

BIENNIAL MESSAGE

OF

Cyrus C. Carpenter,

GOVERNOR OF THE STATE OF IOWA,

TO THE

SIXTEENTH GENERAL ASSEMBLY,

JANUARY, 1876.

DES MOINES:

R. P. CLARKSON, STATE PRINTER.

1876.



BIENNIAL MESSAGE.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

After two years' silence the voice of the people, emphasized by the legislative action of their representatives, is again to be heard. In compliance with my constitutional duty, and to aid in directing your attention to matters which require consideration, I submit to you a summary of the condition of the state and its various institutions, accompanied by the recommendation of such measures as seem to me expedient.

The reports of the Auditor of State and the Treasurer of State, herewith submitted, show the condition of the public finances to be satisfactory, and that the duties of these officers have been diligently and carefully performed. The Auditor reports that there has been received into the treasury on account of general fund in the last two years \$1,947,412.24; that the balance in the treasury at date of former report was \$31,217.66; making a total state revenue from all sources of \$1,978,629.90. There has been disbursed during the biennial period \$1,975,512.24, leaving a balance in the treasury of \$3,114.66. To this balance should be added the state revenue in the different county treasuries which had not been ordered in at the date of this report, amounting to \$147,643.49, and which is properly a part of the cash assets of the state treasury. The Auditor estimates the receipts for the general fund which will come into the treasury from all sources during the two coming years at \$1,962,000, and the ordinary expenditures, as provided for by existing law, at \$1,553,927, leaving a balance of \$408,073 to be applied to such purposes as the General Assembly may deem necessary and wise.

I desire to call attention to the various recommendations which will be found in the text of the Auditor's comprehensive and valuable report. The nature of his duties has suggested to his mind several reforms in the management of the revenues of the State, which are

worthy of serious consideration by legislators. To the following suggestions, viz.: to make the appropriation year and fiscal year begin and end on the same day; to hold the counties responsible for the collection and payment into the treasury of the state tax; to give the board of equalization power to equalize between the realty in cities and the lands outside the corporations, in counties where such action is required, the same as is now done between different counties; to tax in a general way many species of property which, from the failure of the local assessors to reach them, now escape their just share of the public burden; to require state banking companies to file in the auditor's office duplicate articles of incorporation; to affix a penalty upon counties misapplying the insane hospital fund; to charge interest to counties whose treasurers have created a deficiency in the general revenue when such deficiency is not made good by the county within six months from the date of adjustment; to put European insurance companies upon the same footing as home companies; to authorize the Auditor to admit, or reject for sufficient cause, companies seeking to work in this state, and to order the payment of examiners independent of the company examined; and to retire the redeemable permanent school-fund bonds and distribute the money to counties in which it can be loaned: I wish to add my approval and urge them upon your attention. I would also recommend that the fiscal year be made to begin a month earlier than it does under the present law, in order that the reports may be prepared at a correspondingly earlier day.

The report of the Treasurer shows the amounts of the several funds which have come into his hands during the two years, and how and to what purpose they have been applied. I would direct your attention to his suggestion in relation to the *per centum* of swamp-land indemnity fund retained in the treasury under the law to reimburse the state for money paid to agents of the counties, and would second his recommendation that the amount so retained be transferred to the general revenue. His remarks relative to the agricultural college endowment fund fully and clearly define the status of the portion of that fund now in the treasury, and which under the limitations of the law of Congress he has been unable to invest in either state or United States bonds. The board of trustees of the agricultural college in their report upon that institution make some valuable suggestions in relation to this fund, which should be read in connection with the remarks of the Treasurer. It seems to me that the General Assembly should at an early day of the session consider the propriety of either using the

money in the manner suggested by the board, and paying a reasonable interest therefor to be used in support of the college, or of authorizing the Treasurer to invest it in other safe bonds than those of the state or United States, or of petitioning Congress to permit a wider latitude in the use of the interest fund than was contemplated by the law making the grant. This last suggestion, however, implies so much time in its consummation, and is withal so uncertain of success, that I am strongly of the opinion the legislature should give some authoritative directions in respect to it. The interest upon this large sum is so much needed to enable that institution to keep pace in its appointments with the growing popularity of its curriculum among the people that this legislature should not adjourn, trusting the contingency of some future action of Congress to make this fund available. The appendix to the Treasurer's report comprises a statement of the disposition made of the property which was transferred to the agricultural college by Major Rankin, and turned over to the state in compliance with section 4, chapter 78, acts of the Fifteenth General Assembly. Under this law the executive council was charged with the care of this property. The council appointed Captain Christy to the special duty of its custody. He has realized on sales, in money and well secured notes, \$19,828.28. There yet remains 1880 acres of wild land unsold, estimated to be worth \$6,300. The Treasurer has given much attention to the care of this property, and his management thereof has been fully approved by his associates.

In this connection I desire to call attention to the fact that the Treasurer frequently finds it difficult to obtain currency upon the drafts in which the general revenue is now almost uniformly transmitted by the county treasurers. I would suggest that the Auditor of State be authorized to make an arrangement with the express companies for the direct transmission of the currency.

MILITARY.

The Adjutant-General reports the transactions of his office, during the past year, which taken with his report of the previous year embraces the biennial period. It would reduce expense, and at the same time bring out this report in time for the use of the General Assembly, which is the chief object of its issuance, if the law should be so amended as to require it to be made biennially.

