for your signature, Senate substitute for

H. R. file No. 3, an act to incorporate the city of Muscatine. Also

Substitute for Senate file No. 36, a bill for an act to secure a more vigorous prosecution and early completion of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, the same having passed both branches of the general assembly.

Senate amendments to H. R. file No. 115, a bill for an act to amend the charter of the city of Burlington; were read and concurred in.

Senate amendments to H. R. file No. 97, a bill for an act to amend an act entitled an act to incorporate the town of Fairfield, approved January 9, 1847; were read and concurred in.

Senate amendments to H. R. file No. 133, a bill for an act to provide for a loan from the school fund, were read and concurred in.

Senate amendments to H. R. file No. 111, joint resolution for the appointment of a superintendant of the state penitentiary; were read and concurred in.

Senate amendments to H. R. file No. 57, an act to grant the right of way to the Iowa western rail road company; were read and concurred in.

Senate amendments to substitute No. 1, for H. R. file No. 40, a bill for an act entitled an act to grant the right of way to the Du Buque and Keokuk rail road company south; were read and concurred in.

Senate amendments to substitute No. 2 for H. R. file No. 40, a

bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company North; were read and on motion of Mr. Preston of Linn, referred to a select committee of three.

Messrs. Preston of Linn, Crawford and Haun were appointed said committee.

Senate file No. 63, a bill for an act to authorize the board of commissioners of Lee county to purchase a farm and build a poor house; was read a first, second and third time, passed and title agreed to.

Senate file No. 64, a bill for an act to repeal an act entitled "an act to repeal an act entitled an act for the relief of the poor; was read a first time.

Senate file No. 65, a bill for an act to authorize Samuel Chandler and his associates to construct a dam across the Maquoketa river in Jackson county; was read a first and second time. And

On motion of Mr. Babbitt indefinitely postponed.

Senate file No. 55, a bill for an act to provide for the establishment of a state lunatic asylum; was read a first time.

Senate file No. 81, joint resolution relative to the accounts of the Iowa penitentiary; was read a first, second and third time, passed and title agreed to.

Senate amendments to H. R. file No. 68, a bill to incorporate the city of Davenport; were read and concurred in.

H. R. file No. 176, a bill for an act to amend an act entitled an act to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29, 1849; was read a second time. And

On motion of Mr. Summers, was laid on the table.

On motion of Mr. Negus, the House adjourned at 5 o'clock P. M.

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#### FRIDAY MORNING, JANUARY 31, 1851.

Petitions were presented, read and disposed of as follows:

By Mr. Summers, accounts of Palmer & Paul, referred to the committee on claims.

By Mr. Wyckoff, a petition of citizens of Jackson county for a

law restraining swine from running at large; referred to the committee on agriculture.

By Mr. Gildea, a remonstrance of citizens of Delaware and Dubuque against a state road from Independence to the city of Dubuque; which was laid on the table.

Mr. Flint offered the following:

Resolved, That the per diem of the chief clerk and first assistant be five dollars during this session and that the committee on expenditures be instructed to incorporate the same in the general appropriation law.

Mr. Crawford moved to strike out "five" and insert "four;" disagreed to.

YEAS, 17, }  
NAYS, 19. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Crawford, Eaton, Folsom, Gildea, Harbour, Haun, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Summers, Thompson, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Flint, Gamble, Goodnow, Guiberson, Hamill, Harper, Jacobs, McCulloch of Lee, Price, Samuel Riggs, Robinson, Salmon, Taylor, Wyckoff and Mr. Speaker.

Mr. Summers moved to lay said resolution on the table; lost.

The question recurring on the adoption of the resolution was decided in the affirmative.

YEAS, 21 }  
NAYS, 15 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Dibble, Flint, Folsom, Gamble, Goodnow, Guiberson, Hamill, Harper, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Negus, Price, Samuel Riggs, Robinson, Salmon, Taylor, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Crawford, Eaton, Gildea, Harbour, Haun, Major, McCrary, Parvin, Preston of Linn, Preston of Monroe, Summers, Thompson, Updegraff and Wilson of Henry.

Mr. Preston of Linn offered the following:

Resolved, That the speaker of this House be allowed the sum of two dollars per day, for his services as speaker of this House for the present session, also that the sum of two dollars per day be allowed the enrolling clerk, fireman, sergeant-at-arms and messenger, and that the committee on expenditures be instructed to allow the same in the general appropriation bill.

Mr. Crawford moved to strike out "two" and insert "two and half;" lost.

Said resolution was then adopted.

Mr. Negus moved to reconsider the vote had on the adoption of the resolution allowing the clerks five dollars per day; agreed to.

Mr. Allender moved to reconsider the vote had on striking out "five" and inserting "four."

Mr. Parvin moved the previous question on which the main question was ordered, which was put, will the House reconsider? and decided in the affirmative.

YEAS, 18, }  
NAYS, 17. }

The yeas and nays were desired; those who voted in the affirmative were:

Messrs. Allender, Crawford, Eaton, Folsom, Gildea, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Manroe, Summers, Thompson and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Dibble, Flint, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, Price, Samuel Riggs, Robinson, Salmon, Taylor, Updegraff, Wyckoff and Mr. Speaker.

The question being on striking out "five" and inserting "four," was decided in the affirmative..

YEAS, 19, }  
NAYS, 17. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Crawford, Eaton, Folsom, Gildea, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Summers, Thompson, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Dibble, Flint, Gamble, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, Price, Samuel Riggs, Salmon, Taylor, Wyckoff and Mr. Speaker.

Mr. Eaton offered the following:

Resolved, That the chief clerk and assistant clerk receive one dollar each per day, for enrolling after the date of the resignation of the enrolling clerk.

Mr. Folsom moved to strike out "one" and insert "two;" agreed to.

The question being on the adoption of the resolution; was decided in the affirmative.

YEAS 20, }  
NAYS 16. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Dibble, Flint, Folsom, Goodenow, Guiberson, Hamill, Harper, McCulloch of Lee, McCrary, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Crawford, Eaton, Gamble, Gildea, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Summers, Taylor and Wilson of Henry.

Message from the Senate coming up in order.

The House concurred in the Senate amendment to section three, chapter one, title five of part three, and insisted on its amendment to section 4 of same chapter.

The House receded from its amendments to the first and second division of the appendix and concurred in the Senate amendment to the fourth.

The House insisted on its amendment to section 17 and 30, chapter two, title one, part four.

Senate amendment to section 1, chapter seven, title one of part four. Mr. Preston moved to add "this shall be only applicable to stage drivers."

On motion of Mr. Folsom, the House adjourned at 3 min. P. M.

## TWO O'CLOCK, P. M.

The question being on the adoption of the amendment; was decided in the affirmative.

Mr. Wyckoff moved to amend by adding the words "of Frink & Co.;" agreed to.

Mr. Flint offered the following:

And be it further provided, That if any person or physician shall administer to either man or beast; any article known and acknowledged by the best medical authorities to be poison and destructive to life, shall be subject to all the penalties contained in this section and if any person or physician suspected of such crime being found in possession of any such drug, it shall be presumptive evidence that said person is guilty of such crime; which was adopted.

Mr. Eaton offered the following:

"And the respective justices of the peace, in the several townships in which the said horses were *doped* shall have exclusive jurisdiction.

The question on concurring in the amendment as amended; was decided in the negative.

The House concurred in Senate amendment to section 13 of said chapter.

The House insisted on striking out chapter 1, title two, part two.

YEAS 23, }  
NAYS 12. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gamble, Gibson, Hamill, Harbour, Jacobs, McCulloch of Jefferson, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Dibble, Goodenow, Harper, Haun, Major, McCulloch of Lee, McCrary, Parvin, Preston of Monroe, Salmon and Summers.

The House receded from its amendment to section 10, chapter two, title two of part two.

The House refused to recede from its amendment to section 6 and 7 to chapter three of said title.

YEAS, 6, }  
 NAYS, 29. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Dibble, Harper, McCrary, Salmon, Summers and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Babbitt, Bunker, Crawford, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Taylor, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed H. R. file No. 93, a bill for an act authorising Robert Gower, James H. Gower, Jacob Shawer, Peter Diltz and others to erect a bridge across the Cedar river in Cedar county, with one amendment.

H. R. file No. 62, a bill for an act to incorporate the town of Guttenberg, with one amendment. Also

Senate file No. 32, a bill for an act to incorporate the town of Mt. Pleasant.

In all of which the concurrence of the House is requested.

I herewith return to the House, H. R. file No. 157, a bill for an act granting the Mt. Pleasant, Trenton, Deedsville and Brighton plank road and bridge company the right of way. Also

H. R. file No. 85, a bill for an act to incorporate the town of Bellevue in Jackson county. And

H. R. file No. 134, a bill for an act to incorporate Iowa City.

All of which have passed the Senate without amendment.

I am also directed to inform the House that the Senate has indefinitely postponed.

H. R. file No. 137, a bill for an act to secure grave yards from obstruction and to set apart land for grave yards. Also

H. R. file No. 105, a bill for an act to perfect the title to half breed lands in the State of Iowa.

The House refused to recede from its amendment to section 18, chapter six of said title.

YEAS, 9, }  
 NAYS, 27. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Gamble, Goodenow, Haun, McCulloch of Jefferson, Negus, Parvin, Salmon and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, McCrary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry and Wilson of Lee.

The House refused to recede from its amendment to section 23 of said chapter.

YEAS, 8 }  
 NAYS, 28 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Gamble, Goodenow, McCrary, Parvin, Salmon, Summers, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gildea, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Taylor, Thompson, Wilson of Lee and Mr. Speaker.

The House refused to recede from its amendment to section 28 of said chapter.

The House concurred in the Senate amendment to section 38, chapter four, title one of part two, also in Senate amendment to section 15, chapter eight of said title.

The House receded from its amendment to section 78 of said chapter.

The House refused to recede from its amendment to chapter nine, title fourteen, part one, also section 7 and 8, chapter four of title thirteen of said part.

The House concurred in Senate amendment to section 14 of said chapter, also to section 19 and chapter eight, section 10.

On motion of Mr. Samuel Riggs, the vote had on receding from

House amendment to section 10, chapter two, title two, part two; was reconsidered and the House thereupon refused to recede.

The House refused to recede from its amendment to section 12, chapter twelve, title thirteen of said part.

YEAS, 9,)

NAYS, 24.)

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Hamill, Harper, McCrary, Parvin, Preston of Linn, Salmon, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Harbour, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Wyckoff and Mr. Speaker.

The House concurred in Senate amendment to section 14 of said chapter, also in Senate amendment to section 1, chapter ten, title fourteen, part one.

The House refused to recede from its amendments to sections 29 and 30 of said chapter, also to section 15 of chapter 1, title five, part one.

The House insisted on its amendments to part four, also to sections 3, 11, 16, 17, 19 and 20 of chapter one, title five, part one and refused to concur in the amendment of the Senate to sections 17 and 21 of said chapter.

On motion of Mr. Allender, the House adjourned at four o'clock and 30 minutes.

### SATURDAY MORNING, FEBRUARY 1, 1851.

Mr. Harper offered the following resolution which was modified and agreed to:

Resolved, That the committee on expenditures incorporate no claim in the general appropriation bill except the same has been

sworn, or certified to by the proper officer or person presenting the same.

Mr. Hamill introduced H. R. file No. 185, joint resolution relative to the revised code; read a first time.

The following message was received from his Excellency Governor Hempstead:

*Gentlemen of the House of Representatives:*

I herewith transmit the Decree of the Supreme Court of the United States upon the question of boundary between the states of Iowa and Missouri, and respectfully recommend, that a sufficient appropriation be made to defray the expenses adjudged by said court against the state of Iowa.

January 9th, 1851.

S. HEMPSTEAD.

Said decree was referred to the committee on claims.

Mr. Babbitt from the standing conference of the two Houses on disagreements to amendments made to the revised code, submitted the following report:

The committee of conference on disagreements to amendments made to the revised code report, that they have had the same under consideration and have instructed me to make the following recommendation to wit: That the Senate recede from its disagreement to the amendments made by the House to the 25th and 28th sections, and that the House recede from their amendments to sections 53 and 54, and that the Senate recede from its disagreement to the House amendment to section 55 of chapter three of title one, part three.

The committee recommends as to the supreme and district courts the fine for contempt shall not exceed fifty dollars and the imprisonment shall not exceed five days, and as to balance of the amendments made by the House that the fine remain as fixed by the House and that imprisonment of not more than one day be added. The committee therefore recommend that the following section be substituted for section 3 of chapter five of title one, part three.

Sec. 3. The punishment for contempts may be by fine or imprisonment or both, but where not otherwise specially provided, the supreme and district courts are limited to a fine of fifty dollars and an imprisonment not exceeding five days, and all other courts are limited to a fine of ten dollars and an imprisonment of one day.

That the House recede from their amendments to section first clause fourth and fifth of chapter one, title two of part three, and that the House recede from their amendment to sections 12 and 17 of chapter one, title two of part one. And that the House recede from its amendment to section 17 of chapter two, title two, part one.

Said report was concurred in by the House.

Mr. Flint from the select committee appointed to examine the accounts of A. H. Haskell, late superintendent of the penitentiary, reported H. R. file No. 189, joint resolution making an appropriation for the benefit of Clarisa Haskell.

Said bill was read a first time.

Mr. Flint from the select committee to which was referred H. R. file No. 158, a bill for an act to sell the saline lands belonging to the state of Iowa and appropriate the proceeds of the same, reported the same back and recommended its indefinite postponement; which was concurred in.

Mr. Haun from the committee on agriculture to whom was referred H. R. file, No. 28, a bill for an act to restrain swine from running at large in Jackson county; reported the same back without amendment.

Said bill was read a second and third time, passed and title agreed to.

Mr. Babbitt from the committee to whom was referred H. R. file No. 128 and H. R. file No. 161, submitted the following

#### REPORT.

The select committee to whom was referred H. R. file No. 128, a bill for "an act to locate the seat of government of the state of Iowa at Fort Des Moines;" and H. R. file No. 161, a bill for "an act to provide for the location of the permanent seat of government of the state of Iowa at Pella," together with sundry petitions upon the same subject, report that they find that Fort Des Moines has a majority of the petitioners in its favor for the future seat of government over all other places petitioned for.

Your committee taking into consideration the probable increase of population in the western portion of the state, are of opinion that the seat of government cannot in justice to that portion of the state remain but a few years at Iowa City.

Your committee entertain no doubt that when the seat of government is removed that it will be re-located at the town of Fort Des Moines.

Your committee are of opinion that the time for said removal as fixed in H. R. file No. 128 is just and equitable, and that the seat of government ought to be removed at that time.

Your committee therefore recommend the passage of H. R. file No. 128, and that H. R. file No. 161 be indefinitely postponed.

Mr. Haun moved to lay said report and bills on the table until the 4th day of July next.

A call of the House was had and Messrs. Crawford and Taylor were found absent.

On motion of Mr. Wyckoff, the call was suspended.

The question being taken was decided in the negative.

YEAS, 14, }  
NAYS, 18. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Eaton, Folsom, Gamble, Gildea, Goodenow, Harbour, Haun, Jacobs, Parvin, Preston of Linn, Summers, Updegraff and Wyckoff.

Those who voted in the negative, were:

Messrs. Allender, Babbitt, Dibble, Flint; Guiberson, Hamill, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Thompson, Wilson of Henry and Mr. Speaker.

Message from the Senate by Mr. Fales, their secretary *pro tem*.  
*Mr. Speaker:*

I am directed to transmit under the 18th joint rule, to the House of Representatives substitute for chapters one and three of title five, part one, with sundry amendments, in which the concurrence of the House is requested. Also

Chapters one, two, three, four, five, six, seven and eight of part one, title seven, with sundry amendments in which the concurrence of the House is requested.

The Senate have also made sundry amendments to chapter twenty-one, title three, part four, in which they ask the concurrence of the House of Representatives.

The Senate have passed Senate file No. 82, a bill for an act to

amend an act entitled an act to incorporate and establish the town of Fort Madison and for revising and repealing all laws and parts of laws heretofore enacted on the subject, in which they ask the concurrence of the House of Representatives.

The Senate have indefinitely postponed H. R. file No. 126, a bill for an act making an appropriation for the repair of the bridges across English and Wapispincon rivers on the military road.

The Senate have disagreed to the amendment made by the House to Senate file No. 50, a bill for an act to amend an act to re-organise the supreme court.

Mr. Harbour moved to refer said report to a select committee; lost.

A call of the House was had and Messrs. Crawford and Taylor were found to be absent.

Mr. Crawford appeared and Mr. Taylor having been excused, the call was suspended

The question being on concurring in the report of the committee, was decided in the affirmative.

YEAS, 19 }

NAYS, 15 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Hamill, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Reuben Riggs, Robinson, Thompson, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Gildea, Goodenow, Harbour, Haun, Jacobs, Parvin, Preston of Linn, Summers, Updegraff and Wyckoff.

H. R. file No. 128, a bill for an act to locate the seat of government of the state of Iowa at Fort Des Moines, was read a second time.

Mr. Parvin proposed the following amendment: This act shall be submitted to a vote of the people, at the next general election for their approval or rejection; rejected.

YEAS, 16, }

NAYS, 19. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, Parvin, Salmon, Summers, Updegraff and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Thompson, Wilson of Henry and Mr. Speaker.

Mr. Preston of Linn moved to strike out "Fort Des Moines" and insert "Cedar Falls;" lost.

YEAS, 12, }  
NAYS, 22. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Gamble, Gildea, Goodenow, Parvin, Preston of Linn, Salmon and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Folsom, Guiberson, Hamill, Harbour, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Mr. Hamill offered the following: Strike out "fifty-six" and insert sixty.

Mr. Babbitt moved the previous question on which the main question was ordered and put, will the House strike out and insert? and decided in the affirmative.

Mr. Harbour moved to strike out "Fort Des Moines" and insert "Pella;" lost.

YEAS, 11. }  
NAYS, 23. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Bunker, Crawford, Gamble, Gildea, Harbour, Haun, Jacobs, Salmon, Updegraff and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Goodenow, Guiberson, Hamill, Harper, Major, McCulloch of Lee, McCul-

loch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Summers, Thompson, Wilson of Henry and Mr. Speaker.

Mr. Summers moved to strike out Fort Des Moines in Polk county and insert Davenport in Scott county;” lost.

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Crawford, Gamble, Gildea, Haun, Jacobs, Parvin, Salmon, Summers, Updegraff and Wyckoff.—10.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Goodenow, Guiberson, Hamill, Harbour, Harper, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Monroe, Price, Samuel Riggs, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.—25.

Mr. Hamill moved to lay said bill on the table till Wednesday; agreed.

YEAS 20, }  
NAYS 12. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gamble, Gildea, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Parvin, Preston of Linn, Price, Salmon, Summers, Thompson, Updegraff and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Samuel Riggs, Reuben Riggs, Robinson, Wilson of Henry and Mr. Speaker.

Mr. Crawford from the select committee to which was referred chapter — of the revised code relative to roads, reported the same back with sundry amendinents, which were concurred in.

Mr. Eaton moved to strike out all that relates to the appointment of a deputy and insert the words “a supervisor shall be elected in each township.”

Mr. Preston of Linn moved to make the chapter a special order for 6 o'clock P. M.; lost.

Mr. Negus moved to postpone till Monday next; lost.

Mr. Samuel Riggs moved to strike out the chapter.

Mr. Babbitt moved the previous question upon which the main question was ordered and put as follows: will the House strike out and insert? and decided in the negative.

The question being on striking out the chapter and inserting the present law was decided in the negative.

Mr. Wyckoff moved to strike out the chapter; lost.

Mr. Samuel Riggs moved to strike out all that relates to the county supervisor and his deputies.

Mr. Parvin moved the previous question upon which the main question was ordered and put as follows: will the House strike out? and decided in the negative.

Mr. Eaton moved to add sec. — “The said county supervisor shall be styled F. R. S. Jun.

Mr. Parvin moved the previous question upon which the main question was ordered and put as follows: will the House adopt the amendment? and decided in the negative.

Mr. Price moved to refer to a committee of the whole House on Monday next at 6 o'clock P. M.

Mr. Summers moved the previous question upon which the main question was ordered and put as follows: will the House refer? and decided in the negative.

Mr. Harper moved its immediate transfer to the Senate.

The previous question was demanded and the main question ordered and decided in the affirmative.

Mr. Babbitt with leave introduced H. R. file No. 188, joint resolution relative to the school laws; which was read a first time.

Objection to its second reading being made,

On motion of Mr. Summers, the 42nd rule was suspended, said bill read a second time and referred to the committee on schools.

On motion of Mr. Harper, the House adjourned at 12 o'clock and 50 minutes P. M.

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## TWO O'CLOCK, P. M.

Mr. Preston of Linn, with leave introduced H. R. file No. 189, a bill for an act to repeal the 14th clause of the second section of

an act entitled an act making an appropriation for the support of the state government, for the fiscal years 1849 and 1850, approved January 1849.

Said bill was read a first, second and third time, passed and title agreed to.

Mr. Harper offered the following:

Resolved, the Senate concurring, That the two Houses of the General Assembly will meet in the hall of the House of Representatives on Tuesday the 4th inst., at two o'clock P. M. for the purpose of electing a state printer.

On motion of Mr. Summers, laid on the table.

Mr. Gamble moved to reconsider the vote had on concurring in the Senate amendment to section 21 of chapter one, title six, part one; agreed to.

The House thereupon refused to concur.

The House receded from its amendment to section 22 and insisted on its amendment to section 24.

The House concurred in Senate amendment to section 25 and 55 and insisted on its own amendment to sections 28, 29, 31, 32 and 33.

The House concurred in the amendments of the Senate to titles two and three of part four.

Chapter one, title five, part one, chapter one, title eight, part one and substitute for chapter three, title five, part one were read a first and second time.

Mr. Harper moved to strike out section 5 of chapter one, title five; agreed to.

YEAS, 25. }

NAYS, 10. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Eaton, Flint, Gamble, Gildea, Guiberson, Harper, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Summers, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were:

Messrs. Dibble, Folsom, Goodenow, Hamill, Harbour, Haun, McCulloch of Lee, Salmon, Thompson and Wyckoff.

Mr. Eaton moved to strike out section's 1, 2 and 3; agreed to.

YEAS 24, }  
 NAYS 8. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Gamble, Goodenow, Guiberson, Hamill, Harper, Jacobs, Major, McCulloch of Jefferson, McCrary, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Summers, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were:

Messrs. Harbour, Haun, McCulloch of Lee, Negus, Parvin, Salmon, Thompson and Wyckoff.

Mr. Harper moved to strike out that part which provides for electing a land commissioner; agreed to.

YEAS 23, }  
 NAYS 7. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Eaton, Gamble, Goodenow, Harbour, Parvin, Salmon and Summers.

On motion of Mr. Summers, said chapters and amendments were referred to the committee on schools with instructions to report on Monday morning next.

H. R. file No. 174, joint resolution asking an increase of mail facilities; was read a third time, passed and title agreed to.

H. R. file No. 175, joint resolution asking an increase of mail facilities; was read a third time, passed and title agreed to.

On motion of Mr. Babbitt, H. R. file No. 80, a bill for an act to abolish the office of state printer and provide for the public printing; was taken from the table and read a second time.

Mr. Summers moved to indefinitely postpone said bill; agreed to.

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Dibble, Folsom, Gamble, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Robinson, Salmon, Summers, Thompson, Wyckoff and Mr. Speaker—18.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Eaton, Flint, Guiberson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Updegraff and Wilson of Henry—15.

On motion of Mr. Harbour, H. R. file No. 176, a bill for an act to amend an act to create the office of state printer, provide for his election, to define his duties and establish the prices of public printing; was taken from the table.

Mr. Babbitt moved to strike out "20" and insert "33."

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Eaton, Flint, Gildea, Guiberson, Jacobs, Major, McCulloch of Jefferson, McCrary, Parvin, Preston of Monroe, Price, Samuel Riggs, Salmon, Updegraff and Wilson of Henry.—18.

Those who voted in the negative were:

Messrs. Dibble, Folsom, Gamble, Goodenow, Hamill, Harbour, Harper, Haun, McCulloch of Lee, Negus, Robinson, Summers, Thompson and Mr. Speaker.—14.

Mr. Harper proposed section three.

On motion of Mr. Allender, the House adjourned at five o'clock and 30 minutes P. M.

### MONDAY MORNING, FEBRUARY 3, 1851.

Mr. Babbitt presented the petition of E. F. Grafe and other citizens of Marion county, for a law prohibiting travelling on the Sabbath; which was laid on the table.

Mr. Summers offered the following:

Resolved, That in the opinion of this House, the clerks in making

up the journal of proceedings of January 25th, made an unintentional error and without any design to make a false record, and the members who voted to correct said journal believed at the time and now do, that the journal was made up as understood by the clerks.

Resolved, further, That the thanks of this House are due and are hereby tendered to the clerks for the prompt and faithful discharge of their duties.

On motion of Mr. Haun, referred to a select committee of six with instructions to report to-morrow morning.

Messrs. Haun, Summers, Harper, Taylor, Preston of Linn and Wilson of Henry were appointed said committee.

Mr. Price from the committee on military affairs submitted the following

### REPORT.

The committee on military affairs report: That the roll of the committee was called, on the evening of Thursday the 30th of January, in one of the subteranean parade rooms upon which securely rests, as yet, the Capitol of Iowa, when the following named committee, answered to their names:

Lieut. General Randolph R. Harbour, Brevet Colonel Isaac M. Preston, Colonel Thomas McCulloch, Colonel Richard B. Wyckoff, Brevet Major David Bunker and Captain Eliphalet Price together with that memento of the chivalry of Iowa, as embodied in the armour of *Don Alfonso Perez*, an Hidalgo, who after achieving his laurels of knighthood, upon the Moorish plains of Granada, surrendered to the vanquishing arms of Iowa, amid the mountain passes of the Cerro Gordo.

Your committee thus assembled, in view of their past military career and experience, have deemed it their duty to review in part, those military achievements recorded in biblical, ancient and modern history, which have thrown around the nations of the world an imperishable mantel of glory and emblazoned upon the historic page an enviable renown.

The retreat of the Israelites across the bed of the "Red Sea" during the ebb of the tide, and the entrapping of the pursuing army of Egypt by the returning flood, your committee regard as a masterly piece of generalship on the part of Moses, whose nautical

adventures in early life, among the *rushes* of the *Nile*; eminently qualified him, for so arduous and skillful an undertaking.

Your committee though prohibited, by the constitution of the state, from expressing an encouragement of the science of dueling, cannot nevertheless, refrain from bestowing an humble eulogy to the memory of David, whose gallant bearing, and prowess upon the plains of Philistia, has so long been recognised by our ancestors, and puritan fore-fathers as a theme for school boy recitation, eminently calculated to awaken in the youthful mind, the fires of patriotism and expand the organ of combativeness, whenever foreign or domestic oppression, may presume to invade the liberties of his country.

While your committee are unanimous in according to the ancient Greeks, the exclusive right to occupy the cap stone of the pillar of fame, with the record of their military triumphs. They cannot but believe, that they were indebted, to some extent, for the halo of glory emblazoned on the oriental escutcheon of the nation, to the abducting propensities of the Trojans, in connection with the costly and magnificent bacchanalian revels of Alexander.

Your committee pass over a consideration of the glory and historic eminence, acquired by the military prowess of Rome, and decline a descriptive view of the flaunting banners of the Carthaginian chiefs as they descended from the summit of the snow crested Alps down upon the Roman provinces—and pause for a moment to contemplate the genius of that Corsican, who for a series of years so elevated and directed the military power of France, that he was enabled to march against the combined powers of Europe and crush beneath the tramp of his armies, the oppression and regal pomp of kingdoms and empires.

To whatever nation your committee have directed their investigations, with a view to acquiring correct information, upon military affairs. They find that nothing has contributed so much, to elevate the national character of each, upon the page of history as the triumph of their arms upon the field of battle, especially so, with the Anglo-Saxon race, when called to mingle in the battle arena with the nations of the world.

Your committee would do injustice to the chivalry and prowess of Iowa, were they to pass unnoticed the gallant achievement of her arms during the ever-memorable campaign against the invading

armies of Missouri. Without a war club or a percussion cap, in the armory of the state, she planted her banners upon the ideal line of boundary and exclaimed to all the world "Thus far shalt thou come and no farther." Your committee in view of this precedent of the military triumph of the arms of Iowa, cannot but believe that every male person within her borders was *born a soldier*, and any attempt on the part of your committee to originate a military code, intimating the necessity of militia, drills and parades, would be regarded by them as an insult offered to their understanding of the science of war.

In conclusion, your committee recommend the adoption of so much of the revised code as pertains to military affairs, believing that it embodies the essence of the military code of Napoleon, Wellington, McCombe and Scott, and that the State of Iowa, under its ample provisions will be enabled to claim her quota of arms from the national government.

Your committee ask to be *disbanded* from the further consideration of the military affairs of Iowa.

Which was on motion of Mr. Harbour, laid on the table.

Mr. Dibble from the select committee to whom was referred H. R. file No. 104, a bill for an act in relation to the swamp lands within the State of Iowa, submitted a substitute therefor which was accepted and read a second time.

On motion of Mr. Harper, the following was inserted in section 2 after the word state, "a list of which shall be returned to the land commissioner, (or the authority acting in that capacity) verified by affidavit." Also

The following substitute for section eight: This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican; which was adopted.

Mr. Gamble offered a substitute for the original bill and the substitute therefor, which was on motion of Mr. Harbour; laid on the table.

YEAS 30, }

NAYS 6. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton,

Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harpen, Haun, Jacobs, Major, McCulloch of Lee, McCrary, Parvin, Preston of Linn, Preston of Monroe, Price, Robinson, Salmon, Summers, Thompson, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Gamble, McCulloch of Lee, Negus, Samuel Riggs, Taylor and Updegraff.

Mr. Preston of Linn, from the select committee to whom was referred substitute No. 2 for H. R. file No. 40, a bill for an act entitled an act to grant the right of way to the Dubuque and Keokuk rail road company North, with Senate amendments thereto; which were read and concurred in.

Mr. Babbitt from the committee of conference submitted the following :

#### REPORT.

The committee of conference to whom was referred the disagreeing vote between the two houses on amendments made to the revised code, have had the same under consideration and have instructed me to report that the committee recommends, that the House recede from its disagreeing vote to section seven of chapter four, and that the Senate recede from its disagreeing vote to the amendment made to section 12 of chapter eight, title thirteen, part one; and that the House recede from its amendment to section 29, and that the Senate recede from its disagreeing vote to additional section 30, and that the House recede from its amendment to additional section 30a of chapter ten, and that the Senate recede from its disagreeing vote to House amendment to chapter nine of title fourteen, part one; and that the House recede from its disagreeing vote to chapter one, title two of part two; and that the House recede from its amendment to the fourth clause of section ten, chapter two; and that the Senate recede from its disagreeing vote to section 18, chapter six of part two; and that the House recede from its amendment to section 69, title four of part three; and that the Senate recede from its disagreeing vote to the House amendment to section 4 of chapter one, title five, part three; and that the Senate recede from its disagreeing vote to House amendments to sections 3, 11 and 16; and that the

House recede from its disagreeing vote to Senate amendments to section 17, second clause lines 5, 6, 7, 8, 9 and 10; and that the Senate recede from its disagreeing vote to House amendment to the first line of the first clause of section 17; and that the Senate recede from their disagreeing vote to House amendments to lines 7 and 8 of the second clause of section 17; and that the Senate recede from its disagreeing vote to House amendment to sections 19 and 20; and that the House recede from its disagreeing vote to the Senate amendment to section 21; and that the Senate recede from its disagreeing vote to House amendment to sections 24, 28, 29, 31 and 32; and that the House recede from its amendment to section 33 of chapter one, title six of part one; and that the Senate recede from its amendment made to section 1 of chapter seven; and that the House recede from its amendment to section 2 of chapter two; and that the Senate recede from its disagreeing vote to House amendment to section 17; and that the House recede from its amendment to section 30 of chapter two, title one, part four.

Which was read and concurred in.

Mr. Folsom from the select committee to whom was referred H. R. file No. 169, a bill for an act to attach the southern tier of townships in Benton county to Iowa county, reported the same back without amendment; said bill was read a second time. And

On motion of Mr. Preston of Linn, laid on the table.

Mr. Dibble from the select committee to whom was referred H. R. file No. 118, a bill for an act to provide for completing the penitentiary, reported the same back and recommended its indefinite postponement; which was concurred in.

Mr. Preston of Linn, from the committee on expenditures to whom was referred a resolution instructing them to inquire into the expediency of allowing Messrs. Clark, Rector and Miller per diem and mileage, submitted the following

#### REPORT.

The committee on expenditures to whom was referred a resolution instructing your committee to enquire into the expediency of allowing Messrs. Clark, Rector and Miller as delegates, per diem and mileage as members, have had the same under consideration, and report that in the opinion of your committee the said delegates

should be allowed the same per diem and mileage as that of members.

Mr. Hamill moved to lay said report on the table; which was disagreed to.

YEAS 8, }  
NAYS 24. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Goodenow, Hamill, Harbour, Jacobs, McCulloch of Lee, Parvin and Salmon.

Those who voted in the negative were:

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Guiberson, Haun, Major, McCulloch of Jefferson, McCrary, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

On motion of Mr. Preston of Linn, a call of the House was had, when Messrs. Bunker, Negus and Price were found to be absent.

Those gentlemen having appeared and taken their seats the call of the House was suspended.

Mr. Gamble offered the following amendment to said report: "provided such sums shall not exceed the amount of Taxes paid into the treasury from the counties of Pottawattamie and Fremont;" which was disagreed to.

The question recurring on the adoption of the report was decided in the affirmative.

YEAS 22, }  
NAYS 14. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Guiberson, Harper, Haun, Major, McCulloch of Jefferson, McCrary, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Taylor, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Flint, Gamble, Gildea, Goodenow, Hamill, Harbour, Jacobs, McCulloch of Lee, Negus, Parvin, Salmon, Thompson and Mr. Speaker.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House, that the Senate have passed substitute for Senate file No. 74 and 75, a bill for an act to attach certain counties to the fifth judicial district, and fixing the times of holding court in the fifth and sixth districts. Also

Senate file No. 86, a bill for an act to authorize the Keosauqua bridge company to build a bridge across the Des Moines river at Keosauqua.

Senate file No. 87, a bill for an act to authorize the Farmington bridge company to build a bridge across the Des Moines river at Farmington.

Senate file No. 88, joint resolution relative to a line of mail steam ships. And

Senate file No. 92, a bill for an act supplemental to an act approved January 18th, 1851, amendatory to an act entitled an act to incorporate and establish the city of Dubuque.

In all of which the concurrence of the House is requested.

The Senate have also passed without amendment H. R. file No. 145, a bill for an act to authorize the secretary of State to have bound the census returns of 1850.

H. R. file No. 154, joint resolution appointing trustees for the branch of the State University at Fairfield.

H. R. file No. 179, a bill for an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington in Van Buren county Iowa.

H. R. file No. 180, a bill for an act to vacate the town of Harrisburg in the county of Van Buren. Also

Substitute for H. R. file No. 172, a bill for an act to relocate the seat of justice of Jackson county.

The Senate have concurred in the report of the joint committee of conference on disagreements of the two Houses with regard to the report of the revising commissioners, made this morning to the Senate.

I herewith transmit to the House under the 18th joint rule chapter four, title one, part one without amendment. Also

Chapter six, title five, part three with sundry amendments, in which the concurrence of the House is requested.

The Senate have disagreed to the House amendment to section 9, chapter one, title eight, part one, the Senate concurs in house amendment to section 39.

The Senate has concurred in the amendments made by the House to section 67 and amendment to section 77.

The Senate have also made several amendments thereto in which the concurrence of the House is requested.

I herewith present for your signature

Senate file No. 42, memorial to Congress for a grant of land in aid of the construction of the Burlington and Fort Des Moines rail road.

Senate file No. 44, memorial to Congress for the location and construction of a military road from the Mississippi river to Ft. Clarke on the Des Moines river.

Senate file No. 57, an act granting the Keokuk and Des Moines Valley plank road company the right of way.

Senate file No. 52, an act to provide for the location of the seat of justice of Taylor and Ringgold counties.

Senate file No. 53, an act to legalize the acts of the officers of school district No. 3, in Baltimore township, Henry county.

Senate file No. 59, an act to create the sixth judicial district.

Senate file No. 77, preamble and resolutions on the subject of procuring from the United States a compensation for services and expenses in defending a portion of the territory of United States against the unlawful claim to the exercise of authority, by the State of Missouri.

Senate file No. 54, an act granting to the Camanche and Council Bluffs rail road company the right of way.

Senate file No. 62, an act granting the Burlington and Louisa county plank road company the right of way.

Senate file No. 63, an act to authorise the county commissioners of Lee county to purchase a farm and to build a poor house thereon.

Senate file No. 69, an act authorising the county commissioners of Jackson county, to submit the question of levying a tax to build a bridge across the Maquoketa river at Bridgeport, to the people of said county. And

Senate file No. 81, joint resolution relating to the accounts of the Iowa penitentiary.

All of which have passed both branches of the General Assembly.

H. R. file No. 187, joint resolution making an appropriation for the benefit of Clarissa Haskell; was read a second and third time

and the question being on the passage of the joint resolution, was decided in the affirmative.

YEAS, 24 }

NAYS, 10 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harbour, Harper, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Monroe, Price, Samuel Riggs, Saimon, Thompson, Updegraff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Gildea, Haun, McCrary, Parvin, Preston of Linn, Robinson, Summers and Wilson of Henry.

Senate file No. 92, an act supplemental to an act approved January 18, 1851, amendatory to an act entitled an act to incorporate and establish the city of Dubuque; was read a first and second time and referred to a select committee of two.

Messrs. Crawford and Gildea were appointed said committee.

On motion of Mr. Folsom,

Resolved, That this House employ George S. Hampton as enrolling clerk until the session closes, provided that he commences the duties of said employment forthwith.

On motion of Mr. Summers, the committee on enrolled bills was increased by the addition of two members.

Messrs. Salmon and Gamble were added to said committee.

H. R. file No. 176, a bill for an act to amend an act entitled an act to create the office of state printer, to provide for his election, to define his duties, and to establish the prices of public printing, Approved Dec. 29, 1849; was read a second time.

The question being on the adoption of section 3; was modified and agreed to.

YEAS 19,)

NAYS 13.)

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Eaton, Flint, Gamble, Gildea, Goodenow, Guiberson, Harper, Haun, Major, Negus, Parvin, Preston of Linn, Price, Samuel Riggs, Robinson and Wyckoff.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Folsom, Hamill, Harbour, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Monroe, Salmon, Summers, Thompson, Wilson of Henry and Mr. Speaker.

Mr. Haun offered the following:

“Provided there shall be three state printers elected, and the work shall be divided as follows: The Journals to one office; the laws to the second, and the incidental printing to the third;” disagreed to.

On motion of Mr. Folsom the House adjourned at 30 min. P. M.

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TWO O’CLOCK, P. M.

The question being on Mr. Hamill’s amendment to H. R. file No. 176, was decided in the negative.

Said bill was read a third time.

The question being on the passage of the bill was decided in the affirmative.

YEAS, 27, }  
NAYS, 8. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Parvin, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Folsom, Gamble, Harbour, McCulloch of Lee, McCrary, Preston of Linn, Summers and Mr. Speaker.

Said bill was passed and title agreed to.

Mr. Negus moved to take from the table House resolution relative to joint convention of the two Houses; agreed to.

Mr. Haun moved to strike out “Tuesday” and insert “Wednesday;” lost.

Mr. Negus moved to strike out “2 o’clock P. M.” and insert “6 o’clock and 30 minutes P. M.”

Said resolution was adopted.

On motion of Mr. Hamill the House resolved itself into committee of the whole, at 2 o'clock and 30 minutes P. M., for the consideration of code relative to roads, Mr. Preston in the chair.

Three o'clock and 30 minutes.—The committee rose and by their chairman reported the same back with one amendment; which was not concurred in.

Mr. Harper moved to strike out "\$2 00" in section 27 and insert "1 50;" lost.

Mr. Harper moved to add, "the deputy supervisors of roads shall be entitled to one dollar per day for all the time actually employed in that capacity which shall be paid out of the road fund."

Mr. Eaton moved the following:

That each and every item in the fee bill of part third, title five, chapter six, be reduced five per cent., except juror's fees and the fees of justices of the peace; disagreed to.

Mr. Negus moved to strike out the whole chapter and insert the law now in force; lost.

YEAS, 10, }

NAYS, 22. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Eaton, Flint, Gildea, Harbour, Jacobs, Negus, Price, Robinson and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Dibble, Folsom, Goodenow, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Salmon, Summers, Taylor, Wilson of Henry and Mr. Speaker.

Mr. Robinson moved to reduce the fees of the clerk of the supreme court 25 per cent; lost.

Mr. Preston of Linn moved sec. 46, a clause repealing all conflicting laws; disagreed to.

Mr. Wilson of Henry moved to strike out \$2 in section 30 and insert \$1 50; lost.

Chapter four, title one, part one of the revised code was read a first and second time.

Mr. Hamill moved to strike out the last section; lost.

Mr. Negus moved the following: "This act shall take effect and be in force from and after the first day of July, 1852;" lost.

YEAS, 5 }

NAYS, 31 }

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Eaton, Harbour, Jacobs, Negus and Updegraff.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Wilson of Henry, Wyckoff and Mr. Speakr.

Mr. Babbitt offered an additional chapter; adopted.

Substitute for chapter one, (of corporations for pecuniary profit,) was read a first and second time.

Mr. Babbitt moved the following:

Sec. —. All corporations formed under the provisions of this chapter shall not be valid or have any force until the stockholders shall have secured the payment of the amount of stock subscribed by them by a mortgage of real estate of double the value of the amount of the stock subscribed to the corporation, which mortgage shall be recorded in the office of each and every county through which or in which such corporation proposes to construct any rail road or other improvement, or in which said corporation transacts any business.

Sec. —. If any corporation shall make any contract or create any debts before complying with the provisions of the preceding section, each and every stockholder shall be individually liable for all the debts of such corporation.

Sec. —. The mortgage contemplated in the above sections shall not be cancelled by the corporation, but shall be and remain perpetual until all debts of the corporation are paid; which was disagreed to.

YEAS, 12. }

NAYS, 24. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Eaton, Flint, Gildea, Guiberson, Harbour, Jacobs, Major, Preston of Monroe, Samuel Riggs, Summers and Taylor.

Those who voted in the negative were :

Messrs. Allender, Bunker, Crawford, Dibble, Folsom, Gamble, Goodenow, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Price, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Babbitt offered the following substitute for title, "Doctor Corporation's Indian Queen vegetable sugar coated tonic pill for the cure of individual liability;" rejected.

The question being on the adoption of the substitute was decided in the affirmative.

YEAS, 21, }  
NAYS, 15. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Folsom, Gamble, Hamill, Harper, Haun, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Price, Salmon, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Babbitt, Dibble, Eaton, Flint, Gildea, Goodenow, Guiberson, Harbour, Jacobs, Major, Preston of Monroe, Samuel Riggs, Robinson, Summers and Taylor.

Mr. Summers moved the following, which was agreed to:

Resolved, That a committee of three be appointed to enquire whether the appendix which accompanies the revised code, constitutes any portion of said code, and if so, how and in what way it was made a part thereof, and by what authority said appendix was printed.

YEAS, 23, }  
NAYS, 13. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Dibble, Flint, Folsom, Gamble, Gildea, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, Samuel Riggs, Robinson, Salmon, Summers, Taylor and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Bunker, Eaton, Guiberson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Messrs. Summers, Harbour and McCulloch of Lee were appointed said committee.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed Senate file No. 60, a bill for an act to dispose of the saline lands of this state and appropriate the proceeds thereof.

Senate file No. 89, a bill for an act supplemental to an act to establish new counties and define their boundaries.

Senate file No. 93, a bill supplemental to an act providing for the more vigorous prosecution of the Des Moines river improvement, &c., approved February 1, 1851. Also.

Senate substitute for H. R. file No. 153, joint resolution relative to the accounts of J. W. Cohick, in which they ask the concurrence of the House.

The Senate have passed with one amendment H. R. file No. 152, an act to amend an act entitled an act to establish normal schools, approved January 15th, 1849, in which they ask the concurrence of the House.

Chapter one, title eight, part one.

The House receded from its amendment to section 9, and concurs in the Senate's amendments to sections 8, 25 and 95.

Senate file No. 92, a bill for an act supplemental to an act entitled an act to incorporate and establish the city of Du Buque, was read a second and third time, passed and title agreed to.

Senate file No. 64, a bill for an act to repeal an act entitled an act to repeal an act entitled an act for the relief of the poor, was read a second and third time, passed and title agreed to.

Senate file No. 56, was read a second time and referred to a select committee composed of Messrs. Preston of Linn, Harper and Preston of Monroe.

H. R. file No. 186, joint resolution relative to the revised code was read a second time and referred to Mr. Hamill.

The House concurred in the amendments of the Senate to H. R.

file No. 62, a bill for an act to incorporate the town of Guttenberg.

Substitute for Senate files No. 74 and 75, a bill for an act to attach certain counties to the fifth judicial district and fixing the time of holding the courts in the 5th and 6th districts, was read a first, second and third time, passed and title agreed to.

Senate file No. 86, a bill for an act to authorise the Keosauqua bridge company to build a bridge across the Des Moines at Keosauqua, was read a first time.

Senate file No. 87, a bill for an act authorising the Farmington bridge company to build a bridge across the Des Moines river at Farmington, was read a first time.

Senate file No. 88, joint resolution relative to a line of steamships, was read first and second time and referred to a select committee, and

Messrs. Preston, Summers and Harper were appointed said committee.

Senate file No. 82, a bill for an act to amend an act entitled an act to incorporate the town of Fort Madison and revising and repealing all laws and parts of laws heretofore enacted on the subject, was read a first time.

On motion of Mr. Wyckoff the House adjourned at 5 o'clock and 50 minutes P. M.

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## TUESDAY MORNING, FEBRUARY 4, 1851.

On motion of Mr. Summers,

Resolved, That a committee of three be appointed to determine what number of copies of the revised code it is necessary to have printed and distributed in the several counties, and also enquire into the expediency of publishing the local laws in a separate volume.

Mr. Gamble with leave introduced H. R. file No. 190, a bill for an act to authorise the Wapello bridge company to build a bridge across the Iowa river, which was read a first time.

Mr. Parvin from the committee on public buildings submitted the following

## REPORT.

The committee on public buildings to whom was referred sundry petitions for the removal of the capital, beg leave to report.

Your committee have examined the numerous petitions on this subject, and have endeavored to consider it with that candor and dispassionateness that its importance demands. The petitioners *all* ask that the capital of the state be removed further west than its present location (Iowa City.) But they do not agree as to the site of the future seat of government. Petitions have been received on this subject from the counties of Muscatine, Keokuk, Mahaska, Marion, Warren, Madison, Polk, Jasper, Wapello, Monroe, Van Buren and Jefferson. In these petitions there are 1662 petitioners upon the petitions referred to your committee, asking that the capital may be located at Oskaloosa in Mahaska county, 204 asking that it be located at Pella in Marion county, and 155 for Fort Des Moines in Polk county.

The first thing that your committee considered with reference to the prayer of your petitioners was, should the capital be removed at all, from Iowa City? To this proposition there are many weighty objections, some of which it may be necessary to notice in this report.

Your committee are of the opinion that removing the capital of a state is of too much importance to be acted upon without due consideration, and weighing well the consequences to the state and the justice and injustice to individuals.

To remove the capital before public opinion has settled upon the site of the future seat of government would not have the effect of allaying public excitement on that subject but on the contrary would increase it. Although a large majority of the petitioners ask that the capital be located at Oskaloosa, yet to grant their prayer would only increase petitions from other quarters for the simple reason that public opinion has not settled upon any place in preference to all others. This should cause us to pause. There is too much at stake to act hastily.

But there are reasons of a pecuniary character which ought to have their due influence in controlling the vote of the general assembly on this important question.

We have at the present seat of government a state house built at great expense, and if the capital be removed the state must build another house at an expense of probably one hundred thousand dollars. This is a matter of some consequence to the state of Iowa without a dime in the treasury, and in debt to an amount of near the maximum that we are allowed to go in debt under our constitution. How is the house to be built? It must be by taxation. Those towns which are petitioning for the capital offer lands, &c., to aid in building the state house, but your committee have but little confidence in the state realising much from such offers. Different places have made bids of this kind. While your committee would not recommend the selling of the capital to the highest bidder, yet, other things being equal, money or lands sufficient to build a good state house, might with propriety be taken by the state, and would remove one great objection to the removing at this time.

But then another objection to removing the capital, which your committee think claims notice and demands the calm consideration of the House.

Many persons have located in and near Iowa City *because it was the Capital of the State*, and as we have reason to suppose they expected it to remain so. With this expectation they paid more for their property than they otherwise would have done. Under this belief, they have built houses, commenced merchandising and invested their funds in many ways, on the faith of the state permitting the Capital to remain. These persons, if the Capital be removed, must be the sufferers to some considerable extent. Perhaps to the ruin of many. The interest therefore of the state, and the interest of individuals, stand against the removal of the seat of government; and these objections are of themselves sufficient to cause the legislature to act with much caution. People are too apt to act from selfish and local feelings on subjects of this nature. No such feelings should ever actuate any one, much less any member of the State Legislature. With feelings of impartiality, and for the good of the whole State, should we consider such a question.

It then became the duty of your committee to examine the reasons which your petitioners urge for the removal. They are, principally, that Iowa City being on one side of the state, (within thirty miles of the state line) is too far remote from the centre of popula-

tion, and from the geographical centre of the state, to remain the seat of government much longer, that the convenience of the citizens of Iowa demand that the Capital be somewhere in the valley of the Des Moines river.

Your committee are well aware that this is an argument of much force and difficult to answer, when the present Capital is so far from the centre of population now, and every year becoming more and more so, in consequence of the middle and western part of the state increasing faster in population than the eastern. The justice of having the Capital near the centre of population, no one will attempt to deny.

At the time the present seat of government was located, Iowa City was on the extreme west of the settlements; but settlements have constantly been increasing westwardly, until they have reached the Missouri river, (the western boundary of Iowa.)

Under these circumstances, in justice to the *whole* state, is it right and proper that Iowa City should be the future Capital? Can we, in looking at the geography of Iowa, say the Capital shall never go any further west? Your committee are unable to come to any such conclusion.

While they think it impolitic and premature, to pass any law removing the Capital, at this time, yet they think that in a few years the Capital must, and of right ought to be located further west.

As your committee think it premature to remove the Capital at this time, therefore, they do not see proper to recommend any site for it to be placed. The three places petitioned for, viz: Pella, Oskaloosa and Fort Des Moines, are either of them, considered near enough the centre of prospective population; and, also the geographical centre, for the future capitol. So far as your committee know, they all, and each, possess many advantages which would recommend them, as a proper place for a site on which to locate the new capital. But your committee will not recommend either in preference to the other, believing that the question should be fairly and openly discussed before the people, and that public opinion will fix upon some place and justice be done to all.

Your committee in conclusion, beg leave to submit the following resolutions:

Resolved, That justice to the citizens in the western part of the

state, will in a few years, demand that the Capital be removed westwardly.

Resolved, That it is inexpedient to legislate on the subject of removing the Capital at this time.

Respectfully submitted,

J. A. PARVIN, Chairman.

The question being on the adoption of the report, a call of the House was had and all the members found to be present.

On motion of Mr. Harbour, said report was laid on the table.

Mr. Crawford from the committee on claims to whom was referred the accounts of Messrs. Palmer & Paul for the incidental printing of the General Assembly, reported the same as correct.

Mr. Summers from the select committee appointed to ascertain if the appendix was a part of the revised code submitted the following

#### REPORT.

The select committee appointed to enquire whether the appendix was intended to constitute any part of the revised code have had a conference with the committee of revision and find that it was not the intention of said committee, or at least a majority of them, that the appendix should constitute a portion of the code, but was submitted by one of the committee as a distinct proposition, we are of the opinion that said appendix would to some extent destroy the harmony of said code, we therefore recommend that it be no longer considered in connection with the report of the committee of revision, but that it stand upon its own merits, *and alone*, as it was unquestionably intended.

Said report was then adopted.

YEAS, 23. }

NAYS, 11. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Lee, McCrary, Parvin, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Bunker, Guiberson, McCulloch of Jefferson, Negus, Preston of Linn, Preston of Monroe, Price, Updegraff, Wilson of Henry and Wyckoff.

Mr. Hamill introduced H. R. file No. 191, joint resolution for the printing and binding of the Declaration of Independence, the constitution of the United States and of the State of Iowa with the revised code; which was read a first and second time.

On motion of Mr. Babbitt, the words "naturalization laws" were inserted.

Mr. Crawford moved to include the "treaties of cession by France and Spain;" lost.

Mr. Price moved to include the "treaty of the Sac & Fox Indians;" lost.

Mr. Folsom offered a substitute therefor, which was adopted and read a second and third time, passed and title agreed to.

Mr. Eaton from the committee on schools submitted the following majority and minority reports from said committee :

#### MAJORITY REPORT.

The committee on schools to whom was referred

Substitute for chapter one, title five, part one of the lands of the state. Also

Substitute for chapter three, title five, part one, of loaning the school and university funds. Also

Part one, title seven, chapter one, of the superintendent of public instruction. And

Chapter two of said part and title, of the duties of the county judge and treasurer. And

Chapter three of same title and part, of school districts. And

Chapter four of same title and part, of elections, powers and duties of district officers. And

Chapter five of same title and part, of district taxes. And

Chapter six of same title and part, of the university and the college of physicians and surgeons at Keokuk. And

Chapter seven of same title and part, of teacher's institutes, have had the same under consideration and instructed me to report the same back to the House and recommend that the same be stricker out.

That said committee have had chapter eight, title seven part one, of the deaf, dumb and blind under consideration and instructed me to report the said chapter back to the House and recommend its passage.

The said committee have also instructed me to recommend that the present school laws be, and remain the law of the State, subject to the following supplemental bill which the committee have instructed me to report, entitled as follows :

A bill for an act supplemental to an act to establish a system of common schools.  
A. K. EATON, Chairman.

*Report of the minority of the Committee on Schools.*

The undersigned members of the committee on schools beg leave to submit the following as a minority report :

Substitute for the substitute for chapter one, title five, part one, of the lands of the state. And

Substitute for the substitute for chapter three, title five, part one, of loaning the school and university funds. And

Part one, title seven, of education.

All of which is respectfully submitted.

A. K. EATON,  
WM. HARPER.

Mr. Babbitt moved to lay said reports on the table; disagreed to.

YEAS 17, }  
NAYS 17. }

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs. Babbitt, Bunker, Crawford, Folsom, Guiberson, Jacobs, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Taylor, Updegraff and Wilson of Henry.

Those who voted in the negative were :

Messrs. Allender, Dibble, Eaton, Flint, Gamble, Gildea, Goode-  
now, Hamill, Harbour, Harper, Haun, Major, McCulloch of Lee,  
Parvin, Salmon, Summers and Mr. Speaker.

Mr. Summers moved to substitute the minority for the majority report ; disagreed to.

The report of the majority of the committee was then adopted.

Said committee also reported H. R. file No. 192, a bill for an act supplemental to an act to establish a system of common schools.

Said bill was read a first and second time.

Mr. Price offered the following amendment.

SEC. — Every head of a family, or single person over the age of twenty-one years, having a claim to any tract of land belonging to this state, which claim may be recorded in the office of any school fund commissioner, or which may have been returned by such claimant, as school land to any agent for the selection of the 500,000 acres of school land in this state, or which may be otherwise recognized by law, and not otherwise disposed of so as to cause an incompatibility with this arrangement has a right of pre-emption thereto, or to any part thereof in legal subdivisions at the minimum price established by the agents for the selection of school lands, or township trustees, providing that no pre-emption shall embrace a larger tract than three hundred and twenty acres.

Mr. Gildea, moved to strike out "320" and insert "640;" lost.

Mr. Preston of Linn offered the following amendment to the amendment:

Provided, That said claimant shall not claim any of the benefits of this act in the event that his settlement and claim shall have been made with his knowledge that the same was selected as school land; which was disagreed to.

YEAS 12, }  
NAYS 23. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Gamble, Goodenow, Hamill, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Preston of Linn, Thompson and Updegraff.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gibson, Gildea, Guiberson, Harbour, Harper, Jacobs, McCrary, Parvin, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Robinson, Salmon, Snmmers, Taylor, Wilson of Henry, Wilson of Lee, Wycokoff and Mr. Speaker.

Mr. Gildea offered the following amendment:

Provided, That said pre-emptor shall not be permitted to pre-empt more than one tract of said school land in the State of Iowa; which was disagreed to.

YEAS, 14, }  
 NAYS, 22. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Allender, Dibble, Eaton, Flint, Gamble, Goodenow, Hamill, Harbour, Harper, Haun, McCulloch of Lee, Parvin, Salmon, Summers and Mr. Speaker.

Those who voted in the negative were :

Messrs. Babbitt, Bunker, Crawford, Flint, Folsom, Gildea, Guiberson, Jacobs, Major, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Taylor, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Mr. Wyckoff moved to strike out "320" and insert "160;" agreed to.

YEAS 22, }  
 NAYS 13. }

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs. Allender, Bunker, Dibble, Eaton, Folsom, Gamble, Gildea, Goodenow, Hamill, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Robinson, Salmon, Summers, Thompson, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Flint, Guiberson, Harbour, Harper, Haun, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Taylor, Updegraff and Wilson of Henry.

The question recurring on the amendment offered by Mr. Price, was decided in the affirmative.

Mr. Harbour offered an amendment; which was adopted.

YEAS, 28, }  
 NAYS, 7. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, McCulloch of Lee, McCulloch of Jefferson, Parvin, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Updegraff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Major, McCrary, Negus, Preston of Linn, Thompson, Wilson of Henry and Wyckoff.

Said bill was read a third time, passed and title agreed to.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed substitute for Senate file No. 68, a bill for an act making an appropriation for the State House at Iowa City.

Senate file No. 90, a bill for an act to legalise the appointment of Joseph W. Foster. And

Senate file No. 95, joint resolution relative to the distribution of the laws, in all of which the concurrence of the House is requested.

The Senate have passed without amendment H. R. file No. 28, a bill for an act to restrain swine from running at large in Jackson county. Also

H. R. file No. 174, joint resolution asking an increase of mail routes.

The Senate have also passed Senate file No. 97, a bill for an act to locate and establish certain state roads therein named.

I herewith return H. R. files No. 115, 151, 113, 141, 106, 144, 146, 162, 134, 159, 111 and 140, the same having received the signature of the President of the Senate.

On motion of Mr. Preston of Monroe, the House adjourned at 45 minutes P. M.

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## TWO O'CLOCK, P. M.

Mr. Robinson introduced H. R. file No. 193, a bill for an act making appropriations for the State of Iowa for the fiscal years 1851 and 1852; which was read a first, second and third time, passed and title agreed to.

Mr. Crawford from the committee on claims to whom was referred the decree of the supreme court of the United States in case of the States of Iowa and Missouri, reported the same back and were discharged from the further consideration of the same.

Mr. Folsom moved to refer the report to the committee on expen-

ditures with instructions to incorporate the same in the appropriation bill.

Mr. Harbour moved to amend by reducing all the appropriations 50 per cent; disagreed to.

The question recurring on the motion of Mr. Folsom, was decided in the affirmative.

YEAS, 19 }  
NAYS, 17 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Harper, Major, McCulloch of Jefferson, Parvin, Preston of Monroe, Price, Samuel Riggs, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Crawford, Dibble, Hamill, Harbour, Haun, Jacobs, McCulloch of Lee, McCrary, Negus, Preston of Linn, Robinson, Salmon, Summers, Taylor, Thompson and Wilson of Henry.

Senate file No. 87, a bill for an act to authorise the Farmington bridge company to build a bridge across the Des Moines river at Farmington, was read a first time, and objection being made,

On motion of Mr. Allender, the 42nd rule was suspended, the bill was read a second and third time.

The question being on the passage, was decided in the affirmative.

YEAS 29, }  
NAYS 6. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Goodenow, Harbour, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Updegraff, Wilson of Henry, Wilson of Lee and Wyckoff.

Those who voted in the negative were:

Messrs. Babbitt, Gildea, Guiberson, Hamill, Jacobs and Negus.

So said bill was passed and title agreed to.

Mr. Crawford offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of this House be and are hereby tendered to the Hon. George Temple, for the able, faithful and impartial manner in which he has discharged the highly important and responsible duties imposed upon him as speaker of the present session.

Senate file No. 86, an act to authorise the Keosauqua bridge company to build a bridge across the Des Moines river at Keosauqua, was read a first, second and third time, passed and title agreed to.

Senate file No. 82, a bill for an act to amend an act entitled an act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws and parts of laws heretofore enacted on the subject; was read a first, second and third time, passed and title agreed to.

Senate file, No. 95, joint resolution relative to the distribution of the laws, was read a first, second and third times.

The question on the passage of the joint resolution was decided in the affirmative.

YEAS, 21, }  
NAYS, 14. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Allender, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Goodenow, Guiberson, Hamill, Haun, Jacobs, Major, McCulloch of Lee, Preston of Monroe, Price, Samuel Riggs, Robinson, Salmon, Thompson and Updegraff.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Folsom, Harbour, Harper, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Summers, Taylor, Wilson of Henry and Wyckoff.

So said bill was passed and title agreed to.

Senate file No. 90, a bill for an act to legalise the appointment of Joseph W. Foster, was read a first, second and third times, passed and title agreed to.

Senate file No. 68, a bill for an act making an appropriation for the state house at Iowa City, was read a first time.

Mr. Parvin moved to suspend the 42nd rule and read said bill a second and third time; disagreed to.

The House insisted on its amendment to Senate file No. 50, a bill for an act to reorganise the supreme court.

YEAS, 18, }  
 NAYS, 17. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Eaton, Flint, Gildea, Harper, Jacobs, Negus, Parvin, Preston of Linn, Samuel Riggs, Robinson, Taylor, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Allender, Dibble, Folsom, Gamble, Goodenow, Guiberson, Hamill, Harbour, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Preston of Monroe, Price, Salmon, Summers and Thompson.

On motion of Mr. Babbitt, resolved that the House request a conference thereon.

Messrs. Babbitt, Guiberson and Haun, were appointed managers on the part of the House.

Senate file No. 97, a bill for an act to locate and establish certain state roads therein named, was read a first, second and third time, passed and title agreed to.

Mr. Robinson introduced H. R. file No. 194, a bill for an act making appropriations for the pay of the members, officers and printers of the general assembly and for other purposes.

Mr. Parvin moved to deduct 108 dollars from the allowance to Robins for stationary.

The previous question was ordered and the main question ordered and put, will the House adopt the amendment? and decided in the

YEAS 13, }  
 NAYS 21. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Flint, Hamill, Jacobs, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Monroe, Salmon, Summers, Thompson and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Gamble, Gildea, Goodenow, Guiberson, Harbour, Harper, Haun, Major, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Updegraff and Wyckoff.

So said bill was read a third time, passed and title agreed to.

The House concurred in Senate amendments to H. R. file No. 93, a bill for an act to authorise Robert Gower, James H. Gower, Jacob Shawver, Peter Dilts and others to erect a toll bridge across Cedar river in Cedar county.

Senate file, No. 32, a bill for an act for the incorporation of the town of Mount Pleasant, was read a first, second and third time, passed and title agreed to.

Senate file No. 93, a bill for an act supplemental to an act providing for the more vigorous prosecution of the Des Moines river improvement, &c., approved Feb. 1st, 1851, was read a first, second and third time, passed and title agreed to.

Senate substitute for H. R. file No. 153, joint resolution relative to the accounts of J. W. Cohick, was read a first, second and third time, passed and title agreed to.

Senate file No. 87, a bill for an act supplemental to an act to establish new counties and define their boundaries, was read a first, second and third time, passed and title agreed to.

Senate amendment to H. R. file No. 152, a bill for an act to amend an act to establish normal schools, approved January 15th, 1849, was concurred in.

Senate file No. 60, a bill for an act to dispose of the saline lands of this state and appropriate the proceeds thereof, was read a first time.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have resolved to meet the House in the hall of the house at 9 o'clock this evening, for the purpose of electing a state printer;

Which was concurred with on the part of the House.

Mr. Harper introduced with leave, H. R. file No. 195, a bill for an act to provide for the appointment of school teacher examiners and define their duties; which was read a first time.

Objections to its second reading having been made, Mr. Harper moved to suspend the 42nd rule; lost.

Mr. Harper from committee on enrolled bills, reported

H. R. file No. 151, a bill for an act authorising W. and G. Folsom to build a bridge across Iowa river.

H. R. file No. 134, a bill for an act to incorporate Iowa City.

H. R. file No. 141, joint resolution asking a donation of land to aid in the construction of bridges on the post route from Iowa to Fort Kearney on the Missouri river.

H. R. file No. 113, a bill for an act to amend an act entitled an act granting James Weed and his associates the right of way and privilege of constructing a road from Bloomington to the county seat of Benton county.

H. R. file No. 144, a bill for an act to establish a state road from Duncan's mill in Mahaska county, to James Douglass' in Johnson county.

H. R. file No. 106, a bill for act authorising F. J. Wheeling and M. H. Clark and associates to erect a toll bridge across east Nishnebotany.

H. R. file No. 162, a bill for an act granting the right of way to the Lyons Iowa central rail road company.

H. R. file No. 115, an act to amend the charter of the city of Burlington.

H. R. file No. 146, an act to grant the right of way for a graded or plank road from Muscatine to Iowa City.

H. R. file No. 140, joint resolution relative to printing the constitution of the state of Iowa in the German language.

H. R. file No. 159, an act to legalise the acts of Isaac Meyer, a justice of the peace of Marshall county, and

H. R. file, No. 111, joint resolution for the appointment of a warden for the state penitentiary, as correctly enrolled.

Mr. Samuel Riggs offered a resolution which was modified as follows, and unanimously agreed to.

Resolved, That the thanks of the members of this House be tendered to C. C. Rockwell and J. Smith Hooton for the faithful and able discharge of their duties as clerks of this House during the present session. And the thanks of the House are also tendered to the other officers of the House for the faithful discharge of their respective duties.

Mr. Preston of Linn, introduced with leave, H. R. file No. 106, joint resolution relative to the appendix; which was read a first time.

Mr. Harper from the committee on enrolled bills, reported that they had presented the following bills to the Governor for his signature:

H. R. file No. 134, a bill for an act to incorporate Iowa City.

H. R. file 141, joint resolution asking a donation of land to aid in the construction of bridges on the post route from Iowa to Fort Kearney.

H. R. file No. 113, an act to amend an act entitled an act granting James H. Weed and his associates the right of way and privilege of constructing a graded or plank road from Bloomington to the county seat of Benton county, approved January 1849.

H. R. file No. 144, an act to establish a state road from Duncan's mill in Mahaska to James Douglass' in Johnson county.

H. R. file No. 106, an act to authorise F. J. Wheeling and M. H. Clark to erect a bridge across east Nishnebotany.

H. R. file Fo. 162, an act granting the right of way to the Lyons Iowa central rail road company.

H. R. file No. 146, an act to grant the right of way for a graded or plank road from Muscatine to Iowa City.

H. R. file No. 159, an act to legalise the acts of Isaac Meyer, a justice of the peace of Marshall county.

H. R. file No. 111, joint resolution for the appointment of a warden of the penitentiary.

H. R. file No. 140, joint resolution relative to printing the constitution of the state of Iowa in the German language.

H. R. file No. 151, an act authorising Winthrop and Gilman Folsom to build a bridge across the Iowa river; and

H. R. file No. 115, an act to amend the charter of the city of Burlington.

Mr. Preston of Linn, from the select committee to which was referred Senate file No. 55, a bill for an act to provide for the establishment of a state Lunatic Asylum; reported the same back and recommended its indefinite postponement, which was concurred in.

On motion of Mr. Harper, H. R. file No. 155, joint resolution relative to superintending the printing and distributing the laws of the present session, was taken from the table and a substitute adopted therefor.

Mr. Price moved to lay on the table; agreed to.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed,

H. R. file No. 176, a bill for an act to amend an act entitled an act to create the office of state printer, to provide for his election, to define his duties and establish the prices of public printing, approved December 29, 1849.

The question was then put, will the House concur? and decided in the affirmative.

On motion of Mr. Allender, the report of the committee on military affairs was taken from the table.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have disagreed to the amendments made by the House to substitute for title five, chapter three, part one.

Also of part one, title seven, chapters one, two, three, four, five, six and seven.

Also substitute for chapter one, title five, part one.

The question was then put, will the House recede? and decided in the negative.

On motion of Mr. Allender, the House adjourned at five o'clock, 10 minutes P. M. until seven o'clock 30 minutes P. M.

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### SEVEN O'CLOCK AND 30 MIN., P. M.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House that the Senate have passed Senate file No. 83, a bill for an act to provide for the completion of the penitentiary.

Senate file No. 99, joint resolution relative to the appointment of trustees for the state university.

Senate file No. 101, a bill for an act to amend an act to reorganise the supreme court approved January 22nd, 1848.

Senate file No. 102, a bill for an act to authorise Benjamin S. Bryan a minor, to sell and convey a lot in Cedar Rapids, in which they ask the concurrence of the House.

The Senate have also passed H. R. file No. 163, a bill for an act for the encouragement of agriculture.

H. R. file No. 167, a bill authorising the commissioners of Jackson county to require petitioners to pay expenses for locating roads.

H. R. file No. 175, joint resolution asking an increase of mail facilities.

Also with one amendment to H. R. file No. 66, a bill for an act to prohibit the imigration of free negroes into this state in which they ask the concurrence of the House. Also

Senate file No. 100, a bill for an act relative to publishing the revised code.

Senate file No. 98, an act to repeal certain acts therein named in which they ask the concurrence of the House.

The Senate insist upon their disagreement to the amendment made by the House to Senate file No. 50, and Messrs. Cassady, Sales and Alger have been appointed a committee to manage a conference on said disagreement on the part of the Senate.

Senate file No. 83, a bill for an act to provide for completing the Penitentiary; was read a first and second time.

Mr. Babbitt from the standing conference on disagreements to amendments made to the revised code submitted the following agreements:

That the Senate recede from its disagreeing vote to the action of the House in striking out substitute for chapter one, title five, part one, of the lands of the state.

Also substitute for chapter three, title five, part one, of loaning the school and university funds.

Also chapters, one, two, three, four, five, six and seven of title seven of part one.

The committee also recommend the adoption of supplemental bill No. 192, with the following amendment, as chapter two, section seven of part one of the revised code.

SEC. 1. Each school district formed and organised under any former law is hereby recognised notwithstanding any informalities in the proceedings, and is created a body corporate for the purpose, in this title designated, under the name of School District No. — in — county.

Your committee also recommend the adoption of the accompanying joint resolution.

The question being on concurring in the report of the committee; was decided in the affirmative.

Mr. Harper from the committee on enrolled bills reported:

H. R. file No. 62, an act to incorporate the town of Prairie La Porte.

H. R. file No. 68, a bill for an act to incorporate the city of Dav-enport.

H. R. file No. 154, joint resolution appointing trustees of the branch of the state university at Fairfield.

H. R. file No. 145, an act to authorize the secretary of state to have bound the census returns of 1850.

H. R. file No. 176, a bill for an act to amend an act creating the office of state printer, to provide for his election, define his duties and establish the prices of public printing approved December 29 1849. And.

H. R. file, an act to vacate the town of Harrisburg in the county of Van Buren; as correctly enrolled.

Senate file No. 101, a bill for an act to amend an act to reorgan-ise the supreme court, approved January 22, 1848, was read a first and second time.

Mr. Negus moved to strike out Ottumwa and insert Fort Des Moines; agreed to.

Said bill was read a third time, passed and title agreed to.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I herewith return H. R. file No. 176, a bill for an act to amend an act to create the office of state printer, to provide for his elec-tion and define his duties and establish the prices of public printing approved December 29, 1849.

The same having received the signature of the president of the Senate.

Senate file No. 102, a bill for an act to authorise Benjamin S. Bry-an, a minor, to sell and convey a lot in Cedar Rapids; was read a first, second and third time, passed and title agreed to.

Senate file No. 98, a bill for an act to repeal certain acts therein named; was read a first time.

Senate amendments to H. R. file No. 175, joint resolution asking an increase of mail facilities; were concurred in.

Senate amendments to H. R. file No. 66, a bill for an act to pro-

hibit the imigration of free negroes into this state ; were concurred in.

· YEAS, 28. }

NAYS, 7. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Salmon, Summers, Taylor, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Gamble, Goodenow, Harbour, McCulloch of Jefferson, Robinson, Thompson and Wilson of Henry.

Senate file No. 100, a bill for an act relative to publishing the revised code; was read a first time.

Mr. Harper from the committee on enrolled bills reported that they had presented to His Excellency the governor for his signature H. R. file No. 176, an act to amend an act to create the office of state printer, provide for his election, define his duties and establish the prices of public printing, approved Dec. 29, 1849.

Mr. Babbitt from the committee of conference to whom was referred the disagreeing vote of the two Houses of the General Assembly to the amendment made to Senate file No. 50, a bill for an act to amend an act to reorganize the supreme court, recommend in behalf of the committee, that the House recede from its amendment; which was concurred in.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed without amendment H. R. file No. 181, joint resolution making an appropriation for the benefit of Clarissa Haskell.

Mr. Haun with leave introduced H. R. file No. 198, joint resolution requiring the school fund commissioners to report yearly to the superintendent of public instruction; which was read a first, second and third time, passed and title agreed to.

Senate amendment to H. R. file No. 104, a bill for an act in relation to swamp lands in the State of Iowa; was concurred in.

Mr. Eaton from the committee on schools to whom was referred

H. R. file No. 129, a bill for an act to establish teachers' institutes for the education of teachers and others. And H. R. file No. 188, joint resolution relative to the school laws.

Reported the same back to the House, and were thereupon discharged from the further consideration thereof.

Said bills were read a second time.

On motion of Mr. Crawford, the clerk was ordered to inform the president and members of the Senate, that the House was now ready to receive them in the hall of the House for the purpose of electing a state printer.

The clerk having reported that duty discharged,

The Senate preceded by its president and secretary, entered the hall and having taken the seats assigned them,

The president announced the purpose of the convention and ordered a call of the roll, when it appeared that five gentlemen not excused were absent.

On motion of Mr. Wright the call was suspended.

On motion of Mr. Babbitt the convention proceeded to the election of a state printer, to hold his office for the term of two years from the 1st day of May next, Messrs. Shields and Harper acting as tellers.

Mr. Shields nominated Holt & Keesecker.

Mr. Everson nominated Dr. Ballard.

The roll was called and it appeared that Holt & Keesecker had received 42 votes, Dr. Ballard 8 votes and the Buncombe Flagstaff one vote.

Those who voted for Holt & Keesecker were:

Messrs. Alger, Allender, Baker, Babbitt, Cassidy, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hendershott, Hepner, Howell, Hamill, Harbour, Harper, Haun, Jacobs, Lowe, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Sales, Selman, Shields, Salmon, Summers, Taylor, Temple, Thompson, Wyckoff and Mr. President.

Those who voted for Dr. Ballard were:

Messrs. Bunker, Cook, Everson, Morton, McCrary, Updegraff, Wright and Wilson of Henry.

Mr. Price voted for the Buncombe Flagstaff.

Thereupon Holt & Keesecker were declared duly elected and the following certificate was made and signed in presence of the two Houses.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
February 4th, A. D. 1851. }

This is to certify that at a joint convention of both branches of the Legislature held in the Hall of the House of Representatives on the evening of the fourth day of February 1851, Messrs. Holt & Keesecker were duly elected state printers for the State of Iowa, for two years from the first day of May next.

J. G. SHIELDS, }  
WM. HARPER. } Tellers.

ENOS LOWE, Pres. of Joint Convention.

ATTEST, C. C. ROCKWELL, Sec. of Joint Convention.

The purposes of the joint convention having been accomplished the Senate in order retired.

On motion of Mr. Harbour, the House adjourned at 10 o'clock P. M. till 10 o'clock A. M. to-morrow.

### WEDNESDAY MORNING, FEBRUARY 5, 1851.

Mr. Summers introduced H. R. file No. 199, joint resolution relative to the appendix, which was read a first, second and third time, passed and title agreed to.

Mr. Summers introduced H. R. file No. 200, joint resolution relative to publishing the local laws, which was read a first and second time.

Mr. Harbour offered the following amendment: Strike out "local laws" and insert "all acts passed by the present general assembly except the revised code;" which was agreed to.

On motion of Mr. Babbitt, said joint resolution was referred to a select committee of which Mr. Summers shall be chairman.

On motion of Mr. Hamill,

Resolved, That the chief clerk be instructed to incorporate the decree of the supreme court of the United States in the cause of Missouri vs. Iowa and Iowa vs. Missouri, into the journal of this House.

Mr. Folsom offered the following resolution:

Resolved, That the constitution of the United States and of the state of Iowa and the declaration of independence be printed and bound in the statutes of the present session; which was disagreed to.

H. R. file No. 188, joint resolution relative to the school laws; was read a second time, and

On motion of Mr. Babbitt, laid on the table.

H. R. file No. 129, a bill for an act to establish teachers' institutes for the education of teachers and others, was read a second time.

Mr. Eaton moved to refer to a select committee with instructions to report at the next session of the general assembly; which was disagreed to.

YEAS, 13. }  
NAYS, 21. }

The yeas and nays were desired and those who voted in the affirmative were,

Messrs. Allender, Bunker, Crawford, Eaton, Flint, Gildea, Goodenow, Harbour, Jacobs, Major, McCrary, Samuel Riggs, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Babbitt, Dibble, Folsom, Gamble, Guiberson, Hamill, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff and Wilson of Henry.

Said bill was then read a third time, and the question being; on its passage, was decided in the negative.

YEAS 15, }  
NAYS 20. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Dibble, Guiberson, Hamill, Hodges,

McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Price, Salmon, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Allender, Crawford, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Harbour, Jacobs, Major, Parvin, Preston of Linn, Preston of Monroe, Samuel Riggs, Robinson, Summers, Taylor, Thompson and Mr. Speaker.

Senate file No. 83, a bill for an act to provide for the completion of the penitentiary, was read a second and third time, and :

The question on the passage was decided in the affirmative.

YEAS, 20, }

NAYS, 14. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Allender, Babbitt, Dibble, Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harbour, Major, McCulloch of Lee, McCulloch of Jefferson, Parvin, Preston of Monroe, Price, Salmon, Thompson, Wyckoff and Mr. Speaker.

Those who voted in the negative were :

Messrs. Bunker, Crawford, Eaton, Gamble, Jacobs, McCrary, Negus, Preston of Linn, Samuel Riggs, Robinson, Summers, Taylor, Updegraff and Wilson of Henry.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker :*

I am directed to inform the House that the Senate have passed H. R. file No. —, an act to provide for the compensation of members, officers and printers of the general assembly, and for other purposes, with sundry amendments, in which the concurrence of the House is requested.

I herewith present for your signature Senate file, No. 87 and 95, substitute for H. R. file No. 153, Senate file, No. 92, 93, 82 and substitutes for Senate file, Nos. 74, and 75, the same having passed both branches of the general assembly.

I herewith return H. R. files No. 104, 197, 192, the same having received the signature of the president of the Senate.

The Senate have passed Senate file, No. 103, a bill for fixing the price for binding the revised code.

Mr. Taylor introduced H. R. file No. 201, joint resolution \* \* \* which was read a first and second time.

Mr. Allender moved to amend by inserting "the pay of the commissioner shall be three dollars per day."

On motion of Mr. Preston of Linn, the resolution and amendment were laid on the table.

Mr. Robinson from the committee on expenditures reported H. R. file No. 202, a bill for an act supplemental to an act making appropriations for the pay of members, officers, &c.; which was read a first and second time.

Mr. Harbour moved to strike out "\$3000" and insert "1500," in last section; which was disagreed to.

Mr. Allender moved to strike out "\$3000" and insert "\$2000," which was disagreed to.

Mr. Harbour offered the following amendment: "Provided that the appropriation of this section shall be submitted to a vote of the people of this state at the next regular election;" which was disagreed to.

YEAS, 11)

NAYS, 24)

The yeas and nays being desired those who voted in the affirmative were,

Messrs. Allender, Hamill, Harbour, Jacobs, McCulloch of Lee, McCrary, Negus, Preston of Linn, Salmon, Updegraff and Wilson of Henry.

Those who voted in the negative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Harper, Major, McCulloch of Jefferson, Parvin, Preston of Monroe, Price, Samuel Riggs, Robinson, Summers, Taylor, Thompson, Wyckoff and Mr. Speaker.

Mr. Hamill moved to add the accounts of J. Cowles, administrator of A. H. Haskell, late superintendant of the penitentiary; agreed to.

Mr. Folsom offered the following amendment which was agreed to.

"To George S. Hampton the sum of twelve dollars for three days service as enrolling clerk."

Said bill was then read a third time, passed and title agreed to.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed without amendment H. R. file No. 197, joint resolution authorising the superintendant of public instruction to compile the school laws.

I herewith return H. R. files No. 181, 68, 180, 145, 154, 40, 97, 133 and 62, the same having received the signature of the president of the Senate.

Mr. Summers from select committee to whom was referred H. R. file No. 200, joint resolution providing for the publication of the general and local laws of the present session, reported the same back with sundry amendments which were concurred in; said joint resolution was read a second and third time, passed and title agree to.

Senate file No. 98, a bill for an act to repeal certain acts therein named was read a first and second time.

Mr. Allender moved a call of the House when all members were found to be in their seats.

On motion said bill was indefinitely postponed.

YEAS 24, }  
NAYS 8. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Guiberson, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Jefferson, Negus, Price, Robinson, Salmon, Summers, Thompson, Updegraff, Wilson of Henry and Wyckoff.

Those who voted in the negative were:

Messrs. Gamble, Goodenow, McCulloch of Lee, McCrary, Parvin, Preston of Linn, Preston of Monroe and Samuel Riggs.

Senate file No. 60, a bill for an act to dispose of the saline lands and appropriate the proceeds thereof; was read a first and second time, and on motion laid on the table.

Senate file No. 68, a bill for an act making appropriation for the state house at Iowa City, was read a first and second time.

Mr. Babbitt moved to strike out "Joseph T. Fales" and insert "Wm. Pattee;" agreed to.

YEAS, 17, }  
 NAYS, 16. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Allender, Babbitt, Dibble, Flint, Gamble, Guiberson, Hamill, Harbour, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Samuel Riggs, Robinson, Salmon and Thompson.

Those who voted in the negative were:

Messrs. Bunker, Crawford, Eaton, Folsom, Gildea, Goodenow, Harper, Haun, Parvin, Preston of Linn, Price, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Mr. Samuel Riggs moved to strike out "\$200" and insert "\$150;" disagreed to.

On motion of Mr. Parvin the 42nd rule was suspended and said bill read a third time.

The question on the passage of the bill was decided in the affirmative.

YEAS, 29, }  
 NAYS, 7. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, Negus, Parvin, Preston of Linn, Price, Salmon, Summers, Taylor, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Jacobs, McCrary, Preston of Monroe, Samuel Riggs, Robinson and Wilson of Henry.

So said bill was passed and title agreed to.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have rejected H. R. file No. 199, joint resolution relative to the appendix.

The Senate have also passed with one amendment substitute for H. R. file No. 104, a bill for an act relative to the swamp lands within the state of Iowa.

I herewith present for your signature Senate file, No. 46, an act to incorporate the city of Keosauqua, the same having passed both branches of the general assembly.

I am also directed to inform the House that the Senate have passed an act for revising and consolidating the general statutes of the state of Iowa, together with an appendix.

On motion of Mr. Harbour, the House adjourned at 10 min. P. M.

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TWO O'CLOCK, P. M.

The House concurred in the Senate amendments to H. R. file No. —, a bill for an act making appropriation for the support of the state government for the fiscal years 1851 and 1852.

Mr. Parvin moved to strike out the allowance to Thomas Ewing; disagreed to.

YEAS, 4, }  
NAYS, 28. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Harbour, Parvin, Preston of Linn and Summers.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Folsom, Gildea, Goodenow, Guiberson, Hamill, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Samuel Riggs, Thompson, Updegraff, Wyckoff and Mr. Speaker.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate has disagreed to the House amendment to Senate file No. 68, an act to make an appropriation for the state house at Iowa City.

I herewith return H. R. file No. 200, the same having passed the Senate without amendment.

I herewith present for your signature Senate file, No. 101, an act to amend an act to reorganise the supreme court, approved January 22nd, 1848.

The question was then put, will the House recede from its amendments to Senate file, No. 68, a bill for an act making appropriation for the state house at Iowa City? and decided in the negative.

Senate file No. 105, substitute for H. R. file No. 185, a bill for an act to re-apportion the state; was read a first and second time:

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

The Senate have passed an act respecting the bridges across English and Wapsipinicon rivers on the military road, in which the concurrence of the House is requested.

Senate file No. 103, a bill for an act fixing the price of binding the revised code; was read a first, second and third time, passed and title agreed to.

On motion of Mr. Preston of Monroe, Senate file No. 60, a bill for an act to dispose of the saline lands in the state and appropriate the proceeds thereof; was taken from the table and read a second time.

On his motion the 5th, 10th and 11th sections were struck out.

Mr. Flint moved to amend the title by striking out the same; which was agreed to.

On motion of Mr. Summers, a committee of conference was appointed on the disagreeing vote of the two Houses on H. R. file No. 199, joint resolution relative to the appendix, and Messrs. Summers, Babbitt and Preston of Linn were appointed managers on the part of the House.

Mr. Preston of Linn introduced H. R. file, No. 205, joint resolution relative to the election of representatives to Congress; which was read a first time.

Mr. Preston of Linn moved to suspend the 42nd rule and read the bill a second and third time now; disagreed to.

H. R. file No. 195, a bill for an act to provide for appointment of school teacher examiners and define their duties; was read a second time.

H. R. file No. 196, joint resolution relative to the appendix; was read a second time.

Senate file No. 107, a bill for an act respecting the bridge across English river on the military road; was read a first time.

H. R. file No. 128, a bill for an act to locate the seat of government of the State of Iowa at Fort Des Moines; was read a second time.

Mr. Allender, moved to suspend the 42nd rule and read said bill a third time now; lost.

Mr. Gamble introduced H. R. file No. 206, joint resolution to pay for the distribution of the revised code; which was read a first and second time.

Mr. Wilson of Henry moved to insert \$300; lost.

Mr. Gildea moved to insert \$500; disagreed to.

Mr. Gamble moved to insert \$400; agreed to.

Said joint resolution was read a third time, passed and title agreed to.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed, substitute for H. R. file No. 193, a bill for an act making appropriations for the support of the state government for the fiscal years of 1851 and 1852, in which they ask the concurrence of the House.

I herewith return H. R. file No. 186, a bill for an act to reapportion the state and define the boundaries of senatorial and representative districts therein.

The Senate have also passed with sundry amendments H. R. file No. 202, supplemental appropriation bill in which the concurrence of the House is requested.

Messrs. Hendershott, Morton and Baker have been appointed on the part of the Senate to manage the conference on their part, on the disagreeing vote on the appendix.

I herewith present for your signature Senate file No. 32, an act for the incorporation of the town of Mt. Pleasant.

Senate files No. 89, 79, 86 and 90, the same having passed both branches of the General Assembly.

On motion of Mr. Crawford, the House adjourned at five o'clock and 20 minutes P. M., till seven o'clock P. M.

## SEVEN O'CLOCK P. M.

The House proceeded to consider the amendments of the Senate to H. R. file No. 202, a bill for an act supplemental to an act making appropriations for the pay of members and officers of the General Assembly.

The question was put, will the House concur? and decided in the affirmative.

Mr. Summers from the conference appointed to confer upon the disagreements of the two houses in relation to the appendix, reported that they found no difference *in form* between the two houses.

Whereupon, Mr. Babbitt moved to rescind the resolution of the House heretofore adopted, declaring the appendix a part of the revised code; which was agreed to.

YEAS 23, }  
NAYS 12. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Flint, Folsom, Gamble, Gildea, Guiberson, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, Parvin, Preston of Linn, Samuel Riggs, Robinson, Salmon, Summers, Thompson and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Dibble, Eaton, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Updegraff, Wilson of Henry and Wyckoff.

Mr. Babbitt moved to strike out the appendix and demanded the previous question.

Upon which the main question was ordered and put, as follows: will the House strike out the appendix? and decided in the affirmative.

YEAS, 22, }  
NAYS, 13. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Babbitt, Crawford, Flint, Folsom, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major,

McCulloch of Lee, Parvin, Preston of Linn, Samuel Riggs, Robinson, Summers, Thompson and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Bunker, Dibble, Eaton, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Taylor, Updegraff, Wilson of Henry and Wyckoff.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed to inform the House that the Senate have passed with one amendment H. R. file No. 185, a bill for an act to reapportion the state and define the boundaries of senatorial and representative districts therein; in which they ask the concurrence of the House.

The Senate have receded from their disagreement to the amendment made by the House to substitute for Senate file No. 68, a bill for an act making an appropriation for the State House at Iowa City.

The Senate have also passed H. R. file No. 198, without amendment.

I herewith present for your signature Senate file No. 64, an act to repeal an act entitled an act to repeal an act entitled an act for the relief of the poor.

Also Senate file No. 83, an act to provide for the completion of the penitentiary, the same having passed both branches of the General Assembly.

Also Senate file No. 100, an act relative to printing the revised code.

Mr. Parvin offered a resolution which was modified and agreed to, as follows :

Resolved, That no further amendments shall be offered to the revised code, and that it be read a third time by its title.

Whereupon, an act for revising and consolidating the general statutes of Iowa; was read a third time by its title.

The question was then put, shall the act pass? and decided in the affirmative.

YEAS 23, }  
NAYS 13. }

The yeas and nays were desired, and those who voted in the affirmative were :

Messrs. Crawford, Dibble, Folsom, Gildea, Goodenow, Guiberson,

Hamill, Harper, Haun, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Parvin, Preston of Monroe, Samuel Riggs, Robinson, Salmon, Summers, Taylor, Thompson, Updegraff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Eaton, Flint, Gamble, Harbour, Jacobs, Negus, Preston of Linn, Price, Wilson of Henry and Wyckoff.

Mr. Folsom moved to substitute for the title the following: A code composed by Charles Mason, Stephen Hempstead and Wm. G. Woodward; disagreed to.

YEAS 2,  
NAYS 34.)

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Folsom and Robinson.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Eaton, Flint, Gamble, Gildea, Goodenow, Guiberson, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Samuel Riggs, Salmon, Summers, Taylor, Thompson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

The title was then agreed to.

The following message was received from his Excellency the governor by Geo. W. McCleary Esq., secretary of state:

*Gentleman of the House of Representatives:*

I conceive it to be my duty under the constitution to return to you with my objections, an act authorizing F. J. Wheeling, M. H. Clark and their associates to erect a toll bridge across East Nishnabotany river; which was on this day presented for my approval.

The first section of the act provides "that F. J. Wheeling and M. H. Clark and their associates be and they are hereby authorized to erect and keep a toll bridge across the East Nishnabotany river for the term of twenty years, with the exclusive privilege of bridging said stream one mile up and down said stream, from the point where the state roads from Ottumwa to Council Bluffs, and from Fort Dee

Moines to Kaneshville crosses said stream." The act also establishes the rate of toll and authorizes the proper county "to purchase said bridge at the expiration of ten years from its completion, by paying a fair compensation for the same," but fixes no time when the bridge shall be completed.

Does this act create a corporation, and if so is it for political or municipal purposes. To determine this question, let me observe that "a corporation may be defined to be a body of persons connected together by law, either contemporaneously or in succession, and endowed with the capacity of acting for one or various purposes as a single person." Corporations are also public and private. The act under consideration is of the latter class, as it is founded on private means for private benefit, whereby individuals have an interest distinct from that of the community; it is therefore not a political, municipal or public corporation. Apply these rules to the act in question and we find a body of persons connected by law, with the right of succession for twenty years and with the power of acting as one person for the purpose of constructing and keeping up a bridge for private gain.

Upon examining the whole question, I am unable to avoid the conclusion that the act under consideration is intended and would create a private corporation.

The second section of the ninth article of the constitution declares that "corporations shall not be created in this state by special laws except for political or municipal purposes; but the General Assembly shall provide by general laws for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited."

In compliance with this provision the General Assembly passed "an act authorizing general incorporations approved February 22d, 1847," now in force granting to every citizen the right of forming a company or association for the transaction of any business which may be the lawful subject of a general partnership including the establishment of ferries, the construction of rail roads and other works of internal improvement."

The language and intention of the constitution cannot be mistaken, it asserts a great and just principle which is worthy of the

highest consideration by those who are intrusted with legislative power, the object being to prevent special and partial legislation and place the citizens of this state upon an equality as to those privileges which should be equal to all. Is it necessary, is it desirable that the time of the Legislative Assembly should be consumed, and the money of the people expended in granting to private individuals for private gain, franchises and privileges of the character under consideration. Gentlemen, I leave the question for your determination, not doubting but that your decision will sustain and carry out the provisions of the constitution upon a question of so much importance to the people of this state.

S. HEMPSTEAD.

February 4th, 1851.

The question was then put, will the House pass the bill by the constitutional majority notwithstanding the objection of the governor? and decided in the negative.

YEAS, 12, }  
NAYS, 23. }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Eaton, Folsom, Gamble, Guiberson, Preston of Monroe, Price, Robinson; Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Gilda, Goodenow, Hamill, Harbour, Harper, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Samuel Riggs, Salmon and Thompson.

Message from the Senate by Mr. Bradley their secretary.

*Mr. Speaker:*

I am directed by the Senate to inform the House that the Senate have concurred in the amendment made by the House to an act for revising and consolidating the general statutes of the state of Iowa.

I herewith present for your signature Senate files No. 60, 68, 99 and 103.

Also an act for revising and consolidating the general statutes of

the state of Iowa, all of which have passed both branches of the general assembly.

The following message was received from the Governor, by Geo. W. McCleary, esq., secretary of state:

*Gentlemen of the House of Representatives—*

I am compelled to return to you with my objections, an act to authorise Winthrop Folsom and Gilman Folsom their heirs and successors to build a bridge across the Iowa river at Iowa City, on a continuation of Iowa avenue, which has this day been presented for my approval.

For my objections to the passage of acts of this character, I respectfully refer you to my message of this date, disapproving "An act authorising F. J. Wheeling, M. H. Clark and their associates to erect a toll bridge across east Nishnebotany river."

S. HEMPSTEAD.

February 4th, 1851.

The question being shall the bill pass with the constitutional majority notwithstanding the objection? was decided in the negative.

YEAS, 10 }

NAYS, 24 }

The yeas and nays were desired, those who voted in the affirmative were:

Messrs. Eaton, Gamble, Guiberson, Preston of Monroe, Price, Robinson, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative, were:

Messrs. Allender, Babbitt, Bunker, Crawford, Dibble, Flint, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Samuel Riggs, Salmon, Summers, Taylor and Thompson.

The following message was received from the Governor, by Geo. W. McClery secretary of state:

*Gentlemen of the House of Representatives—*

I herewith return to you "An act to authorise Robert Gower, James H. Gower, Jacob Shawver and Peter Dilts and others to erect a toll bridge across Cedar river, in Cedar county, which was this day presented for my approval.

I believe this act to be a violation of the second section of the ninth article of the constitution, for the reasons assigned in my message of this date disapproving an act authorising F. J. Wheeling, M. H. Clark, and their associates to erect a toll bridge across east Nishnebotany river, to which I respectfully refer you.

S. HEMPSTEAD.

February 5th, 1851.

The question being shall the bill pass with the constitutional majority notwithstanding the objection; was decided in the negative.

YEAS, 9. }  
NAYS, 22. }

The yeas and nays were desired and those who voted in the affirmative were:

Messrs. Eaton, Gamble, Guiberson, Preston of Monroe, Price, Robinson, Updegraff, Wyckoff and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Babbitt, Crawford, Dibble, Flint, Gildea, Goodenow, Hamill, Harbour, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Salmon, Summers, Taylor and Thompson.

Mr. Folsom introduced with leave H. R. file No. 207, a bill for an act to provide for the erection of a bridge across the Iowa river.

Said bill was read a first time, objection being made,

Mr. Folsom, moved to suspend the 42nd rule and read said bill a third time now; agreed to.

YEAS, 25, }  
NAYS, 6. }

The yeas and nays were desired, and those who voted in the affirmative were:

Messrs. Babbitt, Dibble, Flint, Folsom, Gamble, Gildea, Guiberson, Hamill, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Parvin, Preston of Linn, Preston of Monroe, Price, Salmon, Taylor, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were:

Messrs. Allender, Bunker, Crawford, Harper, Robinson and Summers.

Said bill was read a second and third time, passed and title agreed to.

Senate file No. 107, a bill for an act respecting the bridge across English river on the military road, was taken from the table and read a second time.

Mr. Gamble moved to strike out the word "Wapsipinicon," agreed to.

Said bill was read a third time and passed.

Mr. Crawford moved to amend the title by striking out the word Wapsipinicon; agreed to.

Said title was agreed to as amended.

Senate file No. 106, joint resolution authorizing the governor to protect the school, university and saline lands from waste; was read a third time, passed and title agreed to.

Mr. Preston of Linn from the select committee to whom was referred the resolution of Mr. Summers, exculpating the clerks from intentional error in making up the journal of the 25th inst., as well as the subject matter of an article in the Muscatine Enquirer containing certain charges; reported the following resolution, which was unanimously adopted.

Resolved, That the clerks of this House are entitled to the thanks of the House for the impartial and correct manner in which they have discharged their duty.

Mr. Haun from the minority of said committee, submitted the following

#### REPORT.

The select committee to whom was referred a preamble and resolution respecting the making up of the Journal of 25th of January and also the article in the Democratic Enquirer, signed by a member of the lobby, and published at Muscatine on the 1st inst.

The minority report, that they have had the same under consideration and state that that part of the communication which states that the "member from Johnson was being brought from the *grocery*," is untrue, unjust and not only injurious to the member, but to the House of Representatives.

The clause in the same communication which says, "the speaker

ignorantly decided that a call of the House was in order pending a motion to adjourn," is not only false, but an attempt under false colors to disparage the worthy Speaker who has so ably discharged the honorable duties assigned him by this House.

That clause in the same article which says—"the motion was not made *as every member knows*," is false, and the *writer or author* over the signature of "Member of the Lobby" knew it was false when he dictated or wrote it, as the vote for the correction of the Journal will clearly show, there having been twelve members voting to keep the Journal as the clerk had made it up, believing it was right, and twenty-two members voted to alter it.

That part of the communication which says the "chief clerk tried to excuse himself," is false and without any foundation even for suspicion, on the contrary, he declared at the time, he was correct and still believes he was, as well as many other *Gentlemen*.

It is common to wafer on slips of paper to make corrections or additions to the Journal, and therefore no censure or blame is attached for wafering on, as the chief clerk did, on this occasion.

By an examination of that portion of the Journal referred to, we find the first entry made by the assistant clerk, to read as follows:

"Mr. Flint moved to reconsider the vote last had on H. R. file No. 124, joint resolution;" and afterwards marked out or crossed by him as being incorrect in his opinion. But there must have been some cause for the second clerk to have made the entry and afterwards cross it, which is accounted for by the confusion in the House at the time it occurred.

The next to the last clause in the communication referred to, reads as follows: My only excuse for troubling you is that you may know what sort of *great* men you have in this city and to what they will resort to carry their measures." In the *former* charges, members and officers are selected as victims for this pure, uninterested and devoted "member of the lobby," but in this last, your whole House is charged with being willing to resort to any means either honorable or dishonorable, or in other words, members have tampered with your chief clerk, and he been guilty of forging the Journals, which is a gross and libellous charge on members and officers, and could not have originated but from a diseased mind and dishonest heart.

Your committee would not have taken the communication of a

“member of the lobby,” into consideration but for the manner which such article was and has been defended by a member of this House. Mr. Parvin when interrogated by your committee, whether he knew the author of said communication answered, if he did know, he would not tell.

He was further interrogated and requested to state whether he was not in any way connected with the authorship of said article; to which he replied if he was he would not tell; which answers have convinced your minority that he knows the author, if he is not the man himself. The answers themselves are contempts to this house, sitting at defiance all law, order and respect, which is due to this body.

In consideration of the fact your minority are impressed with the conviction, that the fosterings of an impure heart have been long centering to this one point, by the powerful machinery of a diseased imagination which was by motives, which of themselves, are corrupt and envious, and when the defeat of a dishonorable coalition was made apparent, not only were the victims of the libeller selected from among the members of this body, but the avenger sought a higher mark and has driven his shafts with the desperation of a mad man, at the officers of this house, whose double oath and obligations would in the same degree damn them, were they recreant to their duty or their trusts. No greater degree of guilt can attach to the real author than to him, who behind his privileges, shields himself from enquiry. The mask has not been removed from the *incognito*, but your minority have discovered a sympathizing heart in your midst; they have found a receptacle which is only fit to garner these precious gems of detraction, a magazine which only needs to be located to be exploded by the fire of incensed virtue; a mind which the powerful current of outraged honor will as readily sap, and a corrupt plotter who must receive the contemptuous rebuke of all those who cherish a single spark of honour.

It then, in the opinion of the minority, only remains for this body to say, whether it will vindicate its honour, and the honour of its officers—whether it will maintain its dignity, or tamely submit to outrage and insult.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker:*

I herewith return an act to provide for the compensation of members, officers and printers of the General Assembly and for other purposes. Also.

H. R. file Nos. 147, 198, 202 and 208, the same having received the signature of the President of the Senate.

Mr. Harbour moved to lay the report of the minority on the table and that the clerk be directed not to enter the same upon the Journal, a division of the question was demanded and had accordingly.

The question was then put shall the report of the minority lay upon the table, and decided in the affirmative.

The question then being, will the House direct the clerk to exclude said report from the Journal.

A message was received from the Senate informing the House, that Mr. Shields had been appointed on the part of the Senate to act with a committee on the part of the House to attend his Excellency the governor and enquire if he had any further communication to make to the General Assembly.

Whereupon Mr. Harbour was appointed on the part of the House.

Mr. Harper from the committee on enrolled bills reported that they had during the day presented the following bills to the governor for his signature:

H. R. file No. 163, an act for the encouragement of agriculture.

H. R. file No. 175, joint resolution asking an increase of mail facilities.

H. R. file No. 167, an act authorizing the commissioners of Jackson county to require the petitioners for roads to pay the expenses of locating the same.

H. R. file No. 187, joint resolution making an appropriation for the benefit of Clarissa Haskell.

H. R. file No. 66, an act to prohibit the emigration of free negroes into this state.

H. R. file No. 28, a bill for an act to restraining swine from running at large in Jackson county.

H. R. file No. 152, an act to amend an act entitled an act to establish normal schools.

H. R. file No. 197, joint resolution authorizing the superintendent of public instruction to compile the school laws.

H. R. file No. 85, an act to incorporate the town of Bellevue.

H. R. file No. 200, joint resolution providing for the publication of the general and local laws of the present session.

H. R. file No. 147, an act to enable the counties of Bremer and Butler to be attached to Blackhawk, and to attach said county to Buchanan.

H. R. file No. 198, joint resolution requiring the school fund commissioners to report to the superintendent of public instruction.

H. R. file No. 202, supplemental appropriation bill.

H. R. file No. 206, joint resolution to pay for the distribution of the revised code.

H. R. file No. 179, an act to amend an act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington in Van Buren county.

H. R. file No. 172, an act to provide for the relocation of the seat of justice of Jackson county.

H. R. file No. 157, an act to authorize Robt. Gower, James H. Gower, Jacob Shawver, Peter Diltz and others to erect a toll bridge across Cedar river.

H. R. file No. 174, joint resolution for an increase of mail routes.

H. R. file No. 192, a bill for an act supplemental to an act to establish a system of common schools.

H. R. file No. 104, an act in relation to swamp lands.

H. R. file No. 180, an act to vacate to town of Harrisburg in Van Buren county.

H. R. file No. 145, an act to authorize the secretary of state to have bound the census returns of 1850.

H. R. file No. 154, joint resolution appointing trustees of branch of the state university at Fairfield.

H. R. file No. 40, an act to grant the right of way to the Dubuque and Keokuk rail road company.

H. R. file No. 133, an act to provide for a loan from the school fund.

H. R. file No. 62, an act to incorporate the town of Prairie La Porte.

H. R. file No. 99, an act to locate a state road from Cedar Falls to the county seat of Benton county.

H. R. file No. 57, an act to grant the right of way to the Iowa Western rail road company. And

An act to incorporate the city of Davenport.

All of which had been examined by said committee and found to

be correctly enrolled, before being signed by the presiding officers the two houses.

Message from the Senate, by Mr. Bradley their secretary.

*Mr. Speaker :*

I am directed to inform the House that the Senate have passed Senate file No. 61, an act to abolish capital punishment.

Messrs. Wright and Cassady were announced a committee of the Senate, who informed the House that the Senate had finished its business and was ready to adjourn *sine die*.

Mr. Harbour from the committee appointed to wait upon the Governor, reported that duty discharged and that his Excellency had no further communications to make to the General Assembly.

Messrs. Summers and Preston of Monroe were appointed a committee, to inform the Senate of the readiness of the House to adjourn *sine die*.

That duty having been discharged, Mr. Babbitt moved that the House do now adjourn *sine die*.

Upon this question, the yeas and nays were demanded and being ordered were as follows :

YEAS, 24, }  
NAYS, 12. }

The yeas and nays were desired and those who voted in the affirmative were :

Messrs. Babbitt, Bunker, Crawford, Dibble, Eaton, Folsom, Gamble, Hamill, Haun, Jacobs, Major, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Linn, Price, Samuel Riggs, Robinson, Salmon, Thompson, Updegraff, Wilson of Henry and Mr. Speaker.

Those who voted in the negative were :

Messrs. Allender, Flint, Gildea, Goodenow, Guiberson, Harbour, Harper, Parvin, Preston of Monroe, Summers, Taylor and Wyckoff.

The Speaker then addressed the House as follows :

*Gentlemen:*

Before declaring the result of this vote, which is to adjourn this assembly, permit me to return to you my grateful acknowledgements for the manifold kindness you have shown to me, while acting as your presiding officer, while feeling my inability to discharge properly at all times the responsible duties of this station, it has been

with feelings of pride and pleasure that I have witnessed your disposition to bear with me, and to come cheerfully to my aid and support. It is truly gratifying to me to reflect that during our somewhat protracted labors, and the many exciting and perplexing scenes through which we have had to pass, I have ever received your smiles and not your frowns.

The duties of this station are truly arduous, and its trappings will but poorly compensate for the anxiety of mind which one is compelled to feel, while in the discharge of the responsible duties devolving upon him; but when I consider the very flattering resolution which you have done me the honor to pass, which affords additional testimony of your approbation of my conduct, that you consider my course to have been dictated by honest intentions I am more than compensated for all.

Although we came together comparatively strangers to each other, possessing different views and having different interest at stake, and a large portion of our work of the most perplexing character, yet our proceedings have been marked with harmony and the kindest of feelings, and our associations have cultivated feelings of friendship and attachment which time will never erase from our memories, and while passing through the vicissitudes of life I shall ever recur to this period with feelings of pleasure and satisfaction, and should it ever be my lot to meet with you again in the paths of life (which I truly hope may be) it will be with the greetings of a brother.

And now gentlemen I bid you farewell, and may a kind Providence direct your steps and go with you to your happy homes.

I now declare this House adjourned *without day*.

# APPENDIX.

[A]

## REPORT OF THE AUDITOR OF STATE.

AUDITOR'S OFFICE, IOWA,

IOWA CITY, Dec. 2, 1850. }

*Gentlemen of the Senate*

*and House of Representatives:*

The undersigned has the honor to submit the following as a complete statement of the revenues, resources, incomes, and property of the State, under the control of this office, together with an account of the expenditures of the two fiscal years, ending on the 30th of November, 1850, with suggestions and statistical information deemed interesting to the General Assembly.

The items are presented under the following heads:

I. A statement of the receipts into the Treasury since the 30th day of November, 1848.

II. A statement showing the expenditures, or amount of warrants drawn on the Treasury since the 30th day of November, 1848.

III. A statement showing the amount of Territorial and State taxes unpaid, previous to the assessment of the year 1850.

IV. A tabular statement of the Funded Debt.

V. A tabular statement of the number of polls, acres of land, with the value of the same, and all other property assessed in the several counties in the year 1849.

VI. A comparative table, showing the increase or decrease in the several counties between the years 1848 and 1849.

VII. A tabular statement of the number of polls, acres of land, with the value of the same, and all other property assessed in the several counties in the year 1850.

VIII. A comparative table showing the increase in the valuation

of property in the several counties, from the year 1849 to the year 1850.

IX. A table showing the quantity of land entered at the several Land Offices in the year 1849, and assessed in the year 1850.

X. A statement of the account kept against the Hon. M. Reno, Treasurer of State.

### I.—A STATEMENT.

Of the receipt into the State Treasury since the 30th day of November, 1848, from taxes, Pedlar's licenses, and interest from delinquents :

From the County of Allamakee,.....	\$ 22 09
" " " " Appanoose,.....	163 63
" " " " Benton,.....	87 24
" " " " Boone,.....	11 00
" " " " Buchanan,.....	147 14
" " " " Cedar,.....	2,225 05
" " " " Clayton,.....	1,379 63
" " " " Clinton,.....	1,092 36
" " " " Dallas,.....	47 50
" " " " Davis,.....	1,240 41
" " " " Delaware,.....	531 73
" " " " Des Moines,.....	10,538 56
" " " " Dubuque,.....	5,234 39
" " " " Henry,.....	4,112 48
" " " " Iowa,.....	140 42
" " " " Jackson,.....	2,105 01
" " " " Jasper,.....	971 02
" " " " Jefferson,.....	3,375 22
" " " " Johnson,.....	3,125 37
" " " " Jones,.....	808 96
" " " " Keokuk,.....	1,153 00
" " " " Lee,.....	8,002 52
" " " " Linn,.....	2,393 38
" " " " Louisa,.....	2,464 97
" " " " Lucas,.....	14 20
" " " " Madison,.....	27 83
" " " " Mahaska,.....	1,746 44
" " " " Marion,.....	893 37
" " " " Monroe,.....	405 33
" " " " Muscatine,.....	3,518 33
" " " " Polk,.....	400 80
" " " " Poweshiek,.....	105 50

## APPENDIX.

3

From the county of Scott,.....	\$1,100 85
“ “ “ “ Van Buren,.....	5,815 00
“ “ “ “ Wapello,.....	2,968 67
“ “ “ “ Warren,.....	29 80
“ “ “ “ Washington,.....	2,588 05
<hr/>	
Total amount received from taxes, &c.,.....	\$72,019 15
From Clerk District Court, Jackson county, as a fine to the school fund,....	10 00
From U. S. Marshal for keeping prisoners,.....	34 05
From the five per cent school fund, as a loan for five years,.....	16,442 85
Balance in the Treasury on the 30th Nov. 1848,.....	1,838 87
<hr/>	
Total amount applied to disbursements in the years 1849 & 1850,.....	\$90,444 12

## II.—A STATEMENT

Showing the amount of warrants drawn on the State Treasury since the 30th day of November, 1848.

Convention of the year 1846,.....	\$84 00
Governor's Salary,.....	2,000 00
Secretary's Salary,.....	1,600 00
Auditor's Salary,.....	1,200 00
Treasurer's Salary,.....	800 00
Salary of Superintendent of Public Instruction,.....	3,300 00
Salary of the Superintendent of the Penitentiary,.....	700 00
Penitentiary debts,.....	129 00
Supreme Court account,.....	2,265 36
Salaries of Judges of the Supreme Court,.....	5,958 34
Salaries of Judges of the District Court,.....	10,750 00
Governor's Contingent Fund,.....	300 00
Secretary's " ".....	300 00
Auditor's " ".....	300 00
Treasurer's " ".....	300 00
Librarian's " ".....	147 58
Librarian's Salary,.....	337 50
Penitentiary keepers salary to 16th March, 1849,.....	150 00
Public Buildings,.....	3,200 00
Fund for arresting fugitives from justice,.....	320 37
General Contingent Fund,.....	600 55
Interest and expenses on "State Stocks,".....	10,237 41
Interest for loan of School Fund,.....	1,321 12
Interest paid John Brown on bonds,.....	133 28
Presidential Electors,.....	66 08
Per diem and mileage of the members of the General Assembly,.....	5,796 00
Per diem of the officers of the General Assembly,.....	1,662 00

Public Printing,.....	8,027 75
Supdry accounts per appropriation act,.....	1,415 70
Fuel,.....	200 00
Stationary,.....	668 89
Indexing and distributing the laws,.....	300 00
Indexing and distributing the journals,.....	600 00
John Taylor, Monroe City Commissioner,.....	204 40
Abstracts of lands in 1847,.....	300 00
Postage of General Assembly,.....	977 33
Selecting Salt Springs,.....	200 00
Selecting University Lands,.....	294 00
Selecting School Lands,.....	2,399 00
Recording and plating State Roads,.....	490 61
Appanoose county, criminal case,.....	265 71
Abstracts of lands from Land Offices,.....	271 46
Copying and forwarding abstracts of land,.....	300 00
Sword for Capt. B. S. Roberts, U. S. A.....	100 00
Prosecuting Pedlars in Dubuque county,.....	15 00
Keeping U. S. Prisoners,.....	34 05
Prosecuting Attorneys per appropriation act.....	250 00
Commissioners for revising the laws,.....	1,500 00
Expenses of Commissioners of Revision,.....	202 50
Contingent fund of Superintendent of Public Instruction,.....	300 00
Monroe City certificates redeemed,.....	1,344 91
Deaf and Dumb,.....	500 00
Blind,.....	150 00
Reports of the Supreme Court,.....	750 00
<b>Total,.....</b>	<b>875,409 96</b>



if it can be done by a little extra exertion in some, it can be done much better than it has been in others.

Our system of collecting is very imperfect, and it is desirable that the present session will not pass without something better being adopted. A prompt collection and payment of the revenue into the Treasury, would enable the State to meet all her liabilities at the per cent. now levied, and it would be but a short time before we could reduce the levy to a much less amount.

The funded debt of the State amounts to the sum of seventy-nine thousand four hundred and forty-two dollars and five cents, which, with the present liabilities in Auditor's warrants unpaid, makes the total debt of the State \$90,213 67. The interest on the funded debt has been promptly paid at maturity, which has been the means of raising our credit in the east to as fair a standard as any of the States of the Union. A more particular description of the funded debt and the times of payment will be seen by a reference to tabular statement No. IV.

Under the act of the 12th of January, 1849, which provides for funding a portion of the State debt, in the redemption of Auditor's warrants, only two thousand dollars have been redeemed, for which a bond has been issued payable in the year 1853.

By reference to the tables of assessments of the years 1849 and 1850, it will be observed that great inequalities exist in the way property is taxed in the several counties. In the first place, I would call your attention to the county of Henry in the assessment of 1849, by which it will appear, that the value of property was less in that year than in 1848, by the sum of \$145,034, or 14 per cent., when, in fact, there was no doubt an increase of that amount, if not more, as the adjoining county of Jefferson increased \$162,244, or 23 per cent. In 1848 there was 184,990 acres of land placed upon the tax list of Henry county, but in 1849 there was but 178,300 acres, notwithstanding a list containing 9,146 acres of new lands was sent from this office, to be added to the original list, making a decrease of 15,835 acres. Now how can such discrepancies be accounted for, except they be attributed to gross ignorance, or wilful dereliction of duty? A decrease in the value of property can be accounted for by a low assessment, but when near sixteen thousand acres of land in one county are not assessed at any price, and consequently none of the improvements and per-

real property connected therewith, it is time that we had a law to prevent such glaring inconsistencies.

The necessary forms are sent from this office, to all the Assessors, similar to the headings of tabular statement VII, requesting them to conform to them, as they contain the words of the revenue law, but from some cause or other, the returns are very defective with regard to certain portion of property. A few facts will be submitted. Look at the county of Des Moines in 1849, under the head of "value of gold and silver coin, or bank notes in actual possession," which reports \$65,005, and the county of Muscatine which reports nothing, not one cent. Who will believe that there is no money of any kind in Muscatine county? No one. And whilst there is the full amount of money, if not more, than is reported in Des Moines, yet under the head of "value of claim or demand for money or other consideration," there is not a dollar assessed, yet the comparatively new county of Wapello reports \$90,330, and doubtless there is twice that amount in Des Moines county. Dubuque county reports \$25,525, as the "value of money invested in property of any kind, secured by deed, mortgage, or other evidence of claim." Des Moines, Scott, Van Buren, Henry, and Johnson report nothing, when it is well known by every body that large amounts of money are invested in that way in all those counties. Many other facts might be submitted, but I conceive the above to be sufficient to draw your attention to these tables, which more clearly show the many discrepancies in our assessments, than any thing I can say on the subject.

The expenses of our government should be borne by all classes of citizens, and equalized, as near as possible, by the value of property each one may possess, no matter in what it may consist; but under such system of taxation as referred to above, a man in Muscatine county having \$50,000 in money, and no other property, pays no tax. Let him loan his money, and take the paper of the loanee, still he pays no tax, as such property is not assessed in that county, neither would it be in some others, judging from the returns. Is this just, is it equal?

I would suggest that hereafter, each tax payer should be furnished with a list, with the proper headings of all kinds of property, let him have a certain number of days to fill it up, and when called for by the Assessor, it be made his duty to swear the owner as to the quantity and value of his property, the oath to be on the list to be signed by the tax payer, and filed in the Assessor's office, after the items are

copied on to the assessment roll. By such a plan it is believed the true value will be obtained, and all the property within the State will be more fairly enumerated.

It was my intention to have carried out such a plan the last year, but I found our law gave authority to swear the tax payer only as to the quantity, and not to the value of the property, I deferred it, hoping the law might be amended the present session. Your attention is particularly requested to the comparative tables No. VI and VII, showing the increase per cent. from year to year, in the several counties, and the difference between the several counties. There is a large increase in the new counties, as a natural consequence of their rapid settlement, and the new lands brought upon the tax lists, and it would be supposed there would be a uniform increase in the older counties possessing equal advantages, but upon comparing some of them, such does not appear to be the fact.

In 1850, Dubuque county increased but nine per cent., whilst the counties surrounding it increased, Clayton forty-eight, Delaware forty-two, and Jackson twenty-eight per cent. Muscatine increased twenty-seven, Scott and Clinton each twenty-six per cent. in 1850, and Cedar only five per cent. Yet all acquainted with the circumstances will admit that there has been as large an emigration, and as much valuable property added to the county of Cedar, within the last year, as to either of the others, comparatively considered. All these facts show the necessity of a system that would equalize the assessments in a greater degree.

By reference to table IX, it will be observed, that nearly one million of acres of land were added to the tax lists in 1850. As more than one half of our revenue is derived from the tax upon real estate, it is important that it should be fairly assessed; yet it will be seen by reference to the valuation of lands and their improvements, that they are rated very low, and properly at not more than half the amount at which the owners would be willing to sell.

Statement X, will show the Treasury to be without funds at this time, but the payments required by law, to be made this day, will probably be sufficient to meet the present liabilities.

## APPENDIX

The financial condition of the State, at this time, is as follows:

Amount due from the Counties and Collectors for taxes, prior to 1850, . . . . .	\$24,164 89
Revenue assessed in 1850, . . . . .	66,538 38
	\$90,703 16
Present liabilities in warrants, unpaid, . . . . .	10,865 87
	\$69,737 29

Leaving the sum of sixty-nine thousand seven hundred and thirty-seven dollars and twenty-nine cents, to bear expenses of the government for the ensuing year, which will be amply sufficient, if rendered available by early collections and prompt payments into the Treasury.

The following is an estimate of appropriations necessary for the ensuing two years:

For per diem and millage of Members and Officers, and all other expenses of the General Assembly, . . . . .	\$20,000
Compensation of the Governor, . . . . .	2,000
Contingent expenses of the Governor, . . . . .	300
Compensation of the Secretary of State, . . . . .	1,000
Contingent expenses of the Secretary, . . . . .	900
Compensation of the Auditor of State, . . . . .	1,200
Contingent expenses of the Auditor, . . . . .	300
Compensation to the Treasurer of State, . . . . .	800
Contingent expenses to the Treasurer, . . . . .	300
Compensation of the Superintendent of Public Instruction, . . . . .	2,400
Contingent expenses of Superintendent, . . . . .	500
Compensation of the Judges of the Supreme Court, . . . . .	6,000
Contingent expenses of the Supreme Court, . . . . .	1,000
Compensation of the Judges of the District Courts, . . . . .	10,000
Compensation of the Librarian, . . . . .	300
Contingent expenses of the Librarian, . . . . .	100
Compensation of the Superintendent of the Penitentiary, . . . . .	800
General Contingent fund, . . . . .	1,000
Public Printing, . . . . .	12,000
Deaf, Dumb and Blind, . . . . .	1,000
Interest on Loans, . . . . .	12,000
Public Building, . . . . .	5,000
Total, . . . . .	\$78,800

The sum of eight hundred and thirty-six dollars and fifty-eight cents, has been received within the last two years, as a tax upon Pedlars, and accounted for in the general revenue, which is but a small amount, compared with the number engaged in the business. The law on the subject is all that is required, and could be made to yield four-fold what it does, if those, whose duty and interest it is to have it enforced,

would see that it is not daily violated, by the large number of Pedlars that are traversing the State, "selling goods, wares and merchandize, other than the growth, produce or manufacture of this State," which includes fanning mills, plows and many other articles manufactured in other States.

Three Pedlars of fanning mills, from Illinois, resisted the law, but finally, after judgment was obtained against them, compromised the matter with the prosecuting attorney of Dubuque county, by paying for licenses.

The amount of interest collected from delinquent tax payers in two years, being but six hundred and seventy-three dollars and ninety-three cents, shows very clearly, that but very little attention is paid to the law on that subject; and this is one cause why there is such a large amount of revenue uncollected.

If delinquents were required, in every instance, to pay the damages of twenty-five per cent. per annum, they would be more prompt in paying their taxes within the year for which they are assessed, but when they are allowed to settle the original tax, clear of cost, at their own convenience, they will put it off as long as possible.

This subject has been repeatedly urged upon the attention of the collectors of the revenue, and, in some cases, has had the desired effect. And here I would take occasion to say that many of the county officers have co-operated with me, and have seconded my efforts in many particulars, to equalize the assessments, and to enlarge and collect the revenue in a prompt and satisfactory manner.

The business of this office is accumulating very rapidly, and provision should be made for the payment of a Clerk.

The counties of Fayette and Warren, have made no report of the amount of their assessments for this year, though the Clerks have been repeatedly written to on the subject.

The prosperous condition of our finances will, no doubt, be gratifying to your honorable bodies, and every citizen of the State, as well as the thousands who are coming amongst us to select homes with a great and happy people.

Very respectfully submitted,

JOS. T. FALES,

Auditor of State.

#### IV.—FUNDED DEBT.

##### STATE STOCK issued in Bonds by the Governor and Auditor of State.

Names of Purchasers or holders.	Residence.	Quantity of bonds.	No. of bonds.	Date.	Rate of Interest.	Interest payable in	Principal payable.	Amount of Principal.	Interest and principal payable at.
Beebe, Ludlow & Co.	New York.	30	1 to 30	June 1, 1847.	10 per cent.	July & Jan'y	July 1, 1857.	\$30,000 00	Philadelphia Bank to John B. Trevor.
Piscataqua Exchange Bank,		10	31 " 40	July 6, 1847.	8 per cent.	July & Jan'y	July 1, 1857.	10,000 00	Philadelphia Bank to John B. Trevor.
Beebe, Ludlow & Co.	New York.	15	41 " 55	July 6, 1847.	8 per cent.	July & Jan'y	July 1, 1857.	15,000 00	Philadelphia Bank, to John B. Trevor.

##### STATE STOCK issued in Bonds by the Auditor of State.

John Brown, - Sup. of Pub. Instruction,	Laporte, Ind. Iowa City.	1	No. 6.	Mar. 17, 1850.	8 per cent.	July & Jan'y	Mar. 17, 1853.	\$2,000 00	Iowa City, to John Brown.
		1	No. 2.	May 1, 1849.	10 per cent.	July & Jan'y	May 1, 1854.	16,442 05	Iowa City, to Sup. of Pub. Instruction.

##### STATE STOCK issued in a Bond by the Governor for the completion of the Penitentiary.

Sup. of Pub. Instruction,	Iowa City.	1	No. 5.	Sep. 15, 1849.	10 per cent.	February 1st.	Sep. 15, 1859.	\$6,000 00	Iowa City, to Sup. of Pub. Instruction.
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V.—A TABULAR STATEMENT

Of the number of Polls; Acres of Land, with the value of the same, with the improvements thereon; the value of Town Lots and their improvements; with the value of all other property assessed in the several counties, in the year 1849.

COUNTIES.	Number of Polls.	Acres of Land.	Value of Land with improve-ments.	Value of Town Lots and im-provements.	Value of capital em-ployed in Merchan-dize.	Value of Mills, Manufactories, Distilleries, Carding Ma-chines, and tanyards, with the stock em-ployed.	Horses over two years old.	
							No.	Value.
Allamakee, - -	73		\$6,430			\$200	45	\$1,777
Appanoose, - -	278	2,849	6,269		\$3,133	1,950	353	8,872
Benton, - - -	91	8,034	13,705	\$100			116	5,119
Boone, - - -	60	1,084	2,323				44	1,510
Buchanan, - -	97	4,399	10,147	2,345	515	2,300	76	3,780
Cedar, - - -	722	102,272	341,139	26,858	7,000	10,615	1,122	51,230
Clayton, - - -	516	83,917	261,783	43,909	9,520	12,000	470	17,576
Clinton, - - -	463	51,879	198,235	29,055	9,500	15,700	625	26,859
Dallas, - - -	94	453	566			350	126	4,636
Davis, - - -	913	87,191	199,803	6,191	11,424	2,325	1,477	40,840
Delaware, - -	300	33,436	93,696	1,983	1,600		388	15,564
Des Moines, -	2,124	193,471	965,474	621,582	159,987	9,675	2,318	63,300
Dubuque, - -	1,852	215,085	582,368	495,248	103,665	26,600	1,366	48,006
Fremont, - -								
Henry, - - -	1,427	178,300	602,537	61,426	81,175	5,884	1,853	66,077

Iowa, - - -	118	13,650	23,726	236	700	500	136	5,047
Jackson, - - -	1,382	110,139	377,733	63,927	21,522	35,251	1,384	55,800
Jasper, - - -	174	17,716	52,401	879	940	3,600	285	9,417
Jefferson, - - -	1,577	224,084	556,803	54,206	30,580	8,485	2,323	74,041
Johnson, - - -	866	108,367	355,231	142,705	25,945	11,970	915	38,750
Jones, - - -	452	45,995	176,223	7,510	1,325	500	563	23,080
Keokuk, - - -	678	70,138	237,087	11,664	5,128	9,250	984	34,362
Lee, - - -	3,149	324,744	1,301,310	549,402	124,898	34,967	3,603	124,806
Linn, - - -	965	119,954	448,845	50,812	12,970	23,116	1,224	50,072
Louisa, - - -	903	136,379	392,413	30,759	31,819	3,879	1,187	43,646
Lucas, - - -	30	1,500	2,210				41	1,389
Madison, - - -	96				1,000	75	153	4,186
Mahaska, - - -	924	86,452	257,931	31,735	17,188	15,100	1,357	47,743
Marion, - - -	998	78,651	123,180	9,034	11,560	3,775	928	32,793
Monroe, - - -	289	44,823	97,597	3,469	3,166	1,275	435	7,903
Muscatine, - - -	920	142,102	475,357	273,231	49,050	21,400	1,132	44,627
Polk, - - -	635	49,145	74,476	3,430	14,755	3,304	747	27,327
Pottawattamie, - - -	1,036				11,910	1,094	430	10,483
Poweshiek, - - -	90	11,042	31,268				125	4,715
Scott, - - -	1,022	123,656	398,315	149,602	17,615	20,245	1,058	40,380
Van Buren, - - -	2,105	262,649	787,947	154,722	50,428	16,805	2,312	92,965
Wapello, - - -	1,132	123,819	494,855	65,699	44,525	6,014	1,870	67,985
Warren, - - -	122	3,975	6,004				138	5,160
Washington, - - -	876	99,228	396,560	44,480	14,094	10,707	1,121	41,445
	29,549	3,162,078	\$10,351,947	\$2,926,199	\$828,637	\$318,911	34,830	\$1,270,515

## STATEMENT V.—Continued.

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COUNTIES.	Neat cattle over two years old.		Mules and asses over one year old.		Sheep over six months old.		Hogs over six months old.,	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Alamakee - - - -	206	\$2,867			52	\$60	152	\$335
Appanoose - - - -	906	9,683	5	\$210	1,400	1,400	2,959	4,764
Benton - - - - -	345	4,532	1	20	438	448	1,002	1,123
Boone - - - - -	217	2,797			146	162	441	629
Buchanan - - - -	276	3,848			247	287	534	1,011
Cedar - - - - -	2,359	26,703	2	90	3,970	4,034	6,171	7,901
Clayton - - - - -	1,560	20,373	11	330	395	655	2,160	3,994
Clinton - - - - -	2,162	23,101			1,760	2,155	2,425	2,425
Dallas - - - - -	413	4,924	2	70	333	456	901	1,301
Davis - - - - -	2,830	29,708	14	500	6,203	7,713	11,265	14,784
Delaware - - - -	1,247	14,574			1,285	1,285	2,347	3,508
Des Moines - - - -	5,936	53,480	4	230	10,502	10,502	15,983	16,722
Dubuque - - - - -	3,676	41,380	17	800	1,089	2,446	4,422	5,068
Fremont - - - - -								
Henry - - - - -	4,386	41,781			9,831	9,840	13,421	13,143
Iowa - - - - -	403	4,739	8	360	372	541	1,695	2,436
Jackson - - - - -	3,378	54,295	7	290	3,501	5,237	7,560	9,186
Jasper - - - - -	688	8,687	2	85	794	1,033	1,763	2,744
Jefferson - - - -	5,290	48,873	28	880	12,997	12,997	17,991	18,138
Johnson - - - - -	2,502	29,018	6	320	3,802	5,114	6,850	8,479
Jones - - - - -	1,462	16,976	1	40	2,414	2,635	3,180	3,347

APPENDIX.

Keokuk	2,405	26,865	10	660	4,182	3,218	7,364	10,578
Lee	8,050	87,637	76	2,160	15,712	15,596	17,068	19,662
Linn	2,823	31,539	2	60	5,232	5,232	8,363	8,644
Louisa	3,309	38,119	7	270	4,088	4,088	11,180	13,064
Lucas	118	1,486			92	92	612	332
Madison	453	5,191	3	70	632	814	954	1,190
Mahaska	5,875	22,690	9	390	5,427	5,659	9,080	9,260
Marion	2,493	31,332	5	170	2,533	3,705	4,955	8,579
Monroe	1,316	15,759	5	110	1,516	1,281	4,267	5,145
Muscatine	2,619	25,903	14	645	4,350	4,350	6,328	6,368
Polk	1,725	19,568	4	160	2,415	3,514	4,720	4,761
Pottawattamie	3,813	36,269	26	604	1,232	1,278	874	1,662
Poweshiek	250	2,700			320	332	816	1,249
Scott	2,934	30,040	7	235	2,927	3,658	3,832	3,832
Van Buren	5,681	53,569	33	1,615	14,878	14,878	18,245	18,245
Wapello	4,166	46,726	16	885	8,337	10,506	14,838	19,706
Warren	424	5,329			488	641	1,022	1,431
Washington	2,931	33,240	6	350	3,086	6,548	9,989	13,131
	90,625	\$956,310	331	\$12,809	140,984	\$156,390	227,554	\$269,153

APPENDIX.

## STATEMENT V.—Continued.

COUNTIES.	Pleasure Carriages.		Watches.		Piano Fortes.		Value of all other personal property over \$100.	Value of capital stock and profits in any company incorporated or unincorporated.
	No.	Value.	No.	Value.	No.	Value.		
Allamakee	32	\$1,275	22	\$122				\$33
Appanoose	17	565					\$1,925	2,500
Benton			3	27			4,790	
Boone	11	360	6	158				1,191
Buchanan	49	1,920	4	130			220	1,111
Cedar	45	1,800	112	1,084			875	1,509
Clayton	247	7,628	182	762				2,342
Clinton	23	905	20	259			1,083	1,341
Dallas			6	29				1,311
Davis	14	593	75	623			150	1,082
Delaware	19	667	22	271			6,986	1,401
Des Moines	1,086	37,860	175	7,076	11	\$2,330	21,755	1,114
Dubuque	262	9,577	617	5,158	6	930	26,131	4,673
Fremont								1,000
Henry	101	4,405	108	1,418				3,500
Iowa	1	20	9	84			2,889	1,100
Jackson	526	12,680	427	2,969	2	95	6,499	214
Jasper	4	145	8	51				25
Jefferson	82	3,713	156	1,663	2	175	27,838	325
Johnson	78	3,957	133	2,071	3	550	14,457	
Jones								1,100
	<b>226</b>	<b>\$,300</b>	<b>32</b>	<b>278</b>			<b>78</b>	<b>170</b>

Keokuk	456	15,119	59	398			575	
Lee	713	21,482	280	5,298	10	1,175	11,416	1,062
Linn	224	7,796	85	848			6,100	1,370
Louisa	38	1,560	96	1,019	1	150	8,517	50
Lucas	1	75	1	10			426	
Madison							2,516	
Mahaska	57	2,753	82	890			4,329	357
Marion	13	885	92	880	1	100	4,735	2,840
Monroe	7	251	19	243			55	
Muscataine	84	4,036	176	2,503	1	200	12,662	
Polk	21	1,000	47	656			640	
Pottawattamie	12	431	121	1,017	2	350	1,814	
Poweshiek	4	210	8	38			143	
Scott	81	3,208	107	1,908	3	300	6,050	450
Van Buren	160	7,241	229	2,029	5	455	34,264	441
Wapello	53	2,490	106	2,276			11,760	
Warren	2	85	2	28			100	
Washington	63	2,508	90	713			14,865	308
	4,812	\$167,100	3,719	\$45,587	47	\$6,810	\$237,265	\$12,293

## STATEMENT V.—Continued.

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COUNTIES.	Value of right or interest in any boat or vessel.	Value of gold and silver coin or bank notes in actual possession.	Value of claim or demand for money or other consideration.	Value of annuities.	Value of money invested in property of any kind secured by deed, mortgage, or other evidence of claim.	Miscellaneous property.	Total valuation.	Total amount levied for State purposes at 2½ mills on the dollar.
Allamakee - - - - -					\$60		\$13,159	\$32 89
Appanoose - - - - -		\$1,884	\$3,602	\$1,032			45,289	113 22
Benton - - - - -		390	1,728				34,981	79 95
Boone - - - - -		60	160				8,159	20 40
Buchanan - - - - -			6,019				32,522	81 30
Cedar - - - - -		1,460	5,245		489		486,523	1,215 47
Clayton - - - - -	\$370		1,200		3,010		383,110	957 77
Clinton - - - - -	35		5,145				315,057	787 64
Dallas - - - - -		2,401	5,780			\$1,780	22,293	55 73
Davis - - - - -		9,387	22,926			31	353,000	882 50
Delaware - - - - -			3,525				143,659	359 14
Des Moines - - - - -		56,160					2,046,769	6,140 30
Dubuque - - - - -	200	13,597	55,483		44,381		1,464,781	3,661 95
Fremont - - - - -							3,107	8 91
Henry - - - - -		18,581				25,110	188,377	2,203 44
Iowa - - - - -		398	983		625		43,884	103 71
Jackson - - - - -	420	2,758	16,342		800		666,018	1,655 04
Jasper - - - - -		4,842	7,656		100	4,302	96,707	242 27

APPENDIX.

Jefferson	-	-	7,122	10,626		9,483		865,948	2,164 87	
Johnson	-	-	800	9,184	41,081			662,632	1,656 58	
Jones	-	-		265	4,881	250	200	246,124	615 81	
Keokuk	-	-		4,701	29,169		3,561	394,333	985 83	
Lee	-	-	12,555	15,990	20,327	98	2,880	2,353,040	9,882 60	
Linn	-	-	477	2,563	17,197	270	1,328	676,152	1,690 38	
Louisa	-	-	2,915	4,124	20,473		304	598,169	1,495 42	
Lucas	-	-		262	118			6,400	16 00	
Madison	-	-			420		855	16,325	40 81	
Mahaska	-	-	322	7,797	23,038	50	4,611	485,093	1,212 73	
Marion	-	-	300	5,544	20,315		15,562	275,290	688 22	
Monroe	-	-	65	3,002	7,870		469	148,200	370 50	
Muscatine	-	-		1,840	100		10,210	933,382	2,333 45	
Polk	-	-		3,937	5,910		100	163,538	408 84	
Pottawattamie	-	-	30	1,419	530			86,911	172 28	
Poweshiek	-	-		955	1,487		130	43,227	108 06	
Scott	-	-	410	503	22,265			699,016	1,747 54	
Van Buren	-	-	120	5,911	52,803	2,220	225	1,297,481	3,243 70	
Wapello	-	-	100	17,722	85,331		5,842	882,422	2,206 05	
Warren	-	-		4,071	4,331			27,007	67 51	
Washington	-	-	65	5,002	33,831		3,322	628,622	1,571 55	
			\$19,294	\$213,212	\$510,837	\$3,918	\$106,192	\$46,774	\$18,508,767	\$47,295 86

\*At three mils.

APPENDIX.

## STATEMENT VI.

A COMPARATIVE TABLE showing the increase or decrease in the valuation of property in the several counties in the years 1848 and 1849.

COUNTIES.	Total value in 1848.	Total value in 1849.	Increase or decrease value.	Increase or decrease per cent.	State tax in 1848.	State tax in 1849.	Increase or decrease tax.	
Allamakee, - - - -	New County.	\$13,159	\$13,159			\$32 89	\$32 89	
Appanoose, - - - -		\$68,942	45,289	16,347	56	\$72 35	113 22	40 87
Benton, - - - -		23,352	31,981	8,627	37	58 38	79 95	21 57
Boone, - - - -	New County.	8,159	8,159				20 40	20 40
Buchanan, - - - -		22,149	32,522	10,373	46	55 47	81 30	25 83
Cedar, - - - -		436,587	486,523	49,986	11	1,094 16	1,215 47	121 31
Clayton, - - - -		285,095	383,110	98,015	37	712 73	957 77	243 04
Clinton, - - - -		230,425	315,057	84,632	36	576 06	787 54	211 58
Dallas, - - - -		14,354	22,293	7,939	55	35 88	55 88	19 85
Davis, - - - -		342,474	353,000	110,526	45	606 18	882 50	276 32
Delaware, - - - -		112,354	142,659	31,305	27	280 88	359 14	78 26
Des Moines, - - - -		1,827,081	2,046,769	219,688	68	*3,554 16	†6,140 30	2,486 14
Dubuque, - - - -		1,368,401	1,464,781	96,380	7	3,421 00	3,661 95	240 95
Fremont, - - - -	New County.	3,167	3,167				8 91	8 91
Henry, - - - -		1,026,411	881,377	†145,034	†14	2,566 03	2,203 44	†262 59
Iowa, - - - -		24,290	43,884	19,594	80	60 72	109 71	48 99
Jackson, - - - -		457,292	666,018	208,726	45	1,143 23	1,665 04	521 81
Jasper, - - - -		48,974	96,707	47,733	97	122 43	242 27	119 84
Jefferson, - - - -		703,704	865,948	162,244	23	1,760 75	2,164 87	410 21

Johnson	623,410	662,032	39,222	6	1,558 52	1,656 58	98 06
Jones	233,428	246,124	12,696	5	583 57	615 31	31 74
Keokuk	291,440	394,333	102,893	35	728 60	985 83	257 23
Lee	2,115,144	2,353,040	237,896	11	5,287 86	5,882 60	594 74
Linn	508,856	676,152	167,296	32	1,272 14	1,690 38	418 24
Louisa	592,976	598,169	5,193	4	1,482 44	1,495 42	12 98
Lucas	New County.	6,400	6,400			16 00	16 00
Madison	New County.	16,325	16,325			40 81	40 81
Mahaska	273,423	485,093	211,670	77	683 55	1,212 73	529 18
Marion	194,904	275,290	80,386	41	487 27	688 22	200 95
Monroe	70,120	148,200	70,080	111	175 30	370 50	195 20
Muscatine	665,323	933,282	268,059	40	1,663 31	2,333 45	670 14
Polk	93,101	163,538	70,437	75	232 75	408 81	176 09
Pottawattamie	90,615	68,911	†21,704	†24	226 54	172 28	†54 26
Poweshiek	8,551	43,227	34,676	400	22 98	108 06	85 98
Scott	617,460	699,016	81,556	13	1,548 65	1,747 54	203 89
Van Buren	1,201,182	1,297,481	96,299	8	3,002 95	3,243 70	240 75
Wapello	475,558	882,422	406,864	85	1,188 95	2,206 05	1,017 10
Warren	New County.	27,007	27,007			67 51	67 57
Washington	565,777	628,622	62,845	11	1,414 44	1,571 55	257 11
	\$15,473,153	\$18,508,767	2,768,876	18	\$37,774 33	\$47,295 86	9,208 63

\*At two mills.

†Decrease.

‡At three mills.

## VII.—A TABULAR STATEMENT

Of the number of Polls, Acres of Land, with the value of the same with the improvements thereon, the value of Town Lots and their improvements, with the value of all other property assessed in the several counties in the year 1850.