The Adjutant-General thinks we should have a well organized and

efficient militia system, and I fully agree with him in this opinion. He complains that the General Assembly has failed to supply him with the means to perform the duties which prior mandatory laws have devolved upon his office. And it does seem that the quartermaster's allowance was too limited to be of practical utility, if he is expected to do anything for the encouragement of militia organizations or to properly care for the arms, equipments, books, and other valuable military archives. I commend the consideration of the requirements of the law, and the clerical and other aid necessary to the performance of the duties enjoined, to the General Assembly.

I would particularly invite attention to the claims of the state against the United States. If other states through special agencies press the collection of suspended and rejected claims, we cannot well afford to pay a *pro rata* towards reimbursing these allowances and not at the same time make proper efforts to collect those of equal validity due to Iowa.

To the miscellaneous suggestions of the Adjutant-General I would direct attention; and would suggest in addition whether it would not be well to equip the Adjutant-General's office for full and constant work and impose upon it the general duty of giving such information to the soldiers and widows and orphans of the war as is now frequently obtained by them on the payment of exorbitant fees to attorneys. I have always believed that every citizen of Iowa to whom a pension is justly due, or whose dues from the government for services in the war had not been fully adjusted, should receive all proper aid in the obtaining of his just claims without cost to himself.

PUBLIC LANDS.

The report of the Register of the State Land-Office shows the operations of that department during the past two years. There have been patented by the State 6,474.57 acres of the 500,000-acre grant; 53,134.77 acres of the 16th-section grant; 2,038.77 acres and 18 town-lots of mortgage school-lands; 880 acres of the saline land-grant; and 13,478.54 acres of the agricultural college grant. There have also been patented to the state by the general government, and by the state to the several counties, 8,715.52 acres of swamp-lands. The Register has published a full list of the swamp-land selections as made by the counties. This list having been carefully compiled will be a valuable book of reference to all the officers of counties seeking a final adjustment of their claims.

Lands have been certified to the various land-grant railroad companies as follows: Cedar Rapids and Missouri River R. R., 628,589.71 acres; Sioux City and St. Paul R. R., 208,050.34 acres; Iowa Falls and Sioux City R. R., 6,471.08 acres; Des Moines Valley R. R., 20,630.96 acres; making a total of 863,742.09 acres. There have been certified to the state by the United States for the benefit of the railroads named the following lands: Burlington and Missouri River R. R., 120 acres; Cedar Rapids and Missouri River R. R., 3,381.49 acres; Iowa Falls and Sioux City R. R., 3,465.82 acres; McGregor and Missouri River Railway, 4,297.74 acres; Sioux City and St. Paul R. R., 10,911.41 acres; Des Moines Valley R. R., 39,942.97 acres; making a total of 62,119.33 acres.

In regard to the lands certified for the benefit of the Des Moines Valley Railroad, it is proper that I should make a statement somewhat in detail. After the so-called Litchfield decision, announced in December, 1859, which fixed the limit of the grant of 1846 at the mouth of the Raccoon fork (the city of Des Moines), immigrants believing the land north of this point open to pre-emption, and being encouraged in this opinion by the commissioner of the general land-office, settled and improved thousands of acres within five miles of the river, between the city of Des Moines and the north line of the state. On the 12th of July, 1862, a bill was passed by Congress extending the grant of 1846 to the Minnesota line. The act of Congress provided that the lands were to be held and applied in accordance with the terms of the original grant, except that the consent of Congress was given to divert a portion to aid in the construction of the Keokuk, Ft. Des Moines and Minnesota Railroad—since called the Des Moines Valley Railroad. This act further declared: "And if any of said lands shall have been sold or otherwise disposed of by the United States to the grantees of the State of Iowa, under joint resolution of March 2d, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said state to be certified in lieu thereof." Under this provision 298,921.06 acres of indemnity land were subsequently selected and certified to the state in lieu of lands which were found to be occupied within the limits of the grant, and these lands were afterwards transferred by the state to the Des Moines Valley Railroad Company. In the meantime an act entitled "An act confirming the title to certain lands," approved March 3, 1871, the object of which purported to be to allay any doubts that might have arisen as to the validity of the title to these indemnity lands, was passed by Congress. Subsequently, at the

December term of 1872, the Supreme Court of the United States in effect decided that this act of March 3d, 1871, made a new grant of the so-called indemnity lands, and held that the title to all these lands was therefore fixed in the railroad company; and at the same time the court decided that the odd sections within five miles of the Des Moines river, having been reserved by competent authority under the grant of 1846, had not been legally disposed of either by sale or pre-emption. The effect of this decision was therefore not only to affirm the title to the indemnity lands in the Des Moines Valley Railroad Company, but also to give that company a large proportion of the very lands for which they were supposed to be an indemnity. When therefore the commissioner of the general land-office, accepting this decision as final and as mandatory upon his department, issued supplemental certificates to the state in behalf of this company for 39,942.97 acres of lands within five miles of the Des Moines river, a greater portion of which had been bought or was held under homestead and pre-emption titles by actual settlers, I declined to certify them to the company. It is true they were technically entitled to a certificate to these lands, but I felt that the anomalous condition in which their unconditional transfer by the state would place these innocent purchasers and pre-emptors would justify me in exercising a somewhat arbitrary right of personal judgment. I however told the agent of the company that if he would arrange terms of sale with the occupants of these lands I would certify them, or I would certify any particular tract which he might sell to a settler, upon the request of such settler. In this manner some of the land has been certified. But this is a very unsatisfactory method of reaching a final adjustment. It occurs to me therefore that notwithstanding the agent of the company, Geo. B. Smyth, Esq., of Keokuk, has acted honorably and justly, so far as I know, to the extent he has gone in this business, yet if there is any method by which the legislature can provide for its settlement upon a fixed principle and by just law it should be done.

Des Moines River Lands.—Four years ago the General Assembly passed an act to aid in securing indemnity for the settlers upon lands to which the Des Moines Navigation Company had acquired title. Under this law a considerable progress was made. Hon. Jackson Orr, then in Congress, gave the proposed measure careful attention and able advocacy, and aided by the other members of the Iowa delegation secured the passage in the House of Representatives of an indemnity bill which would have gone far towards insuring justice to these set-

tlers. In the Senate however it met unexpected opposition, and finally a sub-committee of the committee on public lands reported against it, assigning as the reason for this determination that in case of failure of titles derived from the United States government the law provided for refunding his money to the party whose title had failed. This committee strangely ignored the fact that on several occasions the government had indemnified entire communities for losses sustained by reason of failure of titles derived from the government. But, notwithstanding this adverse decision, I do not believe that the state should surrender the effort to see justice done to these settlers until something approaching it is attained. It is cold cruelty and insult to offer these people the money they paid originally for their lands after they have spent the best years of their lives in improving them. Our country boasts that it would redress the wrongs of its weakest citizen, even at the cost of war, as against a foreign nation, and yet here are over three hundred citizens of Iowa, many of whom were soldiers in the union army, and who through no fault of their own, but relying upon the accuracy and good faith of the government, find themselves suddenly despoiled of the accumulations of a life of industry; and it will be a sad commentary upon humanity if, when venturing to appeal for justice, these people are rudely pushed from the door of Congress with a cool reference to the conditions "nominated in the bond." Every case included in Mr. Orr's bill should have been indemnified. But, if this cannot be secured by a single appropriation, Congress should be besieged by legislative resolutions to adopt some general measure referring cases involving failure of the land-titles of actual settlers arising from a confusion of congressional grants to one of the existing courts of claims; and upon evidence of good faith, of valuable improvements, and of conflicting titles, of which even the United States land-officers were ignorant, the poor unfortunate settler upon the public lands should be indemnified for his losses.

In this connection I desire to recommend some legislative action making it as criminal in law as it now is in morals for the owners of large tracts of land to force settlers who may occupy any portion of the same under color of title to sign what are generally known as "cut-throat contracts." I myself have known many instances where poor, badgered settlers, through fear of being forcibly ejected from land for which they had once paid the government, and in which their all was invested, but which had been determined to be part of a grant, have consented to sign contracts providing for the payment of an

exorbitant price for their lands, and providing that in case of failure to meet a single payment when due the contracts are to be forfeited without the intervention of legal proceedings and without the reservation of any claim for improvements under the occupying claimant law of the state.

—In compliance with chapter 29, private, local, and temporary laws, 15th General Assembly, I employed Hon. Galusha Parsons and Mr. John A. Hull, both of whom had been engaged in behalf of individual settlers upon the school river-lands prior to the passage of the act, to carry one representative case through the courts and determine the status of that grant. They have not progressed so far as I had hoped they would have done, but have advanced as rapidly as is perhaps practicable under the dilatory forms of practice in the courts. You will find a statement of what has been done in the Register's report.

One of the most important elements in the welfare of any community is a perfect confidence in land-titles. In view of the various and conflicting land-grants in this state, without the exercise of great care, titles in many portions of the state will become interminably confused. To prevent this, the land-office should have a complete set of plat-books, and all the grants should be platted by township and range, as this will enable the examiner to detect an error invariably, and will greatly assist the Register in the correct discharge of his duty. It would be well if the General Assembly would authorize the procurement of such books.

RAILROADS.

The Fifteenth General Assembly passed an act to establish reasonable maximum rates of charges for the transportation of freight and passengers on the different railroads of the state. This law has been in operation since July, 1874; and while it is probable that it has not been in force a sufficient length of time to determine fully its effect on the material interests of the state, its practical operation has doubtless developed many defects which will require consideration and modification. If either of its provisions has proved to be oppressive upon any class or pursuit, or if it affects any locality in the state unequally or unjustly, or if any of its requirements are shown to be very embarrassing or damaging to honest railroad management, there should be no objection or hesitancy, wherever such defects are found to exist, in applying the remedy. And happily, as most of the railways have conformed their schedules to the

requirements of the law, there need be no objection to any just modification on the ground that it would be a surrender of the principle involved in its passage. When this law went into operation the roads, with two or three exceptions, conformed to its provisions without resistance. In the cases of those which refused compliance, and when complaints were made and suits commenced, attorneys were authorized to prosecute. After a few suits had been commenced the Burlington and Missouri River Railroad, operated by the Chicago, Burlington and Quincy Railroad Company, procured an injunction restraining the Attorney-General from prosecuting the railroad company, and the State Treasurer from paying out money to aid such litigation, and also some of the private persons who had commenced suits, from their further prosecution. The question upon making this injunction perpetual was argued in the Circuit Court of the United States before Judge Dillon, by the Attorney-General, assisted by Judge Seevers, for the state, and by Hon. O. H. Browning and Judge Rorer for the company, and was decided for the state. Upon the announcement of this decision the company conformed its schedules of charges to the provisions of the law. The case, however, has been appealed to the Supreme Court of the United States, whither the Attorney-General will follow it, and I trust at an early day will obtain a favorable decision. It is proper to say here that the zeal and ability with which that officer has conducted these cases have commanded my entire approval, and believing that the cause of the state would be as thoroughly and ably presented by him as it would be if expense should be created by the employment of other counsel, I have left the case to his management.