COUNTIES.	No. of Polls	Acres of Land.	Value of land with improvements.	Value of Town Lots and improvements.	Value of capital employed in merchandise.	Value of Mills, Manufactories, Distilleries, Carding Machines, and Tanyards, with the stock employed.	Horses over two years old.	
							No.	Value.
Allamakee, -	110						70	\$3,090
Appanoose, -	392	19,524	\$29,821	\$4,102	\$6,175	\$2,000	547	18,555
Benton, -								
Boone, -	92	11,877	17,265		120	200	89	3,260
Buchanan, -	83	12,681	22,068	2,747	900	4,700	74	3,760
Cedar, -	742	138,110	347,364	33,966	12,480	11,254	1,187	53,974
Clayton, -	652	133,966	363,814	83,347	19,700	20,532	525	24,855
Clinton, -	518	69,718	270,132	28,471	12,750	16,500	694	31,505
Dallas, -	114	2,029	3,067		670		173	6,830
Davis, -	1,155	148,036	357,869	21,952	13,450	4,830	1,660	59,146
Decatur, -	137	2,240	4,350		835	300	175	6,230
Delaware, -	380	50,982	140,755	6,092	4,600	4,000	381	16,198
Des Moines, -	2,130	218,897	1,083,640	689,819	158,415	13,045	2,499	88,262
Dubuque, -	1,707	268,419	833,626	452,497	79,955	36,525	1,364	54,877
Fayette, -								

Fremont, -	219	2,722	5,445		3,983	700	335	13,096
Henry, - -	1,463	207,437	684,134	93,023	44,710	14,116	2,119	73,818
Iowa, - - -	165	25,997	46,969	661	2,925	450	193	8,089
Jackson, - -	1,340	173,982	552,943	76,412	17,018	47,945	1,265	56,185
Jasper, - - -	201	34,010	88,209	2,032	730	3,400	314	10,290
Jefferson, - -	1,497	253,576	622,523	65,703	24,560	8,202	2,238	70,834
Johnson, - -	954	137,366	432,951	159,804	32,500	14,633	1,036	48,500
Jones, - - -	589	78,472	235,155	14,453	3,179	5,175	686	28,870
Keokuk, - - -	842	112,629	389,551	21,233	19,500	10,750	1,146	45,603
Lee, - - - -	3,102		1,268,907	679,015	158,135	18,285	3,569	128,787
Linn, - - - -	1,008	151,265	540,600	65,128	24,675	24,500	1,241	61,005
Louisa, - - -	878	142,071	450,541	31,471	19,520	12,015	1,244	39,376
Lucas, - - -	88	25,349	39,477	385	500		97	3,010
Madison, - - -	168				2,660	300	225	8,500
Mahaska, - - -	1,075	153,947	416,108	49,935	22,800	20,390	1,498	56,009
Marion, - - -	1,906	116,122	366,489	22,554	18,085	8,760	1,064	38,775
Marshall, - -	48	2,745	7,040				59	2,032
Monroe, - - -	567	75,831	151,671	8,197	5,313	1,675	474	26,880
Muscatine, - -	1,112	154,041	574,154	396,050	72,150	22,150	1,285	54,780
Polk, - - - -	739	109,573	381,463	37,930	11,550	13,811	1,115	28,017
Pottawattamie,	1,053				33,293	8,775	526	16,326
Poweshiek, - -	123	12,863	31,847	160	400	550	156	6,293
Scott, - - - -	1,080	140,192	471,426	226,843	33,600	30,425	1,204	46,840
Van Buren, - -	2,212	263,660	835,913	200,903	48,655	19,045	2,685	90,197
Wapello, - - -	1,397	201,036	754,678	115,969	56,552	16,080	2,000	79,249
Warren, - - -								
Washington, -	936	128,069	409,634	48,892	14,094	15,820	1,263	49,562
	32,289	3,752,168	13,277,483	\$3,640,546	\$887,237	\$432,838	38,585	\$1,460,475

## STATEMENT VII.—Continued.

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COUNTIES.	Neat cattle over two years old.		Mules and asses over one year old.		Sheep over six months old.		Hogs over six months old.	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Allamakee, - - -	430	\$ 6,948			104	\$144	126	\$248
Appanoose, - - -	1,457	17,176	10	\$680	1,831	1,839	3,829	4,416
Benton, - - -								
Boone, - - -	255	3,206			408	632	515	774
Buchanan, - - -	241	3,670			288	403	585	864
Cedar, - - -	2,550	27,652			3,717	3,716	5,016	4,498
Clayton, - - -	1,779	29,595	5	250	700	1,059	1,666	2,747
Clinton, - - -	2,393	26,013	1	60	1,628	2,045	1,981	1,793
Dallas, - - -	545	6,950	1	100	522	606	1,100	1,258
Davis, - - -	3,344	38,622	12	925	6,855	7,069	11,351	12,902
Decatur, - - -	469	7,856	4	90	682	875	1,881	1,896
Delaware, - - -	1,096	14,587			1,307	1,611	1,648	1,710
Des Moines, - - -	6,464	58,480	15	615	9,864	9,826	13,999	11,125
Dubuque, - - -	4,146	38,861	10	500	2,559	2,849	3,702	4,724
Fayette, - - -								
Fremont, - - -	1,509	20,698	12	558	1,249	1,224	1,922	2,250
Henry, - - -	5,303	51,676			8,936	8,987	12,230	11,313
Iowa, - - -	467	5,646	3	160	496	677	1,776	1,731
Jackson, - - -	4,016	49,015	8	290	3,343	4,407	5,269	6,466
Jasper, - - -	611	8,015	1	50	852	906	2,662	2,920
Jefferson, - - -	4,817	41,517	20	745	12,414	12,411	15,836	10,188

APPENDIX.

Johnson	2,832	33,002	28	1,412	3,755	4,818	5,826	6,065
Jones	1,747	22,892	1	75	2,629	2,840	2,647	2,598
Keokuk	2,797	32,281	7	590	4,466	5,549	8,240	8,589
Lee	9,198	90,012	26	1,640	12,682	14,667	16,298	15,781
Linn	3,050	35,125	4	170	4,985	4,985	6,553	6,700
Louisa	3,550	39,271	5	340	3,972	3,972	9,484	9,868
Lucas	333	4,611	5	190	180	226	275	385
Madison	754	10,986	4	300	899	1,088	1,346	1,712
Mahaska	3,041	35,904	14	850	6,020	6,228	8,797	6,876
Marion	2,857	33,881	4	140	2,920	3,692	5,562	5,993
Marshall	225	2,873			203	429	321	478
Monroe	1,775	22,005	6	130	2,629	2,629	3,583	4,128
Muscatine	2,605	29,140	17	1,065	2,862	2,862	5,185	5,185
Polk	2,111	28,948	8	311	3,693	4,132	4,553	4,873
Pottawattamie	3,073	46,691	10	370	1,032	1,274	1,195	2,200
Poweshiek	401	5,081			458	474	1,019	1,151
Scott	3,070	34,507	10	450	2,508	2,508	3,645	3,645
Van Buren	6,073	53,333	38	1,425	14,802	14,802	14,573	11,918
Wapello	4,468	50,217	15	785	7,847	11,356	12,356	13,839
Warren								
Washington	3,554	39,114	3	330	5,302	5,913	7,920	7,090
	99,406	\$1,106,055	305	\$15,591	140,599	\$155,765	206,452	\$202,897

## STATEMENT V.—Continued.

26:

COUNTIES.	Pleasure Carriages.		Watches.		Piano Fortes.		Value of all other personal property over \$100.	Value of capital stock and profits in any company incorporated or unincorporated.
	No.	Value.	No.	Value.	No.	Value.		
Allamakee	72	\$2,355	38	\$213				1,000
Appanoose	7	295	8	148				\$960
Benton			12				17,392	13,233
Boone	3	220	10	70			100	11,912
Buchanan	43	1,600	6	188			400	3,072
Cedar	49	2,279	69	838			10,059	1,721
Clayton	305	10,330	196	1,177			370	3,560
Clinton	17	873	34	438	1	50	3,225	4,213
Dallas	2	70	13	91			150	2,122
Davis	25	1,302	47	489			2,045	4,152
Decatur	3	130	8	43			100	412
Delaware		616		114			6,069	2,033
Des Moines	1,114	38,101	126	3,461	13	1,725	7,100	6,210
Dubuque	75	3,463	629	5,199	5	1,000	22,455	\$292
Fayette								322
Fremont	2	120	70	629			5,185	6,222
Henry	131	6,001	125	1,507			6,300	6,300
Iowa	4	225	21	262			105	12,321
Jackson	98	3,665	119	1,868			21,109	6,220
Jasper	5	190	19	204			100	2,222
Jefferson	238	7,732	82	938	3	300	875	6,412

APPENDIX.

Johnson	71	3,498	141	2,261	3	650	15,282	
Jones	16	715	89	389			830	
Keokuk	514	18,388	114	850			295	597
Lee	373	12,616	283	4,509	12	1,410	8,476	75
Linn	134	5,180	99	999			7,985	8,225
Louisa	47	1,914	64	778	1	150	6,725	1,475
Lucas	2	115	6	35			410	
Madison	4	195	14	163				
Mahaska	115	4,915	84	876			2,785	
Marion	21	1,036	205	1,354	1	100	3,540	950
Marshall			3	15				
Monroe	12	550	22	191			560	15
Muscatine	102	5,140	227	3,787	3	600	10,565	
Polk	33	1,546	65	1,309			2,666	250
Pottawattamie	13	820	125	1,884	2	350	2,950	150
Poweshiek	7	290	11	78				
Scott		3,440	109	2,047	7	2,350	3,190	
Van Buren	124	5,355	117	1,629	4	450	31,326	
Wapello	75	3,625	144	1,645			4,070	317
Warren								
Washington	67	2,999	85	926			6,160	349
	3,922	\$151,904	3,577	\$43,702	55	\$8,135	\$207,554	\$13,107

## STATEMENT VII.—Continued.

COUNTIES.	Value of right or interest in any boat or vessel.	Value of gold and silver coin or bank notes in actual possession.	Value of claim or demand for money or other consideration.	Value of annuities.	Value of property of any kind secured by deed, mortgage, or other evidence of claim.	Miscellaneous property.	Total valuation.	Total amount levied for State purposes at 2½ mills on the dollar.
Allamakee - - -	\$125		\$5,296				\$21,194	\$52 98
Appanoose - - -		\$1,150	2,615		\$9,868		99,800	249 50
Benton - - -							60,376	150 94
Boone - - -		524	4,919		125		31,415	78 53
Buchanan - - -		5,658					46,958	117 39
Cedar - - -						\$7,515	515,555	1,288 88
Clayton - - -	455	460	4,662		1,250		564,603	1,411 50
Clinton - - -	405	290	4,260				398,810	997 02
Dallas - - -		2,155	4,706				26,653	66 63
Davis - - -		8,914	17,380				546,915	1,367 28
Decatur - - -		315	381				21,965	54 91
Delaware - - -		5,109			1,100	1,665	204,256	510 64
Des Moines - - -		65,905					2,229,519	5,573 79
Dubuque - - -	5,980	6,680	34,727		25,525		1,608,735	4,021 85
Fayette - - -								
Fremont - - -		3,392					57,275	143 18
Henry - - -		21,139				26,696	1,037,120	2,592 80
Iowa - - -	100	1,270	1,884		340	6,037	77,561	193 90

Jackson	-	-	-	1,080	3,173	11,123	\$30	1,100	853,895	2,184	58	
Jasper	-	-	-	.....	620	5,225	.....	80	4,222	127,193	317	98
Jefferson	-	-	-	.....	5,693	7,594	.....	2,856	17,992	901,072	2,259	00
Johnson	-	-	-	.....	9,887	14,767	.....	.....	.....	780,015	1,950	01
Jones	-	-	-	.....	857	1,457	275	300	8,075	320,060	800	15
Keokuk	-	-	-	85	2,727	36,201	.....	1,110	.....	601,974	1,504	93
Lee	-	-	-	4,100	12,577	20,491	336	3,133	3,747	2,451,500	6,128	75
Linn	-	-	-	300	8,463	15,343	.....	2,150	.....	815,280	2,038	20
Louisa	-	-	-	1,460	3,333	15,349	.....	4,770	5	614,328	1,610	82
Lucas	-	-	-	.....	2,459	5,045	.....	500	7,218	57,352	143	38
Madison	-	-	-	.....	2,074	6,099	.....	902	.....	42,197	105	49
Mahaska	-	-	-	45	5,825	17,731	50	11,191	.....	658,516	1,646	29
Marion	-	-	-	104	11,910	26,149	.....	2,980	.....	546,492	1,366	23
Marshall	-	-	-	.....	195	528	.....	.....	.....	13,590	33	97
Monroe	-	-	-	10	1,630	3,591	160	415	.....	229,758	574	39
Muscatine	-	-	-	.....	.....	.....	.....	10,180	.....	1,187,808	2,969	52
Polk	-	-	-	130	5,961	18,502	130	1,210	.....	542,677	1,356	69
Pottawattamie	-	-	-	.....	11,900	3,977	.....	.....	.....	130,960	327	40
Poweshiek	-	-	-	.....	939	5,333	.....	6,329	137	59,064	147	66
Scott	-	-	-	300	.....	15,900	.....	.....	7,500	883,971	2,209	92
Van Buren	-	-	-	25	5,102	33,593	.....	.....	.....	1,353,671	3,384	17
Wapello	-	-	-	385	13,560	96,330	.....	7,712	.....	1,226,369	3,065	92
Warren	-	-	-	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington	-	-	-	.....	6,535	29,700	.....	10,824	.....	647,942	1,619	85
				\$15,089	\$238,371	\$470,858	\$981	\$105,956	\$90,809	\$22,623,334	\$56,558	33

## STATEMENT VIII.

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A COMPARATIVE TABLE showing the increase in the valuation of property in the several counties from the year 1849 to the year 1850, showing the increase per cent. and the increase of the State tax.

COUNTIES.	Total value in 1849.	Total value in 1850.	Increase in 1850.	Increase per cent.	State tax in 1849.	State tax in 1850.	Increase tax.
Allamakee, - - - -	\$13,159	\$21,194	\$8,055	61	\$32 89	52 98	\$20 09
Appanoose, - - - -	45,289	99,800	54,511	120	113 22	249 50	136 28
Benton, - - - -	31,981	60,376	28,395	88	79 95	150 94	70 99
Boone, - - - -	8,159	31,415	23,256	288	20 40	78 53	58 13
Buchanan, - - - -	32,522	46,958	14,436	44	81 30	117 39	36 09
Cedar, - - - -	486,523	515,555	29,032	5	1,215 47	1,288 88	73 41
Clayton, - - - -	383,110	564,603	181,493	48	957 77	1,411 50	463 73
Clinton, - - - -	315,057	398,810	83,753	26	787 54	997 02	209 38
Dallas, - - - -	22,293	26,653	4,360	19	55 73	66 63	10 90
Davis, - - - -	353,000	546,915	193,915	54	882 50	1,367 28	454 78
Decatur, - - - -	New County.	21,956	21,956			54 91	54 91
Delaware, - - - -	143,659	204,256	60,597	42	359 14	510 64	151 50
Des Moines, - - - -	2,046,769	2,229,519	182,750	8	*6,140 30	†5,573 79	†566 51
Dubuque, - - - -	1,464,781	1,698,735	143,954	9	3,661 95	4,021 85	359 90
Fayette, - - - -	No Report.						
Fremont, - - - -	3,167	57,275	54,108	1,708	7 91	143 18	135 27
Henry, - - - -	881,377	1,037,120	155,743	17	2,203 44	2,592 80	389 36
Iowa, - - - -	43,844	77,561	33,677	76	109 71	193 90	84 19
Jackson, - - - -	666,018	852,885	187,817	28	1,665 04	2,134 58	469 54

APPENDIX.

Jasper,	96,707	127,193	30,486	.31	242 27	317 98	75 71
Jefferson,	865,948	901,072	35,124	4	2,164 87	2,259 00	94 13
Johnson	662,632	780,015	117,383	17	1,656 58	1,950 01	293 43
Jones	240,124	320,060	73,936	30	615 31	800 15	184 84
Keokuk	304,333	601,974	207,641	51	985 83	1,504 93	519 10
Lee	2,353,040	2,451,500	98,460	4	5,888 75	6,128 75	246 15
Linn	676,152	815,280	139,128	20	1,690 38	2,038 20	347 82
Louisa	598,169	614,328	46,159	7	1,496 42	1,610 82	115 40
Lucas	6,400	57,352	50,952	796	16 00	143 38	127 38
Madison	16,326	42,199	25,872	158	40 61	105 49	64 68
Mahaska	485,093	658,516	173,423	35	1,212 73	1,646 29	432 56
Marion	275,290	546,492	271,200	98	688 22	1,366 23	678 01
Marshall,	New County.	13,590	13,590			33 97	33 97
Monroe	148,200	220,424	72,224	48	370 50	551 06	180 56
Muscatine	933,362	1,187,808	254,426	27	2,333 45	2,969 52	636 07
Polk	163,538	543,677	163,538	231	408 84	1,356 69	947, 85
Pottawattamie	68,911	130,960	62,049	90	172 28	327 40	155 12
Poweshiek	43,227	59,064	15,837	36	108 06	147 66	39 60
Scott	699,016	883,971	184,955	26	1,747 54	2,209 92	462 38
Van Buren	1,297,481	1,353,671	56,190	4	3,243 70	3,384 17	140 47
Wapello	882,422	1,226,369	343,947	38	2,206 05	3,065 92	859 87
Warren	27,007	No report.			67 51		
Washington	628,622	647,942	19,320	3	1,571 55	1,619 85	48 30
	\$18,508,767	\$22,623,334	\$4,114,567	22	\$47,295 86	\$56,558 33	\$9916 18

\* At three mills.

† At two and half mills.

‡ Decrease.

## STATEMENT IX.

32

LANDS entered in 1849 and placed upon the assessment rolls of 1850.

COUNTIES.	At Fairfield.	At Iowa City.	At Dubuque.	At the State L. O.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.
Appanoose	12,900.65				12,900.65
Benton			10,456.55		10,456.55
Blackhawk			822.45		822.45
Boone		10,192.67			10,192.67
Buchanan			6,098.84		6,098.84
Cedar		16,389.30			16,389.30
Clarke	1,600.00				1,600.00
Clayton			52,284.71		52,284.71
Clinton		12,255.62			12,255.62
Dallas		2,692.51			2,692.51
Davis	73,178.05			1,721.28	74,899.33
Decatur	2,400.00				2,400.00
Delaware			15,100.69		15,100.69
Des Moines	9,389.53				9,389.53
Dubuque			58,374.57		58,374.57
Fayette			4,511.97		4,511.97
Fremont	2,722.63				2,722.63
Henry	10,358.02				10,358.02
Iowa		12,207.35			12,207.35

APPENDIX.



STATEMENT X.

M. RENO, Esq., State Treasurer in account with the State of Iowa.

D <small>R.</small>	C <small>R.</small>
To balance in the Treasury on the 30th day of November, 1848, - - \$1,938 87	By amount of warrants redeemed, - \$87,189 98
“ revenue received from County Treasurers, - - - - 71,345 22	“ interest paid on warrants, - - 3,118 42
“ interest on the above from delinquents, 673 93	“ Treasury certificates redeemed, - 135 54
“ fine to School Fund from Jackson county, - - - - 10 00	“ this amount to balance, - - - 18
“ amount from U. S. Marshal, - - 34 05	
“ “ of the 5 per cent. fund, - 16,442 05	
\$90,444 12	\$90,444 12

[ B ]

REPORT OF THE SECRETARY OF STATE

IN RELATION TO

THE CENSUS RETURNS OF THE STATE OF IOWA.

SECRETARY'S OFFICE, IOWA,  
Iowa City, Dec. 2, 1850. }

*To the General Assembly of the State of Iowa:*

I have the honor herewith to furnish you with an abstract of the census returns from the different counties of this State, for the year 1849, so far as they have been received at this office.

I am informed by the Clerk's of the Board of Commissioners of the counties of Clayton, Delaware, Iowa and Monroe, that the sheriff's of said counties neglected to take the census for that year.

Of the reasons for the non-receipt of returns from the counties of Lee and Lucas, I am not informed.

Very respectfully,

JOSIAH H. BONNEY,

Secretary of State.

AN ABSTRACT of the population of the State of Iowa, as appears  
from the census returns for 1849.

Counties.	Population.	Counties.	Population.
Des Moines .....	11,649	Johnson .....	4,010
Van Buren .....	11,577	Keokuk .....	3,953
Dubuque .....	9,185	Marion .....	3,797
Jefferson .....	8,835	Cedar .....	3,183
Henry .....	7,329	Jones .....	2,140
Wapello .....	7,255	Clinton .....	2,044
Pottawattamic .....	6,552	Appanoose .....	1,281
Jackson .....	5,677	Jasper and Marshall .....	1,223
Mahaska .....	5,559	Madison .....	701
Davis .....	4,939	Warren .....	649
Scott .....	4,837	Dallas .....	635
Linn .....	4,762	Poweshiek .....	443
Muscatine .....	4,516	Boone .....	419
Washington .....	4,434	Buchanan .....	406
Polk .....	4,214	Benton .....	312
Louisa .....	4,155	Allamakee .....	277
Total .....			<u>130,948</u>

Counties for which no returns have been received—Lee, Clayton,  
Delaware, Iowa, Lucas, Monroe.

SECRETARY'S OFFICE, IOWA,  
Iowa City, Dec. 2, 1850. )

I hereby certify that the foregoing is a correct abstract of the cen-  
sus returns for the year 1849, now on file in this office.

JOSIAH H. BONNEY,  
Secretary of State.

[ C ]

REPORT OF THE SECRETARY OF STATE

IN RELATION TO

THE CRIMINAL RETURNS OF THE STATE OF IOWA.

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SECRETARY'S OFFICE, IOWA.)  
Iowa City, December 2, 1850. )

*To the General Assembly of the State of Iowa:*

In compliance with the requirements of an "an act to provide for criminal returns," approved February 24th, 1847, I have the honor to report to you abstracts of said returns for the years 1849 and 1850, embracing all the counties from which returns have been received at this office up to this date.

Respectfully submitted,

JOSIAH H. BONNEY,  
Secretary of State.

An Abstract of the Criminal Returns from the State of Iowa, for the year ending November 1st, 1849.

COUNTIES.	Returns when filed.	No. of convictions.	Nature of Crime.	Occupation.	Habits.	Read & Write.	Sentence.	Expense.
Muscatine, ..	Oct 1, 1849,	1	Manslaughter, .....	Mate on steam boat.....	Industrious, ..	yes, .....	Fine \$10,000 and 7 years imprisonment in Penitentiary, To pay the cost of prosecution,	
		1	Surety of Peace, .....	Farmer, .....	Not known, ..	no, .....	" " " " " "	
		1	" " " " " "	Blacksmith, ..	Industrious, ..	yes, .....	" " " " " "	
		1	Assault and Battery, ..	Farmer, .....	" " " " " "	yes, .....	Fine \$5.00, .....	\$247 30
Clayton, ....	" 20 "	none.	" " " " " "	" " " " " "	" " " " " "	" " " " " "	" " " " " "	145 56
Johnson, ...	" 25 "	"	" " " " " "	" " " " " "	" " " " " "	" " " " " "	" " " " " "	307 40
Cedar, .....	" 29 "	"	" " " " " "	" " " " " "	" " " " " "	" " " " " "	" " " " " "	
Linn, .....	" 29 "	1	Larceny, .....	Farmer, .....	Industrious, ..	yes, .....	Judgm't arrested and new trial granted.	
		1	Assault with deadly weapon, .....	Not known, ..	Idle & intem'rate	yes, .....	Fine \$50, and 6 months imprisonment in Penitentiary, .....	547 65
Lee, .....	" 30 "	1	Suffering gaming, .....	Grocery keeper,	Good, .....	yes, .....	Fine \$50.	
		1	" " " " " "	" " " " " "	Not known, ..	yes, .....	Fine 50.	
		1	Keno, .....	Constable, ..	Good, .....	yes, .....	Not fined.	
		1	Scheme of chance, .....	Not known, ..	Good, .....	yes, .....	Fine 50 dollars.	
		1	Manslaughter, .....	Farmer, .....	Bad, .....	no, .....	Fine \$1000 and 3 years in Penitentiary.	
		1	" " " " " "	" " " " " "	Bad, .....	unkn'wn	Not sentenced--new trial granted.	
Washington, Nov. 1 "		1	Breach of Peace, .....	" " " " " "	Contentious, ..	" " " " " "	Fine 5,00 dollars.	
		1	Murder, .....	Machinist, .....	Bad, .....	yes, .....	To be executed--subsequently proceedings stayed by writ of error, .....	1253 73
Van Buren, ..	" 1 "	1	Petit Larceny, .....	" " " " " "	" " " " " "	" " " " " "	Fine one cent, and 24 hours imprisonment in county jail, ..	567 68
Davis, .....	" 1 "	1	Permitting gaming, ..	Grocery keeper,	Bad, .....	yes, .....	Fine 50 dollars.	

			1 Assault with deadly weapon, .....	Farmer, .....	Unsteady .....	yes, .....	Fine \$5.00 and 24 hours imprisonment—judgment arrested and prisoner discharged.	
			1 Threat to burn a store,	Not known .....	Good, .....		Discharged upon pay't of cost,	276 88
Benton, .....	Nov. 10, '49,	none,						
Iowa, .....	" 15 "	" "						
Dallas, .....	" 15 "	" "						
Jefferson, .....	" 17 "		1 Manslaughter, .....	Blacksmith, .....	Intemperate, .....	unk'n'wn	Fine \$10,000 and 7 years imprisonment in Penitentiary,	147 66
Henry, .....	" 17 "		1 Assault and Battery,	Carpenter, .....	Good, .....	yes, .....	Fine 5.00 dollars.	396 09
Louisa, .....	" 21 "	none,						110 57
Allamakee, .....	" 24 "	" "						
Delaware, .....	" 24 "	" "	1 Obstructing highway,				Fined \$5.00—fine remitted,	117 53
Polk, .....	" 22 "	none,						27 70
Monroe, .....	" 27 "	" "						
Buchanan, .....	Dec. 1 "	" "						
Scott, .....	" 5 "	" "						
Wapello, .....	" 11 "	" "						
Des Moines, .....	" 13 "		1 Assault and Battery,	Carpenter, .....	Lazy & indolent	yes, .....	Fine 10 dollars.	
			1 Threats, .....	Wood chopper,	Quarrelsome,	yes, .....	Recognized in \$100. bonds.	
			1 Larceny, .....	Painter .....	Intemperate,	yes, .....	Imprisonment in Penitentiary one year.	
			1 Obstructing roads,	Farmer, .....	Good, .....	yes, .....	Fined 10 dollars,	548 12
Jackson, .....	" 20 "		1 Shooting an ox, .....	"			Fined 5 dollars.	
Appanoose, .....	Jan. 5, '50,	none,						
Marion, .....	" 28 "	" "						151 00

## RECAPITULATION.

No. of COUNTIES REPORTED 26—No. of CONVICTIONS 26.

<i>Crimes.</i>		<i>Character, Habits, &amp;c.</i>	
Murder, .....	1	Good and industrious, .....	10
Manslaughter, .....	4	Bad, intemperate, &c. ....	11
Assault with deadly weapon, .....	2	Unknown, .....	5
Larceny, .....	3	Can read and write, .....	17
Gambling, .....	2	Can not, .....	2
Suffering Gaming, .....	3	Unknown, .....	7
Obstructing roads, .....	2		
Shooting domestic animals, ..	1	Amount of fines impos-	
Assault and Battery, .....	3	ed, .....	\$21,300
Threats, .....	2	Expenses, .....	4,874
Breach of the Peace, .....	1		
Sureties to keep the Peace, ..	2		

*Occupation.*

Farmers, .....	9	Machinist, .....	1
Blacksmiths, .....	2	Constable, .....	1
Carpenters, .....	2	Unknown, .....	5
Painter, .....	1	Wood chopper, .....	1
Grocery Keepers, .....	3	Mate on steam boat, .....	1

SECRETARY'S OFFICE, IOWA,  
Iowa City, }

I hereby certify that the foregoing abstract contains all the facts set forth in the criminal returns of the State of Iowa, for the year ending November, 1849.

JOSIAH H. BONNEY,  
Secretary of State.



## RECAPITULATION.

No. of Counties Reported 14—Convictions 20.

<i>Crimes.</i>		<i>Occupation.</i>	
Bastardy, . . . . .	1	Farmers, . . . . .	8
Suffering Gaming, . . . . .	2	Grocery Keepers, . . . . .	5
Contempt, . . . . .	2	Labourers, . . . . .	1
Surety of Peace, . . . . .	4	Attorney, . . . . .	1
Obstructing Roads, . . . . .	3	Gambler, . . . . .	1
Overturning Wagon, &c. . . . .	1	Unknown, . . . . .	4
Larceny, . . . . .	2		
Selling Liquor without license, . . . . .	5		
		<i>Habits, &amp;c.</i>	
Can Read and Write, . . . . .	13	Industrious and good, . . . . .	13
Can not, . . . . .	2	Bad and dissipated, . . . . .	2
Unknown, . . . . .	5	Unknown, . . . . .	5
Amount of Fines imposed, . . . . .			\$418 00
Expenses, . . . . .			6,347 43

SECRETARY'S OFFICE, IOWA,  
Iowa City, December 2d, 1850.

I hereby certify that the foregoing abstract sets forth all the facts embraced in the criminal returns of the State of Iowa, for the year ending November, 1850.

JOSIAH H. BONNEY,  
Secretary of State.

[ D ]

## REPORT OF THE BOARD OF PUBLIC WORKS.

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OFFICE OF THE BOARD OF PUBLIC WORKS,  
OTTUMWA, December 2, 1850. }

*To His Excellency the Governor of Iowa :*

The Board of Public Works, in accordance with the requirement of law, herewith submit the following

### REPORT :

The total receipts from the sale of lands belonging to the Des Moines River grant, commencing on the 11th day of October, 1847, when the Land Office was first opened in Fairfield, for receipt of proof of pre-emptions, to the 28th day of November, 1850, inclusive, as shown by the accompanying statement of the Secretary of the Board, is \$211,563 58-100. The total amount of land sold, as exhibited by same statement, is 169,153 27-100 acres. The amount in said grant, lying south of the Racoon Forks, as shown by official statement from the General Land Office, is 321,868 33-100 acres, of this portion of the grant, there yet remains unsold 152,715 6-100 acres which, at \$1 25 per acre, amounts to \$190,393 83. That portion of the grant lying north of the Racoon Forks, and extending from thence to the source of the river, is estimated to contain at least 900,000 acres, which, added to that portion lying south, makes 1,052,715 6-100 acres; estimating these lands at the minimum now fixed by law, they amount to \$1,315,893 83.

The grant of land to the State, to aid in the improvement of the Des Moines river, from its mouth to the Racoon Forks, is expressed

as follows: For the purpose of aiding said Territory to improve the navigation of the Des Moines river, from its mouth to the Racoon Forks (so called) in said Territory, one moiety, in alternate sections, of the Public Lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated) in a strip of five miles in width on each side of said river, to be selected within said Territory," &c.

The Commissioner of the General Land Office, under date of the 23d of February, 1848, in a communication addressed to the Board of Public Works, through the then Secretary, Charles Corkery, Esq., decided that the State is entitled to the alternate sections, within five miles of the Des Moines River, throughout the whole extent of that river, within the limits of Iowa." The language of the act is "within said Territory," which does not limit the grant to what is now the northern boundary of the State of Iowa, but of course extends as far as the Des Moines river extends into Minnesota Territory, which, from the best information we can obtain of the locality of the source of the river, is from forty to sixty miles north of the south boundary of that Territory.

Notwithstanding this decision of the Commissioner, made as it was in accordance with the plain and literal meaning of the act of Congress, a portion of the grant above Fort Des Moines was included in a Proclamation, and about 25,000 acres sold by the United States, in 1848. Immediately upon the Board being advised of the fact, that these lands had been proclaimed for sale, they remonstrated against their sale, and through the prompt attention of our Representatives in Congress, the whole matter was brought before the Secretary of the Treasury, Hon. Robert J. Walker, who, on the 2d of March, 1849, decided that the grant extended from the mouth to the source of the river; and communicated his decision to the Commissioner of the General Land Office, for the government of that office in the premises. This construction of the grant, had, from the passage of the law, prevailed with the authorities of this State. The Board of Public Works, in adopting the plan for the improvement of the river, by means of Locks and Dams, creating slackwater, had done so in view of the donation extending to the source of the river.

In November of last year the Secretary of the Board made application through our Senators in Congress, to the Commissioner of the General Land Office for the requisite confirmed list of land belonging to the grant above the Fork, with a view of permitting claimants

in that portion of the country to prove up and purchase their lands under the pre-emption law of the State during the ensuing spring, and also with the view of offering a portion of these lands, as far up as the surveys might be completed, at public sale at a suitable time during the summer. The object in view, was to be in receipt of funds from that source in time to meet the large estimates which was expected to be due as soon as the favorable season for the prosecution, of the work in the spring and summer should arrive. In answer to this application, the Secretary of the Board was advised by letter under date of the 19th of December last, that said "list is now in course of preparation, and will be ready for transmission at an early day." A copy of this letter is herewith annexed, marked "A." The promised list, however, as will appear, has never been received.— Subsequently a letter from the Secretary of the Board was addressed to the Department of the Interior, through our Senators in Congress, calling the attention of the Government to the fact of sales of the State lands under proclamation of June, 1848. In answer to this communication, the Hon. A. C. Dodge and Hon. G. W. Jones were notified that the Commissioner of the General Land Office, disregarded the decision of the former Secretary of the Treasury of March 2d, 1849, and that he decided that these lands had been legally sold by the United States. An appeal was promptly made by the Senators to the Hon. Thomas Ewing, then Secretary of the Interior, under date of March 16th last. A copy of that appeal is herewith annexed, marked "B." In answer to this appeal upon the part of the Senators Dodge and Jones, and also in answer to the several applications of the Secretary of the Board to be furnished with a confirmed list of land belonging to the grant above Fort Des Moines as far as surveyed, the Commissioner of the General Land Office, the Hon. J. Butterfield, replied under date of the 9th of April last, that the Secretary of the Interior had decided adversely to the late Secretary of the Treasury; that the grant for the improvement of the Des Moines river, under act of August 8, 1846, does not extend above the Racoon Forks." A copy of this letter, with a copy of the decision of the Secretary of the Interior, which accompanied it, are herewith annexed, marked "C," and "D."

This unexpected decision, coming as it did, at a time when we were looking to these lands to furnish the ready means, which it was evident would not be realized from the sales of lands south of the . .

Forks, to meet current estimates of the work in progress, proved most disastrous to the reasonable expectations, not only of the Board, but to all connected with the work. A large portion of the contractors had previously to the reception of the news of the decision, commenced with renewed vigor and with largely augmented forces upon their respective contracts, with the view of completing most of them the present season. The receipts in the Land Office, for the months of March and April, it will be seen, fell more than one half short of that of any similar period since it was opened for the sale of these lands. This was owing in part to the fact that Military Land Warrants could be obtained so as to locate United States lands at a cost of from 75 cents to one dollar per acre—but may be attributed mainly to the immense and extraordinary emigration from the portion of the State where these lands are located, to California. The average receipts of the Land Office for six months, commencing with April and ending with September, was \$3,838 31. To have prosecuted the work actually under contract and in course of construction during these months, would have required at least \$15,00 dollars per month. The receipts from land above the Forks, first from pre-emption claimants, and afterwards from public sale, as far as the surveys might be completed, was confidently looked to to supply the deficiency which was accruing between the regular receipts in the Treasury, and the largely augmenting estimates on the works. The survey had been made from sixty to eighty miles above Fort Des Moines and settlements had extended over one hundred miles. With this source of funds in view, in addition to the receipts from the lands which had already been offered, the Board felt, during the past winter and early portion of the spring, every confidence of being able to prosecute the work under contract, nearly, if not quite, to completion during the past season.

An appeal was immediately made by our entire delegation in Congress, under date of April 16th, last, to the President of the United States, against the decision of the Secretary of the Interior of the 6th of that month. The President, with a promptness that evinced every disposition to do justice to the State in the premises, immediately referred the whole matter to the then Attorney General of the United States, Hon. Reverdy Johnson, who under date of the 19th of July last, gave an opinion in which he fully and triumphantly sustained the decision made by the Hon. Robert J. Walker, Secretary of the

Treasury, of the 2d of March, 1849—and also the construction under which the authorities of this State had ever acted in the commencement and prosecution of the improvement. It yet remains for the Executive to carry out this opinion, and to restore to the State these lands which it is so clearly shown belong to her, and of which she was deprived at a time in the prosecution of the public works, so disastrous and unfortunate to her best interests.

Since the lamented death of the late President, several changes have occurred in the head of the Department of the Interior, which it is fair to presume has operated against the further and favorable action on this subject. It is reasonable to expect that, ere long, the State will be put in possession of these lands, and that the full benefits of the entire grant will, another year, be realized, as fast as they can be made available by sale, or otherwise; in the vigorous prosecution of the great improvement for which they were donated. This appeal and the opinion of the Attorney General, accompanied with a letter from the Hon. A. C. Dodge, under date of the 6th of November last, accompany this report, severally marked—"E," "F," and "G."

The decision of the Secretary of the Interior, of April the 6th, together with the unexpected diminution in the receipts from the sale of such lands as were subject to private entry, made apparent the impossibility of paying the large estimates as they became due. In view of this fact, it was deemed expedient and proper to suspend for the season, or until after the meeting of another session of the General Assembly, that portion of the work from St. Francisville to the mouth of the river—being the ten miles of steamboat canal including the locks, &c., connected with it. Previous to this determination being arrived at, the Engineer had taken the estimates upon the whole works in course of construction—and the indebtedness actually at that date, (the 13th of May,) below Farmington, was found to be \$30,000 dollars, exclusive of the 15 per cent. retained to secure the fulfillment of contracts. To meet this indebtedness there was but \$10,000 dollars in cash in the Treasury, which left a deficit at that date of \$20,000 dollars on the work below that point, embraced in the first letting. For the accommodation of the contractors, upon that portion of the work, the President issued certificates certifying the respective amounts due them, and made payable at his office, out of the first receipts in the Treasury. Those certificates were payable to order, and answered a valuable purpose in enabling the contractors

ors to transfer their claims upon the State in payment of such liabilities as they had contracted in the prosecution of their work.

The work on the contracts being suspended by the inability of the State to meet her engagements, the fifteen per cent. heretofore retained on their jobs will necessarily have to be paid. The laws in relation to the improvement do not define the course to be pursued in case of a failure to pay the estimates when due. It is respectfully suggested that the Legislature shall definitely prescribe the course to be pursued in case of similar occurrences in the further progress of the work. We also respectfully recommend that the Legislature memorialize Congress to allow the proper authorities of the State to select other lands, in lieu of those sold by the United States above the "Forks." These lands, notwithstanding their sale by the General Government, yet legally belong to the State, but in view of the fact that they have been mostly located upon by military land warrants, in good faith by our own citizens, injustice would doubtlessly, in many instances, be done, were the State compelled to assert her title to them. Congress, it is presumed, would, in view of the facts under which the State was attempted to be deprived of these lands, allow others to the amount of the value of them, to be selected and appropriated to the improvement. Injustice would be done the State, were she to take instead of these lands a similar quantity of such lands as could now be selected. The lands sold, situated as they are immediately above the prosperous and rapidly advancing young city of Fort Des Moines, are intrinsically at the present time worth from four to ten dollars per acre, while a similar quantity selected in lieu of them, would never realize to the State over one dollar and a quarter per acre. It is, therefore, proper, in appealing to Congress for reimbursement, that the memorial be so framed as to ask for the value of those lands, instead of a similar quantity of much less value.

The able and full report of the Chief Engineer, GUY WELLS, Esq., which accompanies this report, shows the exact condition of the work under charge. It will be perceived by a comparison of these estimates with those of the former Chief Engineer, under whom the improvement was originally projected and commenced, that there exists a very material difference of cost. The figures of the present Engineer shows that work has already been done on the canal with its necessary appendages to the amount of \$136,848 42, exclusive of the ordinary and usual contingent expenses in the prosecution of such

works of ten per cent. upon that amount, which would augment it to \$152,723 26. The total cost of the canal, according to the present estimate will amount to \$260,938 34, of which amount there remains yet to be done \$122,089 92; adding the estimates for contingent and wastage during the suspension of the work, twelve per cent., making the whole cost of the canal \$275,589 13, and the whole cost of the work yet to be done \$136,740 92, exclusive of the ten per cent. on the work already done. The figures of the former engineer, as shown in his report No. one, make the cost of the canal, after adding ten per cent. for contingent expenses and \$5,000 00 for walls and races for mills at various points from Lock No. 0 to Lock No. 4 at Thomas' mill, \$125,987 11. The present estimated cost being made at the actual prices for which the work was contracted, and the former estimated cost being made before the work was put under contract. We refer you to the present Engineer's report for the reasons for this great discrepancy in the two estimates.

The extraordinary and destructive freshets which occurred during the latter part of the winter and in the spring of 1849, occasioned considerable destruction to the works on the canal. The river, as is well known, rose higher at that time than it was ever known to have been by the inhabitants in its vicinity before or since. This misfortune, added to the prevalence of the cholera which made its appearance on the works in the early part of the season, occasioned much loss and vexatious delay to the contractors. In addition to this, expenses of conducting the work had advanced from 50 to 75 per cent. for ordinary labor, and other expenses in about the same proportion.

In November, of that year, the Board, accompanied by the Chief Engineer, made a personal and thorough examination of the whole work under contract; and in pursuance of an adjournment from a regular meeting held at Ottumwa, met at Keokuk, on the 20th of that month, for the purpose of considering the various petitions and representations of the several contractors on the line. The causes, above referred to, had induced a portion of them to desire a relinquishment of their contracts, while others asked and contended for the allowance of large damages by the destruction of embankments, &c. It was apparent to us that slight advances on most of the Canal jobs had to be made, and that some allowances were required in order to prevent an abandonment of a number of the larger contracts. This, it was

desirous, should be avoided, for had the work, under the then existing circumstances, been relet, it would have cost the State much more than the allowances and alterations required to enable the present contractors to proceed under their first contracts. The first letting of the work, it is well known, was at a time when labor, provisions, &c., could be obtained at but little if any more than one-half of what they would cost at the date in question.

Under these circumstances, and in accordance with the recommendation of the then Chief Engineer, Colonel Samuel R. Curtis, the following allowances and changes were made to the contractors. Fifty cents per perch was added to the price of masonry, in consequence of its being changed from rubble to cut stone and range work. The original contractors, Messrs. Stewart & Wallace, on section No. 4, having, for a year previous, left the entire control of their work to their assignees, Messrs. Smith, Morrison & Co., the President was authorized to enter into contract with the latter, for the completion of the work at a small advance on the former contract prices. On section No. 5, for reasons heretofore stated, and in consequence of a change of location of Lock, the contractors prices on this section were advanced. On section No. 6, one hundred and twenty dollars was allowed for loss of embankment by flood. Allowances were made on section No. 8, one hundred dollars for timbers swept away and lost by flood, one hundred dollars for damages done to Lock pit, and eight hundred and ten dollars for loss of embankment. The contractor, having delivered the estimated quantity of protection stone, and it was found the work still required more, which the contractor refused to deliver at his former prices, therefore the price was advanced from one dollar to one 50-100 dollar per perch, on the balance delivered.

The contract, for constructing Culvert on section 3, having been abandoned by the original contractor, Richard Morris, was relet to Messrs E. Lindsey & Co. who completed it about the 1st of September, in a manner entirely satisfactory to the Engineer.

Messrs. Quinn, Caraher & Co. contractors at Dam No. 3, having abandoned their contract, about the 1st of April, and the Board, after receiving proposals, re-let the work to Messrs. J. C. Walker & Co. they being the lowest responsible bidders.

The President has made an arrangement, by contract, with Messrs. Thomas & Colton, mill owners, at Dam No. 3, on the south side of the river, in the State of Missouri, by which they are to remove their saw

mill, and convey to the State a sufficiency of ground for all needful purposes, in the use of water power at that point. They also release to the State a quantity of timber and stone contained in the old Lock. In consideration of the above, and the stoppage of their mills for two months, to enable the contractors to put in the new Dam, the State is to pay two thousand dollars.

At Dam No. 6, Bentonsport, the contractors, Messrs. Brown & Sanford, commenced putting in the dam about the 1st of July, and it being located just above the old mill dam, it became necessary to drain the pool, thereby suspending the operations at the mills on each side of the river, for about four months. The owners of these mills, Messrs. Brown & Sanford on the north side, and Mr. Allender, on the south side of the river, claim heavy damages from the State, for loss of time in the use of their mills. They also claim that the State shall pay the expense of conducting the water from the State dam to their respective mills.

The 22d section of an act creating the Board of Public Works, and providing for the improvement of the Des Moines river, says, "and nothing herein contained shall prevent the Board from paying the proprietors of such dams, whatever they may deem reasonable, in addition to the privileges authorized by this act." The owners of the several mills and dams on the river were allowed, in consideration of lands, and of their privileges, together with the damages they might sustain, to have the use and benefit of water power sufficient to propel the same amount of machinery that they had previously been using, free of cost for the term of fifty years; the water of course to be applied to the most approved wheels now in use. Messrs. Brown and Sanford claim power sufficient to propel nine run of burrs, which at the rate at which power has been leased to Messrs. Green and brother, at that dam, would amount to \$900 per annum, for fifty years. In considering these claims for damages, it is necessary to take into view the fact that the State has incurred considerable expense in the location of locks and dams to accommodate mill owners—and that the character of the work done by the State secures to them this valuable power, permanent and uninterrupted for the long time mentioned.

The claims presented are urged, *First*, upon the grounds that the Public Works require a stoppage of their mills: *Second*, that the State is bound to place them in as good a condition as they were

found at the commencement of the work—and, *Thirdly*, upon the ground that they had always complied with the requirements of their Territorial charter, and kept the lock at that point in good condition to pass boats, &c.

These claims, together with similar ones that may be presented, are respectfully submitted for Legislative action.

Accompanying this report will be found marked No. 1, the Presidents account of receipts and disbursements—No. 2, the account current of the Treasurer, and No. 3, the statement of the Secretary, exhibiting the amount of lands sold, &c.,—also a tabular statement by the President, showing the State indebtedness, numbered 4.

The present system of prosecuting the work, it will be apparent, we think to all, is not the most judicious to accomplish the great object in view, to wit: the speedy completion of the improvement, at the least possible cost to the State. At present it can proceed no faster than the irregular and uncertain receipts from the sale of lands will pay the estimates, and other expenses. The irregularity of these receipts will be made apparent by reference to the tabular statement of the monthly sales during the past fourteen months. The six months instanced, from April to September, inclusive, embracing the season of the year, when such work can only be successfully prosecuted, and when the largest amount of money is required, are smallest.—Indeed at any season of the year they are entirely inadequate to prosecute even the present work under way, and render out of the question, the possibility of putting more of the improvement in progress. The incidental expenses, including salaries of Board, Engineers, &c. as established, is entirely disproportionate to the limited amount of work which can be done. About the same amount of incidental expenses, that are at present required, would superintend the judicious expenditure of from two to four hundred thousand dollars on the work per annum.

The 9th section of the act creating the Board of Public Works, provides that they shall recommend “such Legislative action as they shall deem expedient.” This we are aware, imposes a delicate and responsible duty. The views entertained, in the different localities along the river to be improved are as conflicting and incongruous as are the many interests which are sought to be promoted.

The hypothecation of the lands or the proceeds of their sale, for a loan of money has been suggested, and will doubtlessly be strenuously

urged: A loan of one dollar per acre on the entire grant, would fall \$213,852 short of completing the whole work to Fort Des Moines, at the present estimated cost. With that amount of available cash means to be drawn as required in the progress of the work, would in our opinion, justify the commencement and vigorous prosecution of the entire improvement to completion. Within one year a portion of it would begin to yield a revenue for water rents and tolls. The least estimate of water power, at the respective dams and the two locks in the canal, would afford a sufficiency of power, if properly applied, to propel twenty run of burrs at each. There will be, when completed, twenty-eight dams, with the two additional locks in the canal, making a power sufficient to propel six hundred run of burrs, which, were it all brought into requisition at the moderate price of one hundred dollars per annum for each, would give a yearly income from that source alone, of \$60,000. But suppose that for the next ten years, water power could not be leased at each lock for more than one thousand dollars, we would then have the sum of \$30,000 annual revenue from this source. A loan of sixty cents per acre on the lands, would give \$621,629, which would exceed the estimated cost of the work up to Ottumwa \$31,969. This amount would complete the improvement up to that point, and make ninety miles of slackwater and canal navigation, and the water power would yield a revenue in proportion as above.

To this mode of obtaining the available means requisite, there might be found to exist some difficulty. In the first place, that salutary provision in our Constitution, which limits the amount of funded debt, precludes the idea of the issue of State bonds, pledging the grant of land as a mere collateral.

Should this plan be adopted, it will be necessary for the General Assembly to authorize the Board to negotiate a loan, and if thought necessary to direct that a portion of the lands be withheld from sale.

The States of Indiana and Illinois, with improvements somewhat similarly situated to our own, have given them up to companies of capitalists, who have taken the works in their unfinished condition, and agreed to complete them within a given time, on condition of owning and controlling them, with a limit upon the amount of tolls to be assessed. These arrangements have been coupled with the condition that the State may within a given time redeem said improvements by the payment of the monies expended by the company with interest.

It appears to us that a similar disposition of that portion of our improvement under course of construction, and including the works at Keosauqua, might be advantageously made at this time, so as to secure the speedy and certain completion of that very important portion of the work.

When the difficulties shall have been overcome in this portion of the river by slackwater and the canal, a continuous steamboat navigation will have been accomplished to Fort Des Moines, for from two to four months each year, which would be productive of vast benefits.

The amount of work done and the materials furnished already, as shown by the Engineer's report, is \$241,350 35 on his part of the work. The same report estimates the cost to complete it at \$343,431. This estimate, it may be remarked, is reliable, from the fact that it is based upon the prices of the work already under contract, and which experience shows it will cost.

In view of the uncertainty of means to prosecute this work, as speedily as possible, to completion, we suggest the propriety of advertising it to be let to a company, provided it can be done on suitable terms, and that the lands lying south of Fort Des Moines, or the proceeds of their sales be turned over to such company as they progress with the work. These lands, it will be seen, at the present prices fixed upon them, amount to \$190,894 dollars. This amount falls short of the estimated cost, \$152,537. In consideration of this amount, the State could give the company the use and benefits of the work for a term of years, and until they should be paid the full amount of their expenditures, with interest. The fact of a company having the use of the improvement for a term of years, would operate as security to the State, for they would be interested in making it as permanent as possible, so as to require the least possible repairs. A company properly constituted, with \$241,350, worth of work already done—and lands, or their proceeds, to the amount shown, would be furnished with the means and credit by which they could, it appears to us, complete the work sooner, and at less expense than it would be possible for it to be done under the most favorable auspices reasonable to expect, by the State. Many of the enterprising contractors now engaged on the work, would no doubt find it to their interest to connect themselves with such company, and become stockholders, at least, to the amount of their indebtedness from the State

That portion of the grant which it is proposed to pledge or convey,

should, in our opinion, be held subject to entry, as at present, for at least one year longer, in order that the settlers and claimants, at present holding such portions of it, as may be claimed, or improved, may have that much time extended to them, to avail themselves of the privileges which have been enjoyed by others of purchasing their homes and claims, at the price now fixed upon them of one dollar and twenty-five cents per acre. It would also prevent these lands from falling into the hands of speculators, whose only design would be to hold them in reserve for speculation. At the expiration of one year, these lands, or such of them as were unsold, might then all be transferred to the company, without in any way, doing injustice to any portion of our citizens, or retarding the settlement of the country.

Should this plan, of which but a faint outline is attempted to be given, meet the views of the Legislature, a law carefully framed, giving the Board full power to carry it into operation, should a responsible company offer, would be required.

A deficit in the account of the late Treasurer of the Board of four thousand eight hundred and forty-one dollars and seventy-five cents, is shown to exist by the books of the office. It is respectfully recommended that the Legislature take the proper steps to a full settlement, and if there shall be found to be any thing due the State, from that source, that the same be placed in course of collection, at as early a day as practicable. Mr. Brattain, with the securities on his bond, are amply sufficient to secure the amount of delinquency shown on the books against him.

At a meeting of the Board, on the 24th of December, 1849, the services of the former Chief Engineer, Colonel Samuel R. Curtis, was dispensed with. He had been employed, for the first year of his service, at a salary of \$2,500, and afterwards \$2,000 per annum. Guy Wells, Esq., the former first assistant, was promoted to the place, at a salary of \$1,000 per annum. As to the manner in which he has discharged the important trust under his charge, with the many embarrassments which have attended the prosecution of the work, since he assumed its responsibilities; it is unnecessary to speak further than to say that it has been satisfactory to the Board. The substantial and workman-like manner in which the work has been done, as far as it has progressed, we feel confident will compare favorably with any similar work to be found in the United States—and reflects much credit upon the Engineers in charge, as well as to the enterprising contractors, who performed the labor.

The Des Moines River Improvement is the most extensive one of the kind ever commenced in the United States; and of its vast importance to the fertile and beautiful valley through which it meanders, it is scarcely necessary to refer. The rapidity with which this portion of the State has been, within so very few years, transformed from its primeval solitude to a country already teeming with not only an abundance of the products of its rich soil for home use, but furnishing a large surplus, seeking a foreign market, is unparalleled in the history of the country—and furnishes the reflecting mind with the data upon which its future greatness may be calculated.

The agricultural capacities of the country are almost boundless; and the mineral wealth is nearly equal in importance. Hydraulic lime, coal and gypsum, are known to exist in inexhaustible quantities, and will all be important articles of commerce when the improvement is completed.

These great resources need a cheap water communication with the Mississippi, and the trade that their developement will cause, is amply sufficient to justify the most strenuous exertions to push forward the great improvement in question.

Mills and manufactories are necessary to sustain and support the growth and prosperity of the State. The river, when improved as commenced, by locks and dams, will not only afford a constant navigation, but an inexhaustible water power. The country affords unrivalled advantages for manufactories. Cotton can be brought here cheaper than to the Merrimac, whilst the fruits of our own rich prairies, wood lands, and the minerals of the hills, among which the Des Moines meanders, would afford employment for thousands of workshops, mills and manufactories.

The former Engineers report, No. 3, embracing his estimate of the work from Ottumwa to the forks of the river, accompanies this report.

In conclusion we would respectfully suggest, and solicit, that a committee be appointed by the Legislature, to visit and examine the work under our charge, and also the offices connected with it. We feel every confidence that a report from such a source, to the Legislative Assembly, would be productive of much good.

Respectfully submitted,

WILLIAM PATTERSON.  
JESSE WILLIAMS.  
GEORGE GILLASPY.

## No. 1.

## Receipts and Disbursements of the President of the Board.

## RECEIPTS.

1849,	Rec'd of the treasurer as per voucher No.1	
Nov. 5th,	" " " " " " 2	\$15,292 83
Nov. 20th,	" " " " " " 3	9,000 00
Dec. 20th,	" " " " " " 4	8,809 77
1850,		
Feb. 14th,	" " " " " " 5	22,000 00
May 1st,	" " " " " " 6	20,347 00
July 1st,	" " " " " " 7	7,339 57
Sept. 4th,	" " " " " " 8	7,257 85
Nov. 6th,	" " " " " " 9	12,605 29
Nov. 26th,	" " " " " " 9	4,435 37
	Certificates unredeemed, - - -	7,594 00
		<b>\$112,631 67</b>

## DISBURSEMENTS.

	No of Sec- tion.	
To T. Lyon & Co. on contract and State work, - - - - -	1 & 2	\$8,662 36
" Philip Sullivan, on contract, - - -	3	4,320 10
" E. Lindsey & Co., for building Culvert,		2,301 68
" Smith, Morrison & Co., on contract and State work, - - - - -	4	12,217 16
" Douglass & Morrison, assignees of P. H. Blake, - - - - -	5	4,831 76
" B. McQuillan, on contract, - - -	6	4,446 36
" Conable & Cunningham, on contract, -	7	3,208 63
" Brigham & Mayger, for State work, -	8	16,556 52
" Conable & Cunningham, on contract, -	9	1,025 40
" Bell & Cassiday, on contract, - - -	10	1,271 47
" Lewis Turner, on contract, - - -	11	2,365 52
" J. Z. Barnett & Co., and for State work,	12	11,592 75
" Quinn, Caraher & Co., on contract and State work, - - - - -	13	1,688 22
" Walker & Co., on contract and State work, - - - - -	14	8,974 33
" John McCune & Co., on contract; -	15	1,337 01

	No. of Section.	
To William Meek & Sons, on contract and State work, - - - - -	16	3,376 47
" Brown & Sanford, on contract and State work, - - - - -	17	8,656 96
" the Board, one year's salary, - - - - -		2,600 00
" the corps of Engineers, - - - - -		5,130 00
For hydraulic cement, - - - - -		2,824 53
" plats, printing, office rent, and other contingencies, - - - - -		1,828 86
" right of way, - - - - -		100 00
" lumber, castings, iron, spikes, &c. - - - - -		493 74
" one horse for pile boat, - - - - -		40 00
Returned draft, - - - - -		2,300 00
Cash on hand, - - - - -		541 84
		<b>\$112,681 67</b>

WILLIAM PATTERSON,  
President Board of Public Works.

## GEORGE GILLASPY, Treasurer, in Account Des Moines River Improvement.

Dr.

Cr.

Month.	To whom paid.	No.	Dolls.	cts.	Date.		Dolls.	cts.
November 5th, 1849,	To President,	1	15,292	88	Sept. 25th, 1849,	By am't rec'd fm		
" 29th, "	" "	2	9,000	00		P.Brattain, late		
Decem'r 20th, "	" "	3	6,809	77		Treasurer, -	8,293	93
February 14th, 1850,	" "	4	22,000	00	October "	Am't rec'd from		
May 1st, "	" "	5	20,347	00		sale of lands.	11,827	59
July 1st, "	" "	6	7,339	57	November "	" " "	9,057	35
Sept. 4th, "	" "	7	7,257	85	December "	" " "	6,362	87
Nov. 6th, "	" "	8	12,605	28	January 1850,	" " "	11,029	00
" 26th, "	" "	9	4,435	38	February "	" " "	20,464	47
	Balance in				March "	" " "	3,400	31
	Treasury.		2,591	45	April "	" " "	4,370	07
					May "	" " "	4,896	74
					June "	" " "	5,039	45
					July "	" " "	3,142	01
					August "	" " "	3,001	99
					September "	" " "	2,131	28
					October "	" " "	7,087	75
					Nov. to 28, "	" " "	7,574	21
			107,679	13			107,679	13

Office of Treasurer, November 29th, 1850.

GEORGE GILLASPY.

APPENDIX.

C 69

## No. 3.

Statement of lands sold as exhibited by the books of this office up to the 28th day of November 1850, inclusive.

Months.	Acres.	Dolls. cts.
October, 1849, - - - -	9,438.07	11,827 59
November, " - - - -	7,245.88	9,057 35
December, " - - - -	5,090.31	6,362 89
January, 1850, - - - -	8,823.27	11,029 09
February, " - - - -	16,371.58	20,464 47
March, " - - - -	2,720.25	3,400 31
April, " - - - -	3,496.66	4,370 07
May, " - - - -	3,917.40	4,896 74
June, " - - - -	4,031.56	5,039 45
July, " - - - -	2,513.61	3,142 01
August, " - - - -	2,401.59	3,001 99
September, " - - - -	1,705.03	2,131 28
October, " - - - -	5,670.20	7,087 75
November to 28th, - - - -	6,059.37	7,574 21
Total amount under present Board,	79,484.18	99,355 20
Total amount sold prior to Oct. 1849,	89,669.09	112,178 38
	169,153 27	\$211,563 58

JESSE WILLIAMS.

Office of Secretary, November 29th, 1850.

## No. 4.

Amount of State indebtedness.

Certificates unredeemed, - - - -	\$7,594 00
Due T. Lyon & Co., on section 1 and 2, - - - -	4,856 62
" E. Lindsey & Co., on culvert, - - - -	576 52
" Smith, Morrison & Co., on section 4, - - - -	3,098 79
" Douglass & Morrison, on section 5, - - - -	1,300 00
" B. McQuillan, on section 6, - - - -	1,239 33

Due Conable & Cunningham, on section 7,	-	-	674	37
“ Brigham & Mayger, on section 8,	-	-	5,230	62
“ Bell & Cassidy, on section 10,	-	-	1,188	29
“ Lewis Turner, on section 11,	-	-	1,643	96
“ J. Z. Barnet & Co., on section 12,	-	-	4,165	31
“ Jacob Cram, for pile driving on section 5,	-	-	1,227	80
“ Walker & Co., on section 13,	-	-	1,567	37
“ Walker & Co., on section 14,	-	-	9,799	59
<hr/>				
Total amount due on work embraced in first letting, being mostly back money,	-	-	\$44,162	07
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Due John McCune & Co., on section 15,	-	-	\$5,679	94
“ Wm. Meek & Sons, on section 16,	-	-	18,404	04
“ Brown & Sanford, on section 17,	-	-	10,238	29
<hr/>				
Total amount due on second letting,	-	-	\$34,322	27

WM. PATTERSON,  
Pres't B. P. Works.

A

GENERAL LAND OFFICE,  
December 19, 1849.

SIR: A letter has been received at this office from the Hon. A. C. Dodge and Hon. G. W. Jones, enclosing one from you to the former, dated the 30th ult., requesting that you may be furnished with a list of the Des Moines river grant above the “Raccoon Forks.” In reply, I have to state that said list has not been furnished, for the reason that the posting of the land warrants in the Iowa City district was not completed on the books of this office until recently. Said list is now in course of preparation, and will be ready for transmission at an early day.

In the latter part of your letter, you say the “lists heretofore furnished of lands below the forks, have been furnished the Secretary of

of State, instead of the Board, who are the rightful and only agents of the State for said land." In the absence of evidence showing the right of another to receive confirmed lists of State grants, it is usual to send them to the Secretary of State. Such is the case at present in relation to this grant. If, however, you will furnish this office with evidence as to your right, as Secretary of the Board of Public Works, to receive said lists, and to correspond with this office in relation thereto, they will hereafter receive the desired direction.

I am, Sir, very Respectfully,

Your obedient servant,

J. BUTTERFIELD,

*Commissioner.*

To JESSE WILLIAMS, Esq.,  
Iowa City, Iowa.

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B

SENATE CHAMBER, March 16th, 1850.

Hon. THOMAS EWING,

*Secretary of the Interior—*

SIR: It becomes our duty to lay before you the enclosed letter from Col. Jesse Williams, Secretary of the Board of Internal Improvements of the State of Iowa, complaining on the part of the State of the sale by the United States of some twenty-five thousand acres of land on the Des Moines above the mouth of Racoon river, and belonging to the State of Iowa, by virtue of act of August 1846, and the decision of the late Secretary of the Treasury, Hon. R. J. Walker, thereon.

We appeal to you from the decision of Commissioner Butterfield, that the land so sold had been legally sold. We contend that the title is still in the State of Iowa, and that she cannot be divested thereof without her own act; but we do not ask that the patents granted to individuals be vacated. We are willing that matters in relation to those illegal sales, as we allege they are, should remain in statu quo until the Legislature of the State of Iowa shall meet, as it will during the next winter.

We further most respectfully and earnestly request, that you will at as early a day as your convenience will allow, approve the other

selections recommended by Commissioner Butterfield, for your approval, above the mouth of Racoon river, to the end that the Secretary of the Board of Internal Improvement of our State, may be furnished with a list of the lands to which Iowa is entitled for the improvement of the navigation of the Des Moines river.

We are, very respectfully,

Your obedient servants,

GEO. W. JONES.

A. C. DODGE.

C

GENERAL LAND OFFICE,

April 9th, 1850.

Sir: Herewith I send you a copy of a letter from the Secretary of the Interior, dated the 6th inst., deciding adversely to the late Secretary of the Treasury—that the grant for the improvement of the Des Moines river, under act of 8th of August, 1846, does not extend beyond the Racoon Forks.

As suggested by the Secretary, no immediate steps will be taken to bring the land embraced by the State's selections, into market. The office will await the action of the present session of Congress, whose attention will doubtlessly be called to the subject by the State authorities.

I am Sir, very Respectfully,

Your obedient servant,

J. BUTTERFIELD,

Commissioner.

JESSE WILLIAMS, Esq., *Secretary Board of Public Works.*

OTTUMWA, Iowa.

## D

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, April 6th, 1850.

SIR: Having considered the questions submitted to me connected with the claim of the State of Iowa to select, under the act of August 8, 1846, lands for the improvement of the Des Moines river, I am clearly of opinion that you cannot recognize the grant as extending above the Racoon Fork, without the aid of an explanatory act of Congress. It is clear to my mind from the language of the act of August 8, 1846 itself, that it was not the intent of the act to extend it further.

My construction is confirmed by the report of the committee and the accompanying papers. If in any report to Congress, you have recognized the grant as extending to the source of the river, it will be proper to correct it, that Congress, if they see fit, may extend the grant. The opinion expressed by the late Secretary of the Treasury on the subject is entitled to great respect, but I cannot concur in it; and the law not having been carried into effect by him, his *opinion* merely expressed, is open for reversion.

The lists of selections and other papers submitted with your letter of the 13th ultimo, are herewith returned.

As Congress is now in session and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

I am, Sir, very respectfully,

Your obedient servant,

T. EWING, *Secretary*.

The Commissioner of the General Land Office.

## E

BURLINGTON, Iowa, November 6, 1850.

To Col. JESSE WILLIAMS,

Secretary of the Board of Internal Improvement—

DEAR SIR: I have the pleasure to hand you herewith a copy of the appeal, taken by our delegation from Secretary Ewing's decision re-

specting the grant of land made to aid the State of Iowa in the improvement of the Des Moines river, and also a copy of the opinion of Hon. Reverdy Johnson, late Attorney General of the United States, upon the same subject.

The perusal of this opinion of Attorney General Johnson will, I am quite certain, afford you and your colleagues of the Board of Internal Improvement, and our citizens generally, as it has your Senators and members, the most sincere pleasure.

The high position of the author of this opinion, he being at the time the legal adviser of the Executive, and his distinguished reputation as an enlightened and able jurist, are such as confidently to induce the belief on my part, that President Fillmore will finally decide the momentous question now before him in our favor. That this may be the case, and that the great work of affording the farmers and settlers of the Des Moines a safe, economical, and ready transit to market for the surplus millions of products which their magnificent valley is destined soon to contain, be speedily accomplished, is the ardent wish of their and your friend.

A. C. DODGE.

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F

WASHINGTON, April 14th, 1850.

*To the President:*

WE, the Senators and Representatives from the State of Iowa, believing that great injustice will be done the State and people they represent by an opinion and order of the Hon. Thomas Ewing, Secretary of the Interior, bearing date the 6th of April, 1850, by which the grant of land made to the State of Iowa, by the act of the 8th of August, 1846, is restricted to the "Raccoon Fork," (so called,) beg leave to enter our solemn protest against the carrying into effect of said opinion by the Executive Department of the Government, for the following reasons:

*First,* Because there is granted to the State of Iowa, in language clear and unambiguous, by the before mentioned law, "one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, incumbered or appropriated,) in a slip five miles in width on each side of said river," (the Des Moines.)

*Second*, Because the question of the extent of the grant under consideration, having arisen during the late Administration, was decided in favor of the State of Iowa, on appeal and argument, by the Hon. R. J. Walker, then Secretary of the Treasury, in an opinion given by him, which bears date the 2d of March, 1849.

*Third*, Because upon the promulgation of the decision of the late Secretary of the Treasury, it being regarded as final and conclusive, the authorities of the State of Iowa have proceeded to contract heavy pecuniary obligations, in anticipation of the proceeds of the said lands thus adjudged to be applicable to the improvement of the navigation of the Des Moines river.

*Fourth*, Because we sincerely believe that under the act of the 8th of August, 1846, and the decision of the late Secretary of the Treasury, before mentioned, that the State of Iowa has, for the purpose and on the conditions mentioned in said law, a vested right to the lands in question, and so believing, we do not doubt that her authorities will resent, by every proper means in their power, the sale of these lands by the United States.

*Fifth*, Because we humbly conceive that the Secretary of the Interior, unintentionally and with good motives we doubt not, has transcended his legitimate authority, in re-opening of his own volition and reversing a decision of the Secretary of the Treasury, in a matter of this character.

For these and other reasons, not deemed necessary to be enumerated, we appeal to you to protect our young State, and her enterprising citizens, already environed by those difficulties and hardships ever attendant upon the settlement of new countries, from the incalculable loss and embarrassment which will be entailed upon her and them should the decision of the late Secretary of the Treasury in relation to the grant of land for the improvement of the navigation of the Des Moines be reversed.

We are, with the highest consideration of respect,

A. C. DODGE,  
GEO. W. JONES,  
SHEPHERD LEFFLER,  
WM. THOMPSON.

## G

## ATTORNEY GENERAL'S OFFICE,

July 19, 1850.

SIR: The questions presented in the matter of the Des Moines grant, made to the Territory of Iowa, by the act of Congress of the 8th of August, 1846, upon which, under an appeal to your predecessor from the decision of the Secretary of the Interior, he required the opinion of this office, are—*First*, what is the extent of the grant; and *Second*, had it been already finally adjudicated, before the decision appealed from, was made.

*First*—Is the strip “five miles in width on each side” of the Des Moines river granted, limited in length to what is called the Racoon Fork, or is the grant co-extensive with the length of the river? The grant is made by the first section of the act, and is in these words:

“There be and hereby is granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines river, from its mouth to the Racoon Fork, (so called,) in said Territory; one moiety of the public lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five miles in width on each side of said river; to be selected by an agent or agents, to be appointed by the Governor of said Territory, subject to the approval of the Secretary of the Treasury of the United States.”

The Commissioner of the Land Office, and the Secretary of the Interior, think that the Racoon Fork is the limit of the grant, and its northern terminus.

I do not concur in this view. In my opinion, the fork is mentioned only as the point to which, from the mouth of the river, the improvement of the navigation of the river is to be made.

The true reading of the act I think, is, that the land granted is to run the entire length of the river, within the then Territory of Iowa, and the object to be accomplished by it, the improvement of the navigation up to the Fork.

The purpose is one thing—the extent of the grant another. It is by confounding the two, in themselves, as stated in the act, wholly distinct, and considering them as limiting each other, that the error of the opposite construction consists. They have, in my judgment, nothing to do with each other. This will perhaps be made the more obvious, by transposing the language of the act. Place the terms of

the grant first, and those of the purpose for making it last, and the meaning is apparent. It would then read—"There be and hereby is granted to the Territory of Iowa, one moiety of the public lands (remaining unsold, and not otherwise disposed of, encumbered or appropriated,) in a strip five miles in width, on each side of the Des Moines river, to be selected," &c. "for the purpose of aiding said Territory to improve the navigation" of said river from its mouth to the Racoon fork (so called), in said Territory."

If these were the terms of the grant, no doubt, I think, could exist, that the only limit was the river, and yet I cannot see that the meaning is not precisely the same of the terms actually adopted. The river limits the grant, although a portion of the river is only to be improved. The other interpretation requires to maintain it, that you add to the words adopted describing the extent of the grant, "five miles in width on each side of said river," the other words "from its mouth to the Racoon Fork," previously used but to describe the extent of the improvement. Where is the authority for such an interpretation? When the words of a statute are clear, it is contrary to every rule of construction, to supply others, on the conjecture that they were accidentally omitted. The inference, when those used are unambiguous, is, that the Legislature meant precisely, and only meant what those import.