What may be the effect of legislative control upon the general interests of the people is impossible at the present time to prophesy. I have no doubt, however, that its general effect will prove beneficent. It will settle the principle of legislative control, and reform some of the evils of railway management. The law should therefore in its main features be retained, and perfected as experience may unfold its weaknesses, or as may be necessary to adjust it to the future demands of commerce. It has, however, always seemed questionable to me whether the most glaring evils of railway management could be reached and abolished by statute. I uniformly argued, before such public assemblies as I was invited to address and when my views were sought upon this issue, even when the railway controversy was at a white heat, that I had less faith in legislative restrictions than I had in seeking and encouraging a wider diversification of our industries, in inaugurating

a cheaper system of railways, and in fostering the improvement and construction of a system of water-ways for the transportation of our heavy and bulky products. The public mind has recently seemed to be moving in this direction. Narrow-gauge railroads are being projected and constructed, and they should receive all proper legislative encouragement. The Wisconsin and Fox rivers improvement is progressing. The project of the Hennepin canal is being revived. And the progress in deepening the outlet of the Mississippi river by the jetty experiment is gratifying to the projectors, with every prospect of final success. These, with the completion of improvements to perfect the navigation of the Mississippi river upon our own borders, will in my judgment open the way for a competition in the shipment of many bulky commodities of western production which will more effectually cheapen transportation than any law the wit of man can devise.

There is, however, one mode of securing satisfactory results by railroad legislation which has as yet received but little attention in Iowa. Mr. Charles Francis Adams, Jr., railroad commissioner for Massachusetts, says, in substance, that after eight years' study of the railway problem he is satisfied more can be accomplished by the *light* and *publicity* which a commission may afford in regard to railroad business, and the partial supervision of railroads by such commission, than by any general law for controlling the details of their management. In all the late discussions of the railroad problem, but little was said in regard to the protection of stockholders, and this of itself is the very gist of the problem. It would be wise for the General Assembly to consider this. I would not recommend an increase of State officers, but all the good results of a commission might be reached through some of our present officials. The executive council by the employment of an intelligent statistical clerk would make an effective railroad commission. Or if the Register of the State Land-Office were charged with the duty, in addition to his present duties, of exercising a limited supervision of the railroads of the State, and reporting such measures as his experience would suggest, I think it would exercise a good influence upon the roads and upon their patrons.

The McGregor & Missouri River Railway.—This road had been completed to Algona prior to my message of two years ago. The act of the 12th General Assembly conferring the grant of May 12, 1864, upon the McGregor and Sioux City Railway Company contained in substance the following conditions, viz.: That it should be built upon or near the 43d parallel, north latitude, and within one mile of New

Hampton, Charles City, Mason City, and Algona, intersecting the proposed railroad running from Sioux City to the Minnesota state line in O'Brien county. It also provided that the road should be completed to its terminus in O'Brien county by the first day of December, 1875, and that in case of failure to comply with these conditions the state could resume all the rights conferred by the act and all the lands granted, which might remain undisposed of, to said company on account of road actually built. As the law provided that an aggregate of 450 sections of land should be certified to the company upon the completion of the road to Algona, and all the balance when it should reach the Little Sioux river, the fact that the road has not been completed west of Algona will require this legislature to determine whether the lands forfeited shall be resumed, and what disposition shall be made of them to insure the early completion of the road. It may be argued by the company, in extenuation of its failure to finish, that the road would not pay if completed. The very theory of land-grants, however, is to induce the building of roads in advance of a dense population, where it is presumed they will not immediately pay, and where the business of railways is insufficient of itself to induce capitalists to undertake their construction. It may be said that the state of the public mind of late in respect to the rights conferred by railroad franchises has rendered it difficult to procure money for building railways. This doubtless is in part true, and yet, as money has been obtained to build a few short lines of road without land-grants, it seems to me that this road might have been completed if proper effort had been made. I call attention to this matter, as it is unjust that the people residing in the counties through which the uncompleted portion of the road is located, should suffer all the disadvantages of having their territory shingled with a land-grant and yet receive none of the compensating advantages of a railway.

Railroads Constructed.—The Des Moines & Minnesota Railroad Company has built and put in successful operation thirty-five miles of road, of three-feet gauge, from Des Moines to Ames; and a short railway of the same gauge has been constructed from Keosauqua to Summit station, on the K. & D. M. R. R. A road of the ordinary gauge has also been built from Albia to Knoxville, and another from Grinnell to Montezuma. There are now about 3,850 miles of railway in operation in Iowa. Another piece of narrow-gauge road is under construction from Liscomb, Marshall county, eastward, in which wooden rails are to be used at the first.

THE SCHOOLS.

The Superintendent of Public Instruction presents with his biennial report an unusually interesting review of the history and condition of the educational work and the school systems of Iowa from the time of the organization of the territory. This report, intended as it is as well for the educational department of the centennial exhibition as for the General Assembly and teachers and people of Iowa, will be one of the most valuable and interesting documents ever issued from any of the departments of the state government. It would be useless for me to attempt to summarize it. I can only urge that the General Assembly and the people study these suggestions, coming as they do from one who has given to the special subjects of which he treats so much thought and study, and to their presentation for the benefit of the people so much care and labor. In the past two years the school-houses built in Iowa have cost \$2,269,428.98; the contingent fund expended for school purposes was \$1,725,272.25; and teachers' salaries \$5,045,869.95; making a total expenditure for educational purposes of \$9,040,571.18; which shows, as nothing else can, the healthy condition of the common-school work. The teachers' normal institutes, which received legislative recognition two years ago, have improved the qualifications of teachers more generally than any other system for their special instruction heretofore devised. And here it may not be inappropriate to ask whether, in view of the capital the state is constantly investing in educational enterprises, it is not the right and duty of the state to demand that every child within her borders shall have the benefit of a common-school education.

THE STATE UNIVERSITY.

The last catalogue of the State University shows an enrollment of 620 students, which indicates a steady growth and widening popularity. Its wants are numerous and some of them pressing. Accommodations for the academical department are straitened, whilst the professional departments are calling for room for constantly increasing numbers. I cannot think the problem suggested by this fact should be solved by allowing either of the departments to languish for want of encouragement. It would seem to be a reflection upon the intelligence and pride of our people to deprive the many students who, in all the years to come will desire to graduate in one of the professions, of the opportunity to do so in their own state, and at the university so gen-

erously endowed by the government. I may, however, be met with the argument that the university should not be enlarged beyond the income of the grant intended for its support—that it should not be made a tax upon the state. In my judgment, however, we should make this university to Iowa what Ann Arbor is to Michigan, or Harvard to Massachusetts. It will then be a standard to which all other colleges and all other schools may properly strive to attain. And there is one argument in favor of a liberal state support, which among others may have been overlooked. When the grant of lands was made it was supposed it would be sufficient for all the wants of a great university, as the lands would increase in value with the growth of the state until the 40,000-acre donation would sell for ten or twelve dollars per acre. The selections were good, and had the policy originally contemplated, and which was recommended by Chancellor Dean, its first presiding officer, been carried out, the income, would have been ample for all its accumulating needs. But the argument that the people who endured the hardships of pioneer life should enjoy their share of the benefits accruing from the grant, as well as those who should come after them, was potential. These lands were accordingly thrown upon the market, and were sold at an average of little over three dollars per acre, and as a result the university, instead of having an endowment of from four to five hundred thousand dollars, has a working capital from all sources of \$218,347.26. It therefore seems to me that the state, in addition to its own interest in encouraging the growth of the university until it shall become the peer of any in the country, is bound in good faith, as the trustee of the grant from the United States, to make good the conditions upon which the trust was accepted. I therefore suggest whether it would not be wise to make a special levy of say one-tenth or one-fifteenth of a mill per dollar, as a permanent fund for the university. This would not at first produce so much as the usual special appropriations, but it would increase with the wealth of the state and with the growing demands of the institution. And above all it would enable the regents to conform their expenditures to a fixed income and relieve them from coming before each legislature in the unwelcome character of lobbyists.

The professor of physical science and director of the laboratory at the university has commenced a series of meteorological observations, in order to determine the laws governing the climate of Iowa. To aid him in this work he has enlisted the services of a considerable number of volunteer observers throughout the state. Tri-monthly reports of

results have been given to the public through the columns of newspapers, and a small monthly publication has been commenced devoted entirely to the information thus obtained. Comparatively inexpensive as is the plan acted upon, it nevertheless necessitates some outlay which has so far been borne mainly by its zealous and devoted originator. The work done in this direction by the United States signal service is of incalculable value, but it is necessarily spread over so much territory that its observations must be of less utility than those covering the more limited field of our own state. I therefore commend the subject and the work already done to your favorable consideration.

STATE AGRICULTURAL COLLEGE AND FARM.

In commenting upon the report of the Treasurer of State attention was directed to the uninvested endowment funds in his hands, and early legislation to make them available was urgently recommended. It only remains for me in this place to briefly summarize a few of the principal wants of this institution, and which can only be supplied by an appropriation from the state treasury. As stated by the president and trustees there is an urgent and immediate necessity for certain repairs to insure the safety of the main building and to preserve from waste the valuable property of the college. The necessity for these repairs is enforced by a report of Mr. Finkbine, in whose judgment and skill as an architect and builder I have implicit confidence. These improvements he estimates will cost \$31,720, which includes \$17,000 for a new heating apparatus in the main building, which would seem to be required to enable the term to open at the appointed day in the early spring. The need of increased accommodations is urged by the board and the president, accompanied by suggestions as to the character of the buildings which should be erected. The plan proposed seems economical and practical; and the reasons given therefor are numerous and sound. I am tempted to elaborate, but have only space to touch a single suggestion, but which I regard as potential. The statement is made that these improvements, which will cost \$35,000, will enable the college to receive double the number of students it can now accommodate. Here are professors, laboratories, a farm, and other appointments sufficient to afford instruction to 550 students, instead of 277, the number enrolled in 1875, and withal an endowment capable of covering every expenditure to which its proceeds can be applied under the condition of the grant; while throughout the state are young men and women hungering for education who stand ready to avail them-

selves of the increased accommodations sought, and yet the want of this small outlay, when compared with the cost of past improvements, prevents the institution from receiving them.

The report of the president in reference to the labor department merits attention, and his statement of the object of the college is worthy of careful perusal. In fact every farmer and horticulturist in the state would find it profitable to read this report, and from the reports of the special departments could gather many valuable suggestions not only respecting improved methods of cultivation, but as to the destruction of the enemies of crops.