But the third section strengthens I think my opinion upon the first. By that it is provided "That the *said river Des Moines* shall be and forever remain a public highway for the use of the Government of the United States," &c. What is the extent of this stipulation? Is it that the highway on the river is restricted to the Fork, or co-extensive with the river? I think there can be no doubt that the latter is the true meaning—and if it be, it is only because there is nothing to limit the provision to any portion of the river, and yet the words are in this respect the same as those used in the grant by the first section.

It is supposed that this construction is erroneous, because to the report of the committee of the House reporting the bill before introduced and referred to them, there is attached a letter from the then Commissioner of the Land Office, stating that it extended to the Racoon Fork. When the words of a statute are doubtful, it is legitimate to refer to such sources of information. But where it is otherwise—where there is no ambiguity, as I think is the case of this

statute,—there is no warrant for qualifying them by report, or speeches or votes, which may have preceded its passage. This doctrine is clearly recognized by the Supreme Court of the United States in the case of *Aldridge vs. Williams*, 3 How. 24. Nor is there any thing in the objection, that the improvement is limited, and that that should be held to limit the grant. The fact is not so. The lands of the United States throughout the extent of the river will feel the benefit of the improvement, in an enhancement of value.

The whole river therefore participates in the advantage of the work, and upon the very policy which has heretofore governed Congress in such cases, it is fair to presume that the lands granted were limited by the whole river, and not by a part of it. Nor do I think it is consonant with the policy of such dispositions of the public lands, to bring to the statutes by which they are made, a narrow construction. It is a large and enlightened policy, ever favored by Congress, and should be executed even in cases of doubt, rather in a large and liberal, than a restricted spirit.

*Second*—I am of opinion that the question has been finally adjudicated by the Secretary of the Treasury before it was decided by the Secretary of the Interior.

The facts are these.—The commissioner of the Land Office who had originally construed the grant as I do, changed his opinion, and advertised for sale in the usual way, lands above the Fork. As soon as this was known, the Senators and Representatives of Iowa, on the 8th January, 1849, in an official letter to Mr. Walker, “complained of the construction, and requested him to give the necessary instructions for the selection and approval of these lands along the entire grant of the Des Moines, as contemplated by the law,” &c. The question was carefully considered by the Secretary, and decided by him on the 2d of March, 1849. On that day he advised these gentlemen of the decision, and communicated it on the same day to the Commissioner, in an official letter now on file with the papers. For, to use the language of the letter, the “information and government of that officer, on the subject to which it refers.” From that time to the recent opposite opinion of the present Commissioner, the question was considered as closed by this decision of Mr. Walker. This appears from the report of Commissioner, Mr. Young, afterwards transmitted to Congress, and also by a report of the present Commissioner himself of the 14th January, 1850, transmitted to the Senate,

by the Secretary of the Interior, on the 21st, of that month.—See Senate executive document, 1st session 31st Congress, No. 171. In this report showing the amount of public land granted to Iowa among other States, there is attached this note: “This amount in accordance with the decision of the late Secretary of the Treasury, of 2nd March, 1849, will be increased by the unadjusted portion of the grant for the improvement of the Des Moines river, situated between the Racoon Fork and the source of said river, estimated to contain 900,000 acres.”

The design of the Secretary, himself, to have decided it, and his belief that he had so decided, appears by a letter from him to the Senators of the State, now on file, dated the 15th instant, and hereunto annexed.

Upon the faith of this determination, I am advised, that the proper authorities of the State, have entered into large contracts for the improvement of the river,—and it would therefore, I think, be the extreme of injustice, now to revoke it.

• And I am glad to be of the opinion that it cannot be legally revoked. It was a final adjudication,—so considered by the parties,—by the Senators and Commissioner of the Land Office, and so acted upon by Iowa:—Whether right or not is now immaterial. It is beyond the control of the Secretary of the Interior, (the successor in this respect, of Mr. Walker,) and of any other executive officer. See the case of the bank of the Metropolis, vs. U. S. Pet. 401.

I have the honor to be,

With high regard,

Your obt servant,

(Signed)

REVERDY JOHNSON.

To MILLARD FILLMORE,

President of the United States.

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### ENGINEER'S REPORT.

ENGINEERS OFFICE, Nov. 20, 1850,

To the Board of Public Works:

GENTLEMEN:—I have the honor respectfully to present you with my first report of the condition of the Des Moines river improvement.

Commencing at the mouth of Nassau Slough, and proceeding up the Des Moines River, I will describe the character and progress of the different sections, in the order in which they occur.

No steps have yet been taken to remove the drift and snags in the Nassau Slough, and in the Des Moines river between the head of the Slough and lock No. 1, located at Mott's Ferry. When this is done, we have a navigation of nearly two miles from the Mississippi.

This lock is located on rock foundation (no other rock being found in the bed of the river nearer its mouth;) and has a lift of 22 feet. The contractor has built a good and substantial coffer dam, excavated about one half of the lock pit, and furnished between three and four thousand perches of lock stone, with the face stone mostly cut. This job can be completed in one season, if it be a favorable one for work of that character. Connected with this lock, and embraced in the same contract, is 5,500 lineal feet of canal, the whole being denominated as sections one and two. This portion of the canal is nearly completed. A waste weir which was never before estimated is necessary on this section, to pass over the water of a small creek, and will add to the cost of the work about \$1,500.

Section No. 3, consists of one mile of canal, mostly light work, and is about one half completed. On this section a good and substantial culvert has been built, 140 feet long, with 2 spans of 6 feet each, and semi-circular arches of cut stone, with parapets, and wing walls to protect the embankment.

Section No. 4, consists of one mile of canal, which includes the heavy river embankment at the big Yellow Banks; the length of the embankment in the river, is 1,400 feet. It has been found necessary to drive a row of piles along the outer toe of the river embankment, to protect it from the drift and ice during the great freshets.

The channel of the river is contracted at this point, and the force of the current is so great against the embankment that it requires strong protection. At the great ice freshet in February, 1849, the bed of the river was washed out so that the channel was deepened from 8 to 26 feet. This will greatly increase the amount of embankment and protection stone, and add materially to the cost of the work, as the height of the embankment will be about 18 feet greater than was at first estimated. The land embankment on this section is entirely completed.

Section No. 5, includes the narrows below the mouth of Sugar creek, where will have 1,100 feet of embankment in river; similar to that at the big Yellow Bank, requiring to be protected with piles and stone. The piles are mostly driven at this point, but no embankment is yet made in the river. The remainder of the earth work on this section is nearly completed.

The location of lock No. 2, has been changed from section 8, to section 5, and will be built on a timber and plank foundation. The lock pit has been excavated, all the timber, 40,000 feet of plank, and 1,200 perches of lock stone have been delivered. The original design, before changing the location of the lock, was to pass the water of Sugar creek over the canal by a waste wier, but the matured plan of your late Chief Engineer, was to change the channel of the creek, so as to pass it under an aqueduct, which will be located above the lock.

Sections 6 and 7 are in such a state of forwardness as to render their completion practicable in one season.

Section No. 8, includes the heavy embankment in the river, similar to that on section 4 before alluded to. When the work on the canal was suspended, this embankment was left in a rough unfinished state, and not raised as high as high water mark; consequently it will be much exposed in times of very high freshets, by the water running over the embankment. I would recommend that some five or six hundred dollars be expended on this part of the work, which would place it comparatively out of danger.

Section No. 9 is completed, and was taken off the contractors hands in December 1849.

The earth work on sections 10 and 11 is nearly completed. On section 11 a guard lock, with a double pair of gates, and a chamber of the same capacity as the other locks, is necessary to shut out freshets from the canal, and pass boats up and down at any stage of water. Such locks are invariably used on similar works. The Des Moines is subject to frequent rises during the boating season, varying in height from two to ten feet, which without a water lift lock, would suspend navigation on the canal, but would not usually obviate the hazards of running on the river below St. Francisville. During the past two seasons these freshets have occurred about every six weeks or two months.

## COST OF THE CANAL, &amp;c.

From the tables which accompany this report, it will be observed that I have estimated the cost of the ten miles of canal, including three locks, one aqueduct, one culvert, and two waste wiers at \$275,589 13, exclusive of the contingent expenses on the work already done. After paying off the debts (chiefly back money) due the contractors, it will still require not less than \$136,740 71 to complete the canal. This sum greatly exceeds the original estimates for the following reasons: I. The character of the lock masonry has been changed from rubble to cut stone and range work, which adds fifty cents per perch to the price. II. The building of the coffer dam and bailing of lock pit at lock No. 1, was never estimated. III. The greatly increased quantity of embankment and protection stone at the two Yellow Banks and Sugar creek, and the furnishing and driving piles at those points. IV. The building of two waste wiers, one on section 2 and one on section 10, which are necessary and were never estimated. V. The changing of the guard gates on section 11 to a guard lock; and lastly and principally, by the difference in the quantity and price of work, as will be seen by reference to the two estimates, the present being made at the actual prices at which the work was contracted for, and the former at estimated prices, before the work was put under contract. The canal is the most precarious, and also the most expensive portion of the work, in proportion to its length, now under contract. When the work on the canal was suspended, it was left in such a rough unfinished state that the necessary measurements to determine the exact amount of work done were difficult and laborious, and required, during a portion of the summer, the same amount of engineering force as would have been necessary had the work been in vigorous prosecution. Now that these estimates are all taken, none of my corps are retained except Samuel Jacobs Esq., my assistant engineer.

ESTIMATED COST OF SECTIONS 1 AND 2.		Amount.	Total amount,
<i>Lock.</i>			
	Building coffer dam, excavating lock pit, bailing and excavating rock below tail of lock, . . . . .	\$2,500 00	
7,063	Perches masonry, in lock and breast walls, @ \$3 50, . . . . .	24,720 50	
600	Barrels of hydraulic cement, @ 2 25	1,350 00	
	Lock gates and fixtures entire. . . . .	2,000 00	\$30,570 50
<i>Waste Weir.</i>			
7,000	Lineal feet square timber, . . . @ 13½	945 00	
5,040	Feet B. M. oak plank, . . . . . 2 00	100 80	
546	Perches crib-filling, . . . . . 1 00	546 00	
132	Perches slope wall and pavement, . . . . . 1 50	198 00	1,789 80
<i>Canal.</i>			
	Grubbing and clearing section, . . . . .	515 00	
74,756	Cubic yards embankment, . . @ 14½	11,026 51	
4,525	“ “ canal excavation 13	588 25	
3,555	“ “ muck ditch excavation, . . . . . 13	462 15	
20,000	Perches protection stone, . . . . . 85	1,700 00	14,291 91
Total, . . . . .			\$46,652 21
ESTIMATED COST OF SECTION No. 3.			
	Grubbing and clearing section, . . . . .	425 00	
58,870	Cubic yards embankment, . . 12	7,040 40	
23,486	Cubic yards embankment in slough, . . . . . 19	4,462 34	
5,542	Cubic yards excavation, . . . . . 10	554 20	12,481 94
ESTIMATED COST OF SEC. NO. 4.			
	Grubbing and clearing section, . . . . .	696 00	
112,680	Cubic yards of river embankment, . . . . . 18	20,282 40	

		Amount.	Total amount.
23,260	Cubic yards of land embankment, . . . . . @ 13c.	\$3,023 80	
11,497	Cubic yards of excavation, . . . . . P5	1,724 55	
2,707	Perches protection stone, . . . . . 85	2,300 95	
2,663	Perches protection stone, . . . . . I 50	3,994 50	
	Furnishing and driving piles to protect embankment, . . . . .	2,500 00	
			\$34,522 20
ESTIMATED COST OF SECTION No. 5.			
	Grubbing and clearing section, . . . . .	700 00	
60,700	Cubic yards creek and river embankment, . . . . . @ 14c	8,498 00	
29,860	Cubic yds land embankment . . . . . 12	3,583 20	
13,700	" " excavation of canal and M. D. . . . . 12	1,644 00	
32,240	Cubic yards excavation of creek channel, . . . . . 13	4,191 20	
3,680	Perches protection stone, . . . . . 1 50	5,520 00	
14,400	Lineal feet piles, furnishing and driving, . . . . . 14	2,016 00	
	Weir to conduct the water around the lock, . . . . .	3,623 00	
	Acqueduct, estimated, . . . . .	15,000 00	
			44,775 40
<i>Lock No. 2.</i>			
3,230	Perches masonry, which will include cost of changing location, . . . . . \$4 00	12,920 00	
15,300	Cubic feet foundation timber, " yards lock embankment, . . . . . 9c 20	1,377 00	
150	Perches protection wall, . . . . . 1 50	225 00	
220	Puddling in lock foundation, . . . . . 30	66 00	
47,000	feet B. M. 3 inch plank, . . . . . 2 00	940 00	
25,760	" 2 inch plank, . . . . . 2 50	644 00	
	Grubbing and clearing lock pit, . . . . .	75 00	
5,400	Cubic yds lock pit excavation, . . . . . 25	1,350 00	
400	barrels hydraulic cement, . . . . . 2 50	1,000 00	
	Lock gates and fixtures, . . . . .	1,500 00	
			20,697 00

ESTIMATED COST OF SECTION No. 6.		Amount.	Total amount.
	Grubbing and clearing section, . . . .	\$750 00	
73,118	Cubic yds embankment, . . . .@ 13c	9,505 34	
8,450	“ excavation, . . . . . 10	845 00	
	Work on old line before change of location, . . . . .	322 70	
			\$11,423 04
ESTIMATED COST OF SECTION No. 7.			
	Grubbing and clearing section, and inundated land left side of canal, .	750 00	
56,384	Cubic yards of embankment, .@ 13	7,329 92	
3,140	“ “ excavation, .. 10	314 00	
			8,393 92
ESTIMATED COST OF SECTION No. 8.			
	Grubbing and clearing section, . . . .	1,812 00	
102,120	Yards of river embankment, @ 15c.	15,318 00	
44,818	“ land embankment, 13½	6,050 43	
23,666	“ excavation, . . . . . 11	2,603 26	
6,509	Perches protection stone, . . . 1 00	6,509 00	
2,115	Perches protection stone, . . . 1 50	3,172 50	
	Allowances made by the Board for losses by floods, . . . . .	2,010 00	
	Furnishing and driving piles, for bank protection, . . . . .	2,000 00	
	Paid for rehandling protection stone,	337 00	
			39,812 19
ESTIMATED COST OF SECTION No. 9.			
	Grubbing and clearing, . . . . .	1,000 00	
	Grubbing and clearing outside canal limits, . . . . .	100 00	
46,808	Cubic yards canal excavation, 10	4,680 80	
305	Cubic yards muck ditch excavation, . . . . . 10	30 50	

		Amount.	Total amount.
347	Cubic yards of excavation of drain back of spoil bank, 10c.	\$34 70	
42,607	Cubic yards embankment, 14	1,260 70	
			\$7,106 70
ESTIMATED COST OF SECTION No. 10.			
Grubbing and clearing section, . . . .		725 00	
70,580	Cubic yards excavation, . . . @ 10c.	7,058 00	
5,822	" " embankment, .. 12	698 64	
Waste Weir, . . . . .		1,500 00	
			9,981 64
ESTIMATED COST OF SECTION No. 11.			
Grubbing and clearing section, . . . .		2,000 00	
55,280	Cubic yards canal excavation, . . . . . @ 10c.	5,528 00	
2,740	Cubic yards lock pit excavation, . . . . . 12	328 80	
10,640	Cubic yards embankment, . . . 11	1,170 40	
220	" " puddling in lock foundation, . . . . . 20	44 00	
57,040	feet, board measure, foundation plank, . . . . . 2 00	1,140 80	
12,000	feet foundation timber, . . . . . 11	1,320 00	
150	Perches protection wall above and below lock, . . . . . 1 50	225 00	
2,502	Perches lock masonry, . . . . . 4 00	10,008 00	
			21,765 20

## RECAPITULATION.

Nature of Work.	No. of Section.	Cost of work done.	Cost of work to be done.	Total estimated cost.
Lock No. 1 and 5,500 lineal feet canal, . . . . .	1 and 2	21,889 72	\$24,762 40	\$46,652 21
One mile canal, . . . . .	3	6,254 64	6,227 30	12,481 94
140 feet long—2 spans of 6 feet each, . . . . .	Culvert,	3,327 70	Completed.	3,327 70
One mile canal, including big Yellow Banks, . . . . .	4	20,414 98	14,107 22	34,552 20
One mile canal partly in river, . . . . .	5	8,479 25	36,296 15	44,775 40
Stone have to be brought 8 miles, . . . . .	Lock No. 2,	9,301 47	11,395 53	20,697 00
One mile canal, . . . . .	6	9,079 94	2,343 10	11,423 04
One mile canal, . . . . .	7	4,698 36	3,694 96	8,393 32
One mile canal at little Yellow Banks, . . . . .	8	32,766 12	7,046 07	39,812 19
Finished in Dec. 1849, one mile canal, . . . . .	9	7,106 70	Completed.	7,106 70
One mile canal nearly done, . . . . .	10	7,355 54	2,626 10	9,981 64
Includes guard lock and 1 mile canal, . . . . .	11	8,174 00	13,591 00	21,765 00
Add for contingencies and wastage during the sus- pension of the work, at 12 per cent., . . . . .		\$138,848 42	\$122,089 92 14,650 79	\$260,938 34 14,650 79
<b>Total, . . . . .</b>		<b>\$138,848 42</b>	<b>\$136,740 71</b>	<b>\$275,589 13</b>

## ST. FRANCISVILLE WORK. SECTION No. 12.

The dam at St. Francisville, which is to supply the canal with water, and make navigation up to the first dam above, is located partly on rock, but chiefly on sand foundation, and is an expensive and difficult work. It will be founded on piles, (except where there is rock,) which will transfer the pressure from the spreading material on the surface, to an incompressible and confined foundation. This plan, together with protection below the dam, composed of clusters of piles filled in with bush and stones, I think will secure the work. A lock is located on the rock foundation in the south end of this dam, which will allow of river navigation, during portions of the season, and in case of a breach in the canal.

A considerable number of piles have been driven on this work, chiefly in the abutment pit on the north side of the river, but the larger part of the piling yet remains to be furnished and driven. This can be done early next season if the work goes on. A first rate steam pile boat, the property of Capt. Jacob Cram, is now lying at this work, and there is also on the river a good horse pile boat, the property of the State. During the past season we found useful employment for both of these boats. Nearly all the stone, timber, and plank for this lock and dam, have been delivered and fully prepared for the work.

The preparation for the foundation of the lock and dam was commenced under favorable circumstances last summer, but was soon suspended on account of the gloomy aspect of money affairs. Since then, nothing has been done at this point. This work will be resumed whenever funds can be procured.

## DAM AND LOCK AT "COWPENS." SECTION No. 13.

A large portion of the materials have been furnished for this work and something done towards preparing the foundation for the lock. A convenient and prepared quarry can speedily be made to yield the remainder of the stone required, and the contractors have other facilities for prosecuting the work next season.

## DAM AND LOCK AT CROTON. SECTION No. 14.

This work which has been under the immediate charge of M. M. Hayden, Esq., assistant engineer, has been prosecuted with vigor during the past summer, and although the persevering contractors, Messrs. Walker & Co., have been prevented by the numerous freshets and other causes from constructing their dam, yet they have borne up against the failure of the funds and completed the lock, partly on their own resources.

This lock is a strong, handsome and cheap structure, the face stone being cut and regularly coursed. The work is far superior to the rubble masonry contemplated by the specifications, and reflects credit on the enterprising contractors. The larger portion of all the materials for the dam have been furnished, and the entire work can be completed in one season.

## PLYMOUTH WORK. SECTION No. 15.

The principal part of the stone for the lock and dam at this point have been procured, and if the lands above Fort Des Moines are secured to the State, this work will be vigorously prosecuted, and perhaps completed next season.

## DAM AND LOCK AT BONAPARTE. SECTION No. 16.

This work which has been under the immediate superintendance of John B. Knight, Esq. is further advanced than any other work on the line. This lock was the first one completed on the improvement, in a superior style of masonry, and reflects credit on the energetic contractors; Messrs. Wm. Meek and Sons, who have furnished their own means to do nearly all the work. The numerous freshets have seriously delayed the work on the dam, and will most probably prevent its completion the ensuing winter; but it is so far advanced as to ensure it being finished early next spring.

## BENTONSPORT WORK. SECTION No. 17.

The dam and lock at this point were commenced this season, and

although delayed and injured by the freshets, like the other river jobs have been vigorously prosecuted by the industrious contractors, Messrs. Brown and Sanford, and are so well advanced that their completion early next summer, is entirely practicable. At this point the first lease of water power has been made to Messrs. Green and Brothers, late of Ohio, who have already laid the foundation for a paper mill, the first in the State, and the the first fruit of the Des Moines river improvement.

It will be important to go on with the locks and dams, as soon a practicable, as the timber and plank, of which large quantities have been delivered, and are the property of the State, will speedily begin to decay unless put into the work. The construction of the dams and locks now under contract, and commenced, will clear the river of the old dams, except the one at Keosauqua, furnish constant and almost inexhaustible water power, and make the river navigable several months every season, even before the canal is finished.

The following estimates of the cost of the work up to, and including the Bentonport work, are based upon the contract prices, and the aggregate cost will be increased should the suspended work be permitted long to remain in its unfinished state. I have faithfully endeavored to show the cost of the canal by itself, and also the separate cost of the dams and locks so far as they are in progress of erection. I have not sufficient data to go minutely into the detail of each item in the dams and locks between Bonaparte and Ottumwa, but from the data which I have, comparing the quantities and prices with the contract prices on similar work below, I estimate the remaining seven dams and locks at \$298,784 00. Add to this the sum required to finish the ten miles of canal and the six dams and locks which have been commenced, and we have the sum of \$599,660 00, the amount it will require to complete the improvement from the mouth of the river to Ottumwa.

For the cost of the improvement from Ottumwa to Fort Des Moines I would refer you to the estimates contained in your late Chief Engineer's report, No. 3, which will not fall so far short as the first estimates below; the work above Ottumwa being estimated at prices ranging considerably higher than the same kind of work now under contract.

Although the cost of the work will much exceed the first estimates, yet the canal nor the locks and dams will cost more than similar

works in other portions of the Union: The cost of the canal per mile is \$27,558 00, and the dams and locks from St. Francisville to Ottumwa will cost \$7,538 per mile. Including the ten miles of canal, the whole improvement from the mouth of the river to Ottumwa, will cost, according to my estimates, \$9,344 per mile. A good rail road through any portion of our State, will cost about twice as much as the slack water navigation, exclusive of the ten miles of canal.

Before closing this report I must express my obligations to my Principal Assistant, Samuel Jacobs, who has faithfully labored with me during the past year in superintending the work, and making the difficult measurements and calculations necessary to determine accurately the amount of work done on the suspended canal, and the total cost of the remainder of the work. Also, to M. M. Hayden, Assistant Engineer, and John B. Knight, Superintendent, for their fidelity in superintending the work under their charge.

Respectfully submitted,

GUY WELLS,

Chief Engineer.

To COL. WM. PATTERSON, COL. JESSE WILLIAMS, GEORGE GILLASPY, Esq.  
Board of Public Works of the State of Iowa.

ESTIMATED COST OF SECTION No. 12.		Amount.	Total Amount.
4,450	Perches of lock masonry, .. \$3 75	\$16,687 50	
52,804	feet square timber, .....	12c. 6,336 48	
15,376	" round timber, .....	8 1,230 08	
82,000	" board measure, plank, . 2 00	1,640 00	
15,000	Perches crib filling, .....	70 10,500 00	
5,966	Yards of excavation of abutment pit, .....	12 715 92	
3,000	Yards of embankment, .... 14 $\frac{1}{2}$	442 50	
	Grubbing and clearing of abutment pit, .....	40 00	
	Furnishing and driving piles, .....	4,500 00	
	Abutment behind lock, with openings for mills, .....	1,500 00	
	Protection on coffer dam, .....	112 00	

		Amount.	Total amount.
	Excavating lock pit, making coffer dam, bailing and preparing foundation of dam,.....	\$2,000 00	
500	Barrels of cement,.....	\$2 50 1,250 00	
	Lock gates and fixtures,.....	1,500 00	\$48,454 48
ESTIMATED COST OF SECTION No. 13.			
	Not having sufficient data to prepare a detailed estimate of this work, I set down its entire cost at.....	42,650 00	42,650 00
ESTIMATED COST OF SECTION No. 14.			
3,996	Perches of lock masonry,....	\$3 30 13,186 80	
515	Perches rubble masonry, in abutment behind lock,....	2 80 1,442 00	
159	Perches of rip rap protection,	95 151 05	
1,748	Yards of embankment,....	14 244 72	
215	" excavation,.....	14 30 10	
24,800	Feet square timber,.....	11 2,728 00	
15,000	" round timber,.....	8 1,200 00	
15,352	" board measure, plank, .	1 80 2,076 33	
7,680	Perches crib filling,.....	80 6,144 00	
	Stone abutment on south side of river,	2,000 00	
	Lock gates and fixtures,.....	1,500 00	
500	Barrels of cement,.....	2 50 1,250 00	
	Forming coffer dams, bailing and excavating lock pit,.....	3,763 77	
	Removing parts of old dam and lock and preparing foundation for new dam,.....	500 00	86,216 77
ESTIMATED COST OF SECTION No. 15.			
	Not having sufficient data to prepare a detailed estimate of this work, I set down its entire cost at,.....	42,550 00	42,550 00

ESTIMATED COST OF SECTION No. 16.		Amount.	Total amount.
2,936	Perches of lock masonry, . . . .	4 00	\$11,744 00
8,044	“ stone crib filling, . . . .	90	7,239 60
38,337	Feet square timber, . . . . .	12	4,600 44
17,281	“ round timber, . . . . .	10	1,728 10
139,400	“ board measure, plank, .	2 25	3,136 50
757	Yards excavation of abutment pit, . . . . .	15	118 55
215	Yards embankment behind and on abutment, . . . . .	20	43 00
76	Yards puddling behind abut- ment, . . . . .	25	19 00
519	Perches wing walls above abutment, . . . . .	1 50	77 85
	Gates in abutment, estimated, . . . .		38 00
	Abutment behind lock, with gate openings to conduct water to mills,		2,000 00
500	Barrels hydraulic cement, . . . .	2 50	1,250 00
	Excavation of lock pit, bailing water and preparing the foundation of the dam, . . . . .		2,150 00
	Lock gates and fixtures, . . . . .		1,500 00
			\$35,640 04
ESTIMATED COST OF SECTION No. 17.			
4,258	Perches of lock masonry, . . . .	\$4 00	\$17,032 00
	Bailing water, forming coffer dams and excavating lock pit, . . . . .		2,000 00
	Lock gates and fixtures, . . . . .		1,500 00
23,411	Feet round timber, . . . . .	10	2,341 10
61,757	“ square timber, . . . . .	12	7,410 84
78,974	“ board measure, plank, . . . .	2 25	1,776 91
11,737	Perches of crib filling, . . . . .	90	10,563 30
770	Yards of excavation abutment pit, . . . . .	20	154 00
317	Yards of embankment behind abutment, . . . . .	20	63 40
60	Perches protection wall above abutment, . . . . .	1 25	75 00
	Gates in abutment, . . . . .		38 00
	Abutment behind lock, with openings for conveying water to mills, . . . .		2,000 00
500	Barrels of cement, . . . . .	2 50	1,250 00
			46,204 55

## RECAPITULATION.

Nature and location of work.	Section.	Cost of work done.	Cost of work to be done.	Total estimated cost.
Dam and lock St. Francisville,.....	12	\$20,303 45	\$28,151 03	\$48,454 48
Dam and lock at Belfast,.....	13	6,241 50	36,408 50	42,650 00
Dam and lock at Croton,.....	14	25,305 65	10,911 12	36,216 77
Dam and lock at Plymouth,.....	15	7,016 95	35,533 05	42,550 00
Dam and lock at Bonaparte,.....	16	23,477 53	12,162 51	35,640 04
Dam and lock at Bentonsport,.....	17	20,156 85	26,047 70	46,204 55
		\$102,501 93	\$149,213 91	\$251,715 84
Add for engineering and contingencies, 10 per ct.....			14,921 39	14,921 38
			\$164,135 30	\$266,637 23

## ENGINEER'S REPORT, No. 3.

КБОКУК, September 1, 1849.

*To the Board of Public Works:*

Since my last report to the Board, which was dated on the 20th November, 1848, the contractors on the Des Moines River Improvement have encountered a series of difficulties which could seldom occur on any other work during the same period of time. Up to the period of my report, the improvement had prospered with great energy and success; and no casualties had interrupted the rapid and profitable prosecution of the work: but in December the rain, and snow, and sleet came with extraordinary severity, and up to this time the contractors have been visited with a succession of reverses, which have been as incessant as they have been calamitous. Besides the loss of time experienced during such a season as the past, every thing is calculated to increase expenses. Continued storms impair the roads, injure the stock, augment the price of provisions, cast a sickly gloom over the work, and deter hands from seeking the employment. Never did contractors encounter a more unfavorable winter! This was followed in the spring by a succession of high floods in the river, accompanied with gorges of ice, which, raising a dam on section five, threw the water over the work and surrounding country, on both sides of the river, carrying away material from the contractors, fences and cattle from the farmers, and in several instances destroying human life. With the approach of summer came the ravages of cholera; and finally, when the pestilence had abated, and the river had fallen so as to admit of active operations, we were again visited with extraordinary floods of water, which have caused another suspension of the most important part of the work. I review with painful regret the accidents of a year which has left so many monuments of desolation and distress! Pursued with this train of adversities, the contractors have still contended with disasters, and faithfully prosecuted the tiresome and unprofitable work. Some have advanced with unusual success; and none of them—however much they have grieved over the loss of long and weary months of toil, and the sacrifice of private means—have despaired of final success, and turned away from the work. On the contrary, all have encountered

their losses as their varied abilities permitted them, and continued their labors with increasing energy and zeal. Starting at the lower end of the work, and passing up the line of canal and river, a casual observer would see, by the miles of embankment and excavation, and the accumulation of timber, and plank, and cut stone, that the enterprise and energy of the contractors have made such an impression on the face of the country as to ensure the successful completion of the first fifty miles of the work.

Some idea may be formed of the relative success of the workmen, by submitting a statement of the estimates and payments on each contract up to the time of the last payment, which was made on the 6th ult.

The following table shows the number of the sections, the name of the contractor, the amount of work estimated, the amount deducted as security for the completion according to the contract, and the amount due the contractor and paid:

No. of Sec.	Name of Contractor.	Estimate of Work.	15 per cent. off.	Amount due and paid.
1 and 2	T. Lyon & Co., . . . . .	8,133 68	1,220 05	6,913 63
3	T. H. Curtis, . . . . .	2,217 10	333 56	1,883 54
4	Stewart & Wallace, . . . .	5,888 66	883 30	5,005 36
5	P. H. Blake & Co., . . . . .	977 34	146 60	830 74
6	P. H. Blake & Co., . . . . .	2,263 49	525 62	1,737 87
7	P. H. Blake & Co., . . . . .	959 24	143 80	815 44
8	Brigham & Mayger, . . . .	19,260 62	2,889 09	16,371 53
9	Connable & Cunningham,	6,213 30	932 00	5,281 30
10	Bell & Cassady, . . . . .	6,112 60	916 89	5,195 71
11	Merriman, Turner & Co.,	4,948 31	742 24	4,206 07
12	Barnett & Co., . . . . .	5,215 89	782 38	4,433 51
13	Quinn, Caragher & Co.,	3,403 53	510 52	2,893 01
14	Walker & Co., . . . . .	7,058 00	1,058 70	5,999 30
culvert	Morris, contractor, . . . . .	470 00	70 50	399 50
		\$73,121 76	\$11,155 25	\$61,966 51

Only three of the sections—which were awarded to certain men on credit at the August letting—have been commenced: These three are in connection and continuation of the line of work contracted at the first, June, letting, as follows:

Section 15—Messrs. McCune of Ohio. This is the dam and lock at Farmington. A fair commencement has been made and extensive preparations are making for the prosecution of this work next season.

Section 16—Messrs. Meek & Sons, Bonaparte.

These contractors have progressed with extraordinary energy.—Most of their face stone is cut for the work, and a large proportion of all the material is delivered and ready to put into the work. The recent rise delays the progress of the walls.

Section 17—Messrs. Brown & Sanford, Bentonsport.

The contractors at this point have also a large amount of material prepared, and should the water subside in time, they expect to put in a part of the dam and lock during the present fall.

I regret that I have not had time or assistance to estimate the value of the work done on these three last named sections, in time to insert the amounts as in the cash contracts; but I have seen enough to satisfy me that this part of the line will be completed as soon as the more precarious work which we are erecting at the "Yellow Bank" narrows below.

We have therefore under contract and in successful progress all the work necessary to carry slackwater navigation from the mouth of the Nassau slough up to Keosauqua; a distance by the meanders of the river, of 50 miles, and by the line of improvement (ten miles of canal cutting off  $2\frac{1}{2}$  miles.) forty-seven and one-half miles. Enough to show the character of the work, and enough to overcome some of the worst obstacles to the present navigation of the river. All this work can be completed next season, and I confidently rely on its being open for navigation in the spring of 1851.

The accidents of the season to which I have before alluded, do not fall alone on the contractors. The river has been washed deeper at the Yellow Banks where our embankments are to be placed in the river, and a large increase of earth and protection is therefore to be added to the cost of the work.

These floods have displayed the Des Moines in its most terrible aspect, and exhibited dangers which had never before been witnessed by the inhabitants of the country. The rise above low water varied at different places from 15 to 17 feet; and by removing old decaying timber which had never before been removed from the roots or stumps where they had fallen, I infer that no greater rise has occurred on the upper portion of the river, at least for thirty years past. Though the

rise of the river was extraordinary for the Des Moines, it was only about half the elevation that occasionally occurs on other rivers that have been similarly improved, and it was not so sudden and accompanied with such masses of drift, as occurs on streams draining the country east of the Mississippi. We are only apprised of the extent of the danger we have to contend against, but not deterred from the prosecution of the enterprise. Banks and lock walls, must in every instance, be made higher than I formerly anticipated: A short canal has been located at Keosauqua, which will overcome about two feet fall at that place and save two feet of elevation in the Bentonsport dam.

A lock has also been determined on at dam No. 1, St. Francisville, to accommodate the people of Missouri, who very much desire it; and also to allow a passage by the river in high water, if an accident occur to the canal. All these are items of enlargement, which will add to the cost, and were not anticipated in my former estimates, except so far as they were met by the item denominated "contingent expenses." But with all these additions, after looking over and carrying out the contract prices of the various items, and including liberal estimates for the precarious work at the "yellow banks," I am not certain that the work as awarded and contracted below Ottumwa, will exceed my former estimate in round numbers of 500,000 dollars. I have urged the concentration of force at the "yellow banks" during the approaching season of low water, with a view of pushing these hazardous sections beyond the reach of another freshet. The contractors have taken the work at their own risk, yet it will be perceived the State has incidental interests which are likewise in jeopardy; and the accidents to public works are often so great as to overwhelm individuals, who invoke the generosity and magnanimity of the state and find relief when they have no remedy in the halls of justice.—Every means should therefore be concentrated on these precarious points during this fall and winter, so as to place the work as far as possible beyond the influence of another spring flood.

#### SURVEYS AND LOCATIONS ABOVE OTTUMWA.

In my last report I informed you that the survey of the work above Ottumwa had already commenced, and that it was my expectation to reach the Racoon fork ("Fort Des Moines,") by the middle of De-

ember. I joined the party in the field, which in my absence had progressed about twenty-six miles above Ottumwa, in charge of my principal assistant, Mr. Wells.

Up to this period, the river had continued open, and observations of the banks and bed of the river had been limited and unsatisfactory, though the labor had been tedious and extremely disagreeable.

On the night of the 6th December, our camp was drenched with rain, covered with snow, and frozen with sleet. The thermometer fell below zero, and on the morning of the 7th, the river presented a sufficient covering of ice to admit of certain and convenient observations.

Our measurements pursued the centre line of the river, sounding, sketching, leveling, and all necessary points could be determined with ease and accuracy. The extreme cold and accumulation of snow induced me to confine my winter observations to the river proper; leaving the further examinations, and location of side cuts, to a spring and summer campaign.

Having carried the river surveys up to the Racoon Forks, I found it too late in the winter to report results which could be used before the adjournment of the Legislature, and I therefore deferred submitting any of my determinations, until by subsequent labors, executed during the past summer, I am prepared to lay before you an entire system, carrying slack-water navigation, as contemplated by the act of Congress, up to Racoon Forks.

The river gradually narrows as we proceed up the main channel, passing its numerous tributaries; it being about six hundred feet wide near the mouth, five hundred near Ottumwa, and less than four hundred at the Racoon forks. Most of the tributaries enter from the south-west; and naming them as we proceed above Ottumwa, on that side, we have the two Avery creeks, which have their confluence within half a mile of each other, between the 101st and 102nd mile, measuring by the river from its mouth; Miller's and Gray's creeks, which enter near together, and near the 109th mile; Bluff creek, at the end of 114th mile; Coal creek, near the end of the 121st mile; "Cedar river," (so called by Mr. Nicolet,) near the end of the 126th mile; English creek, 136½ miles; "White Breast," 149½ miles; South river, 174½ miles, 128 feet wide at its mouth; Middle river, 179½ miles, 90 feet wide at its mouth; North river, 188th mile, 102 feet wide at its mouth; and Racoon fork, 202 68-100 miles, 158 feet wide

at its mouth. A little below the Racoon, the Des Moines measures 350 feet, and a few rods above, it measures 330 feet wide. On the North side, as we proceed up from Ottumwa, the streams which may be considered worthy of note are the Muchakinok, near the end of the 110th mile; and at the town of Eddyville, Wallachuck, 147th mile; Calhoun's creek, 157½ miles; Walnut creek, 166½ miles; and Camp creek, 173½ miles. The distances thus stated correspond to the marks on the mile trees which were made above Ottumwa, after deducting the 2½ miles gained by the side cut at the lower end of the river. In round numbers, the distance from the mouth to the Racoon, measuring the line of the river and including this 2½ miles, the distance is two hundred and four miles. The surface of water at the Racoon forks, is three hundred and eight feet above the surface of water in the Mississippi. Mile trees are marked generally on the north side of the river, but the plan of improvement which I have to present will materially shorten the distance, and these mile trees will therefore only be useful as points of reference, to be used during the construction of the proposed improvement. The bench marks, which show the elevation of different points above the Mississippi, are more important, and I therefore attach a table of them to the end of this report. Above the Ottumwa bend, the river continues very straight about thirty miles, when commences a succession of tortuous bends, which continue to the Racoon fork. These can only be understood by referring to the map which accompanies this report, and by further descriptions which I will give as I detail the work, designed to avoid some of the most objectionable curves. The banks of the river are rather low above Ottumwa, and the bottoms are from one to two miles wide. Rock bottom is generally found at intervals of from three to eight miles, extending across the river, convenient and safe for the foundation of our dams and locks. The only exception is at Bell's bend, to which I will further allude when I speak of that link of the chain which I have denominated "Bennington Canal." All the necessary material is found convenient, and in great abundance. Masses of sand stone suitable for face work, lime stone suitable for making lime and cement, and timber suitable for cribs and gates may be procured every where along the river.

In considering the best mode of improving this upper division, the low bottoms, the long reach of sandy foundation near Bell's bend, and the irregular curves, have presented the greatest difficulties which we

have to encounter; and the system of dams, locks and canals here presented, are designed as far as possible to modify and overcome these difficulties. To present the entire chain of the proposed improvement in this upper division, I will commence at Ottumwa, where my former location<sup>s</sup> ended, and adopting the usual order, follow the upward direction, giving a description of each consecutive part of the work as we proceed toward the terminus at the Racoon forks.

### OTTUMWA WORKS.

The dam below Ottumwa (at Sugar creek) is designed to raise the water over the rocky bed of the river in front of this town, as I have said in my former report. Here the river makes a strong curve to the south, so that a canal one mile in length, running almost due west, strikes the river at another angle where the stream resumes its general direction north-west. The water is to be turned into this canal by a dam erected on the rocky ripple a few rods below the upper end of the canal, and opposite a large island. Making a sufficient spill to pass all the water of the river on the east side of this island, a dike is then to be extended from the west end across the west channel to the bluff; so that no water shall pass except it fall over the dam on the rock foundation which we find convenient on the east side. The canal commences at the upper end, in the edge of the prairie, where the cutting is ten feet; and following the declining surface, the line soon falls into a ravine which we pursue, so that one embankment on the south side of this ravine is all that is required to make the canal. By keeping out from the bank, which forms the natural north side, we secure near the lower end a commodious basin, which will accommodate the business of the place, and connect with the rock level in front of the town, so as to secure an excellent location for our lock, and also furnish a good foundation for mills which can be erected below the lock. This lock will have a lift, according to this arrangement, of 73-100 feet; affording an excellent water power, at a point of much importance in this part of the State.

ESTIMATED COST.		Amount.	Total amount.
18,200	Feet square timber for string pieces, . . . . .	12c \$2,134 00	
7,020	Feet round timber in dam (ties) . . . . .	9 631 80	
3,000	Perch stone in cribs, . . . . .	80 3,120 00	
2	Abutments of stone, . . . . .	1,600 00	
	Dike on south side, . . . . .	2,000 00	
100,000	Feet board measure 2 and 3 inch plank, . . . . .	20 00 2,000 00	
	Guard lock, (may be dispensed with at the beginning) . . . . .		\$11,535 80
			3,000 00
	<i>Lock at lower end of Canal.</i>		
	Preparing foundation, . . . . .	500 00	
2,230	Perch of masonry in lock walls, . . . . .	3 00 6,690 00	
	Lock gates, general estimate, . . . . .	1,000 00	
1,000	Perch protection stone about lock, . . . . .	60 600 00	
			8,790 00
	<i>Canal.</i>		
	Grubbing and clearing, very light, . . . . .	200 00	
38,588	Yards of excavation, . . . . .	11 4,244 00	
24,072	Yards embankment, . . . . .	12 2,888 64	
			7,332 64
	Total cost of Ottumwa works, . . . . .		\$30,658 44

The dam which diverts the water into the Ottumwa canal, backs three feet of water up to dam No. 15, township 72, range 14, Section 9. The rock here runs entirely across the river, but the water is deep, which adds to the height of the dam. The lift at this location is only six feet, but in this, as in some other places where the water is deep, the height of the dam, which is estimated from the average bottom, is more than double the lift. In this instance I have estimated the dam at 15 feet high, though the head, we have to contend with, will be but six feet.

ESTIMATE OF WORK AT DAM NO. 15.		Amount.	Total amount.
30,550	Feet square timber for string pieces, .....	10c 3,055 00	
18,720	Feet round timber for ties,..	9 1,784 80	
7,865	Perch stone in cribs, .....	70 5,505 50	
	Dike on north side of river, .....	2,000 00	
1	Stone abutment, .....	800 00	
100,000	Feet board measure 2 and 3 inch plank, .....	20 00 2,200 00	
<i>Lock connected with Dam.</i>			
	Preparing foundation, .....	1,000 00	
2,348	Perch masonry in walls, ....	3 00 7,044 00	
	Lock gates, .....	1,000 00	
			15,345 30
			9,044 00
Total cost of work at dam No. 15.....			\$24,389 30

## DAM NO. 16.

The pool of dam No. 15 is 4 70-100 miles long, which brings us again to rock, where we locate dam No. 16, section 25, township 73. range 15.

ESTIMATE OF THE COST OF THIS WORK.		Amount.	Total Amount.
25,900	Feet square timber for strings, .....	10 2,590 00	
15,990	Feet ties, (round timber,) ..	9 1,439 10	
102,000	Feet board measure 2 and 3 inch plank, .....	20 00 2,040 00	
7,020	Perch stone in cribs, .....	70 4,914 00	
	Dikes, .....	2,000 00	
1	Abutment of stone, .....	800 00	
<i>Lock connected with Dam, lift 6 22-100.</i>			
	Preparing foundation, .....	500 00	
2,230	Perch masonry in walls, ....	3 00 6,690 00	
	Lock gates, .....	1,000 00	
			13,783 10
			8,190 00
Total cost of work at dam No. 16, .....			21,973 10

DAM NO. 17.

This dam is located about two miles below Eddyville; section 16, township 73, range 15. Here the lift is 8 28-100 feet, flowing sufficient water up to the next rock bottom. No sufficient foundation could be found at Eddyville, though we very much desired it, not only to accommodate that beautiful location, but because we could better arrange the adjacent works.

ESTIMATE OF THE WORK AT DAM No. 17.		Amount.	Total Amount.
29,900	Feet string pieces, . . . . . 10c	2,990 00	
15,990	Feet ties, . . . . . 9	2,701 00	
101,550	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,031 00	
	Dikes, . . . . .	2,000 00	
	Abutment of stone, . . . . .	800 00	
7,020	Perch stone in cribs, . . . . .	5,616 00	
	Lock connected with dam, estimated cost same as at No. 16, . . . . .		8,196 00
	Total cost of work at dam No. 17, . . . . .		24,328 00

DAM NO. 18. NEIDAS.

This is a small lift at a good location, which is adopted to suit the long reach below and the long reach above Rocky Ripple.

ESTIMATE OF THE COST OF WORK AT DAM No. 18.		Amount.	Total Amount.
29,900	Feet square timber for string pieces, . . . . . 10c	2,990 00	
15,990	Feet round timber for ties, . . 9	2,701 00	
101,550	Feet board measure 2 and 3 inch plank, . . . . . 20 00	2,031 00	
7,020	Perch stone in cribs, . . . . . 70	4,914 00	
	Stone abutment, . . . . .	800 00	
	Dikes, . . . . .	2,000 00	
			15,436 00

		Amount.	Total Amount.
	Lock, same cost as those at Nos. 16 and 17,.....		18,190 00
	Total cost of work at dam No. 18, (Neidas) .....		\$23,626 00
<i>Dam No. 19, Rocky Ripple.</i>			
30,550	Feet square timber for dam string peices,.....	10 3,055 00	
18,720	Feet round timber for ties,.....	9 1,784 80	
7,865	Perch stone in cribs,.....	80 6,292 00	
110,000	Feet board measure 2 and 3 inch plank,.....	20 00 2,200 00	
	Dikes,.....	3,000 00	
	Stones abutment.....	800 00	
			17,131 80
<i>Lock connected with Dam.</i>			
	Preparing foundation on rock.....	500 00	
2,348	Perch of masonry in lock wall at \$3.....	7,044 00	
	Lock gates,.....	1,000 00	
			8,544 00
	Total cost of work at dam No. 19 Rocky Ripple,.....		\$25,675 80

### BELFONTAINE WORKS.

The dam at Rocky Ripple is projected sufficiently high to carry navigation up to the terminus of the Bellfontaine canal, at Wright's Sec. 27, T. 75, R. 17. This canal leaves the river about one mile above the town of Bellfontaine, at a slough which leads down the side of the bluff on the north side of the Des Moines. By carrying the embankment straight, a large basin is left on the second mile, and the canal for a mile in length is thus made wide enough to pass several boats abreast. The entire length of this canal is three miles and forty-one hundred feet; and saves in the line of navigation three miles and two thousand two hundred and twenty-two feet. It is generally easy excavation and embankment, except at the Narrows, (2,200 feet,) where the canal runs along the edge of the river, so as to throw the embankment into the water. Earth and stone are here adjacent to the embankment, and the river has a rock bottom where

the embankment is required; so that this point of Narrows is entirely different, not being so precarious or expensive as those we are now contending with at the Yellow Banks, on the lower canal; where stone has to be hauled from eight to ten miles. At Wright's we have rock bottom to terminate and erect our lock on. Here we have a lift of nineteen feet. It will furnish an immense water power (19 feet fall,) at a beautiful location on the river, where it can never be overcome by floods.

The dam (No. 20,) which throws the water into this canal, is located on rock foundation at Bellefontaine. It has a lift of 14 feet, so that a great water power may also be located at this place, which being on the south side of the river will accommodate the county of Marion. As the canal and river separate for some miles, I would recommend a lock also in the dam at Bellefontaine, so that the river will not be cut off from navigation.

The dam at Bellefontaine is unusually high, for the purpose of flowing the water up to the next good foundation. At ordinary stages, it will not overflow the extensive bottom above Bellefontaine on the south side of the river; but it will keep standing water in the slough which meanders through this bottom. If the slough were straight, it would afford another cut off which would shorten our line of improvement; but the slough is too crooked for steamboat navigation, and will only be useful to the neighborhood which may find it convenient for sending out timber into the river, and thence to the saw mills which may be erected at the dam. A little cutting would enlarge and straighten it so as to make it suitable for steamboats; and at some future day the navigation will justify the expense, for the saving of distance, which may be two miles. It can be done in the winter by draining down the water in the dam, and is here only alluded to as a matter to be considered after the accumulated business of the river will seem to require the work.

ESTIMATE OF THE BELLEFONTAINE WORKS		Amount.	Total Amount.
31,200	Feet square timber in dam, 10cts. . .	3,120 00	
17,280	Feet round timber for ties, 9 cts. . . .	1,555 20	
100,000	Feet board measure 2 and 3 inch plank, \$20, . . . . .	2,000 00	
7,200	Perch stone in cribs, 70 cts., . . . . .	5,082 00	
	Dikes, . . . . .	2,090 00	

	Amount.	Total amount.
Stone abutment.....	800 00	
Lock attached to this dam,.....		14,557 20
		9,000 00
Total work at Bellefontaine,.....		\$23,557 20
ESTIMATE OF THE COST OF THE CANAL.		
<i>First Mile.</i>		
	Grubbing and clearing (light) .....	95 00
49,232	Yards embankment at 12 cts,.....	5,907 84
8,393	Yards excavation, 11 cts,.....	923 23
	Guard lock on this mile,.....	3,000 00
		9,926 07
<i>Second Mile.</i>		
	Grubbing and clearing,.....	242 00
36,079	Yards embankment at 12 cts.....	4,229 48
17,319	Yards embankment at Narrows, 15 cents,.....	2,597 85
700	Feet running measure embankment protection, 1680 perch rough stone at 70 cts,.....	1,176 00
300	Piles at \$3 each,.....	900 00
	Add for casualties on this mile,.....	2,000 00
		11,145 33
<i>Third Mile.</i>		
53,368	Yards of embankment in river, 15 cents,	8,005 20
65,665	Yards excavation, 11 cts.....	7,223 15
1,500	Lineal feet of embankment protection, 3,600 perch rough stone, at 70 cents.....	2,520 00
700	Piles at \$3 each,.....	2,100 00
	Casualties on this mile,.....	3,000 00
		22,848 35
<i>Fourth Fractional Mile.—(4,100 feet.)</i>		
29,836	Yards excavation, 11 cents,.....	3,281 96
11,219	Yards embankment, 12 cts.....	1,346 28
		4,628 24
	Total cost of canal,.....	48,547 99

APPENDIX.

	Amount.	Total amount.
<i>Lock at Wright's—19 feet lift</i>		
Preparing foundation, . . . . .	1,000 00	
4,500 Perch masonry in walls, \$3. . . . .	13,500 00	
Lock gates, . . . . .	1,000 00	
		15,500 00

Passing through the Bellefontaine canal, we enter the pool created by dam No. 20, which carries us up to rock bottom at Wm. George's Sec. 3, T. 75, R. 18.

DAM NO. 21—WM. GEORGE'S.

This is a lift of only 4½ feet, sufficient to carry us up to another point of rock bottom. By increasing this lift at Wm. George's dam No. 21, to 10 58-100 feet, we could flow up to the mouth of white Breast canal, dispensing with the intermediate work at Amsterdam. The banks, however, on both sides, are very indifferent at dam 21; and the wide bottom above would be inundated. At Amsterdam we have a better location, and material is more convenient; so that I have divided this into two dams, making dam No. 21 a very low lift, making estimates to this effect, and leaving the matter for further examination to determine the expediency of uniting the two, by raising dam No. 21 to 10 58-100 feet lift.

ESTIMATE OF THE COST OF WORK AT DAM NO. 21.		Amount.	Total amount.
1,200	Feet square timber in dam, 10c.	1,200 00	
4,000	Feet round timber for ties, 9	360 00	
2,600	Perch stone in cribs, . . . . . 80	2,080 00	
	Abutment, . . . . .	800 00	
	Dike from observations taken 14,005. . . . .	1,400 50	
50,000	Feet 2 and 3 inch plank, . . \$20	1,000 00	
	Lock connected with dam, . . . . .		6,840 50
			8,190 00
	Total cost of work at dam No 21, . . . . .		\$15,080 50

## DAM NO. 22.—AMSTERDAM.

This is a salient point of the river, wisely selected by the Hollanders as an important location for a town, which they have projected as an adjunct to the flourishing settlement which they have so well commenced in this vicinity. It is not however a favorable point in the line of our work to admit of a greater concentration of lockage, as the bank of the river is rather low, the bottoms wide, and adjacent works are necessary at Wm. George's below, and at the coal bank four miles above. The lift of the lock at Amsterdam will be 5 45-100 feet or in round numbers five feet and a half. This will be sufficient to afford a fine water power, which can be conveniently located and applied on rock foundation at the north end of the dam.

ESTIMATED COST OF WORKS AT AMSTERDAM.		Amount.	Total amount.
12,000	Feet string pieces (foot square timber), . . . . . 10c.	1,200 00	
4,000	Feet round timber for ties, . . . . . 9	360 00	
2,600	Perch stone in cribs, . . . . . 80	2,080 00	
50,000	Feet board measure 2 and 3 inch plank, . . . . . \$20	1,000 00	
	Abutment of stone, . . . . .	800 00	
	Dike estimated at, . . . . .	2,000 00	
	<i>Lock connected with Dam.</i>		7,440 00
	Preparing foundation on rock, . . . . .	500 00	
2,280	Perch masonry in lock wall, . . \$3	6,690 00	
	Lock gates entire, . . . . .	1,000 00	
			8,190 00
	Total cost of the work at Amsterdam, . . . . .		\$15,630 00

## WHITE BREAST CANAL—DAM NO. 23.

The dam at Amsterdam is designed to flow sufficient water, to make an easy location of the lock and mitre sill at the terminus of White Breast canal, which I shall now describe. I have named this work after the stream White Breast, an important tributary which enters the Des Moines from the south-west, immediately above the

point where we design to erect a dam, and take out our proposed canal. This side cut, only one mile and 30-100 in length, cuts off a long bend of the river, and establishes our line of navigation so naturally on the general north-west direction, that after the location is determined its propriety seems so obvious, that I give myself no credit for its projection. The line of the canal follows the valley of a slough, keeping generally some distance from the bluff to avoid deeper cutting which would be the consequence of a nearer location. Approaching the lower end of the canal, the ground falls below our canal bottom, so that we approach nearer the bluff with the canal, at the same time carrying the line of embankment north, to secure a spacious basin near the lock, for the accommodation of boats. The dam is located on rock, but the north bank of the river is low, and a long dike is necessary to protect the dam, and avoid the overflow of "White Breast Prairie," which is now occasionally inundated.

ESTIMATED COST OF THE WORKS AT WHITE BREAST.			Amount.	Total amount.
19,200	Feet square timber in dam, .	10c.	1,920 00	
8,400	Feet round timber for ties, . .	9	756 00	
78,000	Feet board measure 2 and 3 inch plank, . . . . .	\$20	1,560 00	
4,020	Perch stone in cribs, . . . . .	75	3,015 00	
11,345	Yards dike embankment, . . .	10	1,134 50	
				8,385 50
	<i>Canal.</i>			
	Grubbing and clearing 1 mile and 2100 feet, . . . . .		1,200 00	
112,664	Yards of excavation, . . . . .	12c.	13,519 68	
11,177	Yards embankment, the earth to be moved from basin, . . .	20	2,235 40	
6,000	Yards embankment about lock, . . . . .	12	720 00	
				17,675 08
	<i>Lock at "Bubbit's Coal Bank"— 10 60-100 feet lift.</i>			
2,590	Perch masonry in lock walls, \$3.		7,770 00	
	Preparing foundation, . . . . .		1,000 00	
	Lock gates, . . . . .		1,000 00	
				9,770 00
	Total cost of the White Breast works . . . . .			\$35,830 58

## RED ROCK.—DAM NO. 24.

Passing through the White Breast canal, we enter the pool created by dam No. 23, which flows sufficient water up to the bend immediately below the village of Red Rock, where we have projected another dam and lock. The river was open at this bend when I passed it in the winter, and too high when we arrived there with our instruments this summer to admit of full and satisfactory examinations. The rock bottom extends across the river, but the channel is deep and rapid; and the dam will have to be constructed in deep water. Fortunately stone of the best quality is found in isolated blocks and massive cliffs immediately adjacent, convenient for the construction of any modified plan to suit such a work. To avoid flooding Red Rock, I have located a dike up the river bank, and through the upper part of the town extending to the bluff. The lands on the south side of the river opposite Red Rock, are occasionally inundated, and our dam will unavoidably increase this tendency to overflow. At low and ordinary stages these lands will not be flooded, so they will not be destroyed but injured. Such will be the effect at other places, but not to any great extent. Our dikes and other arrangements are designed to avoid these consequences; and when the work is under full success, and lands become so valuable as to justify the expense, a part of the revenue arising from the improvement can be applied to the further extension of dikes, so as to avoid all inundations.

ESTIMATE OF THE COST OF DAM NO. 24. RED ROCK.			Amount.	Total amount.
31,200	Feet square timber in dam, . .	10c	3,120 00	
17,280	Feet round timber for ties, . .	9	1,555 20	
8,148	Perch stone in cribs, . . . . .	70	5,708 60	
28,406	Yards dike embankment, . . . .	10	2,840 60	
100,000	Feet board measure 2 and 3 inch plank, . . . . . \$20		2,000 00	
	Abutment of stone, . . . . .		800 00	
				16,019 40
	<i>Lock—8 40-100 feet lift.</i>			
	Foundation prepared on rock, . . . .		1,000 00	
2,912	Perch masonry in walls, . . . \$3		8,736 00	
	Lock gates entire, . . . . .		1,000 00	
				10,736 00
	<b>Total cost of the work at Red Rock, . . . . .</b>			<b>\$26,755 40</b>

## BENNINGTON WORKS.

The dam below Red Rock flows the water up to the lower, end of the long and singular bend of the river known in the vicinity as Bell's bend; where we have projected another side cut denominated "Bennington Canal," from the name given to a new town commenced at the upper end of it. It will be readily seen by referring to the map, that a short canal from shoulder to shoulder of this bend, would save several miles of navigation; and it would overcome a considerable portion of the fall which is included in the canal as finally determined. My first design was to propose this short canal which I explored through deep snows with a flattering hope of an easy cut off; but I was sadly disappointed when I sought for a location at the upper shoulder, suitable for erecting the requisite dam.

The rock which is found at this point on the north side of the river, extends but a few yards into the channel, and the river bed is mainly composed of loose material. The south bank of the river is a sandy beach, which rises in the distance only to a low prairie. A poor prospect was displayed for miles below; the iron rod furnished no evidence of a suitable foundation for miles above; and we encamped on the stormy night of the 15th December; snow ten inches deep, and thermometer below zero, with gloomy prospects in view of the further progress of the Des Moines River Improvement. Fortunately this character of the river only extends about six miles above this bend; when at the new town of Bennington—sec. 9, T. 77, R. 21—we find good rock foundation, a high bank on the north side of the river; and fair bank on the south, where we can erect dam No. 25, and carry out on the north side of the Des Moines, the longest and most expensive side cut on the upper division of the improvement. The dam at Bennington, with a short cut of eight feet, turns the water into a valley which soon acquires the form of a natural canal, sufficiently deep and otherwise suited, with a little enlarging, for a steamboat canal. The first mile following down this ravine requires but little more than grubbing and clearing. Leaving this valley on the second mile, we cross a ridge of eight feet cutting, and descend into an old channel of the river, a wide deep *estero*,\* which we follow

\*NOTICE.—The Spanish word *ESTERO* is applied to lakes which connect with a river, in contradistinction to *LAGOON*, which has no such connexion. I prefer it here to the provincial application of the word *SLOUGH*, so common in this country, and which applies to every species of river bed, with or without water; while the word *ESTERO* applies only to a particular kind of slough, one containing water, and connecting with the river.

for near half a mile. Leaving this broad deep canal at the commencement of the third mile, we pass a summit with ten feet cut, and in four stations enter another slough, which we follow, curving out of it at the 22nd station, and passing a summit near Walnut creek with a cut of ten feet. The ground falls below bottom at Walnut creek, which will require an aqueduct of 25 feet span, with two stone abutments. Leaving the valley of Walnut creek, the cutting gradually increases till we pass a summit at Thomas Carr's, on the fourth mile, of ten feet cutting. Here the canal falls into a low bottom, and pursues the side of the bluff, requiring only one embankment on the south side. On the 13th station of the 5th mile we strike another wide *cstero*, where we lock down ten feet into this beautiful sheet of water. The lockage of ten feet will furnish a great water power which is entirely out of danger from floods, and will be therefore uninterrupted by backwater. For half a mile we follow this *cstero*, and thence pursue the foot of the bluff till we strike the river Narrows on the 39th station of the 6th mile. Here we have a river embankment seventeen hundred feet long, which can be formed of the earth and stone, of the adjacent bank of the river. After passing this point of Narrows, our canal pursues the foot of the bluff across Bell's Bend, where we again enter the river at the lower shoulder of this bend, descending into the pool of 14 45-100 feet lift.

We thus terminate the Bennington canal, on section 28 Township 77, Range 20. It is six miles and four thousand feet long, avoids the low bank and bottom adjacent to Bell's Bend, overcomes twenty-four and one half feet fall, and saves in the line of navigation five miles seven hundred and eighty feet.

ESTIMATE OF THE COST OF THE WORKS.		Amount.	Total amount.
	Lock connected with dam No. 25, at Bennington, .....		9,000 00
28,500	Feet square timber in dam, 10c	2,850 00	
16,500	Feet cross ties, .....	1,485 00	
7,245	Perch stone in cribs, .....	5,433 77	
100,000	Feet 2 and 3 inch plank, .. \$20	2,000 00	
	Abutment, .....	800 00	
48,766	Yards dike embankment, .. 10	4,388 94	
			\$16,957 71

		Amount.	Total amount.
<b>CANAL.</b>			
<i>First Mile.</i>			
	Grubbing and clearing, . . . . .	500	
21,455	Yards excavation, (routy and expensive,) . . . . .	13c 2,787 15	
	Guard lock between 4th and 5th section, . . . . .	3,000	6,287 15
<i>Second Mile.</i>			
	Grubbing and clearing, . . . . .	600	
67,984	Yards of embankment, . . . . .	11 4,178 24	
22,273	Yards of excavation, . . . . .	10 2,227 30	
	Acqueduct over Walnut creek, 25 ft. span, . . . . .	1,000	7,405 54
<i>Third Mile.</i>			
	Grubbing and clearing, . . . . .	500	
68,552	Yards of excavation, . . . . .	11 3,690 72	
23,500	Yards embankment, . . . . .	12 2,820	7,010 72
<i>Fourth Mile.</i>			
	Grubbing and clearing, . . . . .	800 00	46,661 12
35,140	Yards excavation, . . . . .	11 3,865 40	
16,694	Yards embankment, . . . . .	12 1,992 48	6,657 98
<i>Fifth Mile.</i>			
	Grubbing and clearing, . . . . .	750 00	
49,370	Yards of embankment, . . . . .	11 5,430 70	
19,350	Yards of excavation, . . . . .	10 1,935 00	
<i>Lock—10 feet lift on this mile.</i>			
2,587	Perch masonry in lock walls, . . . . .	3 00 7,761 00	
500	Yards pit excavation, . . . . .	15 75	
27,500	Feet square timber in foundation, . . . . .	10 2,750	
82,500	Feet 3 inch plank, . . . . .	20 00 1,650	
15,840	Feet 2 inch plank, . . . . .	20 00 316 80	
	Lock gates, . . . . .	1,000	
	Sheet piling, spikes and putling, . . . . .	500	22,168 59
<i>Sixth Mile.</i>			
	Grubbing and clearing, . . . . .	600	
68,301	Yards of embankment, . . . . .	14 9,562 14	
29,598	Yards of embankment, . . . . .	12 3,551 76	

	Amount.	Total amount.
1,700 Feet running measure embankment protection, 4 perches per foot run, 6,800 perch protection, 60c	1,080	
Casualties on this mile, . . . . .	2,000	16,793 90
<i>Seventh fractional Mile.</i>		
4,000 Feet grubbing and clearing, . . . . .	600	
51,031 Yards excavation, . . . . . 11	5,613 11	
2,500 Yards embankment, . . . . . 12	300	6,519 21
<i>Lock at lower end of Canal.</i>		
Foundation, (full timber, plank, &c.)	4,000	
4,531 Perch masonry in lock walls, \$3	13,593	
Lock gates entire, . . . . .	1,000	18,593
Total cost of the Bennington works, . . . . .		\$117,397 41

LAFAYETTE WORKS.—DAM NO. 26.

To avoid too high a dam at Bennington, which would overflow "Democrat prairie" and jeopardise our work, I have located a short canal at Lafayette, placing our lock below the fall which occurs at the bend, where we design to build dam No. 26. This is a short canal easily constructed, but the lock will require a timber and plank foundation, which adds very much to the cost. The canal is 3,400 feet long. The dam is in deep water, with similar convenience for getting stone to that named at a similar position, below Red Rock.

ESTIMATE OF THE COST OF LAFAYETTE WORKS.		Amount.	Total amount.
28,000 Feet square timber in dam, . . . . . 10c		2,800	
16,000 Feet round timber for cross ties, . . . . . 9		1,440	
7,000 Perch crib filling, . . . . . 70		4,900	
80,000 Feet board measure 2 and 3 inch plank, . . . . . 20		1,600	
Stone abutment, . . . . .		800	
Dike on north side, . . . . .		2,000	13,540

	Amount.	Total Amount.
<i>Canal.</i>		
Grubbing and clearing, very light, . . . . .	900	
16,814 Yards excavation, . . . . . 11	2,069 54	
12,072 Yards embankment, . . . . . 12	1,448 64	
		3,718 18
Lock with full timber and plank foundation, . . . . .		13,952 80
Total cost of Lafayette works, . . . . .		\$31,210 98

## DUDLEY WORKS.

The river at Dudley makes a long narrow bend to the North, which we cut off by a canal eighteen hundred feet long, saving three and one-third miles. The dam is located at the North extremity of the river curve, and nearly a mile and one half below the point where we take out the canal. By this arrangement we place the dam on a good rock foundation, and have a good bank to abut against on the North side of the river.

To prevent the river from turning the south side, I have surveyed and estimated a long dike, which would be equally necessary if we dispensed with the canal. The lock at the lower end of the canal will have 8 80-100 feet lift, affording a convenient and valuable water power on the east side of Dudley.

ESTIMATE OF THE COST OF THE DUDLEY WORKS.		Amount.	Total Amount.
23,000 Feet square timber in dam, . . . . . 10c		2,300	
12,300 Feet round timber for ties, . . . . . 9		1,107 00	
40,200 Feet B. measure 2 in. plank, . . . . . \$20		804	
45,000 Feet B. measure 3 in. plank, . . . . . \$20		900	
5,400 Perch stone in cribs, . . . . . 80		4,320	
Abutment of stone, . . . . .		800	
			10,231 00
30,206 Yards dike embankment, . . . . . 10c		3,020 60	
1,000 Piles to protect above dam, . . . . .		2,500	
6,000 Perch riprap stone on river bank, at . . . . . 70		4,200	
			9,720 60

	Amount.	Total Amount.
36,797 Yards canal excavation, . . . . . 11c. . . . .		4,047 45
Lock with timber and plank foundation at lower end of canal, . . . . .		13,540 00
<b>Total cost of works at Dudley, . . . . .</b>		<b>\$37,539 05</b>

COAL BANK CANAL.

Ascending the river above Dudley, we find it divided by "Minner Chute" and other *sloughs*, the main channel making a strong curve to the north, displaying a noted coal bank at the salient point, where the current is so rapid, and the river so narrow and crooked, that it is difficult for boats in high water to avoid disaster. Coal Bank Canal is designed to simplify the navigation through this complicated topography, and we have named the work after the most prominent local object in the vicinity. Some modification may be necessary at the extremities of this canal, as vegetation was so rank and dense as to render it extremely difficult to establish details. Centre stakes are driven at the end of hundred feet stations, on this as on all the other canals, and the curves are carefully protracted as sections of parabola; but clearing the ground will give an opportunity to shorten the curve at the upper end and improve the terminus below. This canal, the last in the series, is two miles three thousand feet long, and saves in the line of navigation, three miles six hundred and thirty feet. The lock at the lower end of the canal will have a lift of sixteen feet, and this is the only lock I have considered expedient at this work. If deemed necessary, another lock may be located in the dam to admit of a passage by the curve of the river; but the water is deep where the dam is located, making it difficult to establish a lock, and the route by the river is so difficult even in high water, that I have thought best to rely on the proposed canal above as the line of navigation.

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ESTIMATE OF THE COST OF COAL BANK WORKS.		Amount.	Total Amount.
28,500	Feet square timber in dam, . . . . . 10c	2,850	
16,500	Feet round timber for ties, . . . . . 9	1,485	
7,245	Perch stone in dam, . . . . . 70	5,071 50	
	Stone abutments on both sides, . . . . .	2,000	
23,280	Yards dike embankment, . . . . . 10	2,328	
100,000	Feet board measure 2 and 3 inch plank in dam, . . . . . \$20	2,000	
			<b>15,734 50</b>
<b>CANAL.</b>			
<i>First Mile.</i>			
	Grubbing and clearing, . . . . .	800	
	Rock excavation at head of canal, . . . . .	1,000	
93,756	Yards earth excavation, . . . . . 11c	9,213	
			<b>11,013 00</b>
<i>Second Mile.</i>			
	Grubbing and clearing, very heavy, . . . . .	800	
36,915	Yards excavation, . . . . . 11c	4,060 65	
10,875	Yards embankment, . . . . . 12	1,305	
			<b>6,165 65</b>
<i>Third Fractional Mile.—3,000 Feet.</i>			
	Grubbing and clearing, . . . . .	500	
54,470	Yards embankment, . . . . . 12c	6,536 40	
			<b>7,036 40</b>
<i>Lock—16 Feet tift at Lower End.</i>			
	Entire timber and plank foundation, . . . . .	4,000	
4,530	Perch masonry in walls, . . . . . \$3	13,590	
	Lock gates entire, . . . . .	1,000	
			<b>18,590 00</b>
	<b>Total cost Coal Bank works, . . . . .</b>		<b>\$58,539 55</b>

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 RECAPITULATION.
 