THE PENITENTIARIES.

The Penitentiary of the State.—The condition of the penitentiary at Fort Madison, as shown by the warden's report and the reports of the physician, chaplain and clerk, and uniformly as testified by official visitors, is very gratifying. A full and lucid statement of the operations of this institution during the period just ended will be found in that report. Its probable requirements for future usefulness are also carefully set forth. You will also find printed in connection with this document a report to the executive council of the commissioners appointed under chapter 35, temporary acts of the 15th General Assembly, to lease the convict labor. It may be proper to add that this labor has never been leased more advantageously for the state, nor more in the interest of the health, safety, and moral reformation of the convicts, than under present contracts. The one hundred and fifty men leased to O. B. Dodge & Co., manufacturers of shoe-pacs, is a peculiarly fortunate contract. It is a work upon which men unfitted for the exhausting labor of other shops may be employed; and as the manufacture of shoe-pacs is an anomalous business in the West, it does not compete with the free labor of the state; and, requiring but little machinery, it does not expose the prison to fires or accidents incident to furnaces and steam-engines. The warden and chaplain speak in enthusiastic terms of the progress made in the prison-school, even with the limited facilities which the buildings now afford; and I trust there will be no hesitancy, in view of the good already attained through this school, in building and properly equipping a school-house for its accommodation. The warden recommends several very important improvements, which he estimates will cost \$34,980; and he states they will furnish room in the penitentiary for 564 convicts, or 186 more than its present capacity—there being now cell-room for 318,

with 300 present occupants. In view of the fact that, with the increasing population of the state and the rapid growth of its larger cities, the number of convicts must continue to increase for years to come, these recommendations are worthy of serious consideration. The warden also recommends that the deputy be paid \$1,200 per annum instead of \$1,000; that the clerk be paid a salary of \$1,200, which should be provided for by permanent law, and that the guards be paid \$60 per month. In consideration of the arduous duties of these officers and employees, I am of opinion their salaries should be increased, and I hope the General Assembly may be convinced of the justice and propriety of this recommendation. It is estimated that \$1,800 will be required for the transportation of prisoners, which should be provided.

Special attention is invited to the remarks of the warden and the physician of the penitentiary upon the subject of insane criminals, that are well worthy of thoughtful consideration.

The Additional Penitentiary.—Since the last meeting of the General Assembly the temporary cell-room for which an appropriation was made has been completed. This building contains seventy-two cells and is built in a workmanlike and substantial manner, creditable alike to the business management of the commissioners and the superintendent, and to the mechanics immediately in charge of the work. And it is remarkable that nearly all the labor upon this building was performed by convicts, but few of whom had any experience in stone-work prior to incarceration in the penitentiary. The commissioners, seconding the recommendation of the warden, ask that the general support fund of that institution, now eight and one-third dollars per month per man, be increased to twelve dollars. I heartily indorse this recommendation, and would call special attention to the reasons given for it. Provision should be made for the employment of a physician; and the physician who has acted in that capacity for two years, and whose report accompanies the warden's, should be paid for his services. There should be a deputy warden provided for by law, and the guard who has faithfully performed the duties of deputy in the past should be compensated for this more responsible and onerous labor. Sound policy, enforced by the spirit of our christian civilization, demands that provision be made for a chaplain, who shall also act as a teacher. In view of the beneficent results of the prison-school at Fort Madison, which is but a repetition of the experience of all penitentiaries in which schools have been organized, I need not occupy space by an argument in support of this suggestion. An appropriation of \$52,000 is asked

for, with which to build prison-walls. There is no doubt as to the necessity and propriety of an early inclosure of the prison-grounds. The character of the walls, and the amount of money they should cost, will be for the General Assembly to determine.

—I come now to consider briefly another question in connection with the future of our penitentiaries, which involves the welfare and honor of the state. I assume that but few persons will question the doctrine, that crime is a moral disease, and that the object of punishment is to protect society from exposure to the results of this malady, and to cure the disease. Modern thinkers and writers upon social science have made many suggestions regarding the improvement of methods and practices in the discipline of prisons and reformatories. The aggregated result of the discussions by the most experienced delegates to the International Prison Congress of 1872, held in London, and at the National Prison Congress of 1874, in St. Louis, was practically to agree, that, to give penitentiaries the largest measure of efficiency as reformatories, no prison should contain over 500 convicts at any one time. Between 300 and 500 were held to be about the number best calculated to enable the manager to exercise a personal influence upon each individual, and to afford the best results in moral and intellectual progress, as well as in the profits of labor. They also agreed in the conclusion that convicts should be classified according to the grade of their crimes, and the moral progress made subsequent to incarceration.

The time is rapidly approaching when, if the proportion of criminals to population remains as at present—and we can hardly expect this proportion to be materially diminished—the penitentiary at Fort Madison will be filled to the limits that may be profitably cared for under one management, and the Additional Penitentiary will find its accommodations for convicts in full demand. Now I suggest that the state try in its main features the experiment of prison discipline which has been found to work so admirably in other countries. Say we should use the penitentiary at Fort Madison for all convicts properly classified as of a *criminal nature*. Let the Additional Penitentiary be for those who do not belong in this class—those whose crimes consisted in giving way to sudden passion, or who had fallen from having come into the presence of an unlooked-for temptation. And then, gradually, those who have been held with the *criminal class*, especially youths convicted of a first offense, after a probationary schooling under the rigorous disci-

pline of Fort Madison, and upon showing satisfactory progress in reformation, could be transferred to the prison of a milder discipline, and where the inmates might safely and profitably exercise a more enlarged personality than could be permitted to the entirely unreformed. The Irish system of probationary prisons takes the convict through several intermediate classifications during his penitentiary life, and finally, when discharged, he is still partially supervised by a system of tickets-of-leave, until he finds his place in society. At Lusk, in Ireland, some seventy or eighty prisoners are employed in agricultural labor, all of whom have graduated through the rigorous discipline of the intermediate prisons, and reaching this last stage in the reforming process they are here held in subjection by the moral influence of the manager, without walls to hedge them or guards to intimidate them. This illustrates what moral and intellectual training may do for the most hardened. I am thoroughly convinced that with proper management a fair proportion of all persons convicted of crime may be reformed. The daily routine-labor of the prison for those who have never been taught habits of industry; the night-school for those who have been raised in ignorance; the Sunday-school, and ministrations and friendly visits of the chaplain, for those who have never been taught the way of a higher life; and the cheering words of encouragement from generous-hearted prison officers; will all enter as elements into the experience and education which may be made to transform the lives of even criminals. But I will be told that this will cost; and that society is unwilling to suffer the depredations of criminals, and then pay money to educate them. It is by no means certain, when you take into consideration the diminution of crime from a system that will reform men instead of turning them out to repeat their old crimes, and in view of the fact that the penitentiary containing the partially reformed will require comparatively light walls and few guards, and will contain prisoners who may be worked profitably outside the yard, that there will be any additional expense in the system proposed. But if it should cost, to begin with, something more than under present arrangements, it would in the end compensate by lessening crime in the state. But I only hint at reforms which present inviting fields for argument, and which I deem worthy the best thought and the earnest attention of legislators in an enlightened age and a progressive state.

THE REFORM SCHOOL.

In harmony with the foregoing theories relative to prison management, the state established a reform school for vicious and incorrigible youths at Eldora in Hardin county. The board of trustees and superintendent have stated in their reports the condition and needs of this school. I would respectfully invite your attention to their suggestions. They deem it important that the contemplated main building should be immediately erected, and estimate its cost at \$75,000. This will permit the building now occupied as headquarters to be used as a general shop (the purpose for which it was originally intended), to the great advantage of the state and in aid of the industrial department of the school. It will also enable the trustees to remove the girls' department to Eldora and temporarily care for it in this main building, where the girls can be isolated from the boys under the immediate supervision of the superintendent and matron. The necessity for some provision to accommodate the girls' school is enforced by the fact that the lease of the quarters now occupied for this department will expire in 1878. The amount of funds which may properly be used towards meeting these objects will remain for you, having in view all the state institutions and all their needs, to determine.

In the removal of the school to a new and unproductive farm, attended by the expenses of the transfer and re-establishment, a debt of some \$1,800 was necessarily contracted, and good faith requires its payment.

Last April, in compliance with what seemed to be a necessity, and at the request of the board of trustees for a committee to aid them, I appointed Hon. A. C. Dodge, Wm. H. Leas, Esq., and Mrs. Deborah Cattell to visit and investigate the finances and management of the school and to report their conclusions to me. The committee and trustees met at Eldora where a joint investigation, extending through several weeks, was held. It resulted in two reports, one by a majority of the committee appointed by me, and the other by the trustees, indorsed, with one or two qualifications, by Mrs. Cattell. These reports are submitted for your information with the evidence taken upon the investigation. I could not enter upon an examination of these proceedings and conclusions without occupying too much space for this message. I will say, however, that I believe thoroughly in the conscientiousness of the trustees, and that from my reading of the testimony the late superintendent's want of adaptation for the position was more from lack of penetration in the choice of subordinates than in any positive wrong

in himself. And when we consider that the school under his administration was passing through the developing process, cramped for money and facilities, and that the salaries paid minor subordinates would not secure persons of the best intelligence and established character, it in some measure extenuates the admitted faults of his management. But, as he seemed to be the principal object of the investigation, his resignation at the close of the proceedings removed the cause of the contention. The trustees filled the vacancy by the appointment of a gentleman who I understand is well fitted for the position. A physician and assistant superintendent has also been chosen whose well-known character is a guarantee of arduous and intelligent efforts for the honor of the state and the reformation of these children.

I should say further that one cause of the irregularities which led to this investigation was that boys had been sent to the school who were too old in years and crime for its discipline. They had been sent here however, at the expense of the *morale* of younger pupils, for the reason that courts shrank from sentencing them to the companionship of hopeless criminals. All this could have been avoided through the agency of an intermediate prison such as above recommended.

I ordered the payment to the committee appointed by myself of three dollars per day, as provided by the code, for the time employed in the investigation. Their itemized bill for personal expenses, together with other necessary expenses of the joint committee which the code does not provide for, are on file in this office, and I think should be paid.

THE HOSPITAL FOR THE INSANE AT MT. PLEASANT.