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Ottumwa Works, . . . . .	\$80,658	44
Dam and Lock No. 15, . . . . .	24,389	30
Dam and Lock No. 16, . . . . .	21,973	10
Dam and Lock No. 17, . . . . .	24,328	00
Dam and Lock No. 18, Neidas, . . . . .	28,626	00
Dam and Lock No. 19, Rocky Ripple, . . . . .	25,675	80
Dam and Lock No. 20, Bellefontaine, . . . . .	33,557	20
Bellefontaine Canal, . . . . .	48,547	99
Lock at Wright's, . . . . .	15,500	00
Dam and Lock No. 21, Wm. George's, . . . . .	15,030	51
Dam and Lock No. 22, Amsterdam, . . . . .	15,630	00
White Breast Works, Dam No. 23, . . . . .	35,830	58
Dam and Lock No. 24, Red Rock, . . . . .	26,755	40
Bennington Works, Dam No. 25, . . . . .	117,387	51
Lafayette Works, Dam No. 26, . . . . .	31,210	98
Dudley Works, Dam No. 27, . . . . .	37,539	05
Coal Bank Canal, Dam No. 28, . . . . .	58,539	55
	<hr/>	
	576,179	41
21 Ice Guards to protect lock, \$100, . . . . .	2,100	00
Add iron and work in dam foundations, 28 dams at \$1000 each, . . . . .	28,000	00
Add 10 per cent for contingent expenses, . . . . .	60,627	90
	<hr/>	
Total cost of work above Ottumwa, . . . . .	\$666,907	31
Former estimates below Ottumwa, . . . . .	500,000	00
Add for additions proposed since, and to cover contract prices, . . . . .	25,000	00
	<hr/>	
	\$525,000	00
	<hr/>	
Total cost of the Des Moines Improvement, . . . . .	\$1,191,907	31

The crest of the dam which turns the water into Coal Bank canal, is projected 309 79-100th feet above the water in the Mississippi river. The pool of the upper dam is 6 88-100 miles long, which carries us up to Racoon Fork. Allowing for the inclination of this upper pool three-tenths of a foot per mile, the water would be raised at the forks

(Fort Des Moines,) 3 feet above the level of December 22, 1848; and therefore give from 4 to 5 feet in the two branches at Racoon Fork.

I have thus detailed all the various works which I recommend as a combined series sufficient to secure slack-water navigation "from the mouth of the Des Moines river to Racoon Fork." The distance by the meanders of the river is two hundred and four miles and sixty-eight hundredths, and by the line of the improvement as designated by the blue line on the map one hundred and eighty-three miles and sixty-eight hundredths; showing a saving in distance by all the canals, of twenty-one miles. Including the canal now nearly finished at the lower end of the improvement, we have proposed eight canals; the aggregate length of all being 27 miles.

There are 28 dams, and two intermediate locks on canals; making 30 locks on the line of improvement. All the canals are carefully located, and the center cut or fill marked on stakes driven every hundred feet. The estimates have been made at higher rates than the average contract prices of the lower or first letting, because I apprehend an increase of the price of labor and provisions as the work progresses. I have given the items of the work at each point, so that prices may be tested by persons residing in the vicinity, and are familiar with the cost of stone, timber, &c.

In determining quantities, I have taken center cuttings every hundred feet in the canal lines, and made allowances for greater quantities where the ground required on the side cuts. The material in the dams, has been determined by the application of the plan of crib dams with perpendicular *tumbles* applied to each particular location. As all the dams are on rock, I consider this plan (a drawing of which is here submitted,) entirely sufficient. There will be repairs needed frequently on any crib dam, but this plan is much stronger than those now erected for mills on the river, the highest of which (that at Thoms') has a lift of 7 feet, and stands very well. The lock walls are calculated for heights to admit navigation through them at high water; so that at low water, when the lift is greatest and the pressure most powerful, we have a superincumbent wall to aid in support of this pressure. Without taking into account this superincumbent wall, I have estimated the thickness of the masonry sufficient to resist the pressure of the greatest head that can occur when a pool below the lock is drawn off, so as to withdraw the influence of back water. By applying these principles I have estimated the average thickness

of the walls at from 6 to 10 feet, and this average is to be so disposed of, as to increase the mass of masonry where the quion post and other causes increase the pressure; and diminish the mass where the pool of the dam or other causes remove the pressure. I name this because it is easy to augment the cost of a contract by increasing the amount of material; and it by no means follows that you increase the strength of the work as you add to the material. A bridge for instance may be broken down by needless weight of timber, and a dam may be weakened by an increase of buoyancy and additional leverage by addition to the length of timbers. States loose thousands, yes, millions, by needless waste of material, and it is here that ignorance can lavish and intelligence save the means applicable to this improvement. Engineering is a proximate science, but it constantly finds application of fixed sciences which properly understood and directed, secure the greatest economy in the work. It is the quantity more than the price that augments the cost, and it is in the use and calculations of quantities that the States and companies should fear the greatest loss. Few are competent to determine losses occasioned by errors in plan, and errors in the execution of plans; so that few can perceive the economy of science, when they do not understand the loss of wasteful experiments. I have estimated the value of the work of the Des Moines River Improvement as I think liberally; its cost depends on the management of the work. A cash letting I have no doubt could now be made below my estimate, but some items will always be suggested in the progress of a work which cannot be anticipated. If the board had the available means to apply to the work, there are many important reasons in favor of its immediate construction. Provisions are cheap, and labor can be procured low.—Material is also cheap, and other improvements have not been made, so as to require a large item to be set down for private damages. The settlement of the country would be accelerated by its early construction and the work would secure a precedence which would be of great advantage in view of other works that are contemplated and certain to be made.

When completed, according to the plan here proposed, it will be seen, that by the improvement the distance from the mouth of the Racoon Forks, will be in round numbers one hundred and eighty-three and a half miles. The mouth of the river, according to M. Nicolle,

is in north latitude 40 degrees 20 minutes and 42 seconds—and in longitude 91 degrees 32 minutes 20 seconds. The Racon Forks are in latitude 41 degrees 24 minutes 44 seconds—and longitude 92 degrees 37 minutes 7 seconds. These observations show that Fort Desmoines is 124½ miles West, and 73 miles North of the mouth of the Desmoines, and the straight line from the mouth to Racon Forks is therefore 144 miles; which determines the difference between the straight line and the line of our improvement to be 30 miles. The road usually traveled varies almost the same, and a rail road which may be located on the ridge parallel to the river, would not save much in the distance, compared with the river improvement. Steamboats pass the improved locks on the Kentucky river, Monongahela and Muskingum in less than eight minutes, the time therefore required for passing 30 locks on the Des Moines improvement may be safely put down at 300 minutes, or 4½ hours. Boats can run on the pools faster than they can on the Mississippi, and therefore I think at the rate of 15 miles an hour, which for the whole distance of pools and canals would be less than 13 hours add two-thirds of an hour for casualties and you have my estimate of the time required for packet boats to pass from the mouth to the Forks—18 hours. Lockage time on such an improvement is not lost time, because landing passengers and freight can always proceed during the same time, and business will assume such a form as to apply every moment of the lockage time to the business of commerce.—The time therefore which will be required to pass this improvement, will be sufficiently reduced to compete with stage travel by the road, and the business and travel of the Upper Des Moines country will justify the employment of a line of packet boats between St. Louis and Fort Des Moines, as soon as the improvement can be completed. Steamboats of 500 tons burthen run on the Muskingum improvement where the locks are much smaller than those we are constructing on the Des Moines. Transportation of freight will therefore be cheaper, even if it is made to pay the same exorbitant tolls.

Without going into details of comparison, I estimate the freight on a barrel of flour from Racon Forks to the mouth of the Des Moines, at 25 cents a barrel, and on wheat 8 cents a bushel. Much depends on the amount of toll required to pay for work and keep up the improvement; and I make my estimate by comparing it with what it

costs on public works of this kind elsewhere. By flat boats it would cost about one half this sum, i. e. 12½ cents a barrel for flour, and 4 cents a bushel for wheat.

In time and expense, and certainty, the plan of the Des Moines improvement will compare favorably with any improvement in any State, and the more I consider the country which is likely to contribute to its commerce, the more certain I am of its great importance.

Let us suppose all the commerce within ten miles of the Mississippi will be hauled into Keokuk on wagons, and suppose ten miles from the lower end we appropriate only the business within 5 miles, and say ten miles back from the Mississippi, the improvement will carry off the surplus within 5 miles on each side. Go up to Racoon Forks, and it is certainly fair to say this improvement, with its milling and manufacturing power and other inducements, will draw in the trade within 60 miles of Racoon Fork. Indeed at sixty miles distance, there is no prospect of a rival to the Des Moines improvement, and reference to the map will show that such is the distance to the Missouri, Mississippi and all other streams from Fort Des Moines; that we cannot doubt the reasonable prospect of this point being the center of business for a country one hundred miles West and North-west of it. But assuming 60 miles, and it now commands "this extent," we have a surface ten miles wide at the east end, 120 miles wide at the Forks, and, without counting anything for ten miles nearest the Mississippi, 134 miles long. To this area must then be added a semi-circle with 60 miles radius, which lies west of Fort Des Moines; which being computed gives for the surface drained by the Des Moines improvement, 14,364 square miles, or 9,092,960 acres of land. This is what I consider the country immediately attached and tributary to this river. There is a vast country north-west of Fort Des Moines, the *Cotcau des Prairies*, which will send a portion of its products down the upper branch of the Des Moines. The Des Moines is longer above Fort Des Moines than below. It rises, according to M. Nicolet, in the *Shetek Lakes*, latitude 44 degrees 3 minutes—longitude 90 degrees 1 minute 30 seconds; a point 138 north and 144 west, and therefore in a straight line 200 miles from Fort Des Moines. Some improvement will be made to secure an outlet for the products of the country, and the most natural one will be by the valley itself, which according to M. Nicolet is peculiarly adapted to water navigation. He says "the hydrographical relations of the

Des Moines with the Mankato, St. Peters and Mississippi rivers, present a geographical incident of some interest.

By referring to the map in 43 degrees 45 minutes—longitude 95 degrees 12 minutes, (a point 161 miles above Fort Desmoines,) it will be seen that there is a lake very near the Desmoines named *Tchan Shetcha*, or Dry Wood Lake. The Wautanwan river, which is a tributary to the Mankato, that empties itself into the St. Peters, has its source in this lake. Now the tongue of land separating the Desmoines from *Tchan Shetcha* lake, is not more than a mile to a mile and a half broad, so that, were a canal cut across, the water of the Desmoines would be made to communicate with those of the St. Peters." This not only shows that others have conceived the idea of improvement of the river above the Racoon Forks; but the *Shetek* lakes and the connection with the St. Peters are indeed extraordinary incidents in favor of the future construction of such an improvement. I have before also alluded to the proximity of the Western terminus of the Desmoines improvement to the valley of the Nebraska; and here reiterate the probability of a connection with that valley, which will draw in a share of the trade and travel of the far West. But excluding the advantages which we may derive from extended works, and confining ourselves to the surface I have suggested as the legitimate field which is destined to produce a commerce for this river, and the importance of the work is enough to command the united energies of the whole State. The county of Wayne, in the State of Ohio, produced in 1840, according to the census of that year 1,763,741 bushels of the various cereal grains, wheat, corn, rye, &c. It now no doubt produces more than 2,000,000 of bushels. The Desmoines country, that I have been considering, is decidedly richer and more capable of producing those grains than the county of Wayne, but taking this as a unit, then the area drained by our improvement would with the same culture produce 42,000,000 of bushels. This is only one item, to which may be added the wool, potatoes, hay, apples, manufactured articles; to say nothing of the coal, and the mineral products, that will swell the annual wealth of the country, and enlarge the commerce of the river. Settlements are now rapidly extending over all parts of this area, and such is the ease of preparing and cultivating the soil, that I hazard the opinion that ten years of labor in this section of country, will do more towards perfecting a

farming district, than can be effected by 40 years of the same amount of labor applied to a heavy timbered county like the county of Wayne. Counties on the Desmoines, which commenced their settlement five years since, now send on a large surplus of cereal grains, besides a greater surplus of horses, beef cattle and hogs. These considerations demonstrate, that we cannot easily over-estimate the products of this country or too soon prepare a market for its accumulating surplus.

An important item of commerce on this river will be derived from the mineral products of the valley to which I have before alluded.—Stone coal appears to increase in quantity and quality as we proceed up the Desmoines. It is found in many places in bluff banks, where it can be wheeled directly from the mine into the boat; and we may form some idea of the convenience of mining from the fact that with the imperfect arrangements now adopted, it is delivered at the mouth of the coal bank at Fort Desmoines, at two and a half cents per bushel. This is the bank belonging to Mr. Van, and I suppose is no more than a fair specimen, since I found the strata of coal in different places to vary from two to eight feet in thickness, and this stratum at the Forks is about five feet thick.

As this Desmoines coal field is the farthest west, it is of great importance to the Mississippi valley, and it will be matter of interest connected with the proposed rail road to the Pacific, since this valley will probably offer the nearest and most convenient fuel to supply the destitute country west of the Missouri river.

Gypsum (plaster paris) is found near fort Des Moines in large cliffs of inexhaustible masses, and at present prices in St. Louis, it would be a profitable article of commerce if the improvement were completed. The magnesia lime stone, and the white, red and yellow sand stone which prevail in great abundance along the entire length of the improvement, are so excellent and easily prepared for building purposes, that they will also some day be carried to towns on the Mississippi.—The rough and rocky head lands near the mouth, at "Cowpen's old mill," at "Raven Cliff," "Blk Bluff," and the beautiful mountain of "Red Rock"—all noted land marks that have stood for ages as silent and gloomy sentinels, guarding the clear bright river that flows at their base—will be rent by the blast and broken by the workmen; and their fragments will be removed and erected into mansions

which will adorn the cities on the Mississippi, and the valleys and hills of the surrounding country.

Respectfully submitted,

SAMUEL R. CURTIS,

Chief Engineer.

To Messrs.

HUGH W. SAMPLE,

CHARLES CORKERY,

PAUL BRATTON,

*Board of Public Works of the State of Iowa.*





completed and delivered in the month of July following. I proceeded without delay to forward it to the school fund commissioners, with instructions to give it as general a circulation as the limited number of copies printed would permit. It soon became necessary, however, in consequence of the increased demand by the organization of new counties, to restrict the circulation to only a portion of the school officers. In the event, the publication of a new edition is authorized this winter, it is hoped that a sufficient number of copies will be printed to give it a much wider circulation than it has yet had. We could not probably adopt a more effectual method of awakening that interest in the public mind, which the subject of education demands. I feel warranted in saying that such are the wishes of the people. I have met with hundreds of our citizens who knew comparatively nothing about our school system, from the fact that they had been unable to obtain the law. Every family in the State should have at least one copy.

The distribution of the law was attended with a good deal of delay. This was particularly the case with the interior counties, there being but little communication with most of them, which would admit of the transmission of the requisite number of copies without great inconvenience and expense. I have succeeded however in supplying every organized county, in which a school fund commissioner has been elected. I have out of the three thousand copies printed, only forty on hand. Five times the number could have been distributed profitably and would not more than have answered the demand.

During the present year I have travelled extensively through the State, and lectured wherever it was practicable to do so. While I did not find that degree of prosperity among the public schools which is desirable, yet I am happy to state, that in every neighborhood I visited, districts had been organized and schools established, and a desire was manifested by the people to become familiar with the duties required under the law. In the new counties the settlements are so isolated, that it is unreasonable to anticipate as much solicitude on the subject, as might be expected under different circumstances. But this inconvenience is temporary, and will soon be obviated by the rapid growth of the country.

As a matter of convenience in referring to the various subjects embraced in this report, I propose to classify them in the following order.

giving under each particular head every thing that naturally pertains to it :

## SCHOOL DISTRICTS.

Under the law of February 25, 1847, the power to form school districts and to alter and change the same as they might deem advantageous was vested in the school inspectors, but under the present law it is assigned to the fund commissioners. In a circular under date of June 4, 1850, I instructed them in reference to this particular duty as follows :

“Under the new school law it becomes your duty to divide your county into school districts, and to have the same organized, where it has not been done. To enable you to do this I would suggest that you make or procure a *plat of the county*, with the *municipal townships*, streams, &c., correctly delineated upon it. Then collect the books and papers from the inspectors, from which ascertain as accurately as possible the boundaries of districts formed, and the alterations subsequently made, by them and their predecessors, which you will sketch on your plat with a *pencil*. This will afford you an opportunity to examine the whole subject, and to distinguish between those districts which have been *legally* organized and those which have not, in determining which you should apply to the *first section* of the *supplemental act* of January 12th, 1849; in connection with such other information as may be gathered from the records of the inspectors. You will then mark the boundaries of those districts which you conceive have been regularly organized, with *ink*, record all the facts connected with your examination and decision, and proceed to divide the *unorganized* territory into districts as may best suit the convenience of the inhabitants, and order meetings for the election of officers as provided in the 33d section of the new school law. I conceive that authority is conferred upon you by the 29th section to change the boundaries of a district whenever you may think it expedient, *without a petition*, but the petition referred to in the latter clause of the section would *compel* you to do it regardless of *your own views* respecting the change. There is but *one* day specified in the new law for the election of district officers in *organized* districts, namely : *the first Monday in May of each year*, but in the formation of *new* districts, you can order the election whenever you think proper. In *organized* districts, there-

fore, which failed to elect officers in May last, the old officers should qualify and give bonds under the new law, (the moderator as president, the clerk as secretary, and the other member of the board as treasurer,) and continue in the discharge of their duties till the first Monday in May next, or "until their successors are elected and qualified." The same course should be pursued where the election in May is considered defective, or illegal. Where organized districts have been left *entirely without officers*, by removal or otherwise, you will *immediately* order an election, and post up notices, or appoint some person to do it, *setting forth the particular object of the meeting*, in accordance with section fifty-three of the school law. Districts composed of *parts of counties*, must be formed by the *concurrence of the respective fund commissioners*, and each of them should make a record of the fact."

In accordance with the above suggestions they proceeded to examine the district organizations of their respective counties, the result of which was that a large proportion of them were found defective. In many cases the inspectors had kept no record of their proceedings, and in others where partial records had been kept, the commissioners were unable to obtain them. Much confusion had grown out of these irregularities prior to the passage of the present law, which the facts developed by the investigation served to ripen into open hostility. Under these circumstances the commissioners determined to reject such organizations as could not satisfactorily trace their legitimate existence, and to institute new ones in their stead. Their action being generally acquiesced in by the people, harmony was comparatively restored. Subsequent to this period some doubts arose as to the effect of the *petition* provided for in the latter clause of the 29th section of the school law. The controversy in regard to boundaries was soon renewed, and the fund commissioners were literally besieged with petitions and remonstrances. With the hope of allaying the excitement, and of fixing some definite and general rule of interpretation, I presented my views on the subject in my circular of January 25th 1850, an extract from which it may not be improper here to insert:

"The formation and alteration of school districts appears to be a source of much perplexity. This duty is at present assigned to the fund commissioners, but their action, in a great measure, is controlled by petitions from the districts, as provided in the latter clause of sec-

tion 29, page 41. For instance, if one of two adjoining districts desires its boundaries so changed as to include a portion of the territory of the other, by presenting a petition of two thirds of the legal voters to the fund commissioner, they can compel him to grant it, unless a counter petition of two thirds is presented by the other district, the effect of which would be to leave the line as it originally stood, and settle the controversy in reference to that *particular change*. Other changes, however, might still be proposed, each of which would be disposed of in the same manner, unless some one should be proposed to which both districts would accede. Again—the fund commissioner may make such an alteration *without* a petition, but even then a petition of two thirds from the district effected would compel him to restore the original line, unless a counter petition of two thirds, from the district in whose favor the change might be made, should sustain him.”

This construction was favorably received with but few exceptions, and served in a great measure to check, but not effectually to remove the evil. Indeed nothing but additional legislative provisions will do it. While authority is given to any officer or officers to alter the limits of school districts either with or without the consent of the people, it will be a source of trouble. To insure success in the establishment of schools, the boundaries of our districts must be permanently defined by law.

#### INTRODUCTION OF THE BIBLE.

It is well known that the introduction of the Bible into the public schools of some of our sister states has been a matter of controversy, but I am happy to say that no such controversy exists in Iowa, and I trust never will. Our law is silent on this subject, and so I think it should remain. The responsibility now rests where it properly belongs—at the door of parents and guardians. Those who wish their children to study the Bible in the district school, are indulged in that wish, and those who do not wish theirs to study it thus, are also gratified in their preferences. From this principle I think we should not depart. Should there be ninety-nine children in one of our public schools, whose parents desire they should use it, and one, whose parents are averse to it, we are bound alike in both cases to respect their wishes and protect their rights. While I venerate this sacred vol-

ume, and would that every child in our land should be taught the divine precepts which it inculcates, yet I am not in favor of forcing it upon the consideration of a single individual by arbitrary enactments: and upon the same principle, I could not consent to abridge the rights of those who may wish to study it themselves, or to have their children instructed in it. I conceive then that the correct doctrine is, neither to introduce, nor exclude it by law.

#### SCHOOL HOUSES.

I have uniformly urged the propriety of erecting permanent school houses, where it was at all expedient to do so. The repeated changes that have occurred in the formation and alteration of school districts have exerted a dilaterious influence in this particular. Yet many very creditable buildings have been erected. The town of Muscatine has rather taken the lead in the matter. It is divided (unfortunately I think,) into two districts, in one of which a neat edifice has recently been completed, 40 by 45 feet, two stories high, at a cost of about \$2,500. The lower story is 11 and the upper  $11\frac{1}{2}$  feet high. In the other district a building 46 by 60 feet, two stories high—each story 15 feet—estimated cost \$3,000—was commenced this fall and is to be completed early in the spring. Both houses are constructed of brick with a vestibule in front, and separate apartments assigned for recitation, library and apparatus. The seats and desks are to be constructed on the most improved plan. Thus, a town, occupying the third rank, in point of population, among those of the state, has contributed in the past year for this single object, the sum of \$5,500. Such enterprise must be appreciated, and cannot fail to produce the happiest result. The citizens of Burlington have also been actuated by an equally commendable spirit, but have been much retarded in their operation by some misapprehension in regard to the formation of their district. A brick building 39 by 63 feet, two stories high, with five rooms—designed for 300 pupils—estimated cost \$4,150 exclusive of the ground—is now under contract to be completed in August next. The lower story is  $12\frac{1}{2}$  and the upper  $14\frac{1}{2}$  feet high. The foundation was laid this fall, and the materials have been procured for the prosecution of the work in the spring.

The people of Dubuque moved in the matter in the summer of

1849, and during the present year completed two brick buildings, 25 by 40 feet each, and one story,  $11\frac{1}{2}$  feet high. Each house is divided into two apartments, intended for 40 scholars. The total cost of both buildings, exclusive of the ground, is about \$1,300. It is to be regretted that a town possessing such ample resources and facilities for building, should have adopted the policy of erecting school houses so totally inadequate to the wants of the community. I am advised however that a larger and more durable building is in contemplation, and it is to be hoped that those interested will consult their own present and future welfare, in giving it such proportions as shall correspond in some degree, with the prosperity and future prospects of the place.

In the town of Ft. Madison a tax of \$2,500 was voted in May last for the erection of a school house, but owing to some diversity of sentiment produced by a subsequent division of the district, nothing definite has yet been done. It is believed however, that the difficulty will be amicably settled, and the building erected in the course of the coming summer. There are other instances among the interior towns where a corresponding interest has been manifested, but it is impracticable to enumerate them in this limited notice. The towns to which I have referred are the oldest in the State, and consequently we have reason to expect more from them. Many very neat and comfortable school houses have been erected in the valley of the Des Moines, and in the northern and western counties during the last two years. In numerous instances the districts have been unable to build in consequence of the great inconvenience in procuring lumber and other suitable materials. From what has already been accomplished, it is confidently believed that the work will be resumed in the course of the next summer with renewed vigor. The impediments that now exist will gradually be removed, so that in the process of time we can accomplish in a few months, the labor of years under existing circumstances.

I cannot permit this opportunity to pass without reiterating in part what I have heretofore said in regard to the erection of school houses, and in doing so my remarks are intended to apply more particularly to those portions of the state, where the settlements are such as to admit of permanent buildings. In providing the means of education, two specific objects should be kept in view—to secure the most efficient mode of instruction, with the least possible cost and labor. That these ends are to be attained by the construction of temporary school houses,

where permanent ones are required, I think no one will contend. Suppose for example, that in providing for the instruction of 2000 children, we should apportion them among 100 schools, giving to each school 20 pupils. The first step would be to erect 100 school houses, which, to be at all comfortable, would cost at least \$300 each, making \$30,000. In addition to this, 100 teachers are necessary, each of whom must be just as competent to govern and instruct, as though he had 100 pupils under his charge. Such teachers could not be procured for a less compensation than \$20 per month, which for a term of six months would make \$12,000. This added to the amount for the erection of buildings, would make \$42,000, the cost of instructing 2000 pupils for six months, being \$21 for each pupil. Suppose now we concentrate them in one school. A building adapted to their wants can be erected for \$15,000. The children being classified, 40 teachers can instruct them, and allowing the same compensation per month as in the former case, we have for tuition \$4,800, which added to the amount paid for the house gives \$19,800 as the cost of instruction for 2000 pupils for six months, or \$9.90 for each pupil, being a reduction of more than one half in cost, saying nothing about the labor saved by the classification of the pupils. This illustration is not designed as a correct criterion in regard to the cost of instruction, but simply to show the difference between the two modes under consideration. That the last named prices admit of a still further reduction, there is no question. I visited one of the ward schools in New York last fall, where about 1700 children were concentrated in one building, under one teacher as principal, and twenty-three subordinate and assistant teachers. The effect of adopting this plan in the eastern States is, that the pupils can be instructed in all the branches taught in the best schools, for about \$6.00 per annum. Parents have frequently complained to me that they are paying \$20 per annum each for the instruction of their children in our most ordinary schools, and have enquired what method they should adopt to obtain relief. My answer is—*erect permanent and commodious school houses—concentrate and classify the children.* And I would add for the benefit of those districts, which are hesitating in the matter, that there is a wide difference between simply *beating the bush* and *catching the bird*. In plainer terms, while some districts are wrangling about the *propriety* of the thing, others have consummated the work, and are reaping the benefits.

Under this head I wish to invite your special attention to a work entitled, "School Architecture," an octavo volume of about four hundred pages, with nearly three hundred illustrations, by Hon. HENRY BARNARD, at present State Superintendent of common schools for Connecticut. The retail price of the work is two dollars per volume, but I am assured by the author that we shall have it *for the use of the State* at the greatly reduced price of *one dollar* per volume. I would therefore respectfully and urgently recommend that the sum of \$200 be appropriated for the purchase of a corresponding number of copies, and that the superintendent of public instruction be authorized to procure the same at an early day, and to deposit at least two copies with each fund commissioner for the use of the respective districts of the county.

Mr. B. has been connected for many years with the public schools of Connecticut and Rhode Island. He is a gentleman of high literary attainments and refined manners, possessing all those amiable and social qualities which qualify him in an eminent degree for the position he now occupies. But few men in this country—I believe, I may safely say no man in this country, has manifested a deeper interest in the cause of popular education. In addition to his labors in the United States, he visited Europe in 1836, and devoted some thirteen months to an examination of the schools of that country. He is regarded by the educational men of the Atlantic states as one of the *working men* in the cause of common schools. Where any thing is simply to be talked about, there are others to whom the preference is justly due; but where plans are to be originated and carried into effect, having the mind to conceive and a hand to execute, the author of the work under consideration is selected for the task. The experience of nearly the whole life of such a man we find embodied in Barnard's School Architecture. When I first entered upon the discharge of my official duties, the inadaptation and uncouth appearance of our school houses called loudly for reformation, but I knew not what source to resort to for information, until I obtained possession of this admirable volume. Indeed I was not apprised that our country was in possession of a treasure of such value. In addition to the great variety of beautiful and symmetrical plans for school houses which it presents, it contains a fund of information which cannot fail to interest and instruct the friend of education, and to direct the mind of the enquirer into the channel of useful and efficient labor. I have

recommended the purchase of only two hundred copies, and in view of the advantages to be derived by giving it a general circulation, not merely in obtaining convenient plans for school houses, but in the actual expenditure of means for their erection, I am persuaded that you will not hesitate to make the necessary appropriation for procuring them. Some of the older states have provided a copy for each township; and nearly all of them have ordered a greater or less number for the counties. To show that I have not placed an undue estimate upon the work, I beg leave to call your attention to a few extracts, which embrace the views of others more competent to decide upon its merits than myself.

Hon. IRA MAYHEW, late Superintendent of Public Instruction for the State of Michigan, says—

“This work is worthy of a place in every township library in the State, and should be consulted by every building committee before determining upon a place for a valuable school house. If it can be widely circulated in this State at an early day, many districts and a generation of children may be saved from the curse of a poor school house.”

Hon. HORACE S. COOLEY, late Superintendent of common schools for the State of Illinois:

“In order to render general the advantages to be derived from years of continued effort to perfect these plans, I recommend that provision be made for furnishing access, by every school officer in the State, to that most valuable of books, Barnard’s School Architecture.

Hon. HORACE EATON, State Superintendent of common schools, for Vermont:

“The Superintendent has named this treatise because, for the purpose contemplated, he knows of no better work, and he is disposed to say farther—that no better one is required.”

Hon. HORACE MANN, Secretary of the Board of Education for Massachusetts:

“If a copy of Mr. Barnard’s book could be placed by the State in the office of the town clerk of every town, to be there kept for general reference, it would greatly improve the school houses to be hereafter erected, and would save in the expense of subsequent alterations a hundred times more than it would cost.”

Hon. T. F. KING, State Superintendent of public schools, for New Jersey:

"It would be a judicious expenditure of money, amply repaid by the benefits which would accrue to the children, if the legislature should direct the purchase of a copy for each township in the State, to be preserved in the office of the town clerk, and the attention of the legislature is respectfully called to the subject."

HON. CHRISTOPHER MORGAN, Superintendent of common schools, for the State of New York:

"Such a work has been published within the last year by HENRY BARNARD, Commissioner of public schools for the State of Rhode Island. It is entitled "School Architecture," and not only contains all that is desirable upon that subject, in the way of plans, specifications, instructions, and descriptions, but is a compendium of useful knowledge and practical suggestions upon every topic relating to common schools.

I do not hesitate to recommend to the Legislature to authorize the Superintendent to contract with the publishers for a number of copies sufficient to supply one for every district, and that the expense be deducted from the next annual appropriation of library money."

HON. SETA P. BEERS, late Superintendent of common schools for the State of Connecticut:

"The Superintendent is of opinion that a copy of this volume could with great advantage to the schools be placed in the hands of the committee of each district. Besides the fullest information on the subject of which it principally treats, it contains valuable hints and suggestions, respecting the classification of schools, books on the theory and practice of teaching, and on the different kinds of apparatus needed in schools of the different grades."

*From the Democratic Review.*

"Reader, if, as we hope, you are a fellow-worker to any extent in the great cause of education, take Mr. Barnard's book with you when you visit your district school—examine his models for school-houses, see what may be done with a little money, a little public spirit, and careful attention to details, and then go and do likewise. The district school is the pride of our country—may the day come when it shall be its ornament also."

*From the Knickerbocker.*

"MR. BARNARD'S book forms a neat octavo volume. It is every way worthy of his reputation as an authority on education. It is the text book on this very important subject of school architecture, a subject

of humble pretensions, but an important branch of the great subject of national education."

*From the Horticulturist.*

"MR. BARNARD is already widely known as the intelligent and indefatigable school commissioner of Rhode Island. In the present volume, he has brought all his information on this subject together, in a well digested and systematic form. We have rarely met with a volume more replete with truly valuable, practicable information."

*From the Vermont Chronicle.*

"No other writer on the subject is to be compared with Mr. BARNARD for the fullness and variety of his materials, and the completeness of his work in regard to all the points that are to be considered in the building and furnishing of school houses. The whole book is replete with information, and we heartily recommend it as one that ought to be accessible to every school district."

#### SCHOOL BOOKS.

In compliance with the 7th section of the school law, I recommended the following text books for the use of the district schools of this State :

Sanders' Primary School Primer.

" Pictorial " "

" Spelling Book.

Child's First Book in Drawing, by Josiah Holbrook. "Nature before books, and drawing before writing," is the author's motto.

Winchester's Primary Writing Book.

" Theoretical and practical Penmanship, in four books.

Sanders' 1st, 2d, 3d, 4th, and 5th Readers.

McElligott's Young Analyzer and Manual.

Parley's Universal history, with engravings.

Webster's primary school and pronouncing Dictionary.

Colburn's first lessons in Arithmetic.

Perkin's elementary Arithmetic. Revised edition.

" higher Arithmetic, by G. R. Perkins, Principal of the New York State Normal School.

Mitchell's Intermediate Geography.

" School Geography and Atlas.

Mitchell's Ancient Geography.

“ Atlas of outline maps.

“ Series of large outline maps.

Wilson's History of the United States.

Well's School Grammar, by W. H. Wells A. M.

It will be seen, however, from the reports of the fund commissioners, that but little progress has been made in regard to uniformity. I find that teachers are generally prejudiced in favor of the books with which they have been familiar in the prosecution of their own studies, and their recommendation usually governs in the matter. One teacher, upon taking charge of a school, has his favorite books, and partially succeeds in introducing them. In three or six months his term of service expires, and he is succeeded by another, who repudiates those used by his predecessor, and recommends a new series. In this way the schools soon become overrun with an almost endless variety. I do not mean to apply these remarks to our teachers without discrimination, for some of them I am aware have labored faithfully to remove the evil. I speak in general terms of a pernicious custom, that prevails too extensively in the west. Families also, emigrating to the west, bring with them the books used in the region of country from whence they came, and from necessity or preference decline purchasing others, till the old ones are worn out. Book agents and publishers too, are entitled to no inconsiderable share of the blame. I do not wish to be understood as interfering with them in the legitimate disposition of their publications, but the conduct of that class of them who endeavor to impair the credit of valuable works already in use, for the sake of introducing their own, is certainly highly reprehensible. I am persuaded that but little can be done in the way of legislation to remedy the evil, till the country becomes sufficiently settled to justify statutory provisions of an arbitrary character. In the meantime teachers can do more than any other class of persons to produce reformation, by uniting upon some good series that can be introduced with the greatest uniformity and utility. School districts too can do much; indeed the work must commence with them. Let each district institute and enforce the proper regulations on the subject, and the desired end will soon be attained.

It will be proper, in this connection to remark, that a number of publications have been forwarded to this office for examination, but being unable to give each one a specific notice, I stated to the vari-

ous publishers with whom I met, when ~~east~~ last fall, that I purposed establishing a *library of school books, to be kept at the Superintendent's office for the benefit of teachers and others who might wish to examine them, and suggested to them that the most effectual method of directing the attention of the friends of education in this State to their respective works, would be to forward a copy of each to be deposited in it. Many of them have complied with this suggestion, and we now have in the library 295 volumes, embracing every variety of elemental, scientific and classical text books.*

I would embrace this opportunity of extending a more general invitation to teachers and others interested, to call and examine them whenever it suits their convenience to do so. It will afford me pleasure also to communicate any information respecting them by correspondence. The Library is designed to be connected permanently with this office, and in process of time, with a little care, we may concentrate in it all the school publications of any note in this country, which will enable teachers and school district officers to inform themselves fully on the subject before they make selections.

#### REPORTS AND PERIODICALS.

In June 1848 I commenced the performance of the duties of Superintendent of Public Instruction, with but one document on the subject of schools before me—the school law of our own state. The inconveniences therefore under which I labored, can be readily imagined. But by correspondence, and exchanges effected with those connected with the public schools of other states, I have succeeded in collecting some 14 volumes and about 100 pamphlets of educational matter. While visiting the schools of the Atlantic and middle states, I purchased about 70 volumes and 140 pamphlets in addition to those above referred to. So the office is now supplied with one of the best collections of educational statistics in the United States, embracing the most authentic information concerning the schools of this country, and to a very considerable extent those of Europe. The collection which I purchased is a valuable one, and was procured on reasonable terms. Though not directly authorized to effect the purchase, in view of the benefits to be derived from it in founding a school system, I should have considered myself culpable, had I permitted so favorable an opportunity of supplying the demands of the State to pass without

embracing it. By having immediate access to this fund of information, the duties of my successor will be rendered less arduous, and his services will be far more valuable to the State, than they possibly could have been under different circumstances. Those only whose time and thoughts have necessarily been much occupied with the subject of popular education are prepared fully to appreciate the advantages it affords, and it may be added that the experience of the past is perhaps more necessary in the investigation of this, than any other subject.

#### NORMAL SCHOOLS.

Under the provisions of "An act to establish Normal Schools," approved January 15th, 1849, I proceeded on the first of October of that year to divide the State into three districts, to wit:

The counties of Lee, Des Moines, Louisa, Washington, Jefferson, Van Buren, and Henry, shall compose the first district.

The counties of Alamakee, Clayton, Dubuque, Delaware, Buchanan, Jackson, Jones, Linn, Benton, Clinton, Cedar, Johnson, Iowa, Scott, Muscatine, Tama, Marshall, and Story, and all the unorganized country north of township eighty-five north, shall compose the second district.

The counties of Davis, Appanoose, Wapello, Monroe, Lucas, Keokuk, Mahaska, Marion, Warren, Madison, Poweshiek, Jasper, Polk, Dallas, Boone, and Pottawatamie, and the unorganized country south of the northern line of township eighty-five north, shall compose the third district.

At a meeting of the trustees of the state university prior to this time, I presented the names of individuals suggested, by the people of the respective counties in which the schools were located, as trustees. The recommendations were unanimously concurred in, and the Secretary of the Board was instructed to give the necessary notice of their appointment. The names of the trustees at Andrew were forwarded accordingly, but those for the schools at Mt. Pleasant and Oskaloosa were accidentally mislaid by the secretary, and consequently never transmitted. Owing to this fact but little has been done at the two last named points. At a meeting of the citizens of Mt. Pleasant, a committee was appointed to procure subscriptions for the erection of suitable buildings, but no definite action has been

had at Oskaloosa. When my attention was called to the matter some months subsequently, I made repeated efforts to convene the board of trustees with the view of supplying the deficiency, but was unable to obtain a quorum. An interest was manifested by the people of both places, but having no organization they were unable to proceed. The school at Andrew was organized on the 21st of November 1849, under Mr. Samuel Pray as principal, and Miss J. S. Dorr, as assistant. A convenient and commodious building was procured temporarily, and the first term of the school immediately commenced. The school is divided into two departments, primary and higher. The higher department is subdivided into three classes, junior, middle and senior. The course of instruction is similar to that adopted by the state normal school of New York, accompanied with lectures by the principal on the theory and practice of teaching, astronomy, natural philosophy and physiology. There are two terms of twenty-one weeks each—the first commencing on the fourth Monday in August, and the second on the first Monday in February of each year. One hundred and fifty pupils have been admitted the present year, three of whom are instructed free of charge, having obligated themselves, as the law requires, to teach in the common schools of this state for three years. In April last Mr. Pray was succeeded by Mr. D. G. Jones, and Miss Dorr, by Miss M. J. Burtoo. A permanent building is now in process of erection; the estimated cost of which when completed, is \$2,000. Of this amount \$1,000 has been raised by subscription, and expended under the direction of the trustees. The building is 30 by 50 feet, two stories high. The lower story is 10½ and the upper 12 feet high. The former is designed for the primary department, and will contain 75 pupils. The latter, for the higher department, accommodates 100 pupils. Provisions are made in the lower story for library, apparatus and recitation. The financial statement shows that the sum of \$931,03 has been expended for compensation of teachers and contingent expenses, and \$443,31 received on tuition for the current year, leaving a deficiency of \$487,72. Many other facts of interest concerning the progress and future prospects of the institution are presented in the report of the secretary, Mr. J. B. Dorr, but the claims of other topics, to be embraced in this report, render it impracticable that I should refer to them more at length. No aid has yet been received from the university fund, from the fact that no portion of the university lands have

been disposed of. The connection existing between the Normal schools and this fund will be further considered under a more appropriate head.

## DEAF, DUMB AND BLIND

Under "An act to provide for the instruction of the deaf, dumb and blind" approved January 15, 1849, eleven persons have been reported to this office, and certificates have been issued in their favor, by the undersigned to the Auditor of State. The following is a list of their names with their respective ages, and the amount drawn by each from the Treasury.

Names	Age	Imp'd- ment	County	Date of Certificate	Amount
Helen A. Brabrook,	10	d & d	Scott	June 18, 1849	\$100 00
Dennis A. Dewey,	11	"	Johnson	" 20, 1849	100 00
Saphrona Wellington,	23	"	Louisa	Oct. 2, 1849	100 00
Josephine Porter,	10	b	Johnson	Jan. 7, 1850	50 00
Rhoda Bowen,	24	"	"	" 16, "	50 00
Susannah Huston,	12	d & d	Dallas	" 25, "	50 00
John F. Wendel,	13	b	Jackson	" " "	50 00
Elizabeth Matthew,	16	d & d	Davis	Feb. 19, "	50 00
Augustus J. Garden,	19	"	M'h'ska	April 24, "	50 00
William Gunn,	14	b	Clinton	May 18, "	50 00
James Gilliland,	20	"	Johnson	Oct. 10, "	50 00

The total amount drawn from the appropriation for the deaf and dumb is \$450 and from that for the blind is \$250. The sum appropriated for the former was \$500 and for the latter \$250. Each applicant is restricted to \$50 per annum, and this privilege only extends to two years. In view of the great expense to be incurred by the parents of these afflicted children, I would recommend a very considerable increase of this appropriation. At the American Asylum, for the instruction of the deaf and dumb, at Hartford, Conn., the charge for each pupil for board, lodging, washing, fuel, lights, stationery, tuition and incidental expenses of the school room, is \$100 per annum, payable six months in advance. In the New York institution for the deaf and dumb it is \$130 per annum, clothing and

travelling expenses excepted, or with clothing furnished \$160, payable semi-annually in advance. In the Illinois deaf and dumb asylum, at Jacksonville, it is \$80 per session (from first Thursday of October, to the middle of July) for board, washing, fuel, lights, tuition, books and everything necessary except clothing and travelling expenses. The terms of the Pennsylvania institution for the blind, at Philadelphia, are for board, tuition and incidental expenses (clothing not included) \$200 per annum. In the New York institution for the blind, the charge, exclusive of clothing, bedding and furniture for rooms, is \$130 per annum, payable quarterly in advance. From five to seven years are necessary for a thorough course in either of these institutions. The above statement will serve as an imperfect criterion in making the necessary appropriation. We have but few of these unfortunate persons among us, and certainly no objection can be urged against making liberal provisions for *their education*, and such it will be remembered is the express object for which the appropriation now solicited is intended. Even with an education they labor under serious disadvantages, but without it their condition is truly a deplorable one. In making the necessary amendments to the present law, or in the passage of a new one, it is respectfully suggested that a specific sum should be designated for the education of each class of persons—say for the deaf and dumb, each \$500, and \$600 each for the blind—\$100 to be paid annually. A receipt from the principal of the institution at which the child is educated, should be procured by the parent or guardian, and filed with the auditor or superintendent.

The instruction of the deaf, dumb, and blind, has recently become a matter of deep interest, and the efforts made for their relief have been attended with great success. The compositions of pupils when they first enter the Asylum, are scarcely intelligible, and give evidence that they have but a crude and imperfect idea of the structure of our language, and yet after they have been under a course of instruction for five years, there is a conciseness and beauty about their style of expression, that we seldom find in the productions of those whose faculties are unimpaired. They are also instructed in the various useful avocations of life. Some of the finest specimens of hand-craft that we meet with in the way of willow baskets, paper boxes, fire screens, brushes, door mats, toy waggons, chairs, bead baskets, reticules and purses, and the various kinds of fancy needle work, are manufactured by the blind while pursuing their studies. Thus a double end is

accomplished. They are educated mentally and physically (the best kind of education by the way) and are prepared to go forth into the world and procure a livelihood by their own exertions. I had the pleasure of witnessing some of the exercises of the blind in Philadelphia and Boston, and of the deaf and dumb at Hartford, which were truly astounding, and sufficient to convince any reasonable mind that some of our ripest scholars and most useful citizens will yet be found among this class of persons.

## STATE UNIVERSITY.

In regard to the literary department of this institution, nothing has been done since the adjournment of the last General Assembly. The law and medical departments were organized on the 21st of February, 1850, in the manner indicated in my last report. Prior to this time the "College of Physicians and Surgeons of the Upper Mississippi," had been established at Davenport. The trustees, considering it impolitic to attempt the organization of two institutions of this character, at so early a period, upon mutual consultation with the faculty of the one at Davenport, determined to recognize them as the "College of Physicians and Surgeons of the State University of Iowa," and the following gentlemen were appointed members of the faculty.

NICHOLS HARD, M. D. Professor of Anatomy and President of the Faculty.

JOHN F. SANFORD, M. D. Professor of Surgery and Dean.

SAMUEL G. ARMOR, M. D. Professor of Physiology, Pathology and Clinical Medicine.

GEO. W. RICHARDS, M. D. Professor of Theory and Practice of Medicine.

A. S. HUDSON, M. D. Professor of Materia Medica and Therapeutics.

D. L. MCGUIGAN, M. D. Professor of Obstetrics and Diseases of Women and Children.

HENRY M. MATTHEWS, M. D. Professor of Chemistry and Pharmacy.

J. C. HUGHES, M. D. Demonstrator of Anatomy.

In September last, the "Western Medico-Chirurgical Journal," edited by J. F. Sanford, M. D., and Sam'l. G. Armor, M. D., was established. It is a neat octavo periodical of about sixty pages, and is replete with useful and instructive matter. I infer, from the charac-

ter of the numbers before me, that the editors design making it truly a *western Journal*, in which the diseases peculiar to the Valley of the Mississippi will be duly considered. The untiring zeal manifested by the Faculty, having for the present to rely for pecuniary aid exclusively upon means raised by their own exertions, warrants me in recommending that a reasonable appropriation be made at your present session for the benefit of this department of the university. The present condition of the Institution is more clearly set forth in the following report of the Dean of the Faculty to the Board of Trustees:

*To the Hon. Board of Trustees of the State University of Iowa:*

In response to a memorial from the "College of Physicians and Surgeons of the Upper Mississippi," your body, on the 21st day of February, 1850, recognised and established that Institution, as the Medical Department of the State University of Iowa. The act by which this connection was established, containing certain provisions, and delegating certain privileges, was transmitted to the undersigned by the Secretary of the Board of Trustees, and by him submitted to the Faculty of the Medical College, at the meeting held on the 26th day of February, 1850. The provisions referred to, were duly considered by the Medical Board, and the act containing them, with its various requisitions, was unanimously acceded to. The connection between the Medical College of the Upper Mississippi and the State University being thus consummated, the recognized board, viz; Dr. A. S. Hudson, Saml. G. Armor and J. F. Sanford, proceeded to fill the Faculty by the appointment of a sufficient number of competent Professors, and J. F. Sanford, having been elected Dean, was ordered to issue an announcement for a spring session, in the name and under the auspices of the State University. The course of lectures thus announced, opened on the second Monday in March last with a respectable number of Medical students, and after going through a prosperous session of sixteen week, conferred the regular degree of Doctor in Medicine upon nine gentlemen, and the Honorary degree upon Doctor R. D. Barton, of Van Buren county, Iowa.

Previous to the close of the session referred to, various circumstances had forced the conviction upon the minds of the Medical Faculty, that the interests of the Medical Department of the University, would be greatly enhanced, by removal to a more populous town than Davenport. The most important consideration influencing them in this

respect, was the increasing demand on the part of Medical Associations and Medical men, for clinical privileges, and extended opportunities for cultivating practical anatomy, in connection with the courses of instruction in Medical Colleges. The importance of these facilities to a thorough and scientific course of Medical lectures, was deemed so great by the American Medical Association, as to justify, in their opinion, a requirement from the schools, that they should constitute essential parts of Medical instruction.

Wishing to sustain the interests of the Institution, to justify and merit the confidence of the profession, and ultimately make it an ornament and a blessing to the State, the Faculty resolved to relocate the College at a point, where the erection of Hospitals and the establishment of Infirmaries, would render clinical or practical teaching a reality, and where the opportunities for the prosecution of the fundamental branches of the Medical science would meet the demands and necessities of Medical students. One of their number was accordingly appointed and authorized to visit the cities and towns, in other portions of the State, and ascertain the comparative facilities presented, for the success of Medical teaching.

The result of his observation need not be detailed; suffice it to say, that having strictly in view the considerations above stated, the City of Keokuk was selected as the permanent seat of the Medical Department of the University, and an appeal was immediately made to the citizens, for aid in the erection of the necessary buildings. To this appeal there was the most enthusiastic response. Beautiful and extensive grounds, embracing eight full lots in the fairest part of the city, were donated by Mr. H. T. Reed, and the prompt and liberal contributions from every class of the citizens, enabled the Faculty to place under contract, an edifice, sufficient in its arrangements for temporary occupation, by the first of August.

Immediately subsequent to these arrangements, the annual circular, a copy of which is herewith transmitted, was issued, and the session opened according to resolution, on the first Monday in November, and on Wednesday evening, November 21st, the new college edifice was dedicated with appropriate ceremonies. The medical class, now in attendance, is larger than was anticipated, and the catalogue for the present term, will embrace not less than fifty names.

This list will give assurance to its friends of the future eminence of the institution, and proves, contrary to what has been imagined, that

the establishment of a medical institution in this State was not premature.

The city authorities, to further facilitate the success of the medical college, made a liberal appropriation, and placed under contract a commodious hospital building in immediate connection with the college, which will accommodate one hundred patients, and will be ready for inmates by the first of January.

The facts above stated will, it is hoped, elicit an early action on the part of your honorable body, approbatory of the change of location made by the faculty.

It is earnestly hoped, that the board of trustees of the State University may recommend to the favorable consideration of the General Assembly, this important part of the educational machinery entrusted to their care. To justify this recommendation, the following statements are made by the faculty, as an exhibit of the labor they have performed, and the expense they have incurred in the preparation for medical teaching.

Although a part of the collections referred to, are not immediately subsidiary to the courses of medical instruction, they are to a great extent interesting and useful to the student of medicine, who prosecutes a science having a more or less ultimate relation with every department of human intelligence.

In natural history about two thousand preparations, embracing principally specimens in ornithology and entomology.

In conchology and geology fifteen hundred specimens. These collections were made in the hope that, at no distant day, the Board of Trustees would establish, and the General Assembly endow, a chair of natural history and comparative anatomy.

The specimens and collections, more immediately connected with demonstrations in medical science, embrace about one thousand preparations, drawings and paintings in anatomy, surgery, pathology and obstetrics.

The chemical apparatus belonging to the college is one of the best in the western country. The instruments are all of the most modern construction, principally manufactured at the establishment of Benjamin Pike, of New York, and embrace every thing necessary to a complete and thorough course of demonstrative chemistry.

This exhibit will, we hope, convince your honorable body of the enthusiasm and pride that animates the medical faculty of the university. The further fact that they have twice sent delegates to the

American medical association, first, to Boston, Massachusetts, and then to Cincinnati, Ohio, for the purpose of securing an honorable position amongst American schools of medicine, will, they hope, not only justify the confidence your body has heretofore reposed, but elicit further aid from the General Assembly through your recommendation, to enable them to carry out the highest objects of the institution.

The faculty beg leave respectfully to submit to your body, that some legislation, establishing their legal existence and relation with the university, would greatly benefit them. Amongst the most important provisions of this kind, are those making them an integral part of the university establishment of this State by special act, and in the same way, giving them the authority to confer the degree of doctor of medicine upon those, who, after examination, may be found worthy. Also, making the diploma, thus conferred, a license to practice medicine and surgery in Iowa.

All of which is respectfully submitted,

JNO. F. SANFORD, M. D.

Dean of the Medical Department, Iowa University.

December 2, 1850.

By the supplemental acts of January 15th and 16th, 1849, a branch of the University was located at Fairfield, and another at Dubuque.— At the latter place no steps have been taken to carry out the provisions of the law. The directors of the branch at Fairfield met in that place on the 6th of May, 1849, and organized by the election of Hon. Bernhart Henn president, C. W. Slagle, Esq., secretary, and Horace Gaylord, Esq. treasurer. The treasurer's bond was filed in this office as required by law. A site was immediately selected for the institution, and twenty acres of ground purchased on which to erect the necessary buildings. The plan adopted contemplates seven buildings, three in the rear and two on either side, forming a hollow square two hundred and forty by three hundred and sixty feet, with an open front. The main building is to be forty by eighty feet two stories high, the others thirty by sixty feet each, and two stories.— One of the smaller buildings has been erected and will be completed at an early day. The estimated cost is \$2,300. The sum of \$1,800 has already been expended. The directors propose to employ the necessary teachers, and commence the literary exercises of the institution next summer. For reasons heretofore stated, nothing has

been received from the University fund. The degree of public spirit evinced by the citizens of Fairfield, in regard to this and other public edifices, is worthy of imitation, and shows clearly how much may be accomplished with limited means, when effort is properly directed. The term of three of the directors expires in May next, to wit—Messrs. Ristine, Slagle and Negus, the latter gentleman having been appointed to fill the vacancy occasioned by the non-acceptance of Samuel J. Bayard, Esq.

The agent appointed to select the University lands, has completed the work. I have been advised of the approval, by the Secretary of the Interior, of 35,603.30 acres, to wit :

In the Fairfield district, .....	12,881.00
“ “ Iowa City “ .....	22,722.30

Total, .....	35,603.30
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The present law provides that these lands shall be disposed of by the board of trustees, in the manner prescribed for the sale of section sixteen, but before it can be done, some more specific legislation is necessary. The present board of trustees are so scattered over the State, that it is next to an impossibility to get a quorum together for the transaction of business. There is some ambiguity in the language used in defining the terms of sale. Whether the land is to be allotted and appraised by the township trustees and sold by the fund commissioners, or to be allotted and appraised by the township trustees and sold by the trustees of the University, or to be sold by the trustees of the University without such allotment and appraisement, cannot easily be determined. The present members of the board are H. W. Starr, S. G. Matson, T. S. Parvin, S. H. McCrory, G. Achison, W. G. Woodward, T. Snyder, H. D. Downey, J. P. Carleton, Robert Lucas, A. H. Palmer, C. Bates, D. P. Smith, C. Burnham, and Silas Foster. The term of the five first named expires during the present session of the General Assembly. The Governor is a member of the board, *ex-officio*. If the vacancies are filled as heretofore, it is hoped that persons will not be selected so remote from the institution, as to render their attendance upon the meetings of the board inexpedient. But the wiser policy, I am disposed to think, will be to remodel the law, and make such additional provisions as may be requisite for the permanent organization of the several departments.

As intimated in another part of this report, I now propose to notice

more particularly the relation sustained by the Normal Schools to the University. By the terms of the grant, we have seventy-two sections, or 46,080 acres of land for the support of the latter institution, which at \$1.25 per acre would amount to \$57,600. The annual interest on this sum, at ten per cent. per annum, would be \$5,760. Of this amount \$1,500 (\$500 to each) is to be paid annually to the Normal Schools, leaving \$4,260 for the support of a University and two branches, being \$1,400 for each, the parent institution and branches being placed upon "the same footing in respect to funds." Such a sum I think will not be regarded a very rich endowment for an institution dignified with the title of State University. The truth is, the whole grant is not sufficient properly to endow the parent institution, but with the necessary care would enable it to commence its labors under very favorable auspices. But it may be contended that my estimates are too low, which is probably true; for I am advised that a portion of the land will sell at five dollars per acre at this time. And I would here suggest the propriety of fixing the *minimum* price of the whole grant at two dollars per acre. The selections have been made with great care, and will certainly command this price in a few years. Indeed, if they had been made when the first agent was appointed, the land would now sell readily for from three to five dollars per acre.

In consideration of the foregoing facts, it is to be regretted that the normal schools and branches of the University were established in the manner above referred to. The original plan of connecting a professorship with the parent institution for the education of teachers, was certainly preferable. New York, with the experience of fifty years, and about two millions and a half of inhabitants, has but one normal school, while Iowa, with an existence of only four years, and less than one-twelfth of the population, has three. Other western States find it difficult, with the same facilities we possess, to establish one University, while we are attempting to foster three. If the existing stipulations are perpetuated, neither of the institutions can ever attain a very enviable degree of celebrity, and to abolish them unconditionally, after they have proceeded thus far in good faith, would not be equitable. I would suggest then, that a definite sum be set apart for each, of which they should have the exclusive control, without any further connection with, or claim upon the University.

In making these suggestions, I have been actuated by no feelings of

hostility to either of the institutions named. Having no local preferences to gratify, they have been made more from a sense of duty, than from natural inclination. In the discharge of my official duties, I know neither north, south, east or west, but the State of Iowa, alike from center to circumference, is the object of my esteem and the field of my labors.

In my former report I suggested the propriety of providing for the collection of a *Geological and Mineralogical Cabinet*, for the use of the University, but as no legislative action was then had on the subject. I beg leave to renew my recommendation. The report of the superintendent of public instruction of Wisconsin shows that they have already collected some four hundred and fifty valuable specimens for the University cabinet, and that arrangements have been made by which the number will be greatly increased in the course of the ensuing year. We cannot expect to compete with the older States in this particular, but it is hoped that we will not suffer ourselves to be so completely distanced by one scarcely our equal in years certainly not our superior in resources.

#### TEACHERS' INSTITUTES.

Teachers' institutes had their origin some years since in the city of Hartford, but were first known by their present name in the State of New York. "The special purpose of the meetings of an institute," says an eminent writer, "is, to serve as a temporary local school for the instruction of teachers. The brief course of lectures and exercises, on such occasions, is not intended to supersede a course of academic instruction, or of regular training to the vocation of teaching; whether that training be had in a special class at an academy, or in the more regular forms of professional education at a normal school. A teachers' institute proposes to its students a concise course of instruction in the theory and practice of teaching, adapted to common schools. It comprehends, necessarily, a practical review of the branches of education usually taught in such schools, and so secures, in part, the advantage of direct instruction in these branches, to all its classes. But this review is unavoidably rapid and superficial, and can never supply the place of a thorough going course of instruction in any subject. The lectures and exercises of an institute, involve an outline view of subjects, in the training of teachers to the proper

modes of communicating instruction in them; and, thus far, they allow opportunity of presenting, in addition to the information contained in text books, not only the recent items of intelligence regarding the progress of knowledge, in particular departments of science, but, likewise, the systems and methods of eminent authorities and teachers, respecting the best modes of giving instruction in every department. To this extent, teachers' institutes offer peculiar advantages. But they pre-suppose a previous and well-laid foundation of knowledge acquired elsewhere." It will be seen then that they are not designed to supercede Normal schools, but simply to become their *pioneers* and efficient *temporary* substitutes—the very thing we need at this crisis. An institution of this character was organized a few years ago, composed of the teachers of the mineral region of Illinois, Wisconsin and Iowa. One of its sessions was held at Dubuque. An association of teachers has also been formed in the county of Henry, and an effort was made in October last to organize a regular institute in the county of Jones, but, owing to the limited notice given, there was not a very general attendance. Several lectures were delivered, however, by gentlemen present, and arrangements made for another meeting. I regard the teachers' institute as the most effectual means that we can at present adopt to advance the prosperity of our schools, but its practicability is questioned on the ground that the expense attending it is greater than teachers, with a limited compensation, are enabled to meet. To remove this objection (a valid one I might add) therefore I would recommend that the sum of \$150 be appropriated annually, for three years, to be drawn in installments of \$50 each, by the superintendent of public instruction, and expended for the benefit of this institution. I propose that three institutes shall be held annually, at points designated by the superintendent or the General Assembly, and that \$50 shall be applied towards defraying the contingent expenses of each, in such manner as a majority of the members may determine. In this way nearly all the teachers of the State will be brought together at least once a year for mutual consultation and improvement, and a favorable opportunity will be given for the presentation of their views in reference to text books and the best and most efficient methods of instruction. Teachers are a separate and distinct class of persons, and in order that they may be useful and successful in their peculiar profession, it is indispensable that they confer often with each other, and in no

way can they do so more effectually than in the manner above proposed. Some of the older states have appropriated \$2,000 per annum for this special object. The sum I have suggested is comparatively insignificant, but it will serve as the germ, or starting point of a great enterprise, and will form a nucleus, around which we hope to gather an influence that will ultimately pervade the entire State. In connection with the teachers' institutes in the several states, we now have a *national* organization. I allude to the NATIONAL CONVENTION OF THE FRIENDS OF PUBLIC EDUCATION, which held its first session in the city of Philadelphia, on the 17th of October, 1849. The second session was held at the same place on the 28th of August, 1850, at which time a constitution was adopted and the convention permanently organized under the name and title of the "AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF EDUCATION." The second clause of the constitution declares, that, "The object of the association shall be to promote intercourse among those who are actively engaged in promoting education throughout the United States—to secure the co-operation of individuals, associations and legislatures in measures calculated to improve education, and to give to such measures a more systematic direction and a more powerful impulse." The third session will be held in Cleveland, Ohio, on the 19th of August, 1851. Thus we have a complete national system of instruction—the district school, the normal school and the teachers' institute in the respective states, and the American association for the advancement of education, composed of delegates from these local organizations. It is difficult to conceive the advantages that are to result to the cause of common schools from such a combination of strength, and union of effort. There is another peculiar feature about the national association, which gives it additional weight—its archives are to be kept *permanently* at Philadelphia, under the care of the corresponding secretary—or in other words we have established at that place a sort of *universal educational depot*, in which to concentrate information from every portion of the civilized world—thus widening and deepening the channels of knowledge and increasing the avenues of light.

## PHONETICS.

The imperfections of the English language have long been a source of perplexity to literary men. "Such is the state of our written lan-

guage," says Sheridan, "that the darkest hieroglyphics, or most difficult cyphers, which the art of man has yet found out, were not better calculated to conceal the sentiments of those who used them, from all who had not the key, than the state of our spelling is, to conceal the pronunciation from all except a few well educated natives." About fifteen years ago Mr. Isaac Pitman, of Bath, England, being impressed with the truth of the foregoing remark, determined if possible to devise some new method of *writing* which would abridge labor, and at the same time convey *without variation* to the mind of the reader a correct idea as to spelling and pronunciation. This he accomplished quite to his own satisfaction, and published his first work on the subject in 1837. This led him to inquire into the propriety of adopting a similar method for *printing*. In the mean time Alexander J. Ellis, of Trinity College, Cambridge, had the same subject under consideration and was gradually maturing his plans. These two gentlemen, hitherto unknown to each other, became acquainted in 1843, and, in common parlance, by "putting their heads together," succeeded, with much labor and investigation and the aid and counsel of friends, in presenting to the world a complete system of *writing* and *printing*, now known as phonography and phonotypy—both comprehended under the general term which heads this notice. Phonography is a faithful representation of spoken language, in the briefest possible manner, consistent with perfect legibility. The alphabet is composed of a series of straight and curved lines, dots and dashes, circles and hooks, designed to represent each distinct articulate sound in the language. Phonotypy is printing according to sound: like phonography it is based on a correct analysis of the human voice, and has a sign for each sound; phonography then, is a brief and legible system of writing; phonotypy is a truthful and harmonious system of printing. A more correct idea of the system will probably be given by inserting a few extracts. The first is by Mr Pitman himself:

"The writing and printing reform consists in the introduction of a complete alphabet of forty letters, (which represent all the sounds of the English language,) and in the adoption of phonetic spelling. This alphabet is adapted to shorthand and longhand writing and to printing.

Phonetic shorthand, or phonography, is as legible as common writing; while it is written in one-fourth of the time, and with half the labour; and may be employed by the practised writer in taking verbatim

reports of speeches, sermons, etc. Such is the simplicity of the art, that its principles may be mastered in a few hours; and an hour's daily practice for a month, in reading and writing, will enable the student to use it with certainty and some degree of freedom; while the same amount of practice, continued for four or six months, will enable any one who has acquired facility in ordinary writing, to take verbatim reports of lectures, etc., and to read them, after any length of time, with rapidity and accuracy.

Phonetic longhand is like our usual longhand writing, with the addition of facile manuscript forms corresponding to the new letters which have been added to the printing alphabet.

The phonetic printing alphabet is formed from the common Roman alphabet by rejecting the useless letters *k, q, x*; by using the remaining twenty-three letters in their most usual signification; and by adding seventeen new ones, to represent sounds which have hitherto been represented by two or more letters, *each of which has an independent value of its own.*"

Opinion of Professor AGASIS, of Cambridge, Massachusetts:

"From an experience of one year I have satisfied myself that phonography will enable every one familiar with it to shorten far more than one half, all operations of writing or recording memoranda; a familiarity with this method will therefore double the time at our command in this respect."

Professor HART'S opinion, of the Philadelphia high school:

"Phonography has been introduced into this institution two years and a half, and has been learned by about four hundred. Two hundred are studying it now. It is one of the regular branches of the course, being attended to three times a week during the whole of the first year. I do not feel at liberty to express an absolute opinion on a subject comparatively so new, but am free to say that I have not, since the introduction of phonography, noticed any deterioration in the spelling of the pupils, or in their pronunciation. Had I not supposed it to be of much practical benefit I should not have urged its introduction, a measure which I have seen no occasion to regret."

#### *Phonetic Printing.*

That most practical of modern philosophers, Benjamin Franklin, observed in reference to the introduction of phonetic spelling, "sooner

or later, *it must be done*, or our writing will become the same as the Chinese, as to the difficulty of learning and using it; and it would already have been such, if we had continued the Saxon spelling and writing used by our forefathers."

"The undersigned phonographers of Boston, beg leave to testify most explicitly and decidedly, that the study and practice of the art of phonography have not injured, but benefitted our spelling in the common style; that from our attention having been called to the subject by phonography, we are better able than ever to distinguish between words of the same sound, but of different spellings and significations; that nothing has conduced so much to our improvement in pronunciation as the study of phonography; that by saving a vast amount of time it has greatly assisted our progress in other pursuits; that so far from the "abundant sources of literary and scientific knowledge" being "closed up" to us, it has imparted a renewed taste for literary information and facilitated our advancement in scientific studies.

"We therefore give it as our unanimous opinion that the advantages resulting to the children of the High and Grammar Schools from the study of phonography would be much greater than any supposed injury based on speculative objections to the measure, can possibly be." Signed by Joel P. Bishop and twenty other phonographers of Boston.

"I have no hesitation in saying that I am greatly astonished at what I have seen to-night, and am convinced that all that has been promised by Phonography may be easily performed,—that it is so clear as to be easily learned by every one of ordinary capacity,—and that the benefits to be derived from it are entirely incalculable."—*John Bright, Esq., Member of Parliament.*

"Phonography is a railroad method of communicating thought; a railroad by reason of its expedition, a railroad by reason of its ease."—*Rev. Dr. Raffles, Liverpool.*

"The present writer is prepared with facts by which he could verify the following position :—that if a child were taught at first on the phonetic principle, and, *by graduated lessons* brought up to a comprehension of the present orthography, his reading would be taught at half the time, half the trouble,—and consequently half the risk of having a distaste for learning engendered by the difficulties of his first studies—involved in the present system."—*Dr. Latham.*

From a partial examination of the system of Phonetics, and with this host of testimony before me, I hesitate not to say that I am fully

convinced of its utility, and know of no reason why it may not be introduced into our schools at once. Indeed in some of them it is already successfully taught. I do not mean that we shall abandon our present system, but that the old and new shall be studied in connection, until the former is dispensed with by mutual consent. There are in this, as in all similar reformations, *quacks*, but the system itself is based upon correct principles, and must sooner or later come into general use, and in order that we may have it in its most improved form, it behoves the *literary and scientific* men of our country to lend their undivided support in giving it the right direction in its infancy.

FIVE PER CENT FUND.

As many inquiries have been made concerning this fund, it may be well to refer briefly to its history. The "ordinance" appended to the constitution adopted for the State of Iowa, on the first day of November 1844, in which allusion is made to this fund in connection with other contemplated grants from the United States, was rejected by Congress in "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," approved March 3, 1845, and the following propositions submitted in its stead:

**FIRST**—That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto and as contiguous as may be shall be granted to the State for the use of schools.

**SECOND**—That the seventy-two sections of land set apart and reserved for the use and support of a University by an act of Congress approved on the twentieth day of July eighteen hundred and forty, entitled "An act granting two townships of land for the use of a University in the territory of Iowa," are hereby granted and conveyed to the State to be appropriated solely to the use and support of such University in such manner as the legislature may prescribe.

**THIRD**—That five entire sections of land to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter section from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State or for the erection of public buildings at the seat of government of the said State as the legislature may determine and direct.

**FOURTH**—That all salt springs within the State not exceeding twelve in number with six sections of land adjoining or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the legislature thereof, within one year after the admission of said State, and the same when so selected, to be used on such terms, conditions, and regulations as the legislature of the State shall direct: Provided, That no salt spring the right whereof is now vested in any individual or individuals or which may hereafter be confirmed or adjudged to any individual or individuals shall by this section be granted to said State; and, provided, also, that the General Assembly, shall never lease or sell the same at any one time for a longer period than ten years without the consent of Congress.

**FIFTH**—That five per cent of the nett proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State as the legislature may direct: Provided, That the five foregoing propositions herein offered are on the condition that the legislature of the said State by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance irrevocable, without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchaser thereof, and that no tax shall be imposed on lands the property of the United States, and that in no case shall non-resident proprietors be taxed higher than residents: and that the bounty lands granted or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively."

By the second constitution, adopted on the 18th day of May 1846, this fund was applied to the support of common schools, which was at variance with the foregoing proposition of Congress appropriating it for "roads and canals." But, by the act of December 28, 1846, entitled "An act for the admission of the State of Iowa into the Union,"

which perpetuated "all the provisions" of the act of March 3, 1845, we were received into the Union *unconditionally* with the constitution of May 18, 1846. The plain inference therefore was that the conflict between the act of March 3, 1845, above alluded to, and the constitution, was reconciled by the sanction of the latter in the act of admission. A law for the management of the school fund was accordingly passed, by the General Assembly on the 25th February 1847, by which it was made the duty of the Superintendent of Public Instruction to receive the five per cent. fund. I made application for it in November 1848, but was informed by the comptroller of the Treasury, under date of January 10, 1849, that it could not be paid till he was officially advised of the passage of a law appropriating it in the manner designated in the supplemental act of March 3, 1845—for the construction of "roads and canals." I immediately addressed a letter, through Senator Jones, to our delegation in Congress requesting their interposition in the matter. Having satisfied themselves that additional legislation was necessary, they procured the passage of the *declaratory* act of March 2, 1849, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That by the act entitled 'An act for the admission of the State of Iowa into the Union,' approved December twenty-eighth eighteen hundred and forty-six, the United States assented to the application for the support of common schools as made in the second section of the tenth article of the Constitution of said State, of the five per cent of the nett proceeds of the sales of the public lands within the State of Iowa and of the five hundred thousand acres of land granted to said State by the act of the fourth of September eighteen hundred and forty one; said land to be selected in legal subdivisions of not less than three hundred and twenty acres."

Thus the controversy, as to the manner of applying this fund and the five hundred thousand acres of land, granted under the eighth section of the act of Congress of September 4, 1841, was terminated.

I immediately renewed the application, and received the amount due for the year 1847, \$16,422 05. This sum, with the twenty dollars premium on draft added, making \$16,443 05, I delivered to the Auditor of State, for which he executed his bond, dated May 1, 1849, under the provisions of "An act to provide for a loan of the school

fund arising from the sale of the public lands," approved January 12, 1849. The amount apportioned to the State for the year 1848, was \$9,105 52, for \$6,000 of which the Governor executed his bond on the 15th September 1849, under "an act relative to the penitentiary," approved January 13, 1849. This sum it became my duty, by the seventh section of said act, to pay in installments to A. H. Haskel, Esq., superintendant of the penitentiary. On the day the bond was executed, he filed in this office his vouchers to the amount of \$1,356 99, at which time I paid him \$3,350. On the 2d of October 1849 he filed his vouchers to the amount of \$2,458 66 and received the residue of the loan, \$2,650. Before making these payments in the manner above stated, I visited Fort Madison, and at the request of Mr. H. examined his accounts and found him prepared to comply strictly with the provisions of the law in reference to the loan, and the work assigned him was progressing in the most satisfactory manner. This left in my hands the sum of \$3,105 52. This sum I purposed apportioning among the fund commissioners, but being informed by his excellency, Ansel Briggs, that the General Assembly had failed to make provision for running the southern boundary line of the State, in accordance with the decision of the supreme court of the United States—that the necessary appropriation had been made by the Legislature of Missouri and placed at the disposition of their commissioner—that the work could not progress without the requisite means on the part of Iowa, I ventured to loan him the sum of \$2,000 for the purpose. For this sum he executed his promissory note, to the undersigned as "Superintendent of Public Instruction for the State of Iowa, or to his successors in office, for the use and benefit of the common school fund," dated September 15, 1849, payable on or before two years after date with interest at the rate of ten per cent. per annum, secured by a satisfactory bond in the penal sum of five thousand dollars. This left a balance of \$1,105 52. Being advised that the county school tax had been loaned, in certain counties, as part of the school fund, and that others were required to refund money paid for school lands where the selections had not been approved, and that in both cases they were destitute of the necessary means with which to refund the various amounts thus appropriated, I distributed to those counties, as follows :

Mahaska, for refunding cash payments on land;	\$300 00
Jasper, " " " " " "	96 82
Benton, " " " " " "	50 00
Louisa, " " county school tax,	206 00
Clayton, " " " " " "	105 00
Total,	<hr/> \$751 82

A balance of \$353,70 was still left in my hands, which I advanced to Hon. H. B. Hendershott, commissioner on the part of Iowa, in addition to the sum of \$2,000 above referred to, for the use of the State in the boundary survey, and took his note for the same, with approved security, dated October 15, 1850, payable on or before the 15th day of January 1851, with the same stipulations as to interest and application, as in the case of the loan to the governor. The total amount therefore loaned to the State for the boundary survey is \$2,353 70. from which I deducted the interest due up to January 1st, 1851, as follows:

Interest on \$2,000, from Sept. 15, 1849, to January 1, 1850,	\$ 58 33
" " " " Jan'y. 1, 1850, " " " 1851,	200 00
" " \$358,70 " Oct. 15, " " " " "	7 36
Total,	<hr/> \$265 69

It is proper to state that this loan was made without the sanction of law. My uniform course has been to take the law for my guide in the discharge of my official duties, but the extreme inconvenience to which the two States (and particularly the inhabitants of the southern portion of Iowa) would have been subject by postponing the survey of the boundary line—the dispute existing in the vicinity of said line as to the jurisdiction of a large quantity of valuable school land—the conviction that the failure on the part of the legislature to appropriate the necessary means was an oversight, and the assurances of the governor that they could be obtained from no other source, appeared to justify me in departing from that rule in this single instance. It is sufficient to add that I acted after due consultation and mature deliberation, and took every precaution to guard sacredly the interests of the school fund in the matter. Should it meet your approbation, it will be necessary at an early day to make provision for the assumption of the loan by the State and for the release of those who have voluntarily obligated themselves for it.

During the month of November past, I received the dividend for the year 1849, \$5,697 46—add premium on draft \$10 98—making \$5,708 44. From this I deducted \$142 26, with which to replace this amount applied on salary by the Fund Commissioner of Monroe county. The balance \$5,566 18, I apportioned among the several counties as follows:

County,	Amount.
Alamakee,	\$23 09
Appanoose,	99 55
Benton,	18 40
Boone,	21 25
Buchanan,	25 70
Cedar,	94 45
Clayton,	102 20
Clinton,	78 11
Dallas,	27 34
Davis,	257 89
Decatur,	35 10
Delaware,	65 11
Des Moines,	392 19
Dubuque,	265 00
Henry,	296 82
Iowa,	20 23
Jackson,	188 02
Jasper,	38 42
Jefferson,	346 80
Johnson,	131 32
Jones,	92 82
Keokuk,	156 14
Lee,	496 40
Linn,	189 83
Louisa,	200 00
Lucas,	22 89
Madison,	40 12
Mahaska,	239 64
Marion,	150 28
Marshall,	21 39
Monroe,	95 03



## SCHOOL LANDS AND SCHOOL FUND.

Of the 500,000 acre grant the Fund Commissioners have selected and sold:

In the Dubuque district,	- - - - -	6,565.92 acres
“ Iowa City “	- - - - -	8,294.92 “
“ Fairfield “	- - - - -	8,794.17 “
Total selected, approved and sold,	- - - - -	<u>23,654.91 “</u>

The agents appointed under the supplemental act of January 15, 1849, have selected:

In the Dubuque district,	- - - - -	240,421.27 acres
“ Iowa City “	- - - - -	69,690.00 “
“ Fairfield “	- - - - -	63,241.74 “
Total selected,	- - - - -	<u>373,353.01 “</u>

Of the above the Secretary of the Interior has approved:

In the Dubuque district,	- - - - -	171,294.17 acres
“ Iowa City “	- - - - -	48,599.32 “
“ Fairfield “	- - - - -	28,659.77 “
Total approved,	- - - - -	<u>248,544.26 “</u>

Thus it will be seen that the total number of acres selected is 397,307.92 and the total number approved 272,200.17, leaving a balance of 102,692.08 acres yet to be selected. As the present agents have become familiar with the work, I would recommend that they be continued in office, with instructions to select the remainder as early after the close of the present winter as possible. I think it desirable however that a portion of these lands should be selected adjacent to the Missouri river, and in that event it may become necessary to wait for an extension of the surveys.

The amount paid the agents for the selections already made is:

For the Dubuque district,	- - - - -	1,248 00
“ Iowa City “	- - - - -	615 00
“ Fairfield “	- - - - -	537 00
Total	- - - - -	<u>2,400 00</u>

The average cost of selection, therefore, is a fraction over one cent and a half per acre. In addition to the above the agents have necessarily incurred other expenses, which, though of minor importance, should be allowed. I present herewith a statement of the claims of this character which have been transmitted to this office. It will also be remembered the Registers of the Land Office receive no compensation from the general government for superintending the selection of these lands. It has occupied much of their time, and has been attended with great labor and perplexity. They are required to examine carefully each selection reported by the agent—to enter it temporarily on the plats—to retain a copy of it, and to transmit the original to the Secretary of the Interior for his approval or rejection. When they are advised of the approval, it becomes their duty to re-examine the entries upon their plats and make them permanent, and to enter the subdivisions into their tract books. It would appear reasonable that they should be compensated from some source for these services, and as the State is the beneficiary, it is but equitable that it should provide a reasonable remuneration. I feel it due to these gentlemen, and their predecessors, to say that, as far as I have had any business intercourse with them respecting these selections, they have manifested a disposition to render me every facility in their power.

When the agents commenced the performance of their duties, they found it extremely difficult, in consequence of the rush of emigration to the frontiers, to make selections without infringing upon the rights of settlers. I therefore instructed them, in view of the power conferred upon me to authorize the sale of these lands, to embrace in their selections the claims of persons residing upon the public lands, having first obtained their consent to do so, with the assurance that they should be permitted to purchase them, when approved at the valuation fixed by the selecting agent. Many persons therefore have permitted their lands to be reported as school land with this understanding, and the valuation fixed has usually been \$1 25 per acre. In the month of October I notified the fund commissioners that the lands thus claimed would be sold on the first of January 1851, but that no disposition would be made of the unencumbered portion of the selections. Finding that I could not carry my purposes into effect, I subsequently deferred the sale till the 15th day of February next. In the event therefore you should find it necessary to make any changes in reference to the manner of disposing of these

lands, I would recommend that ample provision be made for carrying into effect the stipulations thus entered into with the claimants. In authorizing the arrangement above referred to, I had two objects in view—to increase at an early day the revenue of the school fund, and to prevent an undue interference with the settlement of the country. I conceive that it will be wise policy to sell the entire grant without delay. That it would increase in value by withholding it from sale a few years, there is no question, but it must also be remembered that the delay will deprive us of the benefit of a handsome revenue at a period when we most need it. For instance, 476,345 acres, the portion of the grant yet unsold, at one dollar and a quarter per acre would give five hundred and ninety-five thousand four hundred and thirty-one dollars, the interest of which for five years at ten per cent. per annum would be two hundred and ninety-seven thousand seven hundred and seventy-one dollars and fifty cents. Admitting then that we defer the sale five years in view of the increase in value, we forfeit the use of two hundred and ninety-seven thousand seven hundred and seventy-one dollars and fifty cents during that period, or of fifty-nine thousand five hundred and forty-five dollars and ten cents per annum I have intimated, that at no period of our history would the advantages arising from the school fund be more needed than at present, and it is equally true that the disposition of these lands is our only hope for raising the amount required to meet this demand. A large portion of the 16th section grant will necessarily be unavailable for many years to come, and if the policy of deferring the sale of any portion of our school lands is to be adopted, I think it will be more applicable to the latter than the former grant. In view then of these considerations, I beg leave to recommend that so much of the first mentioned grant as remains unsold and unencumbered by the claims of settlers in the manner heretofore alluded to, shall be held subject to private entry at one dollar and fifty cents per acre, in such parcels as may be deemed expedient, upon the terms at present prescribed for the sale of school lands. To this recommendation, however, I would make the following exception—that lands appraised by the agents at any sum over and above one dollar and fifty cents per acre, shall be subject to entry in like manner at *the valuation fixed by said agents*. I am advised from various sources that the land selected is of the *very best quality*, generally combining the advantages of timber, water and prairie. In many of the selections, particularly those where the val-

uation exceeds one dollar and fifty cents per acre, coal and plaster of Paris is found in abundance. It is believed therefore, that the land will sell readily at the increased prices proposed, which will give us at least a *nett* average of one dollar and twenty-five cents per acre for the entire grant. The discrimination made between the *claimed* and *unclaimed* lands may be questioned, but when rightly viewed there is no injustice in it. In the former instance the settlers have incurred the risk of permitting the title to their claims and improvements to vest in the State, in consideration of which they are to have the land at a stipulated price, and by such arrangement the State procures a good selection and effects a ready sale. In the latter the State has made the selection without the aid of the claimant's personal observation, and without the assurance of effecting an early sale, while the purchaser secures a good home on reasonable terms and without hazarding any thing.

The Commissioner of the General Land Office, in his report of November 30, 1848, estimates the area of the State at 32,584,960 acres, which would give us for the 16th section grant 905,137 acres. It is believed, however, that the area, when ascertained by an actual survey, will exceed the estimate. I think then that we may fix our estimate of this grant at 1,000,000 of acres. Add to this the grant received under the act of Congress of September 4, 1841, and we have 1,500,900 acres donated to the State for the support of schools, which at \$1 25 per acre will give us \$1,875,000. The five per cent fund for three years past averages a little over \$10,000 per annum, which will in a few years increase the amount to \$2,000,000. I do not mean to indicate by the above statement that our school lands ought not to average more than \$1 25 per acre. On the contrary, I am convinced that with proper management we can raise the grand total of the school fund to \$2,500,000. And while I am disposed to conform in a reasonable degree to the price established by the general government in the disposition of the public domain, I cannot consent to do so at the expense of the school fund. These liberal grants should be regarded as a bequest to the youth of this State for a specific purpose, and the general assembly is made the guardian of those for whose benefit it is designed. The reduction of the price of the public lands by the introduction of land warrants, may be urged as a reason for reducing the price of school lands, but it should not be forgotten, that in the midst of the land warrant speculation, we have been selling

school lands at from \$1 25 to \$22 50 per acre; and that the sales of section sixteen have averaged about \$2 20 per acre, and I question very much whether any purchaser would now be willing to dispose of his land in an unimproved state for less than \$3 00 per acre. If the proceeds arising from the sale of these lands were to be expended elsewhere, in a manner that we should derive no benefit from them, then I should be in favor of an immediate reduction; but when we consider that they are not only to remain among us, but that every individual has a perpetual interest in them, the case is materially different. Permit me then to suggest, in addition to the present provisions, the expediency of fixing the *minimum* price of so much of section sixteen as remains unsold, at \$1 50 per acre—at least for a definite period. If future experience shows that sales cannot be effected on such terms, it will then be time to make the necessary reduction.

The interest of the school fund, apportioned in January 1849, amounted to \$6,365 25, and in January 1850 to \$17,027 88. The total amount of the fund now at interest is about \$279,060 07. It would appear then, that we may safely count on the sum of \$25,000 for the apportionment in January 1851.

It will doubtless be recollected that some twelve months since my opinion was solicited, through the medium of the press, in regard to the propriety of investing a portion of the school fund, for the construction of railroads. Being absent from the State, no answer was given at the time. I would therefore embrace this opportunity of saying, that there can be no risk in loaning money to a company, where a portion of the road has been completed and put in operation, but for the State to apply the school fund in taking stock, relying solely on the dividends of the road, after its completion, for the payment of the interest, could not be regarded a very judicious investment. But a more serious objection to this proposition, grows out of the fact, that rail roads are necessarily somewhat local, and the appropriation of the school fund for the construction of a particular road, would most probably incur the disapprobation of every portion of the State which would not be immediately benefited by it. I am induced to believe therefore, that such an investment is inexpedient.

A portion of the school fund of Michigan, under the law of 1837, was loaned for a term of not less than ten years to such counties as might apply for it, and the remainder to individuals. Knowing but little of the practical operation of such a provision, I am not prepared to give

an opinion in regard to it. The investment would certainly be a safe one, and perhaps advantageous to the counties. It is well known that a large proportion of the amount raised by taxation in many of the counties is not applied in defraying their legitimate expenditures, but in liquidating the *excess* of such expenditures, caused by the depreciation of county orders. In this way, some of our counties are now paying double and treble as much as their actual expenses would amount to, if paid in cash. To borrow money, and place their expenses upon a cash basis, is unquestionably the better policy.

I have made an arrangement with the Registers of the Land Office, by which they are to furnish me a transcript of the selections of school lands which have been approved, together with the University lands, and those selections under the act of Congress, of May 20, 1826, in lieu of section sixteen. By this means I shall ultimately be in possession of an authentic list of all lands granted to the State for educational purposes, and as a matter of information and convenience to the public, I would suggest that provision be made for its publication and circulation in pamphlet form.

It may be proper to mention in this connection that inquiries have frequently been made of the undersigned in reference to the *saline lands* and a desire expressed that they should be appropriated for the support of common schools. It is sufficient to say that the conditions upon which we have received them, render it impracticable for the General Assembly to comply with their wishes. I will be excused for suggesting, that they are likely to remain totally unavailable to the State, with the existing restrictions.

#### SCHOOL FUND COMMISSIONERS.

It is made my duty by the supplemental act of January 15, 1849, to examine the books and accounts of these officers. The duty has been performed only in part. The examinations were necessarily cursory. Indeed they can not be made with any degree of accuracy without referring separately and minutely to all the contracts and other papers on file in the office. As far as the investigations have extended, no material discrepancies were discovered, except in the counties of Mahaska and Jefferson. In the county of Mahaska Mr. Wesley Depew was elected fund commissioner in the spring of 1847. A large amount of business was transacted during the following sum-

mer and fall, a portion of which was rejected and the remainder confirmed under his successors. In the spring of 1848 he was superseded by Mr. P. L. Crossman, to whom he transferred his books and papers without making a final settlement. In the spring of 1849, the securities of Mr. Crossman, entertaining some fears that the business of the office was not properly attended to, made application to the county commissioners for an investigation of his accounts, which was accordingly had, and resulted in the confirmation of their apprehensions. Mr. C. immediately resigned, and Mr. John White was appointed. My attention was called to the matter by Mr. White soon after his appointment and I visited the county in July following, and again in March last, for the purpose of investigating the affairs of the office, but was unable from the partial examination then had, to arrive at any definite conclusion. In the meantime the securities determined to test the validity of the bond by legal process. The law required that it should be approved by the county commissioners, which had been neglected. The decision of the court was rendered in August last in favor of the State. I visited the county in September following, and proceeded in connection with Mr. White, fund commissioner, and W. H. Severs Esq. counsel for the securities, to a thorough and minute investigation of the matter, the result of which will be seen from the annexed statement:

P. L. Crossman in account with the School Fund,	Dr.
To 3 months notes received from Wesley Depew,	\$1,299 98
10 years " " " "	13,182 34
5 " " " "	4,539 19
3 months notes for 500,000 acre sales per self,	450 00
10 years " " " "	4,121 00
cash " " " "	629 00
" " " 16th section "	558 91
10 years notes " " "	1,275 12
amount of principal received on sundry notes,	506 88
" interest " "	460 01
balance paid W. D. Neally, Aug. 27, 1849, by John	
White, S. F. C., on Mershon's note,	56 60
one dollar each on fifty-four contracts,	54 00
drafts for interest from S. P. instruction,	67 40
cash of county treasurer.	237 00

cash received of O. P. Beckman, Aug. 28, 1848,	-	70	00
“ “ J. Higginbottom, to be applied on 3 months note,	- - - - -	50	60
Total amount,	- - - - -	\$27,557	43

Cr.

By 3 months notes of Depew, transferred to J. White, S. F. C.	- - - - -	\$1,218	32
10 years “ “ “ “	- - - - -	11,339	39
5 “ “ “ “	- - - - -	4,281	15
3 months notes given to self “ “	- - - - -	322	50
10 years “ “ “ “	- - - - -	4,956	12
5 “ “ “ “	- - - - -	931	00
drafts for interest from S. P. instruction “	- - - - -	67	40
amount paid on rescinded contracts, - - -	- - -	2,818	75
cash paid White S. F. C. - - - - -	- - -	240	70
amount allowed for salary April 9, 1849, - - -	- - -	460	00
cash paid school inspectors, - - - - -	- - -	133	80
“ “ White S. F. C. for C. Ritchy, - - -	- - -	10	00
“ loaned William Mier, - - - - -	- - -	67	00
W. Veach and H. Bond's note dated Feb. 5, 1848, -	- - -	43	50
W. Veach's “ “ “ -	- - -	38	40
“ “ “ “ 7, -	- - -	31	67
		\$26,959	70
Balance due September 28, 1850, - - - - -	- - -	\$597	73

The securities are entirely responsible and no fears are entertained as to ultimate loss. The balance has not yet been settled. Some diversity of sentiment exists as to the interest on the deficiency. I gave it as my opinion that interest at the rate of ten per cent. per annum would be claimed at least from the day the deficiency was ascertained. I advised the commissioner, in the event of a final settlement, to take satisfactory legal counsel.

It is proper to state that the validity of Mr. Higginbottom's claim, with which Mr. Crossman is charged, is questioned. Mr. C. affirms that it was a private transaction, and that he has in part settled it.

Mr. H. contends that he paid it to Mr. C. with the understanding that it should be endorsed on his note. The total amount of the note has since been collected by Mr. White, the present commissioner. The securities do not consider themselves liable for it. If the claim is rejected, it will decrease the indebtedness of Mr. C. to the school fund fifty dollars.

The selections of the 500,000 acre grant made by Mr. Depew were rejected, and the bonds cancelled and money refunded by his successors. In cancelling contracts, I instructed the fund commissioners to refund the *total amount of money paid by the purchasers*, principal and interest. Some of the purchasers, however, claimed interest on the cash payment from the date of the contract, which does not appear to have been contemplated by the supplemental act of January 25, 1848. The law referred to says, that the proper officer shall cancel the bonds given, and "*refund back all moneys which may have been paid by purchasers.*" If interest from the date of the contract was intended, it has not been so expressed. Again, individuals indebted to the school fund, having purchased the unsettled claims of others against it, demanded an offset, in their settlement with the fund commissioner, to the amount of said claims, from the day they obtained possession of them. But the fund commissioner, considering the claims only available from the time of presentation, refused to allow such offset, and proceeded to collect the interest which had accrued on the notes of such persons, between the time of purchasing and presenting said claims. If any new provisions are made on the subject, they should be sufficiently comprehensive to embrace all of the cases referred to. For want of time the examination of the affairs of the office did not extend to the accounts of Mr. Depew. From a partial examination of his books and papers, some inaccuracies were apparent, but to what extent I am not prepared to say. I directed the present commissioner to effect a final settlement with him without delay and report the facts to this office.

In the county of Jefferson, Mr. F. M. Allen was elected school fund commissioner in the spring of 1848 and succeeded by Mr. W. C. Jones in April last. I visited the office in October, and from personal observation and facts stated by the present commissioner, I became satisfied that a deficiency existed, or that the accounts were incorrect. I therefore instructed Mr. Jones to give Mr. Allen immediate notice to appear and make a final settlement. Being unable in consequence

of other engagements, to superintend the matter in person, I requested Hon. Bernhart Henn to do so for me. Mr. A. appeared in conformity with the notice. The examination was conducted with great care and to the entire satisfaction of both parties, and the following ascertained to be a true statement of the account:

<i>F. M. Allen in account with the school fund,</i>		DR.
To proceeds of sales of school land,		\$13,557 10
“ one dollar each on 88 contracts,		88 00
“ interest collected since Jan. 1, 1850,		14 00
Total amount,		<hr/> \$13,659 10
		CR.
By amount of contract notes transferred to		
Mr. Jones,		6,841 44
“ amount of mortgage “ “ “		4,656 25
“ cash paid Mr. Jones,		367 85
“ amount allowed for salary,		475 00
“ incidental expenses,		73 35
“ interest overpaid in apportionment,		30 15
Total amount,		<hr/> \$12,444 04
Balance due school fund,		<hr/> <hr/> \$1,215 06

The securities I am informed are perfectly good, and by last advices Mr. A. was making arrangements to have the matter properly adjusted. It is due to the two gentlemen named, Mr. Crossman and Mr. Allen, to say, that I conceive the derangement of the affairs of their respective offices more the result of bad management, than design. The circumstances do not seem to justify the imputation of impure motives. The accounts however give evidence of sheer neglect and carelessness.

The manner of conducting the business in a majority of the offices I have visited is by no means satisfactory, but as much so perhaps as the circumstances would warrant. To most of the present incumbents the duties of the office are entirely new and complicated, and being occupied the greater portion of their time with the secular employments of life, a degree of informality and irregularity in their official business is almost unavoidable. The truth is that the compensation as a general thing does not justify them in devoting that atten-

tion to these duties which is absolutely necessary. While they are not very onerous, they are sufficiently so at times to render them exceedingly difficult to perform. There is a looseness and inaccuracy about many of the reports and other documents transmitted to this office, which is to be regretted. Many essential items are not reported at all, and others are so imperfectly stated, as to leave it a mere matter of conjecture in determining their true import. My impression is that the abstracts of the fund commissioners' reports appended to this report, will not show the *net* amount of the school fund now at interest by some ten thousand dollars, nor is there any reliable information in this office by which the amount of interest that has been collected, and the objects to which it has been applied, can be ascertained. It will be seen that in quite a number of counties there is no statement at all of the amount paid for salary and contingent expenses. In the reports for the present year the latter item for the entire State is only \$168,43, when it is quite certain that in some cases nearly half this sum has been paid by a single county. It further appears from the same reports that the sum of only \$707,00 has been realized from the bonus of one dollar required on each contract, under the law of Feb. 24, 1847, and that the sum of \$288,00 of this amount is reported by two counties alone—Henry and Van Buren. But it is neither my purpose nor desire to become a public censor in this matter. I wish simply to state the facts, and leave you to decide by an examination and comparison of the abstracts themselves, whether there are any grounds for the opinion I have expressed. This state of things is easily accounted for when the combined circumstances, alluded to in the former part of this paragraph, are properly considered. I conceive that *the system* is more at fault, than those whose duty it is to administer it. It was doubtless the design of the commissioners to make a correct statement, and it affords me pleasure to say further of these officers, that they have uniformly manifested a disposition to comply with the requirements of the law when in their power to do so.

There is delinquency somewhere in regard to the collection of fines for breaches of the penal laws. The total amount of this class of funds reported for the present year is \$905,67. It is fully conceded that we are a law abiding people, but it does not appear reasonable that this sum is all that we have paid during the past year for the exercise of our belligerent propensities. The present law requires the

officers who collect the fines, to pay them over to the fund commissioners. The fair presumption is, that they have been collected, but not accounted for by the collecting officer.

Some dissatisfaction arose during the summer of 1849, in regard to the compensation allowed under the new law. The law of February 24, 1847, provided that the fund commissioners should "be paid out of the school fund," but under the act of January 15, 1849, they are "to be paid out of the county treasury." The difference of opinion was simply as to the time when the salary allowed under the former act should cease, and that prescribed by the latter should commence. I decided that they should be paid out of the school fund up to the 31st of January 1849, the time when the latter act took effect, and subsequent to that date out of the county treasury. To this decision the fund commissioners of the counties of Wapello and Clayton took exception, but finally acquiesced, with the understanding that the question should be left open. They contended that they were entitled to compensation out of the school fund, till the expiration of the term for which they were elected, without reference to the provisions of the new law on the subject. I made several attempts to get a judicial decision upon this point, but having failed to do so, it remains unsettled. If the construction given by the undersigned is incorrect, it will be proper to make provision for refunding from the school fund the amount paid these officers by the respective counties from the 31st of January 1849 to the 1st of April 1850. I would remark further, that a difference of opinion exists as to the meaning of the language "paid out of the school fund," used in the law of February 24, 1847. Some contend that the *principal*, and others that the *interest* of the fund is referred to. Finding upon examination that, with but few exceptions, the salaries of fund commissioners had been paid out of the *principal*, for the sake of uniformity I refunded the amounts taken from the interest, in the manner heretofore alluded to. The salaries of these officers then, from the first of April 1847 to the 31st of January 1849, as far as I am advised, have been paid out of the *principal* of the school fund, and subsequently out of the county treasury. As this subject will be referred to again, it will be sufficient for the present to add, that it is an act of injustice both to the counties and officers, in question to compensate them out of the county treasury. Most of the duties they perform are of a general character, in which the whole State has an interest.

## PROPOSED AMENDMENTS.

In my former report, I proposed certain amendments in regard to the management of the school fund, which did not meet the approbation of the General Assembly. Though still convinced of their utility and expediency, I am not disposed to urge them upon your attention under existing circumstances. I would remark, however, that I have heard but two objections of any force urged against the plan then submitted—first, that it would subject purchasers, and others indebted to the school fund, to great inconvenience in settling the demands against them; and secondly, that it would concentrate too much power in the hands of one man. I am nevertheless satisfied that both objections may be removed with proper legal restrictions—the former by providing that the notes given for land purchased and money loaned shall be deposited with some county officer, to whom payments of principal and interest may be made, and the latter, by requiring the commissioner to give ample security, and to register the names of those who wish to borrow money and to loan to each in the order of his application, when the necessary security can be given. I would add, that the school fund of Connecticut, amounting to 2,077,641 dollars and 19 cents, has been under the control of one officer for the last twenty-five years, and instead of favoritism and abuse of power being the necessary result of such policy, experience shows that it is the most efficient and satisfactory plan that State has yet been able to devise.

The people of Michigan also appear to have adopted the same policy with equal success. In alluding to this subject the Superintendent remarks: "The State of Indiana gives to the inhabitants of each of the townships the right of exercising over section sixteen the duties and powers of a landlord; to coerce contracts; to prevent waste and damage, and whenever five qualified voters petition, they must vote by ballot, for sale or no sale of the section, thus multiplying officers, duties and difficulties, not only in this, but in various ways. In Ohio, *millions of money* were long since reported from authentic sources, to have been lost from the school fund by this system. In Illinois the same difficulties have arisen, and legislation in all these States could not so frame and guard the laws, but defects existed, to weaken the sources of accumulation to the fund. Reference to their laws show a multiplicity of officers, with various powers and duties and

increased expenses, as reference to their history will show for what a long series of years they were without marked advancement in the means of educating their youth."

But we have perhaps progressed too far with the present plan for the management of our school fund, to make as radical a change as the one then proposed, and alterations then applicable may not be so now. I therefore beg leave respectively to suggest, as the next best plan that presents itself to my mind, the propriety of blending the office of school fund commissioner with some one of the permanent county offices. I am not strenuous as to what particular office shall be selected, but am induced to believe that that of clerk of the district court is best adapted to our wants. It is essential that we have a faithful, prompt and competent officer, whose accounts should be kept with the utmost accuracy, and upon the most approved system of book keeping. In some of the offices the amount of business transacted already exceeds \$20,000, and is liable at no distant day to be increased to more than \$50,000. Only a moments reflection then is necessary to convince any one of the truth of the foregoing assertions. The experience of business men I believe is, that the most systematic method of book-keeping is the least complicated. An apparently more simple form may subserve our purposes for the present, but in a series of years it will result in a derangement of the business, which the most skillful accountant cannot explain. We have at present about as many different systems as there are officers. I should prefer having the office of fund commissioner separate as it now is, but have recommended its connection with one of the county offices on the score of economy. The salary should be fixed by law and paid out of the interest of the school fund, with such contingent expenses as may be necessary—that is to say, there should be a stipulated price for the amount of business transacted, so that the entire compensation allowed by uniting the two offices, should be sufficient to justify the officer selected in devoting his time exclusively to the duties assigned him. It is also necessary that some state officer should be designated to superintend the several county offices—to examine the books and accounts at least once a year, and to concentrate an accurate statement of the business transacted in each in a set of books kept by himself. At present this duty devolves upon the Superintendent of Public Instruction, but the numerous other duties incumbent upon him places it beyond his power to give the matter that attention

which it deserves. I find while devoting my time to one class of duties, that others of equal importance are necessarily neglected. To superintend the establishment of schools, lecture in the several counties and districts, (a duty which of itself requires a journey of some three thousand miles,) confer with school officers, receive and file all papers, reports and public documents transmitted to him, apportion the interest of the school fund, prepare and transmit blanks for reports, attend to the organization of the University and Normal schools, make rules and regulations for the benefit of school officers, keep up the official and miscellaneous correspondence, record and report all the proceedings of his office, and "perform *generally* such duties as may tend to advance the interests of education," is about as much as one man can properly attend to. But to add to this, the selection and sale of school lands, the collection and distribution of the five per cent fund, the adjustment of land titles, the investment of the school fund, and a periodical examination of the accounts of the Fund Commissioners, and it must follow that a portion of the duties enumerated will be totally neglected, or that all of them will be but imperfectly attended to if a portion of the time allowed for the whole is devoted to each. In the event a State Land Office is established (and I may here add that the quantity of public land owned by the State, together with the grants in anticipation, render it almost indispensable) it will be proper to transfer the duties last referred to which now devolve upon the Superintendent, to that department. If, however, it is considered most expedient to require the Superintendent still to perform them, it will be necessary to provide for the employment of a clerk, who can remain permanently in the office. I seriously doubt the policy, however, of making the Superintendent of Public Instruction a financial officer, further than the apportionment of the annual dividends of the school fund is concerned. The educational duties that necessarily devolve upon him are, in this enlightened age, more than sufficient to occupy his entire time. This subject is fully considered, and placed in its true light by the Superintendent of Public Instruction of Michigan in his late able report. He says—"The creation of this officer with a slight change of name was deduced from the Prussian system. The principle upon which that system was based, was 'that every State needs a separate officer of Public Instruction, and that there should be nothing to divert the attention of that officer who has the general supervision of the peoples' education.' Under that

system this officer devotes his whole time to schools and the state of education. The creation of such an officer was intended in the adoption of this provision of our own constitution. It looked to a general supervision not only of primary schools, but of the university, of colleges, academies, high schools, and all schools, public or private, established or to be established throughout the State. The field laid out in the intention of its framers was conceived to be sufficiently responsible and arduous; sufficiently vast and comprehensive in all its bearings to engage every moment of time and consideration; to employ the entire thought and labor of one man, in devising the means of bringing into perfection, a system so enlarged and commanding; embracing full knowledge of education, and its progress among the people in whatsoever form or shape it was working its way, by public grant or private endowment; by State patronage or individual exertion and munificence. The imposition of other duties of a financial character retarded the state of perfection thus contemplated. Legislation has done much in restoring the office to its proper character."

In issuing patents we have no correct means of detecting errors made in the certificates of purchase given by the fund commissioners. For want of this information, patents have been issued to different persons for the same land. By authorizing the officer, whose duty it shall become to superintend this business, to procure such plats of the school and University lands as may be necessary, the difficulty will be removed.

To provide for the management of the school fund is doubtless the most difficult task that will at any time devolve upon the General Assembly. That the system under which we are now acting is inadequate and defective, I think no one will pretend to deny, and for my own part, I have no desire to perpetuate it, either in whole or in part, if a better can be devised. I regard the *safety* of the fund as the chief object to be kept in view, and the plan that will be most effectual in attaining this desirable end, I am prepared at once to adopt. It is hoped therefore that no undue importance will be attached to the suggestions I have made. If a more radical change than the one proposed is deemed necessary, the present is probably the most favorable opportunity for making it, that will present itself.

I have alluded to the inconveniences consequent upon the alteration of school districts. My conviction is, that they are attributable in a great measure to the provisions of the law authorizing such alter-

ations. Changes are sometimes convenient and useful, but upon the whole I believe they are attended with more harm, than good. I would therefore recommend that commissioners be appointed in each county, who shall be required to act under oath, and empowered, after a careful examination of the various settlements of the county and the districts already formed, to divide the same into a series of new districts, without reference to the municipal townships, of such size as in their judgment will best promote the present and future interests of the inhabitants—conforming as far as may be practicable to the government surveys. They shall then file a plat and written description, properly authenticated, of the districts thus formed and regularly numbered from one upward in the manner that sections are numbered in the survey of the public lands, with the fund commissioner, who shall immediately record said description in his office, and from and after the date of such record it shall be binding, until otherwise ordered by the General Assembly. It shall be further the duty of the fund commissioner to organize said districts by giving the necessary notice for an election, in the manner now prescribed for the formation of new districts. Special provisions should also be made for the protection of districts now organized, which may be effected by the change. No definite rule can be prescribed in regard to geographical limits, but it is certainly desirable to have our districts much larger than most of them now are. To create some half dozen petty corporations where one will subserve our purpose better, is unquestionably impolitic. This remark is not solely the result of my own observation, but is based upon the recommendations of the most experienced educators of the older States. The Hon. Horace Mann, in referring to this subject, says :

“I consider the law of 1789, authorizing towns to divide themselves into districts, the most unfortunate law, on the subject of common schools, ever enacted in the State. During the last few years, several towns have abolished their districts and assumed the administration of the schools in their corporate capacity; and I learn, from the reports of school committees, and from other sources, that many other towns are contemplating the same reform.” This is but one of the hundreds of equally reliable authorities that might be given. For myself, I think our congressional townships (six miles square) none too large for school districts, but I am disposed to yield to the wishes of the people and desire them to consult their own convenience in

the matter. The prime object of the present recommendation, is to avoid the contention and strife arising from the repeated changes which occur under the present law. The commissioners should be allowed a definite compensation for their services, to be paid out of the interest of the school fund.

I have been thus minute in designating the manner of performing this duty, from the fact that we now contemplate a general, permanent reorganization, and we may just as well have some reference to order and symmetry in the matter as not. Indeed no state in the Union is better adapted for the formation of a beautiful and uniform system of school districts than our own. It is incumbent upon us then, to avail ourselves of the advantages we possess, while it is in our power to do so. That some objections will be urged against the plan proposed, and that it will cause some temporary inconvenience I have not the slightest doubt; but unless it, or some similar one, is adopted and carried into effect, our school system will utterly fail to accomplish the end for which it is designed.

It is essential that additional provisions should be made for the protection of our school and university lands against waste. Under the present law this power is confined to the *organized* counties, while a large proportion of our most valuable lands have been located in the *unorganized* counties. I have been repeatedly advised, during the past year, by petitions and otherwise, of depredations committed upon the timbered lands. My attention was particularly directed to the county of Blackhawk, where an extensive body of timbered land has been selected. Persons engaged in the lumber business, on the Cedar river, have manifested no scruples in supplying themselves liberally with saw-logs from the school lands. Some stringent, summary provision is required, that will be applicable in any emergency that may arise.

The present law for the management of the school fund is indefinite in regard to the character of funds that shall be received. The officers having to exercise their own discretion in the matter, usually receive the ordinary currency of the country. In order to guard more effectually against loss, I conceive it important that the school fund should be placed upon a specie basis, and would therefore recommend that all payments for land sold, or for interest on money loaned, shall be required in specie. The sum of about 20,000 dollars of interest remains in the hands of the fund commissioners from the first of January to the first of March, and in case any portion of this amount, which

may have been collected in current bank paper, should depreciate in value, it is questionable whether these officers could be held accountable on their official bonds. This rule may be considered arbitrary by some, but it is the only safe one we can adopt.

There are other amendments of minor importance required, but it is unnecessary to enumerate them here. The general features of the present law are unexceptionable, and as far as we can do so with propriety it will be proper to retain them. As a matter of convenience, it is desirable that the several acts and amendments now in force, for the management of the school fund and the establishment of schools, should be arranged under one general title.

A few reflections upon our present and future prospects, will close this report. To the superficial observer the subject of popular education is of but little moment, but to those who have minutely traced its history, and contemplated its bearings upon the destiny of our race, it becomes vast and comprehensive in its range—unfathomed in its depths, unmeasured in its heights, unsurveyed in its circumference. Time was when it was deemed sufficient to establish literary institutions for the instruction of those who possessed the pecuniary advantages requisite for the acquirement of a liberal education. The result was that the few, whom birth and fortune chanced to favor thus, were liberally educated, while millions remained in total ignorance and degradation. Under such a system it was natural that man, awed by superior intelligence and crushed by uncurbed ambition, should become the helpless suppliant of his brother, and the abject slave of his fellow. But the introduction of common schools has revealed a brighter era in the history of the world. Education is no longer circumscribed in its limits. The public school is designed for no particular class of mankind, but bestows its favors and sheds its benign influences alike upon all. While it seeks the mansion of the wealthy and influential, and opens to them its rich and exhaustless treasury, it forgets not the humble dwelling of the oppressed and indigent. Not quite a century of our national existence has passed, and yet we can challenge the world in point of intelligence and enterprise. The enlightened nations of Europe are forced to own our superiority, and are beginning to copy our institutions. The old world has become tributary to the new. That proud empire, which but a few years since awed kings and emperors into subjection with a nod, and virtually exercised universal sway by sea and land, has been compelled to acknowledge at least a rival and an equal in the immediate descend-

ants of a handful of down-trodden and destitute emigrants. Our navy traverses every ocean, and our armies return in triumph from every field. Our flag floats upon every breeze, and our canvass whitens every sea. Our trade and commerce have entered every port, and our wares and products are seen in every mart. Foreign powers are availing themselves of the superior skill of our engineers and machinists in the construction of their rail-roads and public thoroughfares. Our artists have crossed the Atlantic with the chisel and pencil, and our literary and scientific men have "carried the line and rule beyond the utmost barriers of creation." To the incredulous this may seem fiction, but history gives it the impress of stern reality. Fancy in its wildest flight, and imagination in its widest range, can scarcely keep pace with reality. Who can recur to our history for the last five years without being overwhelmed and astounded with the number of our transitions, and the rapidity of our strides to national greatness? Rail-roads are projected to-day as it were, and to-morrow we hear the rumbling of the cars. "The mad unchained elements," have become subservient to our wishes, and intelligence traverses our ample domain with the velocity of thought. We stand pre-eminent among the nations of the earth, destined at no distant day to rule and govern the world. To rule and govern the world did I say? No, but to *teach the world how to rule and govern itself*. And what, it may be asked, has produced these extraordinary results? The institution and progress of common schools answers the question. Coeval with the tree of liberty, our fathers planted the district school, and it has continued to deepen its roots and extend its branches, till its influences are felt from the coast of the Atlantic to the shores of the Pacific, and from the Rio Grande to the fountain sources of the Mississippi. Where, but yesterday, the Indian reveled in his war-dance and medicine-feast, the Anglo-Saxon is now maturing his plans for a system of moral and intellectual training, that shall reach all conditions of men. The old theory, that the parent and school-master were alone responsible for the education of the child, has been exploded, and the State is held accountable for the instruction of its youth.

Such then is the character and tendency of the institution we are now endeavoring to establish in Iowa. And where could we find for it a richer soil, a wider theatre and a more eligible sphere? Our territorial area is sufficiently extensive and productive to sustain a population nearly equal to that of the entire Union itself. Our re-

sources are various and abundant, and our natural advantages for the construction of highways and other channels of communication are unsurpassed. The tide of emigration is still wending its way, with increased volume and velocity, to our fertile plains and luxuriant valleys. We cannot boast of our bays and harbors and forests of shipping, by which we might be brought into direct and immediate communication with the nations of the earth, but with the ample means at our disposal for educational purposes, we can rear for ourselves a monument of intelligence that will command the respect and admiration of the world. And shall we hesitate under these favorable auspices and with these brilliant prospects, to discharge with fidelity the duty we owe to the present and all succeeding generations? No, no; we must not, we cannot.

The great problem, involving the practicability of making the primary and essential parts of education universally free, has been solved; but the best and most effectual method of attaining this end is yet a matter of experiment. We can with propriety begin to boast of something like *rail-road* speed, but the *magnetic telegraph* in its flight leaves us far in the distance, and opens up before us new and extensive fields of labor. The subject has engrossed the attention of some of our sister states for centuries, and still they are occasionally crossing unknown latitudes, and entering unexplored seas. Scarcely has one provision been made, till another is needed—scarcely one obstacle surmounted, till another presents itself. It is true that we have the advantage of their experience, but it must be remembered that a long and rugged space yet intervenes between their present attainments, and the summit of perfection. And shall we quietly fold our arms and rest contented with what we have already accomplished? Permit me to repeat again, we must not. Our obligations to ourselves and to that glorious Union, of which we are an integral part, imperiously demand that we should not. Let us then, with the patriotism and philanthropy of our fore-fathers, come nobly and resolutely up to the work, and lay a broad and imperishable foundation upon which posterity may erect the proud superstructure of our future magnificence and grandeur. I fancy, while I make the appeal, that I hear the voices of twenty thousand freemen, through their legitimate representatives, join in the emphatic response—"we will."

I am, very respectfully, your obedient servant,

THOMAS H. BENTON, Jr., Supt. Pub. Inst.

An Abstract of the annual reports of the School Fund Commissioners, for the period commencing October 1, 1848, and ending October 15, 1849—embraced in statements A. B. C. D. and E.

A.

COUNTIES.	No. of School Districts.		No. of persons between 5 and 21 years.	No. of District Schools.	No. of pupils in schools.	No. of teachers in schools.		Average compensation of teachers per month.		No. of days schools have been taught.	No. of volumes in district libraries.
	Organized.	Unorganized.				Male.	Female.	Male.	Female.		
Allamakee, . . . . .	3		154								
Appanoose, . . . . .	9	7	464	1	38	1		15 00	10 00	102	
Benton, . . . . .	1		26								
Boone, . . . . .	4	1	135								
Buchanan, . . . . .	3		129		27	2		13 33		130	
Cedar, . . . . .	18		998	15	427	9	0	16 85	8 27	1,272	
Clayton, . . . . .	18	11	687	12	277	5	8	14 20	8 50	959	35
Clinton, . . . . .	20	2	733	10	381	4	11	13 67	5 63	950	
Dallas, . . . . .	6	3	166								
Davis, . . . . .	37	1	2,002	19	507	13	2	11 80	4 29	1,019	
Delaware, . . . . .	15	15	515	11	205	5	11	11 47	7 58	1,120	
Des Moines, . . . . .	61		4,578	38	1,404	34	11	10 23	10 21	2,980	
Dubuque, . . . . .	23	19	2,587	20	660	14	14	12 23	5 78	2,352	
Henry, . . . . .	55	4	3,204	31	925	25	5	14 78	8 66	2,148	
Iowa, . . . . .	6	1	226	4	45		3		6 72	138	
Jackson, . . . . .	39	0	1,805	31	914	15	23	13 08	6 87	2,658	
Jasper, . . . . .	7	2	362	1	19		1		6 00	30	

Jefferson, .....	50		3,211	37	951	23	7	14 22	6 15	1,233	
Johnson, .....	27		1,417	21	534	12	13	16 80	6 32	1,268	
Jones, .....	19	1	780	16	419	10	7	11 76	9 29	1,161	
Keokuk, .....	23	10	1,667	2	95	2	1	15 04	6 50	131	
Lee, .....	79		5,427	52	1,563	32	22	15 02	7 18	3,283	10
Linn, .....	36	2	1,585	30	683	18	12	13 30	7 66	2,367	10
Louisa, .....	39	5	1,735	24	588	15	10	17 55	9 08	1,893	120
Madison, .....	13		368								
Mahaska, .....	16	16	1,356	14	469	9	5	13 33	6 70	1,072	
Marion, .....	33	3	1,580	10	377	9	2	10 14	8 33	722	
Monroe, .....	18		808	8	115	3	5	8 72	7 50	415	5
Muscatine, .....	25	17	1,413	20	655	12	8	17 08	11 20	1,629	
Polk, .....	11	9	393	3	119	1	2	35 00	9 00	157	
Poweshiek, .....	6		127								
Scott, .....	20	7	1,415	23	542	12	13	19 77	7 70	1,507	
Van Buren, .....	64		3,895	40	790	23	15	13 91	7 04	1,921	
Wapello, .....	37		2,216	23	763	14	10	15 01	8 72	1,654	
Washington, .....	38		1,831	26	835	14	18	10 60	7 01	1,443	
	860	145	50,082	554	17,350	336	245	14 83	7 64	38,000	180

COUNTIES.	Aggregate amount paid teachers during the year and the source from whence same was received.		Amount of teacher's fund in hands of district treasurers.	No. of district school houses and of what material constructed.			Cost of district school houses.	Amount raised in the districts during the year by tax, and for what purpose.		
	Teachers fund.	Voluntary subscription.		Brick	Stone	Wood		Erection of school houses.	Contingent expenses.	Library.
Allamakee, . . . . .										180
Appanoose, . . . . .	35 00	52 50				1	60 00		20 00	
Benton, . . . . .										
Boone, . . . . .										
Buchanan, . . . . .	30 31									
Cedar, . . . . .	390 05	593 95	27 69			11	1,141 65	223 00	276 45	
Clayton, . . . . .	147 91	286 63	30 21			7	721 00	341 00	95 25	
Clinton, . . . . .	190 50	229 77		2		8	1,189 44	255 18		
Dallas, . . . . .										85
Davis, . . . . .	292 00	674 28	2 00			12	620 00	671 15	92 00	
Delaware, . . . . .	96 71	336 34				9	380 00		50 00	
Des Moines, . . . . .	1,366 10	1,011 34	67 69	6	3	17	5,705 71	2,650 00	5 00	
Dubuque, . . . . .	318 02	836 51	3 75			17	360 00	200 00		
Henry, . . . . .	807 19	784 21	252 35	3		22	1,823 66	935 34	14 17	
Iowa, . . . . .	20 30	33 00				3	96 00	60 00	29 00	
Jackson, . . . . .	405 74	1,057 28	138 94	2		20	1,555 00	535 00	176 88	5 00
Jasper, . . . . .										
Jefferson, . . . . .	405 07	934 08	8 35	1		23	2,673 46	1,864 50	57 75	
Johnson, . . . . .	263 21	280 34	11 09			11	1,007 00	48 50	360 64	
Jones, . . . . .	221 27	264 51				9	251 50	217 82	26 83	

Keokuk, .....		40 50			1	60 00			
Lee, .....	599 36	1,793 85	23 31	4	35	3,837 50	1,834 65	83 36	20 00
Linn, .....	275 82	738 70	36 95		20	1,659 00	276 00		
Louisa, .....	211 57	1,489 46		4	14	2,402 00	127 00	39 00	25 00
Madison, .....									
Mahaska, .....	61 05	384 37	7 00	1	10	750 00	240 00	18 00	
Marion, .....	222 45	401 18		4	6	190 00			
Monroe, .....		138 65			3	90 00	475 70	21 25	
Muscatine, .....	371 55	653 95	34 00		10	874 40	479 02	82 15	
Polk, .....		30 00			1	30 00			
Poweshiek, .....									
Scott, .....	578 34	642 31		2	8	2,000 00	1,371 00	50 00	
Van Buren, .....	704 44	865 15	76 94	3	34	4,167 18	3,098 31	145 53	
Wapello, .....	207 64	844 21		2	19	2,765 51	2,060 06	79 50	
Washington, .....	493 83	465 01	14 00	1	18	2,031 00	255 00	78 00	
	\$8,715 43	\$15,932 08	\$734 27	35	3	349 \$38,456 01	\$18,228 23	\$1,811 61	\$50 00

APPENDIX.

## C.

COUNTIES.	No. of private literary institutions in the State.			Total amount of School Fund, and how invested.			Salary of Fund commissioners	Contingent expenses of fund commissioners.	
	Colleges	Academies.		Schools.	Loaned on real estate.	Land sold on credit.			On hand.
		Male.	Female.						
Allamakee, . . . . .									
Appanoose, . . . . .				\$644 60	\$50 00	\$28 31			
Benton, . . . . .				80 00	557 20	333 08	22 00		
Boone, . . . . .									
Buchanan, . . . . .									
Cedar, . . . . .				2,077 50	2,705 50	147 23	40 00		
Clayton, . . . . .				1,004 50	4,194 40	39 88	366 25	34 65	
Clinton, . . . . .						15 85	115 04	100 15	
Dallas, . . . . .									
Davis, . . . . .				2,809 30	3,792 10	131 00	334 00		
Delaware, . . . . .				335 00	1,070 00	1 80		4 30	
Des Moines, . . . . .				14,086 22	6,167 50	338 68	400 00		
Dubuque, . . . . .				4,048 56	6,395 45	296 39			
Henry, . . . . .		3	6	4,825 40	7,051 32	168 00	513 29		
Iowa, . . . . .							1 50		
Jackson, . . . . .	2		3	150 00	300 00		67 00		

Jasper,											
Jefferson,			1	2	4,751 25	7,975 10	93 85	475 00			
Johnson,		1		6	1,675 48	8,382 82	40 81	171 47			
Jones,				4	1,240 68	4,669 06					
Kcokuk,					1,315 00	3,079 00		200 00	47 00		
Lee,		1		6	7,257 60	7,520 95	505 00	†363 11			
Linn,				7	1,863 50	5,100 07	255 63	169 05			
Louisa,					2,882 10	5,510 04	4 07	356 00			
Madison,											
Mahaska,*				2		907 50	500 64				
Marion,					3,734 42	4,035 26		337 34			
Monroe,					1,747 60	2,087 00	185 68	13 92			
Muscatine,				3	1,750 80	3,755 21	72 88	125 00			
Polk,					950 00	4,540 94	246 48	203 50			
Poweshiek,					187 50	562 50					
Scott,		1	1	3	1,433 50	8,920 50		196 58			
Van Buren,					5,175 98	7,391 00	295 25	†725 00			
Wapello,					6,270 35	9,694 09	529 12	†649 79			
Washington,					2,275 00	4,283 87	150 00	†475 00	172 50		
	3	5	2	42	\$64,530 83	\$110,788 98	\$4,388 63	\$6,319 84	\$358 60		

\* Accounts of office unsettled.

† Salary for two years.

Money appropriated by law and raised by subscription for the support of schools, and the source from which the amount accrued.

COUNTIES.	Money appropriated by law and raised by subscription for the support of schools, and the source from which the amount accrued.								
	County tax.	Interest of public fund.	Military fines.	Fines for breach of the laws.	sale of water-crafts	sale of lost goods	Sale of estrays	Voluntary subscriptions.	Grocery license.
Allamakee, .....									
Appanoose, .....	138 35								
Benton, .....									
Boone, .....									
Buchanan, .....	9 69	19 50		10 00					
Cedar, .....	411 32	118 66		10 00		3 92	593 95		
Clayton, .....	128 70	60 45							
Clinton, .....	339 89	70 87		17 50			196 75		
Dallas, .....				5 00					
Davis, .....	163 00	281 08		102 00		75 00	674 28	139 00	
Delaware, .....	60 91	38 09					336 34		
Des Moines, .....	2,147 80	1,781 15		15 00		87 27		627 12	
Dubuque, .....	505 18	611 18		*1,070 65					
Henry, .....	1,169 21	493 80		66 00		57 48	1,496 48		
Iowa, .....	44 90	6 30					83 00		
Jackson, .....	820 72	120 00		31 00		25 00			
Jasper, .....									
Jefferson, .....	484 88	448 20		35 00		11 95	934 08		
Johnson, .....	441 72	127 37		9 00				150 00	
Jones, .....	136 00	240 00							

Keokuk, . . . . .	238 14	192 90						
Lee, . . . . .	946 62	635 95				4 80	1,793 85	
Linn, . . . . .	211 83	101 97					738 70	
Louisa, . . . . .	365 90	238 20		27 50		18 00	1,489 46	
Madison, . . . . .								
Mahaska, . . . . .		32 62					384 37	
Marion, . . . . .	120 00	171 81					401 18	
Monroe, . . . . .								
Muscatine, . . . . .	672 68	219 33						
Polk, . . . . .				25 00				100 00
Poweshiek, . . . . .								
Scott, . . . . .	800 00	162 75		10 00				
Van Buren, . . . . .	163 45	642 82		20 00				
Wapello, . . . . .	209 57	562 69		45 62			844 21	
Washington, . . . . .	275 00	205 80		27 50			465 01	
	\$11,005 46	\$7,782 99		\$1,535 77		\$283 42	\$10,381 66	\$1,016 12

\* This amount was collected prior to the fall of 1848, in county orders, and has not yet been apportioned.

COUNTIES.	Total amount of sales of sixteenth section up to date.				Total amount of sales of 500,000 acres up to date.				
	No. of acres.	One dollar on contracts.	Amount in cash.	Amount on credit.	No. of acres.	One dollar on contracts.	One-fifth in cash.	One-fifth on credit.	Four-fifths on credit.
Allamakee, . . . . .									
Appanoose, . . . . .	460		672 60	50 00					
Benton, . . . . .									
Boone, . . . . .									
Buchanan, . . . . .									
Cedar, . . . . .	2,120		2,140 50	2,705 50					
Clayton, . . . . .	2,130	26 00	838 28	1,954 40	2,240	11 00	560 00		2,240 00
Clinton, . . . . .	123.89	1 00	681 00	2,081 20					
Dallas, . . . . .									
Davis, . . . . .	4,340	52 00	2,888 30	3,792 10					
Delaware, . . . . .	640	10 00	250 00	750 00	320	1 00	80 00		320 00
Des Moines, . . . . .			14,424 95	6,167 50					
Dubuque, . . . . .	6,631.85	73 00	4,502 12	5,274 09	1,040	7 00	178 62	81 38	1,040 00
Henry,* . . . . .	4,800	168 00	4,825 40	7,051 32					
Iowa, . . . . .									
Jackson, . . . . .	320		100 00	300 00					
Jasper, . . . . .									
Jefferson, . . . . .	5,920	103 00	5,320 00	7,975 10					
Johnson, . . . . .	2,030	30 00	1,681 52	3,382 82					

Jones, . . . . .	1,527	15 00	489 68	1,469 06	3,200	8 00	760 00	40 00	3,200 00
Keokuk, . . . . .	2,250	. . .	1,568 00	3,076 60					
Lee, . . . . .	7,588	5 00	8,020 90	7,520 95					
Linn, . . . . .	2,012	7 00	1,917 75	3,348 50	1,720	12 00		430 00	1,720 00
Louisa, . . . . .	3,329.51	50 00	1,952 64	5,857 95	640	8 00		160 00	640 00
Madison, . . . . .									
*Mahaska, . . . . .	960	13 00	332 50	997 50					
Marion, . . . . .	4,500	19 00	3,274 50	2,453 50	1,094.61	5 00	773 26		595 00
Monroe, . . . . .	2,680	25 00	1,341 20	1,767 00					
Muscatine, . . . . .	2,452	. . .	1,851 74	3,755 21					
Polk, . . . . .	1,512.50	11 00	472 65	1,417 95	3,122.90	19 00	780 73		3,122 99
Poweshiek, . . . . .	600	. . .	187 50	562 50					
Scott, . . . . .	2,160	23 00	1,430 50	3,920 50					
Van Buren, . . . . .	4,543	82 00	3,223 90	7,391 00					
Wapello, . . . . .	4,558	43 00	4,101 89	4,132 38	7,041	64 00	612 88	777 57	5,501 71
Washington, . . . . .	3,417	65 00	2,972 50	4,383 87					
	73,664.75	\$830 00	\$71,461 62	\$93,538 50	20,418.60	\$135 00	\$3,745 59	\$1,488 95	\$16,439 70

\* The accounts of the office being unsettled, the statement here-given is incomplete.

An abstract of the annual reports of the school fund commissioners for the period commencing October 1, 1849, and ending October 1, 1850—embraced in statements F, G, H, I and J.

F

COUNTIES.	No. of School Districts.		No. of persons between 5 and 21 years.	No. of schools.	No of pupils in schools.	No of teachers in schools.		Average compensation of teachers per month.		No. of days schools have been taught.	No. of volumes in dist. libraries.
	Organized.	Unorganized.				Male.	Female.	Male.	Female.		
Allamakee, . . .	5		328	4	55	1	3	\$10 00	\$3 09	317	
Appanoose, . . .	23		1,173	6	153	4	2	13 60	7 57	240	
Benton, . . . .	4		99	3	62	1	1	14 00	4 00	141	
Boone, . . . . .	5		250	2	46	2		10 50		75	
Buchanan, . . . .	6		185	3	80		3		6 00		
Cedar, . . . . .	22		1,111	24	761	13	5	18 17	8 01	1,217	20
Clayton, . . . . .	28		1,202	19	501	8	3	19 76	19 66	1,348	
Clinton, . . . . .	21		919	23	638	12	16	13 15	6 97	1,578	
Dallas, . . . . .	7		204	1	23	1		8 33		66	
Davis, . . . . .	53		3,034	40	1,190	25	11	16 44	8 11	2,049	
Decatur, . . . . .	7		413								
Delaware, . . . . .	18		766	24	494	14	10	10 50	7 00	1,885	
Des Moines, . . . .	57		4,614	56	1,449	42	18	12 34	8 46	3,637	
Dubuque, . . . . .	43		3,341	69	1,256	26	17	13 87	5 82	4,185	
Eayette, . . . . .	No	fund	com'r	elect'd							
Fremont, . . . . .	"	"	"	"							
Henry, . . . . .	54	7	3,583	48	1,222	34	19	17 44	9 20	2,524	12

Iowa, . . . . .	7	1	238	3	101	2	2	23 74	267	
Jackson, . . . . .	56	9	2,212	40	1,185	22	30 14 19	7 23	3,447	100
Jasper, . . . . .	8		452	7	199	2	5 13 00	7 06	304	
Jefferson, . . . . .	62		4,080	66	2,165	46	17 14 97	9 05	2,927	
Johnson, . . . . .	30		1,603	29	584	17	17 27 19	13 03	1,887	
Jones, . . . . .	18	2	1,092	18	483	10	8 14 10	8 65	1,879	
Kookuk, . . . . .	19		1,837	26	247	11	1 13 55	16 00	461	
Lee, . . . . .	89		6,075	71	2,264	38	36 18 18	7 50	3,858	
Linn, . . . . .	42	1	1,990	42	1,222	25	20 14 62	7 15	3,251	10
Louisa, . . . . .	43	2	1,932	29	731	20	12 16 00	7 50	2,034	96
Lucas, . . . . .	1		34							
Madison, . . . . .	13		472	2	56	2	12 62		80	
Mahaska, . . . . .	54		2,819	23	881	17	7 14 37	9 17	1,565	
Marion, . . . . .	119	6	1,768	19	600	12	8 11 56	8 07	1,368	
Marshall, . . . . .	2	2	134							
Monroe, . . . . .	25		1,118	13	300	5	5 14 50	10 37	706	49
Muscataine, . . . . .	33		1,897	23	460	13	6 15 91	5 60	9,693	
Polk, . . . . .	26		1,301	14	360	10	2 20 13	8 66	629	
Pottawattamie, . . . . .	No	fund	com'r	elect'd						
Powashiek, . . . . .	7	2	193							
Scott, . . . . .	32		1,958	29	643	14	18 17 48	7 32	1,673	
Van Buren, . . . . .	77	13	4,729	68	1,976	51	23 15 77	7 74	4,133	
Wapello, . . . . .	53		3,114	37	1,446	29	17 13 50	6 51	2,438	
Warren, . . . . .	3	5	115							
Washington, . . . . .	40		1,951	33	971	20	18 12 70	7 99	2,162	
	1,212	50	64,336	914	24,804	549	250 \$14 76	\$ 8 78	64,023	287

APPENDIX.

COUNTIES.	Aggregate amount paid teachers during the year, and the source from whence same was received.		Amount of teacher's land in hands of treasurers.	Number of district school houses and of what material constructed.		Cost of district school houses.	Amount raised in the district during the year by tax, and for what purpose.		
	Teachers fund.	Voluntary subscription.		Brick	Stone		Wood	Erection of school houses.	Contingent expenses.
Allamakee,	\$38 37		\$20 97		2	\$150 00			
Appanoose,	38 77	\$51 92	83 87		4	300 00	\$65 00	\$9 00	
Benton,	57 75	13 62			2	40 00			
Boone,	7 94	19 06	29 50		1				
Buchanan,	36 00	24 00	12 90		1	20 00			
Cedar,	299 00	934 24	67 75		8	1,561 00	971 94	225 07	
Clayton,	343 14	100 03	168 94		11	1,215 00	524 61	73 65	\$35 00
Clinton,	509 56	238 42	136 93	3	13	2,986 60	319 00	40 50	10 00
Dallas,	12 47	12 53						5 55	
Davis,	822 05	856 28	574 47		35	2,972 88	1,068 81	200 03	
Decatur,									
Delaware,	417 36	347 50	19 16		8	800 00	105 00	62 23	
Des Moines,	1,344 46	1,248 73	100 96	7	4 20	5,840 91	1,576 78	176 90	
Dubuque,	717 88	796 74	139 00	3	17	2,225 58	1,351 08	132 65	
Henry,	1,439 14	1,146 88	601 60	5	23	4,384 36	1,766 79	290 00	
Iowa,	80 00	52 26	33 55		3	95 00			
Jackson,	968 77	1,005 71	143 13	3	36	2,488 00	1,134 82	218 25	*10 00

Jasper,	71 88	15 00	161 03		2	38 00			
Jefferson,	1,873 18	800 14	237 14	1	34	4,599 13	2,904 50	255 13	10 00
Johnson,	561 59	352 34	52 23		15	1,235 00	84 65	49 00	
Jones,	216 49	518 11	91 96		15	1,711 75	350 00	150 00	10 00
Keokuk,	130 51	100 00			15	620 00	160 00	21 10	
Lec,	2,286 93	1,377 48	239 40	10	28	8,192 89	864 54	531 00	100 00
Linn,	926 33	915 92	132 56		26	1,827 00	1,495 50	83 75	
Louisa,	637 53	546 08	322 91	3	14	2,600 00	1,035 00	40 00	15 00
Lucas,									
Madison,	19 65	20 25	40 55		1	28 00	28 00	14 00	
Mahaska,	565 90	547 66	159 00	2	8	635 00	465 00	21 00	
Marion,	436 36	313 62	123 55		11	930 00	1,049 75	258 50	
Marshall,									
Monroe,	153 18	277 38	92 49		9	771 75	263 00		
Muscatine,	431 19	294 96	94 00	2	7	6,375 00	6,175 00	58 30	
Polk,	177 70	426 62	42		5	924 00	210 00	108 00	
Pottawattamic,									
Powashiek,			32 16						
Scott,	694 71	652 92	38 68	6	8	1,764 89	1,839 01	80 29	
Van Buren,	2,044 48	1,177 45	272 64	2	42	7,121 65	2,410 22	125 09	
Wapello,	1,048 77	899 28	339 03		27	1,611 40	2,253 85	71 28	
Warren,					1	60 00			
Washington,	591 15	710 43	147 07	1	18	2,405 00	187 00	155 00	
	\$20,009 16	\$16,805 02	\$4,878 65	48	4	470,668,566 70	\$30,759 85	\$3,450 27	\$195 00

COUNTIES	No. of private literary institutions in the State.			Total amount of school fund, and how invested.			Salary of fund commissioner.	Contingent expenses of fund commissioner.	
	Colleges.	Academies.		Schools.	Loaned on real estate.	Land sold on credit.			On hand.
		Male.	Female.						
Allamakee,.....									
Appanoose,.....				\$1,503 85	1,052 50		178 00		
Clinton,.....				481 00	210 00	194 43	22 00	15 88	
Boone,.....									
Buchanan,.....				97 50	112 50				
Cedar,.....				299 00	925 00	75			
Clayton,.....			12	2,305 85	5,761 15	24 80	366 25	42 15	
Clinton,.....			1	1,087 84	3,252 54	155 29	184 10		
Dallas,.....						100 00			
Davis,.....				4,201 40	4,973 50	22 50	55 65		
Decatur,.....									
Delaware,.....				335 00	1,363 25		83 25	20 50	
Des Moines,.....				14,942 18	6,672 01	22 70	400 00		
Dubuque,.....			1	4,223 56	8,466 59				
Fayette,.....									
Fremont,.....									
Henry,.....	1	2	1	6,384 44	6,500 28		300 00		
Iowa,.....				76 84	230 81		20 25	14 90	
Jackson,.....				2,150 00	3,837 33	467 24	475 00		
Jasper,.....				200 00	300 00				
Jefferson,.....			1	5,436 00	6,862 79	47 67	300 00		
Johnson,.....			4	2,194 06	4,585 03				
Keosauqua,.....				2,389 16	8,417 80				

Keokuk,.....					1,900 00	4,415 57	13 28	200 00	42 00
Lee,.....	1			3	9,876 80	7,188 11	75 60	513 11	
Linn,.....				7	2,705 96	6,297 18	23 86	469 05	
Louisa,.....				1	2,400 00	6,831 10	134 81	357 18	
Lucas,.....									
Madison,.....				1	150 00	560 00	25 00		
Mahaska,.....				2	5,716 99	7,995 99	259 26	400 00	
Marion,.....					4,578 92	6,006 00		337 34	
Marshall,.....									
Monroe,.....				5	2,641 97	3,648 60	130 33		18 00
Muscatine,.....					1,975 00	4,582 00	160 00		
Polk,.....		1	1		1,190 00	4,423 08	210 00	508 34	
Pottawattamie,.....									
Powashiek,.....					487 50				
Scott,.....	1	1	4	1	2,860 50	7,597 40		200 00	
Van Buren,.....					7,458 18	8,775 20		450 00	10 00
Wapello,.....				4	8,949 35	10,657 09	115 00	402 00	
Warren,.....					185 00	240 00	5 00		
Washington,.....				5	2,500 00	4,198 81	238 00	175 00	
	4	4	10	44	\$103,864 85	\$143,939 21	\$2,425 52	\$6,396 57	\$163 43

\* Salary for three years.

Money appropriated by law and raised by subscription for the support of schools, and the source from which the amount accrued.

COUNTIES.	County Tax	Interest of public fund	Militia fines	Fines for breach of the laws.	Sale of - ter crafts.	Sale of lost goods.	Sale of es- trays.	Voluntary subscriptions	Grocery li- cense.
Allamakee, . . . . .	\$7 1'								
Appanoose, . . . . .	49 00	\$157 76		\$5 00					
Benton, . . . . .	32 97	76 00		5 00					
Boone, . . . . .	5 2'	45 90						\$19 06	
Buchanan, . . . . .	15 5'								
Cedar, . . . . .								934 24	
Clayton, . . . . .									
Clinton, . . . . .	715 56	350 32		75 00			\$60 20	238 42	
Dallas, . . . . .	6 14	56 44						12 52	
Davis, . . . . .	177 70	681 68		19 45			22 00	8 33	\$25 00
Decatur, . . . . .	11 00								
Delaware, . . . . .	160 00	175 10		34 11				347 50	
Des Moines, . . . . .	642 90	2,621 70		30 00			10 00		
Dubuque, . . . . .									
Fayette, . . . . .									
Fremont, . . . . .									
Henry, . . . . .	778 74	1,119 96		20 00			23 75	1,146 88	
Iowa, . . . . .	47 60	76 79						52 26	
Jackson, . . . . .	441 00	613 70		60 00				1,005 71	
Jasper, . . . . .	99 67	123 08		14 85			16 83		
Jefferson, . . . . .	582 60	1,227 86		25 00			40 30	800 14	
Johnson, . . . . .	83 18								
Jones, . . . . .	227 99	563 44		5 00					
Keokuk, . . . . .	151 72	566 78		40 00					
Lee, . . . . .	733 86	1,845 18		80 00			18 00		
Linn, . . . . .	622 51	519 39		29 26				915 92	
Louis, . . . . .	238 68	582 90		15 00			63 00	546 62	

Lucas, . . . . .	6 30					
Madison, . . . . .	10 75	125 12	10 00			
Mahaska, . . . . .		1,219 13	131 15			
Marion, . . . . .	243 60	687 49	10 00		313 61	
Marshall, . . . . .	6 85					
Monroe, . . . . .	40 50	260 06	27 50	1 00		
Muscatine, . . . . .	400 00	418 50	74 70			
Polk, . . . . .	96 37		15 00			75 00
Pottawattamie, . . . . .						
Powashiek, . . . . .	19 70	43 66	5 00			
Scott, . . . . .	680 00	481 10	10 00			
Van Buren, . . . . .	2,185 25	1,484 68	9 65			
Wapello, . . . . .	586 00	753 44	55 00		899 38	
Warren, . . . . .						
Washington, . . . . .	206 73	622 54	10 00	33 50	701 63	
	\$10,043 20	\$17,606 76	\$905 67	\$297 58	\$7,742 34	\$100 00

COUNTIES.	Total amount of sales of sixteenth section up to date.				Total amount of sales of five hundred thousand acres up to date.				
	No. of acres.	\$1 on	Am't in cash.	Amount on credit.	No of acres	\$1 on	One-fifth in cash.	One-fifth on credit.	Four fifths on credit.
		contracts				contracts			
Allamakee, .....									
Appanoose, .....	1,900.00	\$4 00	\$1,500 00	\$152 50					
Benton, .....	359.60	4 00	475 85	50 00	320.00	2 00	50 00		160 00
Boone, .....									
Buchanan, .....	120.00		97 50	112 50					
Cedar, .....	680.00		295 75	825 00					
Clayton, .....	3,690.00		2,008 05	3,521 15	2,240.00		731 31		2,240 00
Clinton, .....	2,299.50	2 00	1,425 28	3,252 54					
Dallas, .....	160.00	1 00	100 00	100 00					
Davis, .....	5,840.00		3,133 17	6,063 23	320.00		80 00		320 00
Decatur, .....									
Delaware, .....	808.99	10 00	347 75	1,043 25	320.00	1 00	80 00		320 00
Des Moines, .....	5,720.00		14,964 88	6,672 01					
Dubuque, .....	6,634.00		5,179 52	7,426 59	1,040.25		178 62	81 38	1,040 00
Fayette, .....									
Fremont, .....									
Henry, .....	5,340.00	168 00	6,216 44	6,500 28					
Iowa, .....	233.00		76 93	230 81					
Jackson, .....	3,864.00		2,617 24	3,837 33					
Jasper, .....	400.00	4 00	200 00	300 00					
Jefferson, .....	6,480.00		4,274 79	9,627 31					
Johnson, .....	2,908.86		2,196 06	4,588 03					
Jones, .....	2,360.00		755 00	2,539 75	3,130.00		940 00		2,970 00
Keokuk, .....	3,150.00	19 00	2,155 28	4,415 57					
Lee, .....	7,080.00								
Linn, .....	2,959.00	7 00	2,648 07	4,737 18	1,720.00	12 00	430 00		1,720 00
Louis, .....	3,910.73	50 00	2,161 68	6,485 06	640.00	8 00	166 00		634 00
Lucas, .....									

Madison, .....	560.00		175 90	525 00					
Mahaska, .....	4,460.78		3,135 08	7,187 59	4,125.85	54 00	629 00	450 00	4,121 00
Marion, .....	5,800.00	19 00	4,119 00	3,411 00	1,094.61	5 00	773 26		595 00
Marshall, .....									
Monroe, .....	3,920.00	18 00	2,103 40	3,916 60	320.00	1 00	80 00		320 00
Muscatine, .....	3,004.00		2,135 54	4,582 00					
Polk, .....	2,232.50	12 00	697 65	2,058 00	2,365.08	14 00	580 73		2,365 08
Pottawattamie, .....									
Powashiek, .....	640.00		200 00	600 00					
Scott, .....	4,240.00		2,860 50	7,597 40					
Van Buren, .....	6,786.45	120 00	7,458 18	8,775 20					
Wapello, .....	5,631.07	43 00	4,435 39	5,095 38	7,041.67	64 00	2,522 88	777 57	5,561 71
Warren, .....	320.00		190 00	210 00					
Washington, .....	3,757.00	65 00	3,297 50	4,438 81					
	108,249.40	\$546 00	\$83,636 58	\$120,877 07	24,677.21	\$161 00	\$7,231 49	\$1,308 95	\$22,666 09

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 20th day of January, 1849, as required by law:

Amount of interest paid to the respective School Fund Commissioners on the first day of January, 1849, as shown by their reports:

Amount of interest apportioned to each county on the 20th day of January, 1849:

COUNTIES.	AMOUNT.	COUNTIES.	NO. OF CHILDREN.	AMOUNT.
Appanoose, - - -		Appanoose,	224	\$33 60
Benton, - - -	\$17 45	Benton,	162	24 30
Buchanan, - - -		Buchanan,	130	19 50
Cedar, - - -	67 58	Cedar,	788	118 20
Clayton, - - -	94 60	Clayton,	403	60 45
Clinton, - - -	8 03	Clinton,	526	78 90
Dallas, - - -		Dallas,		
Des Moines, estimated,	1,295 00	Des Moines,	4,645	696 75
Davis, - - -	108 00	Davis,	1,812	271 80
Delaware, estimated,	35 00	Delaware,	436	65 40
Dubuque, - - -	256 07	Dubuque,	1,280	192 00
Henry, - - -	295 67	Henry,	2,805	420 75
Iowa, - - -		Iowa,	42	6 30
Jasper, - - -		Jasper,		
Jackson, - - -		Jackson,	800	120 00
Jefferson, - - -	174 54	Jefferson,	2,988	448 20
Johnson, - - -	127 37	Johnson,	1,299	194 85
Jones, - - -	131 13	Jones,	694	104 10
Keokuk, estimated,	180 00	Keokuk,	1,286	192 90
Lee, - - -	946 53	Lee,	5,573	835 95
Linn, - - -	23 36	Linn,	1,334	200 10
Louisa, - - -	412 27	Louisa,	1,588	238 20
Mahaska, estimated,	160 00	Mahaska,	1,516	227 40
Marion, - - -	169 91	Marion,	1,125	168 75
Monroe, - - -	133 74	Monroe,	367	55 05
Muscatine, - - -	103 00	Muscatine,	1,360	204 00
Polk, estimated, - - -	93 63	Polk,	752	112 80
Poweshiek, - - -		Poweshiek,	72	10 80
Scott, estimated, - - -	250 00	Scott,	1,085	162 75
Van Buren, - - -	485 04	Van Buren,	3,589	538 35
Washington, - - -	201 04	Washington,	1,372	205 80
Wapello, - - -	696 29	Wapello,	2,382	357 30
<b>Total, - - -</b>	<b>\$6,365 25</b>	<b>Total,</b>	<b>42,435</b>	<b>\$6,365 25</b>

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 25th day of January, 1850, as required by law :

Am't of interest paid to the respective School Fund Commissioners on the first day of January, as shown by their reports :		Amount of interest apportioned to each county on the 25th day of January, 1850.		
COUNTIES.	AMOUNT.	COUNTIES.	NO. OF CHILDREN.	AMOUNT.
Allamakee, (no report)		Allamakee,	154	\$52 36
Appanoose, - - - -	\$44 03	Appanoose,	464	157 76
Benton, - - - -	20 04	Benton,	26	8 84
Boone, (no report)		Boone,	135	45 90
Buchanan, " " "		Buchanan,	120	40 80
Cedar, - - - -	431 49	Cedar,	998	339 32
Clayton, - - - -	503 93	Clayton,	687	233 58
Clinton, - - - -	88 20	Clinton,	733	249 22
Dallas, (no report)		Dallas,	166	56 44
Davis, - - - -	420 00	Davis,	2,002	680 68
Delaware, - - - -	159 39	Delaware,	515	175 10
Des Moines, - - - -	1,350 00	Des Moines,	4,578	1,556 52
Dubuque, - - - -	464 31	Dubuque,	2,587	879 58
Henry, - - - -	1,000 82	Henry,	8,294	1,119 96
Iowa, (estimated) - -	6 30	Iowa,	226	76 84
Jackson, - - - -	58 00	Jackson,	1,805	613 70
Jasper, (no report)		Jasper,	362	123 08
Jefferson, - - - -	1,202 06	Jefferson,	3,211	1,091 74
Johnson, - - - -	327 89	Johnson,	1,417	481 78
Jones, - - - -	500 43	Jones,	786	267 24
Keokuk, - - - -	439 63	Keokuk,	1,667	566 78
Lee, - - - -	1,456 62	Lee,	5,427	1,845 18
Linn, - - - -	439 59	Linn,	1,585	538 90
Louisa, - - - -	755 94	Louisa,	1,735	589 90
Madison, (no report)		Madison,	368	125 12
Mahaska, - - - -	1,219 13	Mahaska,	1,356	461 04
Marion, - - - -	654 49	Marion,	1,580	537 20
Monroe, - - - -	348 08	Monroe,	808	274 72
Muscatine, - - - -	418 50	Muscatine,	1,413	480 42
Polk, (estimated) - -	227 42	Polk,	393	133 62
Poweshiek, (no report)		Poweshiek,	127	43 18
Scott, - - - -	374 93	Scott,	1,415	481 10
Van Buren, - - - -	999 59	Van Buren,	3,895	1,324 30
Wapello, - - - -	1,309 41	Wapello,	2,216	753 44
Washington, - - - -	428 21	Washington,	1,831	622 54
State loans, - - - -	1,379 45			
Total, - - - -	\$17,027 88		50,082	\$17,027 88

## SCHOOL FUND COMMISSIONERS.

COUNTY.	NAMES.	POST OFFICE.
Allamakee,	Elias Topliff,	Garnavillo.
Appanoose,	D. P. Sparks,	Centreville.
Benton,	E. H. Keys,	Vinton.
Boone,	John Gault,	Fort Des Moines.
Buchanan,	William Logan,	Independence.
Cedar,	Preston J. Friend,	Tipton.
Clayton,	Samuel Murdock,	Garnavillo.
Clinton,	A. R. Bissell,	Camanche.
Dallas,	Benjamin Green,	Adell.
Davis,	Harvey A. Sloan,	Bloomfield.
Decatur,	H. B. Notson,	Nine Eagles.
Delaware,	John Benson,	Delhi.
Des Moines,	William Walker,	Burlington.
Dubuque,	George McHenry,	Dubuque,
Fayette,	(none elected.)	
Fremont,	(none elected.)	
Henry,	Archibald McKinney,	Mount Pleasant.
Iowa,	Martin Ballard,	South English.
Jackson,	Daniel F. Spurr,	Bellevue.
Jasper,	Jesse Rickman,	Newton.
Jefferson,	William C. Jones,	Fairfield.
Johnson,	John McCaddon,	Iowa City.
Jones,	Joseph Mann,	Anamosa.
Keokuk,	J. B. Whisler,	Lancaster.
Lee,	William Stewart,	West Point.
Linn,	Alpheus Brown,	Marion.
Louisa,	Oliver Benton,	Wapello.
Lucas,	Andrew McClurg,	Chariton Point.
Madison,	A. D. Jones,	Winterset.
Mahaska,	John White,	Oskaloosa.
Marion,	John B. Hamilton,	Pella.
Marshall,	Zeno B. Freeman,	Timber Creek.
Monroe,	John M. Richardson,	Half-way-Prairie.
Muscatine,	Asa Gregg,	West Liberty.
Polk,	Thomas J. McMullin,	Fort Des Moines.
Pottawattamie,	(none elected.)	
Poweshiek,	William H. Barnes,	Union Mills.
Scott,	Hiram Price,	Davenport.
Van Buren,	Samuel Clayton,	Pittsburgh.
Wapello,	Joseph Myers,	Agency City.
Warren,	Samuel Haworth,	Indianola.
Washington,	Nathaniel P. Cooper.	Washington.

# NAMES OF TEACHERS.

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COUNTY.	NAME.	BIRTH PLACE.	AGE
Appanoose,	A. Harris,		
"	M. E. Harris,		
"	D. T. Shover,	Canada.	26
"	L. Niles,	Ohio.	15
"	T. Brown,	Kentucky,	40
"	O. P. Cosler,	Indiana,	19
Allamakee,	Mary Powell.	New York,	18
"	Mary Topliff.	New Jersey,	16
"	Matilda Vail,	New York,	19
"	John Shober,	Ohio,	18
Benton,	R. Stoneman,	Ohio,	31
"	Lucy Clark,	Vermont,	18
Buchanan,	Martha Ginter,	Pennsylvania.	21
"	M. Bunce,	Ohio,	23
Boone,	D. S. Jewett,	Ohio,	20
"	Thomas Sparks,	Pennsylvania,	29
Clayton,	Margaret Brown,	Pennsylvania,	17
"	M. Reed,	Ohio,	21
"	Susan Coffin,	Massachusetts,	21
"	Willis Drummond,	Missouri,	24
"	N. V. Smith,	Ohio,	21
"	S. Woodard,	Vermont,	22
"	J. Sholen,	Ohio,	
"	L. Anger,	New York,	35
"	L. Ruckoner,	Ohio,	17
"	M. T. Kiff,	Ireland,	26
"	H. M. Catin,	Ohio,	16
"	S. Howard,	Minnesota,	36
"	E. Aimes,	Garnavillo,	19
ton,	A. Work,	Pennsylvania,	19
"	L. D. Benedict,	Ohio,	25
"	Mary Ann Mayfield,	Indiana,	19
"	Sarah J. Case,		
"	D. Millard,	New York,	22
"	E. Parker,	New York.	17
"	E. Barrett,	New York,	60
"	E. J. Randall,	Maine,	20
"	S. Hull,	New York,	19
"	L. Bule,	Ohio,	18
"	J. Walker,	New Jersey,	18
"	M. Botherell,		22
"	R. M. Rockwell,	New York,	22
"	A. B. Harlan,	Indiana,	23
"	H. G. Warner,	New York,	61
"	Mary Parker,	New York,	25

COUNTY.	NAME.	BIRTH PLACE.	Age
Cedar,	L. Leland,	Massachusetts,	31
"	S. Wright,	Massachusetts,	31
"	William Kile,	Ohio,	24
"	A. Backer,	Pennsylvania,	24
"	D. F. Blair,	Virginia,	23
"	R. M. Woods,	Pennsylvania,	27
"	L. Humphrey,	Ohio,	16
"	F. Crippin,	Canada,	23
"	Samuel Durell,	Ohio,	30
"	F. Cuppen,		
"	W. Spicer,	New York,	19
"	C. R. Rathbone,	New York,	32
"	P. Chance,	New York,	22
"	Mr. Madson,		
"	E. Barkley,	Virginia,	56
"	C. Parker,	New York,	29
"	Miss Wright,	Ohio,	25
"	R. McCaskey,	Pennsylvania,	34
Davis,	A. Simons,		
"	Wm. Lynch,		
"	J. Hutchins,	Indiana,	23
"	A. Puckinjair,		
"	S. Glasgow,	Pennsylvania,	73
"	C. Hurdell,		
"	C. Udell,		
"	D. Johnson,	Indiana	21
"	M. A. Wilson,	Indiana,	24
"	S. Duffield,	Ohio,	29
"	James Morris,	Kentucky,	24
"	H. A. DonCarlos,		
"	E. Grant,		
"	J. F. Hanson,	Ohio,	24
"	F. F. Noble,	Mis-souri,	27
"	D. C. Sanders,	Indiana,	22
"	Samuel B. McGreer,	Pennsylvania,	24
"	W. G. Ward,	Ohio,	30
"	Z. B. Ruker,	New York,	19
"	R. L. Sulevan,	Pennsylvania,	31
"	C. C. Swift,	Kentucky,	40
"	G. S. Lockman,	Kentucky,	31
"	W. Floyd,	Kentucky,	27
"	S. McMurray,	Tennessee,	25
"	T. B. Brown,		15
"	N. J. Lord,		17
"	J. A. Walridge.		
"	Miss Briggs,	Vermont,	25
"	P. Finley,		
"	M. Heller,	Indiana,	15
"	B. M. Coffey,		
"	M. Brown,		
"	D. B. Estell,		
"	J. Lee,	Indiana,	21
"	A. K. Duckworth,	N. Carolina,	25
Delaware,	J. M. Humphrey,	Ohio,	28
"	R. Rea,	Ohio,	22
"	Charlotte Mullikin,	New York,	24
"	J. Lindsey	Ireland,	25
"	A. McLelland,	Pennsylvania,	17
"	W. W. Reynolds,	New York,	19
"	A. Crozier,	Ohio,	24

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Delaware,	M. Benson,	Ohio,	18
"	C. A. Osencup,	New York,	19
"	Henrietta Pierce,	New York,	18
"	Z. A. Walleman,	New York,	24
"	A. Cumber,	England,	21
"	C. Phillips,	New York,	19
"	A. Crozier,	Ohio,	22
"	A. Bash,	New York,	22
"	E. Redman,	Ohio,	23
"	S. Pray,	Maine,	31
"	William Wilson,	Pennsylvania,	41
"	H. Chilson,	New York,	26
"	C. D. S. Pierce,		
"	Wm. Wilson,	Pennsylvania,	42
"	J. C. Reed,	Ohio,	20
"	C. F. Mullikin,	New York,	
Des Moines,	Riggs W. Young,	New York,	
"	Miss Buxton Bennet,	New Jersey,	
"	S. Underwood Mitchel,	New York,	20
"	Mrs. Churman,		
"	Miss Hebbard,		
"	A. Darlington,		
"	A. Rost,	New York,	18
"	Sherman & Sutherland,		
"	John Norris,		
"	Brown & Elder,		
"	A. Benman,	Kentucky,	21
"	M. Heberwell,	New York,	20
"	J. S. Newell,	Tennessee,	19
"	Wright & Reed,		
"	O. O. Chase,	New York,	24
"	A. J. Kynett,	Indiana,	20
"	Miller & Allen,		
"	J. Timmerman,	Vermont,	30
"	Camron & Kimball,		
"	L. Natterson,		
"	Green & Mitchell,		
"	O. J. Sharp,	Pennsylvania,	25
"	W. Graff,	Maryland,	22
"	W. B. Rhodes,	New York,	46
"	Miss Ripley,	Virginia,	20
"	J. A. Rumb,	New York,	27
"	Blake & Dolevin,		
"	J. Hurlead,	New Jersey,	28
"	McBude & Gibson,		
"	S. M. Clendinen,		
"	McCormack & Weber,		
"	E. E. Morris,		
"	O. G. Blair,		
"	Taylor & Perry,	Kentucky,	
Dubuque,	W. Miller,	New York,	28
"	Margaret P. Carter,	Missouri,	25
"	H. Estes,	Maine,	31
"	J. C. Roland,	Germany,	48
"	H. P. Leach,	New York,	34
"	A. Stoddart,	New York,	21
"	"Sisters of Charity,"	Ireland,	
"	Thomas Hannon,	Ireland,	47
"	L. A. Rice,	Massachusetts,	41

COUNTY.	NAME.	BIRTH PLACE.	AGE
Dubuque,	E. Rice,	Massachusetts,	37
"	S. A. H. Rebman,	Ohio,	17
"	G. W. Barnes,	Ohio,	27
"	L. T. Smith,	Massachusetts,	25
"	Chester Cobern,	New York,	21
"	Caroline T. Atkinson,	Rhode Island,	27
"	Mr. Vanderburg,	unknown,	
"	W. P. Montgomery,	Pennsylvania,	44
"	Wm. J. Freeland,	Virginia,	65
"	M. A. Dougherty,	Pennsylvania,	27
"	H. Whitford,		
"	E. J. Stockton,		
"	C. Vandenburg,		
"	Mr. Wade,	Kentucky,	22
"	W. Shields,		
"	R. Greenley,	England,	48
"	Michael Clark,	Ireland,	50
"	Thomas Conelly,		35
"	J. F. Henry,	Pennsylvania,	23
"	D. Lyons,	Ohio,	27
"	Hardin Nowlin,	Illinois,	45
"	E. Jewett,	Pennsylvania,	22
"	L. A. Harman,	Massachusetts,	21
"	M. Burk,	Ireland,	30
"	H. Martin,	Kentucky,	
"	H. Chilson,	Massachusetts,	28
"	N. Brown,	Pennsylvania,	25
"	L. Cooley,	Ohio,	18
"	E. Lande,	New York,	16
"	R. Sterns,		17
"	L. Green,	Pennsylvania,	15
"	R. Weaver,		
"	A. Cooper,	Scotland,	60
Dallas,	A. Schonton,	New York,	27
Henry,	D. Barnes,	New York,	45
"	E. A. Payne,		
"	D. D. Wiggins,		
"	J. D. Bryan,	Ohio,	26
"	J. S. Waitmon,	Pennsylvania,	46
"	John Embree,	Indiana,	
"	E. Berryman,	Kentucky,	20
"	B. Benn,		
"	D. Landis,	Pennsylvania,	24
"	Dr. Tuttee,	Ohio,	37
"	J. S. Hunt,	South Carolina,	45
"	Jane Hart,	Pennsylvania,	32
"	J. Embree,	Ohio,	21
"	Jno. Jessup,		19
"	N. M. Scott,	Illinois,	34
"	B. Dinsmore,	Pennsylvania,	22
"	A. R. Savage,		
"	Jane B. M'Dowell,		
"	Isabel Mason,		
"	H. R. Thompson,	Virginia,	
"	A. M. Bayles,	Ohio,	19
"	R. J. Jimmeson,	Ohio,	24
"	M. C. Wilson,	Ohio,	19
"	M. A. Hathway,	New York,	22
"	F. A. O Payne,		
"	E. F. Teirney,		

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Henry,	Simon Doran,		
"	Sarah J. Hall,	Ohio,	18
"	C. C. Lloyd,	Ohio,	23
"	Myra Evains,	Ohio,	21
"	William Clark,	Pennsylvania,	
"	Wm. Tuttle,		
"	Thomas Fostis,		
"	Mary Trueblood,		
"	J. A. Green,		
"	T. C. Jackson,		
"	P. Strahl,	Ohio,	22
"	Rebecca Strahl,	Ohio,	19
"	A. Barnes,		
"	Jesse Cook,	Ohio,	21
"	M. E. Done,	Indiana,	20
"	William Wright,	Indiana,	25
"	William Wilson,	Indiana,	26
"	G. Wilson,		
"	Lyman Lemon,	New York,	24
"	R. King,	Ohio,	22
"	Owen Albright,		
"	William Clark,	Ohio,	25
"	W. Graham,	Pennsylvania,	20
Iowa,	E. Humphrey,	Ohio,	17
"	J. Tatter,	Indiana,	29
"	Mary Bishop,	Ohio,	22
"	H. J. Burley,	New York,	33
Johnson,	Emeline Copeland,	Pennsylvania,	39
"	O. Chipman,	Vermont,	44
"	E. R. Humphrey,	Ohio,	18
"	C. M. Chipman,	Ohio,	19
"	M. W. Montgomery,	Pennsylvania,	21
"	Miss Henry,	Ohio,	16
"	D. A. Shafer,	Pennsylvania,	34
"	S. J. Lindsey,	Ohio,	17
"	V. Myers,	Pennsylvania,	21
"	John M'Donald,	Ireland,	62
"	W. Mitchel,	New York,	
"	George Johnson,	New York,	26
"	D. M'Kean,	Ohio,	21
"	A. Tuttle,	New York,	26
"	M. B. Cline,	Ohio,	24
"	A. M. K. Hill,	Pennsylvania,	23
"	James S. West,	Ohio,	35
"	M. L. Worden,	New York,	18
"	E. Douglass,	Vermont,	
"	J. Nowlan,	Ireland,	26
"	Emily Morse,	Indiana,	29
"	William Foster,	Kentucky,	35
"	John Parrot,	Ohio,	40
"	S. Hill,	Vermont,	
"	M. Maynard,	Ohio,	17
"	Samuel Templeman,	Ohio,	
"	Constant Boye,	Denmark,	
"	H. L. Worden,	New York,	
"	Mary Shafer,	Pennsylvania,	
"	H. Helverson,	Ohio,	
"	M. Kimble,	Indiana,	
Jefferson,	Robert W. Steel,	Ohio,	30

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Jefferson,	A. M. W. Langdon,	Ohio,	27
"	John Shuffelton,	England,	45
"	Miss Eckley,	Ohio,	20
"	S. M. Eavans,	Pennsylvania,	28
"	J. Snooks,		
"	H. J. Robb,	Pennsylvania,	28
"	R. A. Wear,		
"	A. Blakely,	Illinois,	19
"	Rachael Beach,	Vermont,	46
"	J. Hifield,		
"	O. Hart,	Ohio,	18
"	Sarah Fear,	Indiana,	21
"	Miles Chilcott,	Pennsylvania,	18
"	J. A. Leeper,	Ohio,	24
"	J. Harvey,	Ohio,	27
"	W. W. Forbes,	New Jersey,	24
"	John G. Landers,	Kentucky,	26
"	J. Garner,	Pennsylvania,	
"	E. G. M'Gaw,		
"	E. Conner,	Indiana,	33
"	J. A. Lydick,	Ohio,	
"	J. A. Inland,	Ohio,	28
"	D. M. Olaver,	Pennsylvania,	25
"	C. H. M'Culloch,	Virginia,	28
"	Wm. H. Campbell,	Ohio,	25
"	Isaac Hybe,	England	28
"	E. Downey,	Illinois,	
"	J. E. Robertson,	Ohio,	18
"	A. B. Collins,		
"	C. M. Peter,		
"	Wm. A. McClain,	Ohio,	35
"	J. B. McLane,	Ohio,	30
"	G. T. Grinstead,	Indiana,	32
"	J. W. Laforce,	Kentucky,	24
"	R. Ashley,	Ohio,	33
"	W. Claridge,	Ohio,	36
"	C. M. Bissel,	Ohio,	18
"	Z. W. Laban,	Indiana,	20
"	James Watkins,	Indiana,	21
"	Catharine Allison,	Pennsylvania,	22
"	J. D. Hackncy,	Ohio,	38
"	Mary J. Clover,	Ohio,	
"	H. J. Priest,		
"	James Welkin,	Pennsylvania,	21
"	Jesse Long,	Virginia,	35
"	B. Thompson,	Ohio,	19
"	William C. Jones,	North Carolina,	
"	D. Lindsey		
"	C. L. Scott,		
"	C. R. Templeton,		
"	M. Rook,	Tennessee,	22
"	Daniel G. Chims,		
"	C. G. Ellis		
"	F. Kirk,	Ohio,	26
"	G. Chandler,	Indiana,	21
"	C. F. Joeknick		
"	T. Crow,	Virginia,	
"	R. Voolers,	Indiana,	20
"	A. Chilcott,	Pennsylvania,	29

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Jefferson,	E. Ogden,	New Jersey,	24
"	H. George,	Ohio,	15
"	E. Dickenson,	Pennsylvania,	33
"	D. McKee,		
"	P. Wigle,		
Jones,	C. P. Gilkison,	Kentucky,	30
"	Mary Bass,	Vermont,	25
"	Sarah Matson,	New York,	19
"	L. Hazelrig,	New York,	23
"	A. Gamberton,	New York,	23
"	Daniel Garrison,	Indiana,	36
"	Sarah Talman,	Ohio,	15
"	L. D. Bates,	Pennsylvania,	26
"	Ira Bates,	Pennsylvania,	25
"	A. Warrington,	Ohio,	23
"	B. Whitmore,	N Hampshire,	43
"	M. M. Crane,	Michigan,	17
"	R. Poats,	New York,	20
"	E. Reynolds,	New York,	26
"	G. W. Sprague,	New York,	26
"	T. McNally,	Ireland,	40
"	S. E. Cain,	Indiana,	18
Jasper,	Hannah Shipley,	Tennessee,	33
"	S. Hinshaw,		
"	E. Morgan,	Indiana,	24
"	E. H. Bartow,	Ohio,	23
"	M. J. Bartow,	Ohio,	21
"	Mary H. Young,	Indiana,	20
"	Jesse Ledy,		
Jackson,	S. Y. Helms,	New York,	20
"	C. A. Atkinson,		
"	R. A. Morehouse,	Ohio,	16
"	E. McFarland,	Pennsylvania,	19
"	C. F. George,	Maine,	25
"	Julia S. Harrington,	Vermont	25
"	Benjamin Berge,	Connecticut,	22
"	A. Palmer,	Ohio,	26
"	F. Mears,	Vermont,	17
"	T. Lewis,		
"	D. Wasson,	New York,	18
"	R. D. Shinn,	Ohio,	18
"	M. Snider,		
"	A. M. Ballard,	Vermont,	
"	U. V. Burns,		
"	Mary Snider,	Ohio,	20
"	B. McGowan,	Ireland,	58
"	George W. Sprague,	New York,	28
"	E. M. Brown,	Missouri,	
"	E. McCrary,	Ohio,	17
"	B. Dewitt,	Ohio,	
"	S. Potter,		
"	Mary Johnson,	New York,	
"	M. Whitley,	Pennsylvania,	26
"	S. A. Cotton,	N. York,	
"	Otis Dagget,	Ohio,	17
"	A. A. Cheney,		
"	S. P. Reed,		
"	M. J. Clark,		
"	S. Wasson,	New York,	17
"	Wm. Saltmarsh,	Indiana,	21

COUNTY.	NAME.	BIRTH PLACE.	AGE
Jackson,	E. J. Young,	New York,	19
do	James Beck,	Ohio,	28
do	M. Snider,		24
do	M. M. Lyon,	New York,	
do	A. Brown,	Kentucky,	
do	James Beck,		
do	D. E. Markle,	Canada,	
do	M. M. Lion,		
do	M. A. Park,		
do	E. Mears,		
do	M. V. Palmer,	Ohio,	
do	John Durant,	New York,	
do	M. McGloire,		
do	J. B. Rowley,	Ohio,	
do	C. Lampson,		
do	Mary Coleman,		
do	S. Ure,		
do	Julia Vial,		
do	Mary Vial,		
do	R. Stockton,	Pennsylvania,	27
do	Mrs. Fisher,	New York,	21
do	Sarah Baldwin,	Canada,	18
do	N. Kimball,		
Lee,	A. Darlington,	New York,	
do	H. Gibbs,	New York,	
do	M. Lyman,	Indiana,	24
do	J. Hammond,	Massachusetts,	24
do	E. Gunn,	Ohio,	21
do	A. B. Lime,	Tennessee,	
do	L. Rose,		
do	H. Grim,	Ohio,	19
do	J. M. Hamilton,	New York,	30
do	R. E. Reed,	Pennsylvania,	16
do	H. Hepburn,		
do	J. Houston,	New York,	28
do	S. Allen,	Connecticut,	24
do	H. A. Brown,	Massachusetts,	24
do	L. S. Houston,		
do	M. Sockett,		
do	W. C. Jenkins,		
do	A. Paulk,	Ohio,	
do	Ann King,	Ohio,	
do	J. B. Shoat,	Ohio,	
do	S. Steele,	Ohio,	
do	Cherry Pyle,	Pennsylvania,	
do	J. Stephenson,		
do	O. C. Lewis,	Ohio,	
do	M. Coles,		
do	J. Taylor,		
do	J. T. Coles,		
do	S. Lindsby,		
do	N. M. Cowles,	Pennsylvania,	34
do	J. P. Crane,		
do	W. C. Wiggins,	Pennsylvania,	21
do	J. Bird,	Virginia,	29
do	J. Houston,		
do	C. D. McMannaman,	Kentucky,	
do	C. Claypole,		
do	D. Albat,		
do	T. Nene,		

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Lec,	S. Strait,		
do	D. Alvert,		
do	B. M. Morey,	New York,	40
do	E. Adcock,	Ohio,	23
do	J. McKinnon,		
do	A. Palmer,	Ohio,	
do	S. Griggs,	Indiana,	20
do	Haughton & Mason,		
do	S. B. Rose,		
do	Silas Gregg,		
do	S. Riggs,		
do	N. J. Stephenson,	Ohio,	
do	M. N. Suckles,	Ohio,	
do	J. Haden,		
do	David Wright,	Pennsylvania,	
do	M. Martin,		
do	O. Thomas,		
do	Daniel R. Ball,	Ohio.	
do	W. Crampton,		
do	M. Swazey,		
do	Z. D. Capler,		
do	C. M. Trump,		
do	L. Loreland,	Ohio,	
do	C. L. Croker,		
do	J. C. Bird,	Ohio,	
do	S. McKeem,	Ohio,	
Liun,	Susan Haan,	Indiana,	18
do	T. S. Johnson,	Ohio,	41
do	L. A. Miller,	New Jersey,	20
do	N. R. Cook,	Maine,	
do	Mrs. Ayres,		27
do	James M. Poe,	Ohio,	25
do	O. M. Gray,	Pennsylvania,	20
do	G. W. Dolen,	Ohio,	23
do	N. M. Day,	Ohio,	25
do	T. S. Johnson, jr.	Ohio,	36
do	E. Barkley,	Virginia,	54
do	J. Yiesley,	Ohio,	26
do	M. A. Kyle,	Ohio,	25
do	J. H. Whitson,	Kentucky,	40
do	James M. Rodney,	Ohio,	19
do	R. Ford,	Connecticut,	25
do	P. W. Gray,		
do	James Harper,	Ohio,	26
do	James H. Whitson,	Kentucky,	32
do	L. Roberts,	Massachusetts,	20
do	M. Gageby,	Pennsylvania,	45
do	M. A. Stoddard,	New York,	23
do	Sarah Clark,		
do	J. Keeler,		
do	Cloe Dodd,	Pennsylvania,	35
do	H. H. James,	Ohio,	34
do	O. M. Gray,	Pennsylvania,	20
do	M. A. Keenan,	Pennsylvania,	22
do	H. A. Miles,	Vermont,	34
do	J. S. Guthrie,	Ohio,	29
do	A. Roberts,		
do	A. Bishop,		
do	G. B. Price,		
do	H. Kennedy,	New York,	24

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Linn,	C. Morrison,	Ohio,	18
do	Jane Morten,	Ohio,	22
do	A. Blare,	Ohio,	18
do	L. A. Porter,	New York,	12
do	M. C. Paul,	Vermont,	20
do	A. M. Hunt,	Ohio,	18
do	M. Serle,	Canada,	17
do	R. Stephenson,	Ohio,	31
do	M. Lewis,		
do	S. Ennes,	Canada,	
do	W. Skinner,	Virginia,	
Louisa,	J. N. Sellers,	Ohio,	21
do	J. T. Hall,	Pennsylvania,	38
do	W. N. Towardrow,	England,	30
do	Riley Case,	Connecticut,	33
do	John Cleaves,	Maine,	35
do	William Taylor,	Virginia,	25
do	E. W. Elsworth,	New York,	47
do	M. E. Blue,		
do	J. Wilson,	Ireland,	65
do	S. P. Devenport,	Ohio,	23
do	D. P. Curran,	Maryland	22
do	C. Herrick,	New York,	42
do	T. B. Brown,	Indiana,	27
do	S. Moseby,	Indiana,	18
do	J. B. Grubb,	Ohio,	33
do	M. Reed,	Ohio,	18
do	James Helverson,	Virginia,	49
do	E. Bell,	Ohio,	16
do	J. Paschal,	Indiana,	20
do	M. Reed,	Ohio,	15
do	E. Jacobs,	Pennsylvania,	
do	J. F. McClellan,		
do	J. Sprague,	Ohio,	31
do	J. Keeler,	New York,	26
do	E. Doder,	New Jersey,	18
do	V. Willoughby		
do	S. A. Demott,	Ohio,	
do	S. Creighton,	Ohio,	
do	O. B. Donaldson,	Ohio,	
do	S. McBride,	Pennsylvania,	26
do	M. Gibson,	Ohio,	18
Monroe,	D. C. Barber,		
do	S. Bond,		
do	M. L. Barber,	Ohio,	
do	A. Campbell,	N. Hampshire,	
do	Mary Daugherty,	Pennsylvania,	
do	M. B. Allison,	Pennsylvania,	
do	J. Jhenks,		
do	H. Castle,		
do	M. Holbrook,		
do	H. Brown,		
Madison,	Lewis Davis,	Ohio,	
do	T. O. Berne,	Ireland,	
Marion,	Isaac Overcamp,		40
do	James Munting,	Holland,	
do	Israel Miller,	Pennsylvania,	
do	W. E. Everrett,	New York,	32
do	S. H. Wilkie,	Ohio,	29
do	F. R. Dronillard,	Ohio,	

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Marion,	A. F. Forbes,		
do	Mary Collins,	Indiana,	
do	E. E. Jenkins,	Kentucky,	
do	R. S. Lowry,		
do	N. Richards,	Connecticut,	
do	E. Jewett,		
do	H. May,	N. Carolina,	
do	Mary Weed,	Indiana,	
do	M. H. Brobst,	Pennsylvania,	
do	J. Ramey,	Ohio,	
do	E. S. Durham,	Maine,	
do	J. M. Arnold,	Indiana,	
do	R. E. Phillips,		
Muscataine,	S. Keys,		
do	Samuel Reed,		
do	Sarah L. Matthews,		
do	E. H. Bales,		
do	H. Grey		
do	B. F. Dole,	Pennsylvania,	
do	E. Campbell,		
do	H. Gray,		
do	J. Brooks,	New York,	
do	J. Bailey,		
do	R. Armstrong,		
do	A. H. Adams,		
do	James Chase,		
do	N. Dennis,		
do	J. McConley,		
do	Wm. Dallas,		
Mahaska,	James M. Sweney,	Indiana,	25
do	A. Rowland,	Maine.	28
do	A. M. Galor,	Ohio.	40
do	E. J. Louridge,	Ohio,	20
do	G. M. Elsey,	Ohio,	22
do	T. B. McCormack,	Ohio,	20
do	J. Newhall,	Massachusetts,	38
do	J. Walden,	Connecticut,	58
do	J. Turner,	Ohio,	24
do	M. Lochridge,	Ohio,	20
do	Isaac Stanley,	Ohio,	18
Van Buren,	Mary J. Hannon.	Ohio,	
do	A. Johnson,		
do	J. Whitam,		
do	Rebecca Walker.	Kentucky,	
do	John Priest,		
do	H. M. Loomis,		
do	D Redman,		
do	A. C. Olney,	Ohio,	
do	Margaret Walker,	Indiana,	
do	J. P. Whitaker,	Ohio,	
do	S. Cuberly,		
do	J. C. Byers,	Pennsylvania,	
do	B. Broch,		
do	M. J. Lewis,	Indiana,	
do	William Monroe,		
do	M. A. Hamilton,	Virginia,	28
do	John Boyd.	Ohio,	
do	L. Gilbert,	New York,	18
do	George Stump,	Pennsylvania,	45
do	B. Glasgow,	Pennsylvania,	73



COUNTY.	NAME.	BIRTH PLACE.	AGE.
Wapello,	Isaac W. Stanley,		
do	M. J. Nosler,		
do	J. Ellson,		
do	T. Sparks,	Ohio,	
do	W. J. Barton,		
do	W. A. Nye,		
do	O. Pinkie,		
do	L. Johnson,	Ohio,	
do	M. Peach,		
do	David Caldwell,	Pennsylvania,	
do	W. F. Shannon.	Virginia,	
do	Nancy Churchfield,	Ohio,	
do	Nancy Lemmon,		
do	J. R. James,	Virginia,	
do	J. W. Hedrick,	New York,	
do	A. Hunt,		
do	M. C. Brown,		
do	Martha Brim,		
do	Miss Dudley,		
do	C. W. Reynolds,	New York,	20
do	P. J. Goss,		
do	E. Rush,		
do	R. McChesney,	New York,	
do	Caroline Carter,		
do	W. H. Cupp,		
do	A. J. Byerly,		
do	Miss Duffield,		
do	Sarah Dudley,		
do	W. S. Hutchinson,	Pennsylvania,	
do	B. W. Godfrey,		
do	J. R. Fisher.	Ohio,	
do	M. A. O. Bryant,	Ohio,	25
do	David Godfrey,		
do	J. B. Holmes,		
do	J. W. Layne,		
do	T. Martin,		
do	G. Mann,	Virginia,	
do	L. Lane,	Indiana,	
do	Sarah J. Miller,	Ohio,	
do	John Miklin,	Virginia,	
do	D. M. Clark,	Indiana,	
do	D. Webster,	Ohio,	
Polk,	Isaac Seaton,		
do	J. Dinwiddie,		
do	P. L. Garrett,		
do	Ira Young.	Ohio,	
do	W. P. Fink,		
do	R. G. Hane,	South Carolina,	
do	J. Brand,		
do	B. Rice,	New York,	
do	J. E. Groom,	Ohio,	
do	W. McHenry,		
do	R. S. Prouty,	Vermont,	
Scott,	T. F. C. Prescott,	New Hampshire	31
do	Asa Prescott,	New Hampshire	33
do	M. A. McGuire,	Ireland,	
do	A. F. Brown,	Ohio,	
do	A. Allen,	Ohio,	
do	J. Thornington,		

COUNTY.	NAME.	BIRTH PLACE.	AGE.
Scott,	W. P. Campbell,		
do	E. Metteer,		
do	M. C. Freeman,	New York,	
do	R. Creswill,	Pennsylvania,	51
do	J. R. Perrall,		
do	A. E. Maine,	Maine,	
do	J. Lincoln,	Virginia,	43
do	Jane McConnell,	Pennsylvania,	
do	H. Caldwell,	Vermont,	42
do	C. Seymor,	Michigan,	18
do	F. Binford,	Pennsylvania,	
do	J. B. Bell,	Virginia,	30
Washington,	D. L. Parker,	Massachusetts,	
do	Miss Piper,		
do	Miss Spillman,	Illinois,	
do	M. Lee,		
do	Miss Maxwell,		
do	M. Smith,		
do	L. Miner,		
do	Miss Morrison,		
do	Mr. Warren,	Ohio,	24
do	Miss Parent,	Indiana,	
do	Miss Seymour,	Ohio,	
do	Scribner,		
do	Miss Miller,	Ohio,	
do	Mr. Roberts,		
do	Miss Coc,		
do	Miss Robert,		
do	Mr Hill,	Pennsylvania,	
do	Mr Allen,		
do	Miss Hayden,	Ohio,	
do	Miss McKinney,		
do	M. Bosley,	Maryland,	
do	Miss English,	Pennsylvania,	
do	M. Miatton,		
do	Mr. Kincade,	Virginia,	
do	Mr. Young,		
do	Miss Springer,	Indiana,	
do	Mr. Easton,		
do	Miss McKinney,		
do	L. A. Carpenter,	New York,	
do	Mr. Tracy,	Ohio,	
do	Mr. Robertson,		
do	Miss Free,		

# DECREE OF THE SUPREME COURT

ON THE

# BOUNDARY QUESTION.

SUPREME COURT OF THE UNITED STATES.

DECEMBER TERM, 1850.

THE STATE OF MISSOURI,	}	Original Bill.
<i>vs.</i>		
THE STATE OF IOWA,	}	Cross Bill.
and		
THE STATE OF IOWA,		
<i>vs.</i>		
THE STATE OF MISSOURI,		

And now, on this third day of January, A. D. 1851, this cause came on for further order and decree therein, when it appeared to the court that at the December term 1848 thereof, Henry B. Hendershott and Joseph C. Brown were appointed Commissioners to run and mark the line in controversy between the States of Missouri and Iowa; and the said Brown having died, the Hon. Robt. W. Wells was appointed in room and stead of said Brown by the Chief Justice of this Court, in vacation. And the said Wells having resigned his appointment William G. Minor was appointed commissioner in room and stead of said Wells by this Court, at its last December term of 1849; and at which term, the time for running and marking said line was extended to this present term of December 1850, for the reasons stated in the report of said Wells and Hendershott, made to the last term; and which is hereinafter embodied.

And the present Commissioners, Henry B. Hendershott and Wil-

liam G. Minor, have made their report in the premises to this term; and which report is as follows :

*“ To the Hon. the Supreme Court of the United States :*

The undersigned appointed Commissioners by this Honorable Court. in the above cases, to establish the boundary line between the afore-said States respectfully

### REPORT.

That for the purpose of arranging the operations in the field, so as to combine economy with speed, we met in the city of St. Louis in March last, and there, after consulting experienced surveyors as to the time that might be consumed in running the line—the probable amount of expense to be incurred—the necessary force to be employed and the proper outfit, we determined a plan of operations, and agreed to meet at the supposed site of Sullivan’s “North West corner” between the 1st and 20th of April last. While in St. Louis we obtained from Major M. L. Clark, Surveyor General of Missouri and Illinois, a copy of the field notes of the survey made by John C. Sullivan in the year 1816, of a line beginning on the East bank of the Missouri river, opposite the middle of the mouth of the Kansas river and extending North one hundred miles, where he made a corner, and also of the line run by him in an Easterly course to the Des Moines river.

We were also furnished by Major Clark, with several charts, diagrams and copies of surveys, which had, at various times, been made portions of Sullivan’s line, and which were of much service in the prosecution of the work.

The surveyors severally appointed by us were William Dewey, Esq. of Iowa, and Robert Walker, Esq., of Missouri. Both these gentlemen had been connected with the public works of their respective States, and enjoy a high professional reputation.

According to our agreement, we left our respective homes on the 10th of April last, and soon after reaching the point of meeting, in view of the increased prices of transportation, provisions, &c., caused by the immense emigration through southern Iowa and northern Missouri, to California, we altered our plan of work and reduced our force.

No precise trace of the “old North-west corner” remained, the witness trees to it were on the margin of a vast prairie, and had appa-

rently been destroyed by fire years ago, consequently its exact position could not be ascertained, yet from the running of many experimental lines, diligently examining the evidences before us, together with the reports of the surveyors, we became satisfied of its proper position, and accordingly established it.

Its latitude taken resulted as follows—

40° 34' 40" N.

At the corner so determined, we planted a large solid cast iron pillar, weighing between fifteen and sixteen hundred pounds, four feet six inches long, squaring twelve inches at its base and eight inches at its top. This pillar was deeply and legibly marked with the words, (strongly cast into the iron) "Missouri" on its South side, "Iowa" on its North side, and "State Line" on the East.

From the monument so planted at the "North-west corner" aforesaid, in the said latitude, the survey of the line was commenced, running due West on said parallel of latitude to the Missouri river, as directed by this Honorable Court, and at its terminus, as near the bank of said Missouri river as the perishable nature of the soil would admit, we planted a monument similar in figure, weight, dimension and inscription to the one planted at the "North-west corner" the the words "State Line" facing the East.

Unexpected delays arising from a condition of the weather which prevented the surveyors from making reliable astronomical observations, together with the fact that to a great extent in the vicinity of said line there were no roads and the settlements distant and sparse, compelling us to open a track for the transportation of the monuments and baggage of the corps, and also to construct necessary bridges and grade fords, greatly retarded the work.

Returning to the "North-west corner" the survey of the line was commenced, extending Eastwardly from said "corner" to the Des Moines river, as run and marked by said Sullivan in 1816, from said corner to said river. On this line, by close examination, we discovered abundant blazes, and many witness trees, which enabled us to find and re-mark the said line as directed by this Honorable Court.

The survey of this portion of the line, more than one hundred and fifty miles in length, was commenced on the 13th day of August and finished on the 18th September.

Near the bank of the Des Moines river, where the line terminated, we planted a cast iron pillar, similar in weight, figure, dimensions and

inscriptions to those planted at the "N. W. corner" and near the bank of the Missouri river, the words "State Line" facing the West.

Solid pillars of cast iron, weighing each between three and four hundred pounds and minutely described, as to figure and inscriptions, in the report heretofore made to this Honorable Court by Messrs. Wells and Hendershott, commissioners, we caused to be planted at every ten miles in the due west line extending from said "N. W. corner" to the Missouri river, and also at every ten miles in the line extending east from the "N. W. corner" aforesaid to the Des Moines river.

No iron monument was planted at mile 150 in the line running east, because, between it and the point where the large one is planted on the bank of the Des Moines river there existed but a small fraction of ten miles, being only fifty one chains.

For a fuller account of the said survey we respectfully refer to the report of the Surveyors, made to us marked A., and to the following exhibits herewith transmitted.

Field notes of said survey, accompanied by a map of the line (marked) B.

Tabular statement of the costs and charges incurred in said survey (marked) C.

All of which is most respectfully submitted,

HENRY B. HENDERSHOTT,

Commissioner, &c. Iowa.

W. G. MINOR,

Commissioner, Mo.

And the report of the surveyors employed by the Commissioners, and above referred to as part of said Commissioners' report, is in the words and figures following:

"KEOKUK, September 30," 1850.

MESSE. HENDERSHOTT and MINOR,

Commissioners of the Boundary Survey,

*Gentlemen*—Having been appointed by you, on the part of the States of Iowa and Missouri severally, to locate and survey the boundary between those States, under the decree of the Supreme Court of the United States, we met according to your appointment, on the 28th of April last, near the supposed site of the old N. W. corner, for the pur-

pose of commencing operations in the field. We proceeded to search for the old corner, which was to be the basis of our future operations. Having a certified copy of Sullivan's field notes, from the Surveyor General's Office, at St. Louis, we knew that the corner had been originally located in timber, and designated by two witness trees. Aided by a view of the topography of the locality, as indicated in the notes, and especially by the manner in which Sullivan's North line crossed the Platte river near its terminus, we were able to determine the locality of the corner approximately; and an inspection of the ground, satisfied us that every evidence of its *exact* position had long since disappeared. Time, and the fires that annually spread over the prairies, had destroyed the witness trees and every trace of both lines near the corner. This point, known familiarly as the "old N. W. corner," was the termination of the line surveyed by Sullivan, in 1816, from the mouth of the Kansas river North 100 miles, and was the point at which he turned east, in running to the Des Moines river, his miles being numbered North from the Kansas, and East beginning again at the corner.

Having no *direct* evidence of the exact site of the required point, it became necessary to find determinate points in the two lines as near the corner as possible. Prolonging the lines severally from such points, their intersection would be the point to be assumed as the corner, and if Sullivan's measurement were correct, would be the precise spot where he established it.

Near the supposed locality of the 99th mile corner on the North line, we found a decayed tree and a stump, which correspond in course, distance and description with the witness trees to that corner, and cutting into the tree we saw what we supposed to be the remains of an old blaze upon which was preserved a part, apparently of the letter M. This supposition was verified by measuring South two miles to a point, which we found to be Sullivan's 97th mile corner, from one witness tree, which was perfectly sound. The marks upon it two or three inches beneath the bark, were plain and legible.

On the East line we found the witness tree to the 3d mile corner. The wood upon which the marks had been inscribed was decayed, but their reversed impression appeared upon the new growth which covered the old blaze, and which was cut out in a solid block.

Prolonging the lines three miles each from the points thus determined, their intersection was assumed as the required corner, and at

that point was planted the monument specified in the decree. By measurement made from the surveyed lines, we found the corner to be in the N. E. quarter of section 35, Township 67 North, Range 33 West. Its exact position with reference to these lines can be seen in the diagram in the field notes.

The latitude of the corner, determined by a series of observations taken on the ground, we found to be  $40^{\circ} 34' 40''$  North. While employed upon these observations, we were delayed by unfavorable weather, and it was not till the 24th of May, that we were in readiness to commence the survey of the West line from the corner to the Missouri river.

This portion of the boundary, being required to be a parallel of latitude, was run with Burt's solar compass, the use of which requires the longitude of the place of observation to be at least approximately known. Not having the requisite means of ascertaining the longitude of the corner, we calculated it from maps to be about  $94^{\circ} 30'$  West from Greenwich, which was sufficient accurate for the purpose. The instrument used being an untried one, some delay was experienced in its adjustment. To ensure accuracy in the work, a telescope was attached to it.

The principles upon which this line was run involve a mathematical investigation, which will be found in note A. accompanying this report but the mode of running it will be briefly described here—each successive mile was prolonged in the plane of the prime vertical passing through its beginning. The direction indicated by the instrument stationed at the beginning of a mile is in the plane of the prime vertical passing through that point, and that direction was continued through the mile by means of fore and back sights. At the end of the mile, an offset North was made to compensate for the sphericity of the earth. This offset it will be seen by the note is 6.855 inches for one mile. The instrument being moved at the end of the mile, the proper distance North, and a new direction given and continued as before, the parallel passing through the initial point was continued throughout the line. In some instances however, it became convenient, whenever the nature of the ground admitted of it, instead of offsetting, to continue the same direction through several miles. It will be seen by the note, that the offsets increase as the squares of the distances, being for one mile 6.855 inches; for two miles, four times that distance, &c. Thus it appears that the offsets rapidly

increase with the distance run, and that by continuing the direction of the prime vertical from the corner to the terminus, the southing would have been over 2000 feet.

At the western terminus of the line the observations for latitude were repeated. Having established that point, we returned to the N. W. corner and commenced retracing Sullivan's East line on the 13th of August.

It is thirty-four years since this line was run, and every vestige of the mounds and pits established in the prairies has disappeared. Much of the country through which it passes consists of brushy barrens, or high rolling prairies, dotted with detached groves, or covered with a thin growth of dwarf timber. Much of this description of timber has been destroyed by fire, forming in some instances, prairie and in others, brushy barrens, destitute of trees; while in some places, an entirely new growth of young timber, principally hickory, has sprung up. In all such cases the witness trees and other marks, mentioned in Sullivan's field notes, were gone, and thus it occurred that we frequently ran several miles without finding any traces of the line. But in heavy bodies of timber no difficulty was experienced in discovering evidences of the precise location of the line, not only by blazes, but by line and witness trees, many of which are sound and the marks in good preservation. The general topography of the country, and especially the crossings of the streams, greatly facilitated us in following the line, and in some instances, when confirmed by the old blazes, enabled us to establish it with sufficient certainty. In the absence of any traces of the line between two known points, distant from each other more than one mile, we assumed the line to be straight between such points, and established our posts accordingly. This was done by running a random line from the last found corner, in a direction as near that pursued by Sullivan as we could determine, until another point was found, and then correcting back. No notice however is taken of these random lines in the field notes, which relate to the true line only.

We soon satisfied ourselves that the line run by Sullivan, was not only not a due East line, but that it was not straight. That more or less northing should have been made in the old line, was to have been expected from the fact that Sullivan ran the whole line with one variation of the needle, and that variation too great. This would account

for the fact that the northing increases as he progresses East. But there are great irregularities in the course of the line, for which it is difficult to find a cause. Sudden deviations, amounting to from one to three degrees frequently occur, and it rarely happens that any two consecutive mile miles pursue the same direction.

A re-survey of the line between the 91st and 134th miles was made in the year 1845, and we found the witness trees on that part of the line defaced and others substituted. We succeeded however in identifying Sullivan's trees, and we destroyed the marks of that survey as far as they related to the old line. In all instances where a corner on Sullivan's line is mentioned in our field notes, one or both witness trees were found to identify it and we did not always think it necessary to report the fact in the notes.

Accompanying this report are the field notes and map of the boundary, the former of which are sufficiently explained, in the note prefixed to them.

On the West line the monuments every ten miles were deemed sufficient. On the East line mile posts are established marked and witnessed as describe in the field notes.

It will be perceived that the measurement of this line as run by us exceeds that of Sullivan by  $11\frac{8}{100}$  chains, and that that this increase although gradual is not regular. Some portions of the old line agree very nearly with our measurement, while others differ materially, and the greatest gain is generally made in brushy and broken land.

For the convenience of estimating distances and that the true length of the line might be indicated by the mile posts, they were established by our measurement, taking care in every instance to note the distance of the posts set by us from the corresponding corners in the old line, whenever found. The different courses being extended from one known point to another, the line was not altered at those points, being made to pass through them, but only its length corrected.

The length of the entire line is 211 miles and  $32\frac{8}{100}$  chains, embracing  $4^{\circ} 1' 7'' 29$  of longitude. The length of a second of longitude is calculated in note C. and the longitude of any point of the line being known, that of any other point can be deduced.

The map is platted from the field notes, on a scale of half an inch to the mile, and is only intended to represent the general features in the topography of the line. The scale upon which it is made is much

too small to show the angles in the East line, to do which would require it to be extended to a length that would render it inconvenient. All the purposes for which it can be used will be attained by its present form.

WM. DEWEY,  
Surveyor on the part of Iowa.  
R. WALKER,  
Surveyor on the part of Missouri.

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### NOTE A.

Put  $a$  = semi-equatorial axis of the earth.

$c$  = semi-polar axis.

$x$  = absciss  
 $y$  = ordinate } to a point S. on the terrestrial meridian

$e$  = eccentricity

$l$  = latitude of S.

$r$  = radius of curvature at S.

Then considering the centre as the origin of the co-ordinates, we have

$$y^2 = \frac{c^2(a^2 - x^2)}{a^2};$$

and, differentiating,

$$d y = - \frac{c^2 - x d x}{a^2 y}.$$

whence

$$d x^2 + d y^2 = \frac{(a^4 y^2 + c^4 x^2) d x^2}{a^4 y^2} \dots \dots (1)$$

differentiating again, we find

$$d^2 y = - \frac{(a^2 c^2 y^2 + c^4 x^2) dx^2}{a^4 y^3} \dots \dots \dots (2)$$

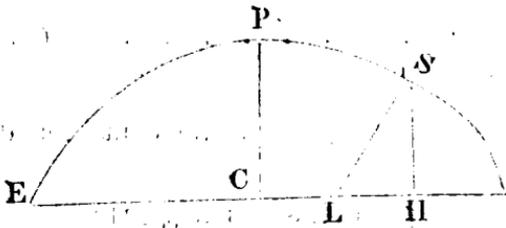
substitute these values (1 & 2) in the general equation

$$r = - \frac{(d x^2 + d y^2)^{\frac{3}{2}}}{d x d^2 y}, \text{ and we have}$$

$$\begin{aligned} r &= - \left[ \frac{(a^4 y^2 + c^4 x^2) d x^2}{a^4 y^2} \right]^{\frac{3}{2}} x - \frac{a^4 y^3}{(a^2 c^2 y^2 + c^4 x^2) d x^3} = \\ &= \frac{\left[ a^4 \left[ c^2 \frac{(a^2 - x^2)}{a^2} \right] + x^2 (a^2 - e^2)^2 \right]^{\frac{3}{2}} a^4 y^3 d x^3}{a^6 y^3 \left[ a^2 c^2 \frac{c^2 (a^2 - x^2)}{a^2} + c^4 x^2 \right] d x^3} \\ &= \frac{a^4 c^2 - a^2 c^2 x^2 + (a^2 - e^2)^2 x^2}{a^4 c^4} \\ &= \frac{(a^6 - a^4 c^2 - a^4 x^2 + a^2 e^2 x^2 + a^4 x^2 - 2 a^2 e^2 x^2 + e^4 x^2)^{\frac{3}{2}}}{a^4 c^4} \\ &= \frac{(a^6 - a^4 c^2 - a^2 e^2 x^2 + e^4 x^2)^{\frac{3}{2}}}{a^4 c^4} = \frac{[(a^4 - e^2 x^2) (a^2 - c^2)]^{\frac{3}{2}}}{a^4 c^4} \\ &= \frac{[(a^4 - e^2 x^2) c^2]^{\frac{3}{2}}}{a^4 c^4} = \frac{(a^4 - e^2 x^2)^{\frac{3}{2}} c^3}{a^4 c^4} \end{aligned}$$

and finally,  $r = \frac{(a^4 - e^2 x^2)^{\frac{3}{2}}}{a^4 c} \dots \dots \dots (3)$

The foregoing equation (3) is the proper expression for the radius of curvature when the value of  $x$  is known; but as, in the present case the value of this quantity is unascertained, it will be better to deduce an equivalent expression involving only quantities which must, from the nature of the question, necessarily be known.



Let Eq represent the equatorial axis of the Earth; C P. the semi-polar axis; P. the pole; S. a point on the terrestrial meridian at which the radius of curvature is required, and whose

latitude  $\angle S L H = l$  is known: then, retaining the notation hitherto adopted,  $C q = a$ ;  $C P = c$ ;  $C H = x$ ; and  $S H = y$ .  $S L$  is normal to the meridian at S, and is, consequently, a part of  $r$  the radius of curvature.

In the right angled triangle  $S H L$ ,  $L H : S H :: \cos l : \sin l$ ,

and from the properties of the ellipse,  $C q : C P :: C H : L H$ ;

$$\text{whence } L H = \frac{C P \times C H}{C q} = \frac{c^2 x}{a^2}$$

and the first analogy becomes

$$\frac{c^2 x}{a^2} : y :: \sin l,$$

or, since  $y = \frac{c}{a} (a^2 - x^2)^{\frac{1}{2}}$

$$\frac{c^2 x}{a^2} : \frac{c}{a} (a^2 - x^2)^{\frac{1}{2}} :: \cos l : \sin l;$$

whence

$$\frac{c^2 x \sin l}{a^2} = \frac{c}{a} (a^2 - x^2)^{\frac{1}{2}} \cos l, \text{ and, dividing by } \frac{c}{a};$$

$c x \sin l = a (a^2 - x^2)^{\frac{1}{2}} \cos l$ , squaring, we find

$c^2 x^2 \sin^2 l = a^2 (a^2 - x^2 \cos^2 l) = a^4 \cos^2 l - a^2 x^2 \cos^2 l$ . Hence, since

$c^2 = a^2 - e^2$ ,  $(a^2 - e^2) x^2 \sin^2 l - e^2 x^2 \sin^2 l = a^4 \cos^2 l - a^2 x^2$

$\cos^2 l$ : & transposing  $a^2 x^2 \sin^2 l + a^2 x^2 \cos^2 l - e^2 x^2 \sin^2 l = a^2 x^2$

$(\sin^2 l + \cos^2 l) - e^2 x^2 \sin^2 l = (\text{since } \sin^2 l + \cos^2 l = 1) a^2 x^2 - e^2 x^2$

$\sin^2 l = x^2 (a^2 - e^2 \sin^2 l) = a^4 \cos^2 l$ . Whence we deduce

$$x^2 = \frac{a^4 \cos^2 l}{a^2 - e^2 \sin^2 l} \dots \dots \dots (4)$$

If now, in equation (3), we substitute for  $x^2$  its value just found, we have

$$\begin{aligned} r &= \frac{\left( a^4 - e^2 \frac{a^4 \cos^2 l}{a^2 - e^2 \sin^2 l} \right)^{\frac{3}{2}}}{a^4 c} = \frac{\left( a^4 \left[ \frac{a^2 - e^2 \sin^2 l - e^2 \cos^2 l}{a^2 - e^2 \sin^2 l} \right] \right)^{\frac{3}{2}}}{a^4 c} \\ &= \frac{a^6 \left( \frac{a^2 - e^2}{a^2 - e^2 \sin^2 l} \right)^{\frac{3}{2}}}{a^4 c} \\ &= \frac{a}{c} \left( \frac{c^2}{a^2 - e^2 \sin^2 l} \right)^{\frac{3}{2}} = \frac{a^2 c^3}{e} \left( \frac{1}{a^2 - e^2 \sin^2 l} \right)^{\frac{3}{2}} \end{aligned}$$

whence, at last, we find

$$r = \frac{a^2 c^2}{(a^2 - e^2 \sin^2 l)^{\frac{3}{2}}} \dots \dots \dots (5)$$

which is a general expression for the radius of curvature at any point on the elliptic meridian.

The determination by Bessel of the equatorial and polar diameters of the earth may be regarded as more accurate than that of any other geometer. His results, deduced from a consideration of the most accurately measured arcs of the meridian in various latitudes, are therefore adopted.

We have then

$$a = 20,923,596 \text{ feet}$$

$$c = 20,853,662 \text{ "}$$

Hence if we express the other quantities in terms of  $a$ , we shall have, after a good deal of troublesome computation,

$$a \dots \dots \dots = 1.00000000$$

$$c^2 \dots \dots \dots = 0.993326469$$

$$e^2 \dots \dots \dots = 0.006673532$$

$$\sin^2 l = \sin^2 40^\circ 34' 40'' = 0.4231238233$$

and, substituting these values in equation (5), we have

$$r = \frac{.993326469}{(1 - 0.006673531 + .4231238232)\frac{2}{3}} = \frac{.993326459}{.99717627\frac{2}{3}}$$

$$= .993326469 = .997548697 \dots \dots \dots (6)$$

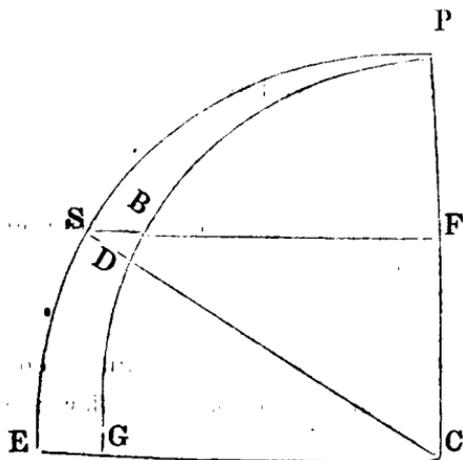
$$.995767396$$

or resuming the foot as a unit,

$$r = 20,923,596, + .997548697 = 20,872,306 \text{ feet } \dots \dots \dots (7)$$

A line, traced upon the earth's surface in an East or West direction, and accurately prolonged by means of fore and back sights, will always remain in the plane of the prime vertical passing through its beginning; and, consequently, will gradually tend Southward according to a certain law. Hence, in running the line from Sullivan's corner to the Missouri river, it was necessary to apply certain corrections in order to regain the parallel of latitude passing through the initial point. These corrections may be ascertained in the following manner.

We may, without sensible error, consider that part of the earth's surface, on which we have been operating, as a portion of the surface of a sphere whose radius is equal to the radius of curvature, as above ascertained.



Let E C, P C. represent the equatorial and polar radii, respectively, and E C S = C S F = C, the latitude of S. C S and F S represent, and are in the planes of the prime vertical and the circle of latitude. It is evident that these planes intersect each other at S, and that the line of intersection is tangential to the earth at that point. If then a line be traced from S, at right angles to the meridian P E, it will intersect any other meridian P G at D. But the parallel inter-

sects the same meridian at B. Hence D B is the required correction.

It thus appears that the planes represented by S C, S S, intersecting the plane of the second meridian, will form, externally to the

earth, a figure which may be represented by  $SDB$ ; and, the arc  $DB$  being very small, this figure may be treated as a plane triangle, right angled at  $D$ . The angle  $S$ , when projected upon the plane of the second meridian, will, of course, undergo a diminution; but when (as is the case here) the inclination of the two meridians is small, this diminution becomes almost infinitesimal in amount, and may be disregarded. If, therefore, we put  $u = SD$ , and  $v = BD$ , we shall have

$$V = u \tan l \quad (8)$$

But, making  $d =$  the distance along the line between the meridians, we have from the properties of the circle

$Qr + u : d :: d : u$ ; whence

$$u(2r + u) = d^2, \text{ and } u = \frac{d^2}{2r + u}; \text{ and the quantity } u, \text{ in}$$

the divisor of the second number, being so minute, when compared with  $2r$ , as to have no effect upon the result within the limits we have adopted, this expression becomes

$$u = \frac{d^2}{2r}$$

and substituting this value in equation (8), we have

$$v = \frac{d^2 \tan l}{2r} \quad (9)$$

If, now, in this expression we make  $d = 1$  mile, and substitute for the letters their numerical values, we shall have

$$v = 6.855 \text{ inches.}$$

A simple inspection of equation (9) will show that, the latitude being constant,  $v$  varies as  $d^2$ . Hence we must offset north, as follows:—

When $d = 1$ mile,	$v = 1 \times 6.855$ inches	$= 0$ ft. 6.855 ins.
" $= 2$ miles,	$v = 4 \times 6.855$	" $= 2$ ft. 3.420 ins.
" $= 3$ "	$v = 9 \times 6.855$	" $= 5$ ft. 1.695 ins.
" $= 4$ "	$v = 16 \times 6.855$	" $= 9$ ft. 1.680 ins.
" $= 5$ "	$v = 25 \times 6.855$	" $= 14$ ft. 3.375 ins.
" $= 6$ "	$v = 36 \times 6.855$	" $= 20$ ft. 6.780 ins.
" $= 7$ "	$v = 49 \times 6.855$	" $= 27$ ft. 11.895 ins.
" $= 8$ "	$v = 64 \times 6.855$	" $= 36$ ft. 6.720 ins.
" $= 9$ "	$v = 81 \times 6.855$	" $= 46$ ft. 3.255 ins.
" $= 10$ "	$v = 100 \times 6.855$	" $= 57$ ft. 1.500 ins.
" $d = 60$ "	$v = 3600 \times 6.855$	" $= 2056$ ft. 6.000 ins.

## NOTE B.

In note A, equation (7) we find 20,872,306 feet to be the length of the radius of curvature of the terrestrial meridian at the parallel of  $40^\circ 34' 40''$ ; and, as this value may be considered constant for a short distance North or South of that parallel, and as radius, expressed in seconds, is equal to 206,264,806," we have, for the length of a second of latitude on either side of the line, for a few miles

$$\frac{1'' = 20,872,306.}{206,264,806.} = 101.2 \text{ feet.}$$

## NOTE C.

It is plain that the absciss  $x$  is equal to the radius of the circle of latitude passing through S.

In note A, equation (4) we have

$$X^2 = a^4 \cos^2 l; \text{ whence}$$

$$\frac{X^2}{a^2 - e^2 \sin^2 l}.$$

$$X = \frac{a^2 \cos l}{(a^2 - e^2 \sin^2 l)^{\frac{1}{2}}}$$

substituting the numerical values,

$$X = \frac{.759\ 533\ 61}{(1 - .006673531 \times .4231238233) \frac{1}{2}} = \frac{.759\ 533\ 61}{.997\ 176\ 27\frac{1}{2}}$$

$$= .75953361 = .76060824 : - \text{ and, resuming the foot as a unit,}$$

$$.998587137$$

$$X = 20,923,596 \times .760\ 608\ 24 = 15,914,660 \text{ feet.}$$

Hence, along (or near) the parallel of  $40^{\circ} 34' 40''$ , we have for the length of a second of longitude

$$1'' = \frac{15,914,660}{206,264,806} = 77.1564 \text{ feet.}$$

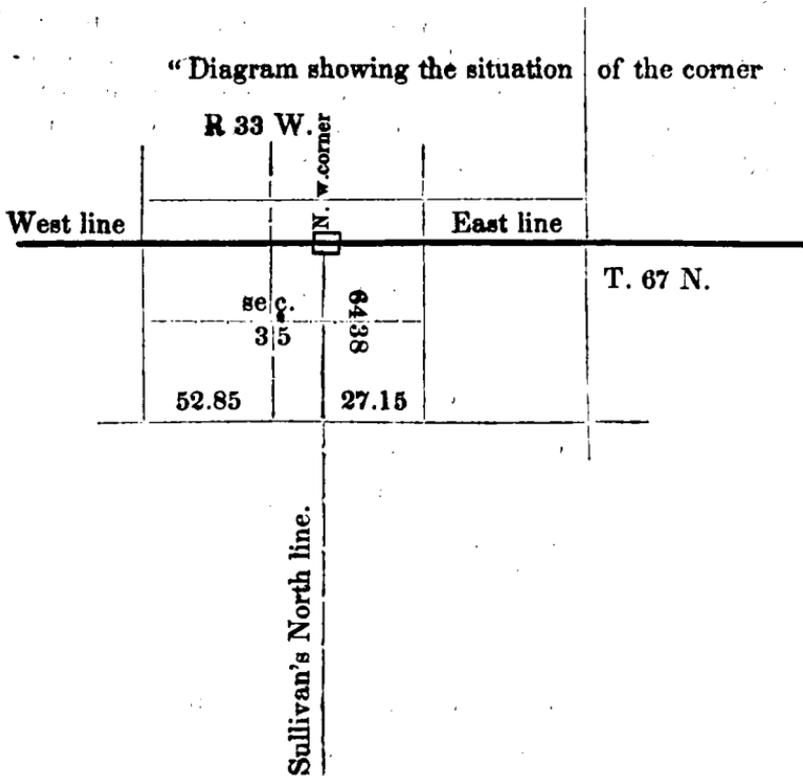
We may therefore easily ascertain the difference of longitude between any two points in the line; and consequently whenever the longitude at any one of these points shall have been determined, it will become known for all the others.

The following is a statement of the differences of longitude between the principal points in the line: viz—

Between Sullivan's corner and the monument near the Mo. river	1° 8' 25" .94
Between Sullivan's corner and the monument near the Des Moines	2° 51' 48" .49
Between the extreme monuments	4° 0' 14" .43

And since the line extends West of the monument near the Missouri river 61 chains, and East of the monument near the Des Moines 80 links we see that the whole extent of longitude embraced by the line is  $4^{\circ} 1' 7'' .29$ ."

And the field notes referred to, by the said Surveyors Walker and Dewey as part of their report, are in the words and figures following:



## "NOTE.

The field notes relate to the true line, as established on the ground. No notice is taken of random lines. The distances are reckoned in chains and links from the beginning of each mile.

When a post is noted as set in a mound the pit is invariably 9 links west, to designate it from other surveys. In the prairie the posts are marked with the letters "B. L." facing the East, the letter "I" facing the North, and the letter "M" facing the South, and the number of the mile marked on the West face of the post. In timber the number of the mile is marked on the witness trees, with the letter appropriate to each state, there being one tree marked on each side of the line whenever possible. The foot of each witness tree is marked with the letters "B. L."

## MISSOURI AND IOWA BOUNDARY.

West line

Commenced May the 24th

and

Completed July the 12th

A. D. 1850.

Planted a cast iron monument at the

"North West corner"

Latitude  $40^{\circ} 34', 40'' .3$  N.

APPENDIX.

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Missouri and Iowa boundary. West line. Commencing at Sullivan's N. W. Corner.

Course west. Dist.	On a parallel of latitude
	<i>1st Mile.</i>
5.00	Prairie
18.80	Branch 6 lks wide runs S. skirted with timber
27.00	Prairie
	Land rolling 2d rate.
	<i>2d Mile.</i>
33.90	Brusby branch 6 lks wide, runs South, skirted occasionally with strips of timber
	Land rolling 2d rate.
	<i>3d Mile.</i>
78.00	Timber.
	Land rolling. Soil 2d rate.
	<i>4th Mile.</i>
75.00	Honey creek 25 lks wide runs South
78.00	Prairie.
	Land rolling and 2d rate, timber ordinary, Black and Burr Oak, Elm, Hickory and Walnut and undergrowth brush of same.
	<i>5th Mile.</i>
	Second rate rolling prairie
	<i>6th Mile.</i>
	Second rate rolling prairie
	<i>7th Mile.</i>
	A small branch runs S. W.
30.00	Branch 4 links wide runs South.
74.00	These branches unite about 10 chs below the line and at their junction commences an extensive grove extending South.
	Land rolling. Soil 2d rate.
	<i>8th Mile.</i>
	Rolling prairie. Soil 2d rate.
	<i>9th Mile.</i>
	First half rolling prairie, second half broken and covered with patches of Hazle.

Course west. Dist.

On a parallel of latitude.

## 10th Mile.

Hazel continues

59.00 Timber

58.00 Drain runs N. W.

71.00 Prairie.

80.00 Set a cast iron monument with the word "Boundary" facing both the East and the West—and the word "Iowa" facing the North and the word "Missouri" facing the South.  
Land rather broken. Soil 2d rate. Timber poor and sparse, mostly black oak.

## 11th Mile.

4.50 Timber (a small grove)

6.25 Prairie

13.00 Bottom

21.00 East fork of 102, 40 lks wide runs S. W.

27.00 Prairie

Land rolling 2d rate, prairie interspersed with hazle thickets, timber tolerable. Elm, Lind, Hickory, Walnut, &c. The ridges are covered with hazle and scrub oak.

## 12th Mile.

54.50 Timber

56.50 Middle fork of 102, 25 lks wide, runs South.

61.50 Prairie with patches of hazle.

Land rolling, soil 2d rate. Bottom on the creek level and rich. Timber indifferent.

## 13th Mile.

69.00 Timber

74.50 West fork of 102, 50 lks wide runs South, skirted with a narrow belt of sparse timber. Land rolling, 2d rate, bottom rather wet.

## 14th Mile.

Rolling 2d rate prairie.

## 15th Mile.

Prairie rather broken, 2d rate. Patches of hazle and small groves of sparse timber.

Course west. Dist.	On a parallel of latitude.
	16th Mile.
	Same as last mile.
	17th Mile.
31.00	Timber.
31.25	Small branch runs N. W. N.E. corner of Mr. Short's field, 300 links, S. 45° W.
50.00	N. W. corner of Short's field 200 links South.
64.00	Clear creek, 10 links wide, runs S. W. Land rolling, 2d rate, timber tolerable, black and burr oak, elm and walnut, &c., with underbrush.
	18th Mile.
1.50	Prairie. Land rolling, 2d rate.
	19th Mile.
	Rolling 2d rate prairie.
	20th Mile.
5.00	Drain runs N. W. Grove short distance north.
39.00	Cut off S. W. corner of Davidson's field.
67.00	Drain N. W.
80.00	Set cast iron monument facing as before. Land rather broken, soil 2d rate.
	21st Mile.
	Rolling 2d rate prairie.
	22d Mile.
	Mostly bottom prairie, level and rich.
	23d Mile.
7.30	Nodaway river, 100 links wide runs South, muddy channel, narrow belt of timber on the banks. The first half is rather wet bottom prairie. Last $\frac{1}{4}$ of the mile brushy and the end in a dense thicket.
	24th Mile.
	First $\frac{1}{4}$ brushy with thickets of hazle, &c. Balance prairie, rolling 2d rate soil.
	25th Mile.
	Upland prairie rolling, 2d rate.

Course west.	Dist.	On a parallel of latitude.
		<i>26th Mile.</i>
		Same as last mile.
		<i>27th Mile.</i>
		Rolling 2d rate prairie.
		<i>28th Mile.</i>
	29.50	Sparse timber.
	34.00	Brushy prairie.
	49.50	Drain S. W.
	57.00	Timber.
	65.00	Bottom.
	68.50	Thicket of dense brush.
	72.00	Branch 6 links wide runs S. E.
	73.50	Prairie. Land rolling, soil 2d rate, timber poor.
		<i>29th Mile.</i>
	5.00	Left bottom.
	19.50	Small grove.
	25.50	Left same. Prairie.
	35.00	Bottom.
	38.00	Timber.
	43.00	Mill creek, 15 links wide, runs South.
	45.50	Prairie.
	53.00	Left bottom (same as last mile.)
		<i>30th Mile.</i>
	16.40	Small branch runs N. E., hazle on the banks.
	80.00	Setcast iron monument in a swale facing as before. Land very rolling, 2d rate.
		<i>31st Mile.</i>
		Rolling upland prairie.
		<i>32d Mile.</i>
		Same.
		<i>33d Mile.</i>
		Same.

Course west.	Dist.	On a parallel of latitude.
		<i>34th Mile.</i>
13.60	East Taskio, 80 links wide, runs South, banks steep, channel muddy, narrow belt of timber on the banks, occasionally spreading out into considerable groves.	
		Upland rolling, 2d rate. Bottom about $\frac{1}{4}$ mile wide, level and rich.
		<i>35th Mile.</i>
		Rolling upland prairie.
		<i>36th Mile.</i>
		The Same.
		<i>37th Mile.</i>
		The same.
		<i>38th Mile.</i>
9.90	Middle Taskio, 6 links wide, runs South. Same as last mile.	
		<i>39th mile.</i>
7.50	A wet swale.	
17.00	Left swale.	
50.00	East edge of a grove, about 5 chains South extending West.	
		<i>40th mile.</i>
29.00	Timber.	
69.25	West Taskio, 60 links wide, runs S. W. Prairie.	
80.00	Set cast iron monument, facing same as above.	
		Upland rolling 2d rate bottom rich. Timber burr oak hickory, elm, &c.
		<i>41st mile.</i>
		Upland rolling prairie.
		<i>42d mile.</i>
		The same.
		<i>43d mile.</i>
		The same.

Course west. Dist.	On a parallel of latitude.
	44th mile. The same.
	45th mile. The same.
	46th Mile. Upland rolling prairie.
26.40	47th Mile. High creek 5 lks wide runs S. W. The same.
	48th Mile. The same.
	49th Mile. The same.
80.00	50th Mile. Set cast iron monument in a low wet swale, facing as before. Land same as last mile.
	51st Mile.
44.90	Field, fence, N. & S.
69.30	fence, N. & S.
71.00	Timber. Land as before.
	52d Mile.
4.70	Left field, fence. N. & S. Timber.
51.25	Branch 4 lks wide runs North.
79.00	Road N. & S. Prairie.
79.50	Touched the N. W. corner of a field. Land as usual. Timber tolerable, oak, hickory, elm, &c.
	53d Mile.
7.75	Timber.
28.00	Field—fence N. & S.
40.10	Left field—fence N. & S. Prairie.

Course west.	Dist.	On a parallel of latitude.
	45.50	Timber.
	64.75	Small branch runs South.
	66.80	Field—fence N. & S. (Sager's) Left timber. Land broken, soil 2d rate. Timber oak, hickory, elm, &c.
		<i>54th Mile.</i>
	00.60	Fence N. & S. dividing Sager & Lebo.
	7.50	Left field N. & S.
	10.00	Open burr oak timber.
	45.75	Spring branch S. W.
	59.50	Road N. & S.
	60.00	Field—fence N. & S. Prairie. Land broken 2d rate. Timber burr oak, hickory, &c. The 51st, 52d, 53d, 54th, and 55th miles run through what is known as "McKissock's Grove" embracing a fine farming country.
		<i>55th mile.</i>
	2.50	Left field
	5.10	Top of steep bluff sparse timber on the slope.
	9.50	Bottom—prairie.
	30.00	Timber.
	33.50	Nishnebotone river 150 lks wide runs S. W. The bottom is level and rich, affording fine pasturage. There is a narrow strip of timber on the river.
		<i>56th mile.</i>
		Level rich bottom.
		<i>57th mile.</i>
	22.80	Slough runs South. Land the same.
		<i>58th mile.</i>
		The same.
		<i>59th mile.</i>
		The same.
		<i>60th mile.</i>
	80.00	Set cast iron monument the words "State Line" facing the East and the word "Iowa" facing the

Course west.	Dist.	On a parallel of latitude.
		North and the word "Missouri" facing the South. The ground here is high, affording a much more appropriate site for the monument, than the terminus on the bank of the Missouri river, where the land is extremely liable to wash, and is frequently overflowed.
		<i>61st mile.</i>
	9.50	Road N. & S. The ground begins to become lower from this point.
	15.75	Field—fence N. & S.
	24.00	Left field—fence North and South. Timber.
	57.50	A cottonwood 30 inches diam. notched on the East and West sides and marked with the letter "I" on the North, and M on the South.
	61.00	Set a post on the bank of the Missouri river.
		Bearings } Cottonwood 10 inches diam. S. 67° E. 6 lks " " " N. 21° W. 12"
		Rich bottom land, heavy body of timber principally cottonwood and elm.

Missouri and Iowa Boundary. East line. From Sullivan's N. W. Corner.

Course	Dist.	1st mile.	Var. of needle 11° E.
S. 89° 24' E.	4.00	Small branch, runs S. W.	
	10.50	Prairie.	
	23.50	Drain South. Brushy prairie.	
	65.00	Touched South point of a grove.	
	80.00	Set post in mound.	
		Land very rolling, soil 2d rate.	
		<i>2d mile.</i>	
	10.50	Small branch runs S. E., bottom sparse timber.	
	16.00	Branch 25 links wide, runs South.	
	27.00	Bottom prairie.	
	61.20	Branch 25 lks wide, runs S. E.	
		Narrow skirt of timber on the banks.	
	75.00	Bushy upland prairie—Barrens.	
	80.00	Set 2d mile post in mound.	

Course	Dist.	3d mile. Var. of needle 11° E.
S. 89° 24' E.	59.50	Sparse timber.
	77.00	Prairie.
	80.00	Sullivan's third mile corner found by one witness tree.
		Set 3d mile post in mound. 2d and 3d mile very rolling with sparse timber and barrens.
N. 89° 45' E.		4th mile.
	19.00	Bottom prairie.
	50.50	Platte river 75 links wide, runs S. S. E. Narrow skirt of timber, Sullivan's blazes.
	58.50	South point of a sharp bend in the river, the line enters the river a short distance.
	66.00	Prairie.
	72.00	Upland.
	80.00	Set post in mound. Land rolling, 2d rate, timber poor, hickory, elm, burr oak, &c.
		5th mile.
	80.00	Set post in mound. Rolling upland prairie.
		6th mile.
	80.00	Set 6th mile post in mound. Land as last mile.
		7th mile.
	13.50	Branch 20 links wide runs S. W. Timber.
14.25	" " " " North.	
16.00	" " " " S. W. Found Sullivan's blazes on the line.	
35.50	Prairie.	
51.50	Bottom.	
80.00	Set 7th mile post in mound. Upland—broken, brushy, barren; bottom rich.	
	8th mile.	
40.00	West fork of Grand river 100 links runs S. Timber.	
61.50	Prairie.	
80.00	Set 8th mile post in mound. Land level and rich. Timber good, hickory, elm, black walnut, &c.	

Course	Dist.	
N. 89° 45' E.		<i>9th mile. Var. 11° E.</i>
	28.00	Brushy upland prairie, sparse scrub oak on the ridges.
	54.50	Small branch runs S. W.
	80.00	Set 9th mile post in mound. Upland broken and brushy.
		<i>10th mile.</i>
	42.50	Road N. E. open prairie.
	80.00	Set cast iron monument with the word "Boundary" facing both the East and the West, and the word "Iowa" facing the north and the word "Missouri" facing the South. First half mile broken and brushy, 2d half open prairie.
		<i>11th mile.</i>
	80.00	Set 11th mile post in mound. Land broken and brushy.
		<i>12th mile.</i>
	25.00	Sparse timber, land broken.
	29.00	Branch 10 links wide runs E. S. E.
	31.00	Prairie.
80.00	Set 12 M. post in mound near a small branch. Land rolling, 2d rate.	
	<i>13th mile.</i>	
00.05	Small branch runs S, scattering trees and brush on E. side.	
59.00	Timber, creek a few links south.	
71.00	Creek 50 links wide, runs South.	
73.00	" " " " " N. W.	
78.50	" " " " " South.	
	This creek is very crooked, and has probably changed its channel since Sullivan ran his line. The line is on his blazes.	
80.00	Set 13th mile post. Bearing. { Burr oak 18 inch. diam. S. 20 E. 41 lbs. { elm 20 " " N. 20 W. 57" Land rolling, 2d rate. Timber, elm, burr oak, hickory, lind, &c.	
	<i>14th mile.</i>	
1.40	Sullivan's 13th mile corner found by one witness tree still standing.	

Course	Dist.	
N. 89° 43' E.	40.20	Field. Left timber. The line is on Sullivans blazes through this timber.
	50.75	Left field. Prairie.
	80.00	Set 14th m. post in mound. Land rolling, 2d rate. Timber good; white and burr oak, elm, hickory, &c.
		<i>15th mile. Var. 11° E.</i>
	80.00	Set 15th m. post in mound. Land rolling prairie.
		<i>16th mile. Var. 10° 30' E.</i>
	39.00	Small branch runs S. E.
	46.00	Branch 12 links wide, runs S. S. W. Narrow belt of timber on banks. Sullivans blazes.
	55.00	Sparse timber.
	69.00	Prairie.
	80.00	Set 16th mile post in mound. Land rolling, 2d rate.
		<i>17th mile.</i>
	80.00	Set 17th mile post in mound. Land same.
		<i>18th mile.</i>
	30.00	Bottom.
	80.00	Set 18th mile post in mound. Upland rolling. Bottom rich.
		<i>19th mile.</i>
	13.50	Branch 10 links wide, runs South, narrow belt of timber on the branch.
	30.00	Timber (Lot's Grove.)
32.50	Creek 25 links wide, runs S. W.	
80.00	Set 19th mile post. Bearings { White oak 10 in. diam. N. 20 W. 129½ lks " " " 14 " " S. 8 W. 85 " Land rolling, 2d rate. Timber good, white, black and burr oak, elm, hickory, &c.	
	<i>20th mile.</i>	
	2.15 Sullivans 19th mile corner found by both witness trees.	
S. 89° 47' E.	6.50	Small branch runs N. W. Prairie.
	30.50	Small branch runs N. W.

Course	Dist.	
S. 89° 47' E.	80.00	Set castiron monument facing as before. Land broken and brushy, a few trees on east end of the mile.
		<i>21st milc. Var. 10° 30' E.</i>
	67.50	Drain runs S. W.
	80.00	Set post 2st mile.
		Bearings { Burr oak 14 in. diam. S. 61° E. 181 lks " " " " " N. 35° E. 74 "
		Land broken and brushy.
		<i>22d mile. Var. 10° 10' E.</i>
	1.00	Sullivans 21st mile corner found by both witness trees.
N. 89° 29' E.	6.00	Small branch W. S. W. a few trees.
	12.50	A small branch runs S. W.
	80.00	Set 22d mile post in a mound. Land broken and brushy—barrens.
		<i>23rd milc.</i>
	5.00	Small branch runs North.
	27.50	Small branch runs S. W.
	80.00	Set 23rd mile post in mound. Land very rolling with patches of hazle.
		<i>24th mile.</i>
	23.00	Creek 50 links wide runs S. W. Timber.
	26.00	Same " " " N. W.
	33.00	Same " " " S. W.
	35.00	Prairie.
	80.00	Set 24th mile post in mound. Land rolling, 2d rate. Timber indifferent, elm, hickory, and burr oak.
		<i>25th mile. Var. 9° 54' E.</i>
	67.50	Small branch runs N. W. Sparse timber.
	90.00	Set 25th mile post.
		Bearings { Blk. oak 20 in. dia, S. 31° W. 190 lks. " " " " " N. 41° W. 262 "
		Rolling brushy prairie. Timber poor, black and burr oak and hickory.

Course	Dist.	
		<i>26th mile. Var. 9° 54' E.</i>
N. 89° 29' E.	2.00	Prairie.
	14.50	Road N. E.
	66.25	Small branch runs S. Grove 200 links S.
	80.00	Set 26th mile post in a mound. Land rolling 2d rate.
		<i>27th mile.</i>
	80.00	Set 27th mile post in a mound. Land same as last mile.
		<i>28th mile.</i>
	22.00	Creek 20 links wide runs South. Timber.
	27.84	Red oak 36 inches diameter. Sullivans line tree, noted by him at 26 chains.
	80.00	Set 28th mile post on Sullivans blazes. Bearings { Elm 10 in. diam. S. 50° E. 60 links. { Blk. oak 14 in. diam. N. 5° E. 352 lks. Land rolling. Timber good white, burr, and red oak, elm, hickory, &c.
		<i>29th mile.</i>
N. 89° 4' E.	3.00	Prairie.
	60.00	A few trees and brush.
	80.00	Set 29th mile post in mound. Rolling prairie.
		<i>30th mile.</i>
	12.00	Small branch runs S. E.
	80.00	Set cast iron monument facing as before. Rolling prairie, rather brushy.
		<i>31st mile.</i>
N. 89° 20' E.	11.50	Timber.
	16.00	Creek 50 links wide runs S. E.
	22.00	Prairie.
	80.00	Set 31st mile post in mound. Land same as before.
		<i>32nd mile.</i>
N. 88° 20' E.	80.00	Set 32d mile post in mound. Rolling prairie.
		<i>33d mile.</i>
	80.50	Creek 25 links wide, runs S. E. Timber.
	22.50	Prairie.

Course	Dist.	
N. 88° 20' E.	36.75	Stream 10 links wide runs South.
	80.00	Set 33d mile post in mound. Land same.
		<i>34th mile.</i>
	69.83	Stream 35 links wide runs S. E. Timber.
	78.50	Prairie.
	80.00	Set 34th mile post.
		Bearings { Elm 10 inch. dia. N. 75° W. 63 links. " 9 " " S. 45° W. 148 " Land rolling, soil 2d rate.
		<i>35th mile.</i>
	3.67	Sullivan's 34th mile corner found by one witness tree.
	N. 88° 53' E.	80.00
		<i>36th mile.</i>
40.75		Stream 25 links wide runs S., few trees on banks.
54.00		Timber.
78.50		Prairie.
80.00		Set 36th mile post in mound. Rolling prairie.
		<i>37th mile.</i>
80.00		Set 37th mile post in mound. Rolling prairie.
		<i>38th mile.</i>
80.00		Set 38th mile post in mound. Rolling prairie.
	<i>39th mile.</i>	
31.00	Grove of young timber—hickory.	
32.50	Prairie.	
44.00	Grove of young hickory.	
46.50	Prairie.	
60.00	Timber.	
62.60	Stream 25 links wide runs S. Dry at present.	
66.50	Small prairie surrounded with timber.	
76.50	Timber.	
80.00	Set 39th mile post.	
	Br. { Burr oak 9 in. dia. N. 20° E. 29 links, Black oak 12 in. dia. S. 30° E. 22 links.	

Course	Dist.	Land rolling. Timber burr and black oak, &c.
N. 88° 53' E.		40th mile. Var. 9° 54' E.
	5.50	Sullivan's 39th mile corner found by one witness tree.
	9.50	Prairie.
	80.00	Set a cast iron monument facing as above, on the steep slope of a hill in the prairie. Rolling prairie.
		41st mile.
	80.00	Set 41st mile post in mound. Land as above.
		42d mile.
	10.00	River bottom.
	60.00	Timber.
	76.00	Sullivan's line tree (an elm)r
80.00	Set 42d mile post.	
	Br. { Cottonwood 18 in. dia. S 20° E. 17 links.	
	. { Maple 9 " S. 35° W. 1½ "	
	Land bottom and rich. Timber cottonwood, elm, maple, walnut, &c.	
	43rd mile.	
	00.50 Grand river 200 links wide, runs S. E.	
	6.50 Sullivans 42d mile corner.	
N. 89° 6' E.	11.50	Prairie bottom. Var. 9° 6' E.
	79.50	Upland and timber.
	80.00	Set 43d mile post.
	Bearings { Elm 10 inch. diam. N. 8° W. 79 links.	
	{ White oak 10 in. dia. S. 60° W. 158 "	
	Level rich land.	
	44th mile.	
	6.73 Sullivans 43d mile corner found by one witness tree.	
N. 89° 47' E.	61.00	Prairie.
	73.00	Timber.
	76.00	Prairie.
	80.00	Set 44th mile post.
	Bearings { Pin oak 15 in. dia. S. 82° W. 390 links	
	{ " " " N. 63° W. 342 "	
	Land rolling. Timber, oak, hickory.	

Course	Dist.	
		<i>45th mile.</i>
N. 89° 47' E.	7.00	Sullivans 44th mile corner found by one witness tree. Timber.
N. 89° 9' E.	22.00	Prairie.
	80.00	Set 45th mile post in mound. Land as usual.
		<i>46th mile.</i>
	73.00	Timber with thick undergrowth.
	80.00	Set 46th mile post in mound. Barrens.
		<i>47th mile.</i>
	80.00	Set 47th mile post in mound. Brushy barrens.
		<i>48th mile.</i>
	53.00	Stream 12 links wide runs S.
	80.00	Set 48th mile post in mound. Brushy barrens.
		<i>49th mile.</i>
	52.50	Timber.
	60.50	Little river (a fork of Grand river) 60 links runs S. E.
	66.50	Same stream runs North.
	71.50	Same " " South.
	80.00	Set 49th mile post.
		Bearings { White oak 36 in. dia. S 76° E. 39 lks. " 18 " " N. 63° E. 27 "
		Land 1st rate.
		<i>50th mile.</i>
	61.20	Sullivans 49th mile corner found by one witness tree.
N. 89° 16' E.	10.00	Brushy prairie.
	80.00	Set cast iron monument facing as before. Barrens.
		<i>51st mile.</i>
	80.00	Set 51st mile post in mound. Rolling prairie.
		<i>52nd mile.</i>
	12.00	Timber.
	25.00	River bottom.
	28.50	East Grand river 150 links wide runs S. W.

Course	Dist.	
	38.50	Same. runs North.
	52.30	Same, " South.
	80.00	Set 52d mile post.
		Bearings } Elm 18 in. dia. N. $87\frac{1}{4}^{\circ}$ E. 10 $\frac{1}{2}$ links. Burr oak 12 in. dia. S. 22 W. 28 "
		Mostly rich bottom. White and burr oak, elm, hickory, &c.
		<i>53d mile.</i>
N. 88-47' E.	0.30	A pond 250 links wide, direction of its length N. and South.
	5.00	Prairie.
	15.00	Timber.
	30.00	Field (Stokes') fence nearly N. and S.
	57.50	Left field. Brushy prairie.
	80.00	Set 53d mile post.
		Bearings } Blk. oak 8 in. dia. S. $53^{\circ}$ E. 15 links. " 6 " " N. $53^{\circ}$ E. 64 "
		Land rolling. Timber oak and hickory, with undergrowth.
		<i>54th mile.</i>
	1.50	A small prairie surrounded by timber.
	9.00	Timber and dense undergrowth of thorn, oak, &c.
	80.00	Set 54th mile post.
		Bearings } Blk. oak 12 in. dia. N. $55^{\circ}$ W. 73 links do 14 do S. $9^{\circ}$ W. 124 "
		Growth of small timber and dense underbrush.
		<i>55th mile.</i>
	4.07	Sullivan's 54th mile corner found by both witness trees.
N. 89-2' E.	32.70	Branch 10 links wide, runs south.
	42.50	Branch 10 links wide, runs N. W.
	62.75	Prairie (small and surrounded with timber)
	71.00	Alexander's field fence nearly N. and S.
	80.00	Set 55th mile post in a field.
		1st rate upland.
		<i>56th mile.</i>
	7.00	Fence nearly North and South.
	9.00	Fence runs a little South of East.
	11.00	Brushy thicket. Plum, scrub-oak, Sumac, &c.
	20.00	Timber.

Course	Dist.	
N. 89° 2' E.	31.00	Prairie.
	75.00	Fence about N. 65° E. (Hodges.)
	80.00	Set 59th mile post in a mound. Land same as before.
		<i>57th mile. Var. 9° 6' E.</i>
	8.50	Fence about N. 25° W.
	47.50	Road N. and S.
	80.00	Set 57th mile post in mound. Rolling prairie.
		<i>58th mile.</i>
	31.00	Timber with dense undergrowth.
	31.55	Stream 10 links wide runs N. E.
	31.80	Same. " E.
	32.25	Same. " N. E.
	49.75	Same. " S.
	53.00	Prairie.
	57.50	Brushy prairie.
	58.75	Prairie.
	60.50	Brushy thicket.
	65.00	Timber with dense undergrowth.
	75.90	Sullivan line tree (elm.)
	80.00	Set 58th mile post.
		Br. } Pin oak 8 in. dia. S. 77° E. 43 links.
		} do 6 do N. 11° E. 41½ links.
		Land rolling. Soil good. Timber small with a dense undergrowth.
		<i>59th mile.</i>
	2.53	Sullivans 50th mile corner found by both witness trees.
N. 89° 27' E.	3.65	West fork of muddy creek, 25 links wide, runs S.
	55.00	Middle fork muddy creek, 25 links wide, runs S. E.
	79.00	Prairie.
	80.00	Set 59th mile post in mound. Land same as before.
		<i>60th mile.</i>
	0.45	Field, (Sullivans) fence N. and S.
	12.45	Fence N. and S. Prairie.
	35.25	Field (Sullivans and Lochlins) fence about S. 25° W.
	45.20	Fence about S. 65° E.
	80.00	Set cast iron monument facing as before. Land good.

Course	Dist.	61st mile. Var 9° 8' E.
N. 89° 27' E.	19.80	East fork of muddy creek, runs S. very little timber on banks.
	80.00	Set post to 61st mile in mound. Land good.
		62d mile.
	80.00	Set 62d mile post in mound. Rolling prairie.
		63d mile.
	80.00	Set 63d mile post in mound. Rolling prairie.
		64th mile.
	80.00	Set 64th mile post in mound. Same.
		65th mile.
	7.00	Timber.
	11.00	Prairie.
	19.65	West fork Medicine creek 40 links runs South. Timber.
	22.50	Field-fence N. & S.
	33.25	Left field-fence N. & S.
	47.50	Prairie.
	80.00	Set 65th mile post in mound. Land good. Timber indifferent.
		66th mile.
	62.50	Timber.
	80.00	Set 66th mile post. Bearings { white oak 16 in. dia. N. 63° E. 14 links. do. 16 do. S. 55° W. 20 do. Rich land.
		67th mile.
	4.50	Sullivan's 66th mile corner found by one witness tree.
N. 89° 42' E.	9.20	Middle Medicine cr. 25 lks wide runs S. E.
	13.40	Same N. E.
	16.20	Same S. E.
	18.00	Prairie.
	44.50	Timber.
	45.12	Big Medicine cr. 60 links wide runs S. E.
	80.00	Set 67th mile post.

Course	Dist.	Bearings	
N. 89° 42' E.			{ white oak 10 in. dia. S. 47° E. 48 lks. do 8 do. N. 40° W. 25 lks. Broken 2d rate land.
			68th mile. Var. 9° 6' E.
N. 89° 35' E.	4.62		Sullivan's 67th mile corner found by both trees.
	25.48		Sullivan's line tree (a white oak.)
	31.30		Collin's field fence nearly N. & S.
	41.25		Left field-fence near N. & S.
	61.50		Timber:
	72.50		Prairie.
	80.00		Set 68th mile post in mound. (Corrected this mile from the line tree.) Land 2d rate.
			69th mile.
N. 89° 21' E.	8.00		East Medicine cr. 30 lks wide, runs S. E. timber on the bank.
	17.00		Timber open white oak.
	47.50		Prairie.
	80.00		Set 69th mile post in mound. Land rolling. Timber white oak, elm and hickory. Land 2d rate.
			70th mile.
	80.00		Set cast iron monument facing as before. Same. Rolling prairie.
			71st mile.
	80.00		Set 71st mile post in mound. Same
			72d mile.
	80.00		Set 72d mile post in mound. Same
			73d mile.
	80.00		Set 73d mile post in mound. Same
			74th mile.
	41.00		Stream 15lk wide runs South. Timber.
	47.50		Prairie.
	60.10		Stream 10 links wide runs S. W; narrow strip of timber on banks.
	80.00		Set 74th mile post in mound. Land same.

Course	Dist.	
		<i>75th mile. Var. 9° 6' E.</i>
N. 89° 21' E.	80.00	Set 75th mile post in mound. Same.
		<i>76th mile.</i>
	80.00	Set 76th mile post in mound. Same
		<i>77th mile.</i>
	66.30	Stream 50 lks wide runs S. W. Timber.
	80.00	Set 77th mile post. Bearings { blk oak 15 in dia. S. 23° W. 30 links. { do do do N. 44° E. 20 links. Broken 2d rate land.
		<i>78th mile.</i>
N. 88° 57' E.	9.20	Sullivan's 77th mile corner found by both witness trees.
	47.00	Prairie.
	55.75	Smith's field-fence N. & S.
	58.40	Timber
	64.50	Prairie.
	74.00	Field-fence N. & S.
	80.00	Set 78th mile post in a field. Land rolling, soil 2d rate. Timber oak and hickory.
		<i>79th mile.</i>
	9.00	Left field fence N. & S. Prairie.
	49.50	Timber generally small with underbrush.
	59.20	Stream 10 links wide runs South.
	77.50	Small prairie.
	80.00	Set 79th mile post in mound. Same.
		<i>80th mile.</i>
	2.50	Timber.
	14.60	Stream 10 links wide runs South.
	41.50	Prairie.
	80.00	Set cast iron monument facing as before. Same.
		<i>81st mile.</i>
	40.50	Mormon trace N. & S.
	80.00	Set 81st mile post in mound. Rolling prairie.

Course	Dist.	
		82d mile.
N. 88° 57' E.	4.50	Stream 10 lks wide runs S, timber on the banks.
	80.00	Set 82d mile post in a mound. Same.
		83d mile.
	80.00	Set 83d mile post in mound. Same.
		84th mile.
	80.00	Set 84th mile post in mound. Rolling prairie.
		85th mile.
	80.00	Set 85th mile post in mound. Same
		86th mile.
	29.50	Benners house, about 150 links N.
	80.00	Set 86th mile post in mound. Prairie with clumps of oak.
		87th mile.
	80.00	Set 87th mile post in a mound. Land same.
		88th mile.
	38.50	Timber.
	80.00	Set 88th mile post in mound. Prairie with scattering trees. Sparse timber.
		89th mile.
	13.34	Sullivans 88th mile corner found by one witness tree.
N. 89° 12' E.	33.75	Stream 50 links wide, runs S. E.
	65.28	Sullivans line tree (a white oak.)
S. 89° 15' E.	80.00	Set 89th mile post.
		Br. } White oak 24 in. dia. N. 15° W. 65 links. do do do S. 13° W. 82 " Poor broken land.
		90th mile.
	3.50	Small prairie surrounded by timber.
	12.82	Sullivans 89th mile corner.
N. 88° 57' E.	15.00	Timber.

Course	Dist.	
N. 88° 57' E.	80.00	Set cast iron monument facing as before. Timber, white and black oak, with undergrowth. Land rolling.
<i>91st mile. Var. 9° 36' E.</i>		
	12.71	Sullivans 90th mile corner.
N. 89° 5' E.	38.40	Small branch runs S. E.
	80.00	Set 91st mile post.
Br. }		White oak 24 in. dia. S. 7½° E. 49 links.
		do do do N. 18½° E. 89 "
		Land broken, 3d rate. Timber white and black oak, &c.
<i>92d mile.</i>		
	8.55	Corner to intersection of supposed Sullivans line. with range line between ranges 17 and 18 (Iowa sur.)
	12.19	Sullivans 91st mile corner.
N. 89° 12' E.	34.05	Corner to intersection of supposed Sullivans line. with range line between ranges 17 and 18, Mo. sur.
	43.00	Prairie.
	46.50	Cut off the S. E. corner of a field.
	49.10	Left field.
	52.00	Timber. Var. 9° 36' E.
	54.70	West fork of Chariton 100 links wide, runs S. E. Var. 9° 36' E.
	80.00	Set 92d mile post.
Br. }		White oak 14 in. dia. S. 4½° E. 41 links.
		do do do N. 41 "
		Upland broken, 3d rate. Narrow bottom on the river 1st rate. Timber, white, black oak, &c.
<i>93d mile.</i>		
	12.36	Sullivans 92d mile corner.
	15.00	Small branch runs N. W.
	19.33	Sullivans line tree.
	80.00	Set 93d mile post.
Br. }		White oak 12 in. dia. N. 23° W. 30 links.
		do do do S. 4° E. 40 "
		Land broken, 3d rate. White and black oak, hickory, &c.

Course	Dist.	
		<i>94th mile. Var. 9° 30' E.</i>
	12.20	Sullivans 93d mile corner.
N. 89° E.	25.00	Prairie.
	80.00	Set 94th mile post in mound. Land broken, 2d rate soil.
		<i>95th mile.</i>
	0.30	Road N. E. and S. W.
	80.00	Set 95th mile post, (in the brush) in a mound. Land broken, 2d rate, brushy, a few trees.
		<i>96th mile.</i>
	63.00	Jack oak grove.
	68.50	Small prairie surrounded by timber.
	75.75	Small branch runs N. E.
	80.00	Set 96th mile post. Bearing—Burr oak, 14 in. dia. N. 11° E. 235 links Land broken, 2d rate. Scrub oak, crab, thorn, &c.
		<i>97th mile.</i>
	11.80	Sullivans 96th mile corner found by his elm tree.
N. 88° 33' E.	22.00	Heavy timber. More open.
	35.00	Sparse open timber.
	53.00	Thicket of scrub oak, crab, thorn &c.
	80.00	Set 97th mile post. Br. } Black oak 6 in. dia. N. 40° E. 12 links. } Pin oak 12 " " S. 29° E. 126 " } Land broken, 2d rate. Timber poor.
		<i>98th mile.</i>
	11.84	Sullivans 97th mile corner, witness trees defaced.
N. 89° 3' E.	26.50	Small branch runs North.
	29.50	Barren brushy prairie.
	42.00	Sparse timber.
	56.58	Sullivans line tree (black oak 24 in. diam.)
N. 88° 53' E.	78.00	Bottom prairie.
	80.00	Set 98th mile post in mound. Land rolling; soil 2d rate.
		<i>99th mile.</i>
	29.85	Field, fence N. and S. North side of field 25 links N. of line and parallel with it.
	35.35	Left field.
	37.00	Thicket and sparse timber.
	42.00	Bottom prairie, level and wet.

Course	Dist.	
N. 85° 53' E.	80.00	Set 99th mile post in mound. Upland is good soil.
<i>100th mile.</i>		
	7.50	Timber.
	12.06	Sullivan's 99th mile corner, witness trees defaced.
N. 85° 57' E.	14.00	Right bank of Chariton 150 links, runs S. W.
	17.25	Left bank of river (by triangulation) left bottom.
	80.00	Set cast iron monument facing as before. Land rolling, 2d rate. Timber good, white and black oak, hickory, &c.
<i>101st mile. Var. 9° 30' E.</i>		
	9.00	Timber.
	12.77	Sullivan's 100th mile corner.
N. 80° 2' E.	20.29	Sullivan's line tree.
	24.00	Low wet prairie. Land rolling to this point.
	63.00	Timber; upland.
	80.00	Set 101st mile post.
	Br. }	Black oak 14 in. dia. S. 38° E. 62½ links.
	}	White " " do N. 10¼ E. 119 "
		Timber, good white and black oak, hickory, &c.
<i>102d mile.</i>		
	12.78	Sullivan's 101st mile corner, trees defaced.
	54.80	Road North and South.
N. 85° 47' E.	80.00	Set 102d mile post.
	Br. }	Hickory 14 in. dia. S. 4° E. 88 links.
	}	White oak 12 do N. 58¼° W. 61½ links.
		Land rather broken. Timber good white and black oak.
<i>103d mile.</i>		
	6.00	Small branch runs North.
	12.40	Sullivan's 102d mile corner.
7 E.	43.60	Road nearly N. and S. House 500 links South.
	64.00	Prairie.
	77.50	Timber.
	80.00	Set 103d mile post.
	Bearings	{ Elm 20 in dia. N. 12° E. 46 links.
		{ do. do. S. 22° W. 46 links.
		Land rolling 2d rate. Timber indifferent, brush.
<i>104th mile. Var. 8° 45' E.</i>		
	11.96	Sullivan's 103d mile corner, one witness standing.

Course	Dist.	
N. 88° E.	12.00	Prairie.
	17.20	Field (Veach) fence N. and S.
	48.20	Left field fence N. and S.
	80.00	Set 104th mile post in mound.
		Land rolling, soil 2d rate.
		105th mile.
	80.00	Set 105th mile post in mound.
		Same.
		106th mile.
	52.00	Small grove and thicket.
65.75	Small branch runs South.	
69.50	Prairie.	
80.00	Set 106th mile post in mound.	
	Land same.	
	107th mile.	
45.00	Grove and thicket.	
80.00	Set 107th mile post.	
	Bearings { Blk oak 12 in dia. S. 20° E. 43 links.	
	{ " " " N. 8° W. 7 links.	
	Land rolling, 2d rate, brushy, timber poor.	
	108th mile.	
12.69	Sullivan's 107th mile corner.	
N. 87° 39' E.	20.00	Small prairie.
	26.00	Timber.
	30.20	Small branch runs South.
	64.50	Prairie.
	80.00	Set 108th mile post in mound.
		Timber poor.
		109th mile.
	80.00	Set 109th mile post in mound.
		Rolling prairie.
		110th mile.
11.40	Field fence N. & S. (Wright.)	
20.00	Left field.	
70.00	Timber and patches of brush.	
75.00	House 200 links north of line (Baker.)	
80.00	Set cast iron monument facing as before.	
	Land rolling. Timber poor and sparse.	

Course	Dist	
		<i>111th mile.</i>
N. 87° 39' E.	12.34	Sullivans 110th mile corner.
N. 86° 7' E.	80.00	Set 111th mile post in mound, in small prairie surrounded by dense thickets. Land broken, 2d rate. Scrub timber and small prairies.
		<i>112th mile.</i>
	3.00	Heavy timber.
	11.50	Sullivans 111th mile corner.
N. 87° 56' E.	14.50	Small branch general course E. the line runs down it crossing it several times.
	41.50	Left branch course N. E.
	73.00	Same branch runs South.
	76.00	" " " N. E.
	80.00	Set 112th mile post on Sullivans blazes.
		Br. } White oak 20 in. dia. N. 30° E. 119 links } " " 14 " S. 15½° W. 155 "
		Land good. Timber white, black and burr oak, hickory, elm &c.
		<i>113th mile.</i>
	11.09	Sullivans 112th mile corner.
N. 88° 21' E.	60.50	Field; fence N. and South.
	74.75	Left same.
	76.50	Bottom prairie.
	80.00	Set post 113th mile in prairie.
		Bear. Burr oak 20 in. dia. N. 15½° E. 268 links. Land and timber as last mile.
		<i>114th mile. Var. 8° 45' E.</i>
	25.00	Timber.
	33.00	Fabius river (West fork) 50 links runs S. E.
	50.72	Sullivans line tree.
	65.00	Barrens.
	80.00	Set 114th mile post.
		Br. } Black oak 12 in. dia. N. 42½° W. 177 lks. } do 6 " S. 29½° E. 40 "
		Land good. Timber, hickory, blk oak, elm, &c
		<i>115th mile.</i>
	7.70	Field, fence N. and S. Prairie.
	34.00	Left field, fence North and South.
	80.00	Set 115th mile post in mound. Rolling prairie.

Course	Dist.	
		<i>116th mile.</i>
N. 88° 21' E.	36.00	Scrub oak thicket.
	48.00	Prairie.
	75.00	McAtees field fence North and South.
	80.00	Set 116th mile post in field. Same.
		<i>117th mile.</i>
	15.50	Left field, fence North and South.
	40.00	Timber. On Sullivans blazes.
	75.15	East fork of Fabius 50 links wide runs South.
	80.00	Set 117th mile post.
	Br. }	Hickory 12 in dia S 31° E 73 links.
	do }	do 20 do N 14° W 91 "
		Land good. Timber, hickory, elm, white and black oak &c.
		<i>118th mile.</i>
N. 88° 17' E.	65.00	Prairie.
	80.00	Set 118th mile post in mound. Land good. Timber, burr and black oak, hickory &c and brush.
		<i>119th mile.</i>
	9.25	Field, fence North and South.
	19.40	Left field near S. E. corner. Thicket.
	53.50	Hickory branch 15 links wide runs E. S. E.
	80.00	Set 119th mile post in black oak thicket.
	Br. }	Black oak 8 in dia S 38° W 15½ links.
	do }	do 5 do N 5° E 14½ "
		Land 2nd rate. Timber poor, black oak and hickory.
		<i>120th mile.</i>
	2.00	Prairie.
	80.00	Set cast iron monument facing as before. Rolling prairie.
		<i>121st mile.</i>
	80.00	Set post 121st mile in mound, edge of thicket. Same.
		<i>122d. mile.</i>
	13.00	Branch 10 links wide runs S. Timber, thicket.
	17.55	Range line between ranges 12 and 13.

Course	Dist.		
88° 17' E.	29.50	Prairie.	
	40.00	Jack oak thicket.	
	80.00	Set 122d mile post.	
		Bear.—Jack oak 6 in dia S. 12° E 47 links.	
		Land 2d rate. Timber poor.	
		<i>123d mile.</i>	
	15.0	Sullivans line tree (a black oak, noted as a hick-ory.)	
	88° 12' E.	20.00	House 300 links South (J. N. Bish.)
		23.00	Touched N E corner of field.
		31.50	Small, low, wet prairie, extending south.
45.00		Timber.	
53.20		Wyacondah creek 40 links wide, runs S E	
56.20		Enter creek running E.	
59.70		Left same creek, running S E	
67.00		Cut off south corner of field.	
69.00		Brushy prairie.	
80.00		Set 123d mile post.	
	Bear.—White oak 24 in dia S. 28½° W 51 links.		
	Land brushy. Timber poor.		
	<i>124th mile. Var. 8° 45' E.</i>		
1.50	Prairie,		
15.00	Thicket and a few trees.		
29.50	Open prairie. House 300 lks S.		
33.00	Touched N. W. corner of a field.		
80.00	Set 124th mile post in mound.		
	Land rolling. Timber poor with undergrowth.		
	<i>125th mile.</i>		
80.00	Set 125th mile post in mound.		
	Rolling prairie.		
	<i>126th mile.</i>		
46.00	Timber.		
47.00	Branch 25 lks wide runs S. S. E.		
52.00	Prairie.		
63.50	Thicket of blk and jack oak.		
71.00	Prairie.		
80.00	Set 126th mile post in mound.		
	Land as usual.		

Course	Dist.	
		<i>127th mile.</i>
N. 88° 12' E.	29.00	Drain runs S. E.
	80.00	Set 127th mile post in mound. Rolling prairie.
		<i>128th mile.</i>
	30.20	Small branch runs S. E. Small grove.
	80.00	Set 128th mile post in mound. Rolling prairie.
		<i>129th mile.</i>
	10.84	Sullivan's 128th mile corner.
N. 87° 58' E.	13.00	North point of a grove.
	80.00	Set 129th mile post in mound. Same.
		<i>130th mile.</i>
	80.00	Set cast iron monument facing as before. Same
		<i>131st mile.</i>
	53.50	Small branch runs S. E. Timber on banks.
	80.00	Set 131st mile post in mound. Same.
		<i>132nd mile.</i>
	80.00	Set 132nd mile post in mound. Same.
		<i>133d mile.</i>
	13.00	Branch 10 lks wide runs S. E. Timber.
	13.50	Sullivan's 132nd mile corner.
N. 87° 50' E.	80.00	Set 133d mile post in mound. Same.
		<i>134th mile.</i>
	16.50	Field fence nearly N. and S.
	28.40	Left field. Thicket and sparse timber.
	54.50	Small wet prairie.
	59.25	Timber. Thicket.
	61.50	Creek 15 lks N. of line.
	63.50	Little fork cr. 40 lks wide runs South.
	67.80	Sullivan's line tree.
	80.00	Set 134th mile post.

Course	Dist.	
		Bearings } Burr oak 10 in. dia. N. 55° E. 69 lks. } Hickory 14 " " S. 46° E. 89 "
		Land good. Timber poor. Dense undergrowth.
		<i>135th mile.</i>
N. 88° E.	35.00	Brushy prairie.
	46.10	Field fence N. and S. Thicket. Field in waste ground.
	57.50	Left field. Thicket.
	58.00	House 250 lks S. (Circles.)
	60.85	Small branch runs S. Brushy prairie.
	62.00	Road to Keosauqua N. and S.
	80.00	Set 135th mile post in mound. Prairie with brush and thickets.
		<i>136th mile.</i>
	5.00	Road to Farmington a little N. of E.
	11.50	Touched N. W. corner of a field, in a line.
	30.75	Touched S. E. corner of another field. Prairie.
	60.00	N. E. corner of a field 12.00 South.
	80.00	Set 136th mile post in mound. Rolling prairie.
		<i>137th mile.</i>
	22.00	Road to Farmington E. N. E.
	60.00	Brushy barrens.
	80.00	Set 137th mile post in mound. Same.
		<i>138th mile.</i>
	27.50	Prairie.
	30.00	A small drain runs N. W.
	42.00	A field fence N. and S.
	71.60	Left field fence N. and S. Prairie.
	80.00	Set 138th mile post in mound. Same.
		<i>139th mile.</i>
	21.00	Timber.
	25.00	Small stream runs North.
	26.50	Prairie.
	66.00	Road N. E. and S. W.
	80.00	Set 139th mile post in mound. Rather level, 2d rate.

Course	Dist.	140th mile. Var. 8° 45' E.
N. 88° E.	6.50	Sparse timber and barrens,
	14.83	Sullivan's 139th mile corner,
N. 87° 24' E.	75.00	Heavy timber,
	80.00	Set cast iron monument facing as before. Land rolling. Timber black and white oak, hickory, and dense. Undergrowth of same with crab, &c.
141st mile.		
	14.54	Sullivan's 140th mile corner.
N. 87° 56' E.	38.76	Big Fox river 50 lks runs a little East of South.
	49.54	Same, " North.
	56.50	Same, " E. S. E.
	59.25	" " North.
	77.00	Enter river " S. E.
	80.00	Left same and set 141st m. post on the bank. Bearings. } Birch 22 in. di. N. 55° E. 128 lks. } Elm 24 do S. 15° W. 58 lks. Land on river level, other same as last.
142d mile.		
	8.20	Fox river runs South.
	13.85	Sullivan's 141st mile corner.
	23.00	Fox river runs North.
N. 88° 9' E.	25.00	Same, " South.
	35.00	Enter river " East.
	39.70	Left " " S. E.
	43.00	Prairie.
	75.00	Timber upland.
	80.00	Set 142d mile post. Bearings } Blk oak 30 in. di. N. 85° E. 115 lks. } do. 20 do. South 69 " Land level 2d rate. Timber poor. Dense undergrowth.
143d mile.		
	49.50	Road to Churchville runs S. E.
	80.00	Set 143d mile post in mound (in the brush.) This is exceedingly brushy. Scrub oak, &c.
144th mile.		
	11.80	Sullivan's 143d mile corner.
N. 87° 15' E.	80.00	Set 144th mile post.

Course	Dist.		
N. 87° 15' E.		Bearings } White oak 10 in. dia. S. 10° w 28 lks. do 10 " N. 29° E. 81 "	
		This mile is brushy barrens.	
		145th mile.	
	2.50	Prairie barrens.	
	43.00	Brushy barrens.	
	80.00	Set 145th mile post in brush.	
		Bearings } Burr oak 14 in. dia south 75 lks. do 18 do north 34 "	
		Barrens.	
		146th mile.	
N. 87° 38' E.	12.00	Sullivan's 145th mile corner.	
	29.50	Prairie.	
	46.50	Touched N. W. corner of a field, a lane runs parallel with and 25 links N. of the line.	
	57.50	House 50 links north, (Wm. Hatten)	
	67.50	Lane turns south, field fence N. and S.	
	74.00	Left field fence N. and S. Prairie.	
	80.00	Set 146th mile post in mound.	
		Land as before.	
			147th mile.
	12.00	Thicket.	
42.00	Prairie.		
69.00	Thicket.		
80.00	Set 147th mile post in ticket.		
		Bearings—Red oak 30 in. dia. S. 46° E. 256 lks.	
		Barrens.	
		148th mile.	
3.00	Branch 6 links wide runs north.		
30.00	Prairie.		
58.50	Field fence N. and S.		
61.00	Road to Churchville N. and S.		
80.00	Set 148th mile post in a field.		
		Prairie with brushy barrens.	
		149th mile.	
3.90	Left field fence N. and S.		
30.00	Brush and timber.		
59.00	Road N. and S.		
80.00	Set 149th mile post in edge of a small prairie.		

Course	Dist.	
N. 87° 38' E.		Bearings—Burr oak 12 in. dia. S. 14° E. 172 lks. Land good. Timber indifferent. Burr and blk oak hickory, elm, &c. with a dense undergrowth.
		<i>150th mile.</i>
	3.50	Timber.
	80.00	Set 150th mile post.
		Bearings } White oak 10 in. dia N. 27° w. 93 lks do do 20 do S. 30½ E. 90 "
		Land broken, 2d rate. Timber white and black oak, hickory, elm, &c., with a dense under- growth.
		<i>151st mile.</i>
	4.90	A small saltpetre cave noted by Sullivan.
	41.50	River bottom.
	51.00	Set a cast iron monument on the bank of the Des Moines river, with the word "State Line" fa- cing the West, and the word "Missouri" facing the South, and the word "Iowa" facing the north.
	51.80	Sullivan's terminus on the lower bank found by one witness tree still standing. River bottom rich. Timber, white and black oak, hickory, elm, lind &c.
		SEPTEMBER 18, 1850.

KEOKUK, SEPTEMBER 30, 1850.

We certify the foregoing to be the correct correct field notes of the survey of the boundary between Iowa and Missouri as run by us.

R. WALKER, Surveyor on the part of Missouri,  
WM. DEWEY, Surveyor on the part of Iowa.

And the report of the Hon. Robt. W. Wells and Henry B. Hendershott, which is above referred to, and which was made to the last term of this court is as follows:

*To the Honorable, the Supreme Court of the United States:*

The undersigned, appointed by this Hon. Court, commissioners in the above cases. to establish the boundary line between the states of Missouri and Iowa, respectfully report that, upon being furnished with copies of the decree, they, in compliance therewith, addressed letters to the chief magistrates of those States, through their Secretaries of State, respectfully requesting the co-operation and assistance of the State authorities in the performance of the duties imposed on the commissioners by said

decree; and they received assurances, in answer to their letters, of all the aid and assistance within their power.

The Governor of the State of Missouri consented to consider an appropriation of two thousand dollars made by the General Assembly for the purpose of conducting the suit, as applicable to the establishment of the boundary by the commissioners; and agreed to place that sum at their disposal for that object. The Governor of the State of Iowa entertained the opinion, it is understood, that no appropriation had been made by the Legislature of that State applicable to the survey of the boundary, but endeavored to obtain the necessary funds from other sources; and as the undersigned are advised, obtained them; but the commissioners were not informed of this until about the 23d of October last—then too late to procure the necessary assistants, fit out an expedition, travel to the place of commencing operations and complete the work in the field before the weather would, in all probability, become too inclement in the vast and high prairies through which the line will pass.

As the grass in the prairies is burned in October, there would also be some difficulty, after that, in procuring provender for the teams necessary for the transportation of the baggage, provisions and monuments.

For these reasons, and others with which it is unnecessary to trouble the Court, the commissioners resolved not to attempt the work in the field until the opening of the Spring.

The commissioners have procured all the monuments necessary for the line. Three are of the size and description directed in the decree. Nineteen other cast iron monuments, six of which are four feet long, eight inches square at the base and five inches square at the top, to be placed at intervals of thirty miles; and thirteen of which are seven inches square at the base and four inches square at the top, and four feet long. These nineteen monuments each has the word "Missouri" on one side and "Iowa" on the opposite side, and the word "boundary" on the other opposite sides, strongly cast into the metal. All the monuments are cast *solid*, and will weigh about 13,000 lbs and cost three cents per pound.

A drawing of the largest sized monument is annexed. The others are similar in form except as hereinbefore mentioned.

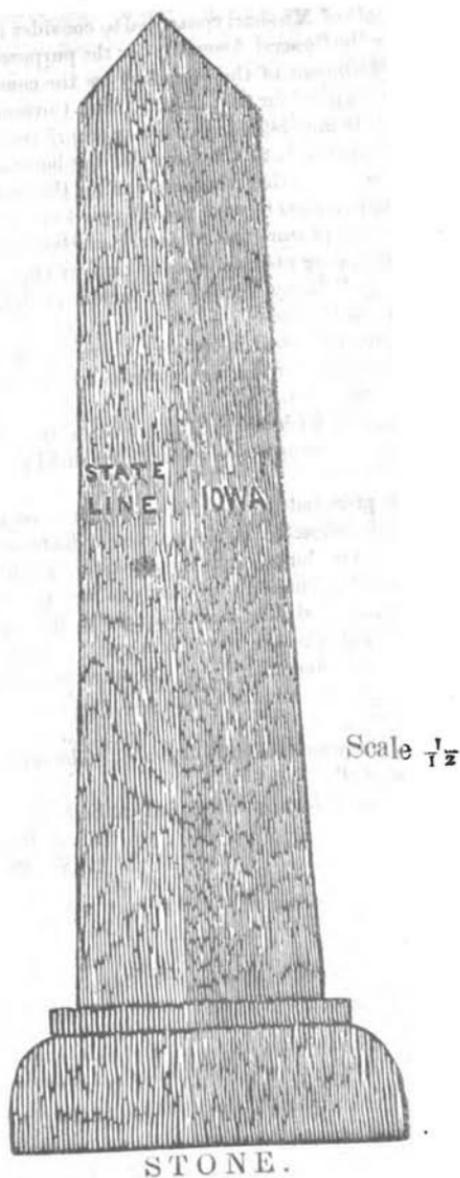
All which is most respectfully submitted.

H. B. HENDERSHOTT.

R. W. WELLS.

November, 1849.

## APPENDIX.



And said reports not having been excepted to by either of the parties, they are there; fore respectively confirmed and adopted by this Court. From said reports it appears that the old North West corner of the Indian boundary line, made by John C. Sullivan in the year 1816 (and referred to in our former decree) is found to be at forty degrees, thirty-four minutes and forty seconds of North latitude; and at about ninety-four degrees, thirty minutes of West longitude from Greenwich. That at the said "North West corner," was planted a large cast iron monument weighing between fifteen and sixteen hundred pounds, four feet six inches long, squaring twelve inches at its base and eight inches at its top. This monument is deeply and legibly marked with the words (strongly cast into the iron) "Missouri" on its South side and "Iowa" on its North side, and "State Line" on the East.

And this Court doth adjudge and decree that said monument doth mark and witness the true North West corner of the Indian boundary lines as run by John C. Sullivan in 1816, and the precise corner is hereby established and declared to be in the centre of the top of said monument.

Said reports further show that from the monument a line was run due West on a parallel of latitude to the eastern bank of the Missouri river, which line appears by the field notes accompanying the reports, to be sixty miles and sixty-one chains in length. And it further appears, by the reports and field notes that the commissioners caused to be planted cast iron pillars in the line running West from the old North West corner, at intervals of ten miles apart, with the word "boundary" cast in the iron, on the East side and on the West side of said pillars; and the word "Iowa" facing on the North, and the word "Missouri" facing on the South. That in running West, one such pillar was planted at the end of ten miles from the old North West corner, another at the end of twenty miles; a third at the end of thirty miles; a fourth at the end of forty miles; and a fifth at the end of fifty miles. And at the end of sixty miles, was planted a monument similar to that erected at the old North West corner, marked "Missouri" on its South side, "Iowa" on its North side and "State Line" on the East. This monument stands sixty one chains East of the eastern bank of the Missouri river on firm ground—the bottom lands beyond being soft and subject to overflow; for which reason the monument was planted so far East of the river. From this last monument the line runs due West on a parallel of latitude through a cottonwood tree thirty inches in diameter, notched on the East and West sides, and marked with the letter "I" on the North, and the letter "M" on the South. And on the bank of the Missouri river, sixty-one chains West of the iron monument last planted, a wooden post is set in the ground, with two cottonwood pointers, one of ten inches diameter standing S. 67 deg. E. 6 links; and the other at N. 21 deg. W. 12 links from the wooden post.

And said line having been run and marked according to our former decree, it is therefore now adjudged and decreed that the true and proper boundary line between the States of Missouri and Iowa, extending West from the centre of the monument standing at Sullivan's old North West corner, runs through the centre of the five iron pillars and the monument near the Missouri river, and through the cotton wood tree above described and through the centre of the wooden post planted by the commissioners on the eastern bank of the Missouri river and then due West on a parallel of latitude to the middle of the Missouri river.

And it further appears from the report of said commissioners, that, pursuant to our former decree, they had ascertained and remarked Sullivan's line as run and marked by him in 1816, extending eastwardly from the old "North West corner" above described and established.

Sullivan's line as run and marked in 1816, from the said corner east, to the Des

Moines river, was found not to be a due east line; but that more or less northing should have been made in the old line. Nor is it a straight line, as sudden deviations amounting to from one to three degrees frequently occur; and it rarely happens that any two consecutive miles pursue the same direction. It also appears that if the whole line was reduced throughout to a straight line, its Southing would be about two degrees from a due East line. The length of this line is one hundred and fifty miles, fifty one chains and eighty links, from the old North West corner to the western bank of the Des Moines river.

At the end of each intermediate space of ten miles on tracing Sullivan's line from the old North West corner eastwardly, cast iron pillars were planted, of a similar description to those erected in the Western part of the line between the old North West corner and the monument near the Missouri river. These pillars were planted in Sullivan's line as found at the particular point; but as the line was bending in the ten mile spaces between the pillars, it was found necessary to erect wooden posts at the termination of each mile, in order to mark the line with more accuracy. In the prairies the mile posts are marked with the letters "B. L." facing the East, the letter "I" facing the North, and the letter "M" facing the South, and the number of the mile is marked on the West face of the post. Where timber exists the number of the mile is marked on witness trees or pointers with the letter appropriate to each state, there being one tree marked on each side of the line, whenever it was possible so to do. The foot of each witness tree is marked with the letters B L. In all cases where posts are set in mounds, the pit is invariably nine links West, to designate it from other surveys.

At the end of the one hundred and fiftieth mile no iron pillar was planted, because at fifty-one chains West of this point, the Des Moines river was reached; and there, according to our former decree, a large monument was planted of similar description to that placed at the old North West corner, with the words "State line" facing the West, the word "Missouri" facing the South, and the word "Iowa" facing the North.

And the re-marking of Sullivan's line as above set forth, partly with wooden posts at the termination of each mile, having been submitted to the counsel of the parties, it was by them deemed sufficient, because the public surveys of the lands of the United States are to be governed and closed on said line as run by the commissioners, and therefore private titles will be established on both sides, the state line being the dividing boundary of such private rights, and in these views of the counsel the Court concurs. It is therefore adjudged and decreed that Sullivan's line is established to run through the wooden mile posts, and the cast iron pillars planted ten miles apart on said line, and that the true and proper dividing line between the States of Missouri and Iowa East of the monument erected at the old "North West corner," begins at the centre of said monument, and runs eastwardly, (southing about two degrees of a true East line,) through the centre of each wooden post, and iron pillar, to the centre of the monument erected on the bank of the Des Moines river. And it is further adjudged and decreed, that a straight line from one mile post to another, and from a mile post to a pillar, and from the last mile post to the monument on the bank of the Des Moines river, is the true and proper line; and that such straight lines shall conclude all other marks.

And it is further adjudged and decreed that a line extended North, eighty-seven degrees thirty-eight minutes East, from the centre of the monument erected on the bank of the Des Moines river, to the middle of said river, is the true and proper boundary line between the states of Missouri and Iowa West of said monument.

And this Court having had submitted to its consideration what amount of compensation should be allowed to the different commissioners and to the surveyors employed by them, for services performed in running and marking the line in controversy, and also

the amount of expenses incurred in performing the duties imposed on said commissioners by our former decree, and these matters having been referred to the clerk of the court to ascertain the proper compensation and charges, and he having reported thereon; and also on other costs and charges incident to the suit; and said report not being excepted to, is in all things confirmed, and which report is in the words and figures following, to wit:

*To the Honorable Chief Justice and Associates Justices of the Supreme Court of the United States:*

Pursuant to an order of this Honorable Court made the 12th instant in case of The State of Missouri and The State of Iowa now pending on Bill and Cross-Bill, the undersigned, after a careful examination of witnesses and all the other sources of information within his reach, respectfully reports.

1. That the \$8, per diem, which the Commissioners agreed to pay each of the Surveyors in the field, is a fair and reasonable compensation for their labor.

2. That \$10, per day to each of the three Commissioners while engaged on this duty is a fair and reasonable compensation for their services—and that a further per diem of \$2, to each of the two Commissioners engaged in the field would be a reasonable and proper allowance on account of their personal expenses.

3. That the statement of the expenditures by the Commissioners and of their purchases appears to be very moderate and reasonable.

4. That the whole expense of the Survey amounted to \$10,880 41-100.

5. That each of the said States advanced \$2,000 00.

6. That the Commissioners realized from sales of camp furniture \$13 15.

7. That the Instruments purchased by the Commissioners for the Survey (which cost \$247 22-1000) have been retained by them for safekeeping, subject to the order of this Court.

8. That the fees now due the Clerk of this Court, and up to this Term, by both parties in this case amount to \$48 67.

Lastly. That in a detailed account, stated upon the preceeding basis and hereunto appended, each of the said States is charged with \$3,457 96 1-2, being a moiety of the balance (\$6,867 26) due on the Survey, and a moiety of the fees (\$48 67) now due the Clerk of this Court.

All of which is respectfully submitted by

WM. THOS. CARROLL

Clerk of Supreme Court U. S.

December 17, 1850-

*The States of Missouri and Iowa in account with the adjustment of the boundary line between them*

	<i>Dr.</i>
To 22 cast iron monuments,.....	386 95
“ Freight, transportation and expenses on same,.....	246 40
“ Camp furniture, provisions, expenses in going to and returning from the line, and upon the line, postages, stationary, hire of horses, expenses in going to and returning from Iowa City, Jefferson City and St. Louis,....	826 92
“ Wages to hands in the field. ....	1718 92
“ William Dewey, surveyor for 184 days, at \$8 per day,.....	1472 00
“ Robert Walker, surveyor for 183 days, at \$8 per day.....	1464 00
“ Robert W. Wells, commissioner for 15 days, at \$10 per day,.....	150 00
“ William G. Minor, commissioner for 177 days, at \$12 per day,.....	2124 00

" Henry B. Hendershott, commissioner, for 187 days, at \$12 per day, . . . .	2244 00
" Sextant, barometer and thermometer, solar compass and other instruments necessary for the survey, . . . . .	247 22
" Fees now due the clerk in the case pending in Supreme Court U. S., . . . .	48 67
	\$10929 08

<i>Contra,</i>	<i>Dr.</i>
By Cash received from state of Missouri, . . . . .	2000 00
" Cash received from state of Iowa, . . . . .	2000 00
" Proceeds from sale of camp equipage, . . . . .	13 15
" Balance of which \$3457,96½ is due by the state of Missouri, and \$3457,96½ is due by the state of Iowa, . . . . .	6915 93
	\$10929 08

And it appearing to the Court here that there will be due to the Clerk of this Court for the duties devolved on him by this decree and for the services performed by him at this term, the further sum of sixty-three dollars and sixty cents in addition to the forty eight dollars and sixty-seven cents stated in his report to be now due him. And it also appearing to the Court that the said Clerk should be allowed, for making his report, for carrying on the correspondence incident to this cause and paying the expense thereof. And also in consideration of any future service to be performed by him in the progress of this cause, the further sum of fifty dollars. It is thereupon ordered and decreed that said Commissioners Hendershott and Minor do pay to the Clerk of this Court, in full discharge of all costs and charges that have now accrued or that may hereafter accrue for any service done or to be performed by the said Clerk in the progress of this cause the sum of one hundred and sixty-two dollars and twenty-seven cents out of the first moneys received by them under this decree.

And it appearing that certain advances had been made by the States of Missouri and Iowa respectively to the Commissioners, and said advances having been credited, it now appears, that the State of Missouri is bound to pay the farther sum of 3000 dollar and seventy-six and a half cents. And that the State of Iowa is bound to pay the further sum of three thousand five hundred and fourteen dollars and seventy-six and a half cents of the charges and costs of this controversy.

And it is ordered and decreed that the state of Missouri pay over the said sum of \$3514,76½-100ths, and that the state of Iowa pay over the said sum of \$3514,76½-100ths to the commissioners Henry B. Hendershott and William G. Minor in final and full discharge of their portions respectively of said costs and charges.

And it is further ordered and adjudged that said commissioners receive the several sums of money and distribute and pay over the same to those entitled thereto according to the report of the clerk of this court.

And it also appearing that certain instruments purchased by the said commissioners are retained by them subject to the order of this court, it is further ordered that the commissioners dispose of the said instruments at such times and places and on such terms as to them may seem most advantageous for the interests of the parties to this suit, and that they pay the proceeds of the sales into the treasuries of the said states of Missouri and Iowa, respectively, that is to say, one half the proceeds into each treasury, and take receipts from the proper officers for the moneys paid.

And it is further ordered that said commissioners, Hendershott and Minor report to

the next term of this court the manner in which they have executed the duties hereby imposed upon them; and to which end this cause is kept open.

And it is ordered, that the clerk of this court do forthwith transmit to his Excellency the governor of the State of Iowa a copy of this decree (including the reports of the commissioners, surveyors and clerks, together with a copy of the field notes of said surveyors,) duly authenticated under the seal of this court. And it is further ordered that a similar copy in all respects be by said clerk forwarded to hi Excellency the governor of the State of Missouri.

And it is further ordered that the clerk forward a copy to each of said commissioners Hendershott and Minor, of the order referring the matter of costs and charges, the clerks report thereon, and so much of the foregoing decree as respects the costs and charges, for the guidance of said commissioners in the performance of their duties in this respect.

I, William Thomas Carroll, clerk of the Supreme Court of the United States do hereby certify that the preceding pages numbered from one to ninety-four inclusive, contain a true and perfect copy of the decree of said Supreme Court in the case of the state of Missouri and the state of Iowa, on bill and cross-bill, as therein directed to be forwarded to His Excellency the Governor of the State of Iowa, delivered at December term A. D. 1850, and now remainin g on the records of said Supreme Court.



IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court at the city of Washington this 13th day of January A. D. 1851.

WM. THOS. CARROLL,  
Clerk of Supreme Court, United States.

# RULES

FOR THE GOVERNMENT OF THE

## HOUSE OF REPRESENTATIVES.

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### DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that [as the question may be] say Aye;" and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall be divided, Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Yeas and Nays.

8. All Acts, Addresses and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case of any disturbances, or disorderly conduct in the lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

### 10. ORDER OF THE BUSINESS OF THE DAY.

After the Journal is read, the following order shall govern:

1st—Petitions or remonstrances to be offered.

2d—Resolutions and Notices to bring in bills.

- 3d—Reports of Committees.
- 4th—Bills to be introduced, of which notice has been given.
- 5th—Messages and communications on the Speaker's table.
- 6th—Bills and resolutions read for a second time.
- 7th—Bills on their passage.\*
- 8th—Reports in possession of the House, which offer grounds for a bill, are to be taken up, in order that the bill may be ordered in.
- 9th—Bills or other matters before the House, and unfinished the preceding day,

## OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House: and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair.

16. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in case where he was not present when the question was put, unless the Speaker again states the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member, who shall be in the House, when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

19. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing; it shall be handed to the Chair and read aloud by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker or any member desire it.

21. After a motion is stated by the Speaker or read by the clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed, on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order.

The Committee of the Whole House; a Standing Committee; a Select Committee.

24. A motion to adjourn shall always be in order, excepting when a member is speaking, or the House voting; and the motion to lie on the table, shall be decided without debate.

25. The previous question, shall be in this form; "Shall the main question be now put; it shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

26. On a previous question there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert, shall be deemed to be indivisible.

29. Motions and reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

32. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor, Secretary, or any other State officers, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted the Clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he be sick or unable to attend.

37. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-arms shall be directed by the Speaker to compel their attendance.

38. No committee shall sit during the sitting of the House without special leave.
39. Twenty members, including the Speaker, shall constitute a quorum, and upon the demand of any two members the yeas and nays shall be ordered.
40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock A. M., and two o'clock P. M., unless otherwise ordered by the House.

## OF BILLS.

41. Every bill shall be introduced by motion for leave or by an order of the House on the report of a committee. One day's notice, at least, shall be given of the motion to bring in a bill.
42. Every bill shall receive three several readings in the House previous to its passage; and all bills shall be dispatched in the order they were introduced, unless the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.
43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.
44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the question shall be whether to a Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.
45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of committee have been read.
46. After the commitment and report thereof to the House or at any time before its passage, a bill may be re-committed.
47. All bills ordered to be engrossed, shall be executed in a fair round hand.
48. No amendment, unless by way of rider, shall be received to any bill on its third reading.
49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

## OF COMMITTEE OF THE WHOLE HOUSE.

50. In forming Committees of the Whole House, the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.
51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.
52. All amendments, made to an original motion in Committee, shall be incorporated with the motion, and so reported.
53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.
54. In filling up blanks in Committee, and in the House, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

57. It shall be in order for the Committee on Enrolled bills to report at any time.

58. No bill, memorial, or joint resolution, shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Standing Committee to notify such member of the time of their sitting upon such matter so referred; and said member shall be permitted to confer with such committee during their consideration of such matter.

60. The following shall be the Standing Committees:

Committee on Ways and Means.

- " " the Judiciary.
- " " Claims.
- " " Schools.
- " " Military affairs.
- " " Enrolled Bills.
- " " Engrossed Bills.
- " " Expenditures.
- " " Roads and Highways.
- " " Township and County Organization.
- " " Public Buildings.
- " " New Counties.
- " " Agriculture.
- " " Elections.
- " " Incorporations.
- " " Improvement of the Des Moines River.
- " " Federal Relations.
- " " Internal Improvements.

61. The rules of Parliamentary practice comprised in Jefferson's Manual, shall govern the House in all cases in which they are applicable, and where they are not inconsistent with the standing rules of this House, and the joint rules of both Houses.

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