The duty will devolve upon this General Assembly to seek some method by which the hospitals for the insane may be relieved from their overcrowded condition. The reports of the trustees and of the superintendents of the hospital at Mt. Pleasant and at Independence are alike emphatic upon this point. At Mt. Pleasant the appropriation of \$10,000 made by the last General Assembly has been applied as contemplated, and the improvements are fully detailed in the reports from that institution. Exhibits accompany the report of the trustees, showing that during the biennial period \$220,518.17 has been expended, that the average daily attendance was 505.86, and that the cost per week of each patient was \$4.12. The board recommends an appropriation for special repairs and improvements. In this connection I should call attention to the report of Messrs. Piquenard and Finkbine,

who were consulted by the trustees in regard to the necessity for these repairs, and as to their cost. From their report the necessity would seem to be urgent, and they estimate the cost at \$16,237.50. These gentlemen having given this matter personal attention, there is no question in my mind as to the accuracy of the figures, or the propriety of immediate action to preserve the building from further waste and insure its safety. The superintendent in the last few pages of his report forcibly reviews the need of certain improvements in and about the hospital, and his statements should be read and considered by each member of the General Assembly.

HOSPITAL FOR THE INSANE AT INDEPENDENCE.

The report of the board of trustees of the hospital for the insane at Independence shows that eleven wards are now complete, furnishing room for 250 patients. Out of the appropriation of \$18,000 made by the Fifteenth General Assembly for improvement of grounds, building a barn, &c., \$16,716.22 has been expended, leaving an unexpended balance of \$1,273.78. A fine supply of soft water has been procured from a well one-fourth of a mile from the hospital, which is brought with facility and at small expense to the reservoir at the buildings. An appropriation of \$5,000 is asked to erect gas-works. The reasons given by Dr. Reynolds for this expenditure are so forcible, and to my mind so reasonable, that I desire to add my conviction of its propriety and necessity. Dr. Reynolds urges the importance of sending patients to the hospital for treatment before the cases become chronic; and he very logically concludes that this is one method of relieving the overcrowded condition of the hospital, as the cases treated before they become incurable go out and leave room for others, while if delayed until too late for cure they will encumber the hospital until removed by death. The building commissioners give reasons for the work in the past having exceeded their estimates. They ask for money to put in double windows on the north and west sides of the north wing and to finish the main central building, all of which will cost \$15,000. Humanity and sound economy enforce the propriety of these recommendations. The commissioners also ask for \$300,000 with which to build the south wing, as contemplated in the original plan of the hospital. The crowded condition of our present hospital accommodations, the number of insane persons now being cared for by their friends who should receive hospital treatment, and the condition of the treasury

with the other demands upon it, are all proper subjects of consideration in this connection.

I would suggest whether it might not simplify matters, and perhaps save expense, to abolish the board of building commissioners and confer upon the board of trustees the control in building future additions to the hospital.

THE VISITING COMMITTEE.

This committee have gone thoroughly, intelligently, and conscientiously over the ground connected with their duties, and have made a report which should be read by every citizen and thoroughly studied by every legislator. Without summarizing its facts or its arguments I refer the entire document to your careful consideration. It has cost time, thought, correspondence, and careful investigation, and should receive merited attention.

And here it is proper for me to say that in my judgment the duties of this committee, with such additional members as may be thought wise, should be widened to something in the nature of a permanent board of charities, having a limited supervision of all benevolent, reformatory, and penal institutions in the state, to include also in the scope of its duties the examination and suggestion of improvements in the jails and poor-houses of the counties. The reasons which might be adduced to enforce this suggestion are numerous and unanswerable. At present, boards of trustees of the different institutions are likely to have their judgments colored as to the needs of the institutions they are set to supervise, by the local feeling of the town in which it may be located. But this committee, looking over the whole field, could impartially determine the relative appropriations which should be made to each. It would be a standing committee to examine and adjust any complaints of mismanagement. If our prison discipline shall be advanced to conform more nearly to modern theories, this board could supervise the classification, and examine applications and recommend to the Governor fit subjects for clemency.

But I cannot enlarge upon matters which will suggest themselves to the legislator. I am led, however, to remark that the committee could consider and recommend the character, cost, and style of buildings which would be most economical and best adapted to the purposes of these several institutions. I have long entertained the opinion that unless a public building is intended for ornament as well as utility, or as a kind of memorial structure, brick buildings, plain in design and

substantial in architecture, should always be preferred to stone. They would be far cheaper and, unless great care is taken in the selection of stone, much more enduring. I have hinted at the possible advantages of this committee. Should these suggestions be deemed worthy of consideration, the details of its organization must be matured by the General Assembly.

THE SOLDIERS' ORPHANS' HOME.

The report of the board of trustees, and of the superintendents of the soldiers' orphans' home, show this institution to be in a satisfactory condition. They ask that an appropriation of \$7,800 be made for the Cedar Falls branch, and \$4,800 for the branch at Davenport, the object of which will be found fully detailed in the reports. They also ask, contingently, that \$10,700 be appropriated to aid in the establishment of industrial departments in the home. During the past year the branch at Glenwood has been discontinued, as the number of inmates had diminished until the monthly allowance for support would no longer clear the expenses. A full history of the proceedings connected with this discontinuance will be found reported by the trustees.

On November 1st, 1873, there were in the several branches of the home 508 children, whilst on the first day of last November there were but 298. This indicates that within the next two years it will be necessary to close the institution unless it should be opened for the reception of other orphans than those of soldiers. The policy of opening it for a general orphans' home is strongly recommended by the superintendents and the trustees. I fully indorse these views, and, not having space to give the reasons which influence my judgment, I ask for their suggestions a careful reading. I will add that in my opinion the state will save the cost of such an institution in raising to useful citizenship indigent orphans who would, if unprovided for, become criminals. New York on the first day of this year removed all pauper children from county alms-houses to state asylums; and it is announced that no event has caused more joy in that state since the Emancipation Proclamation was issued.

The Glenwood Building.—The discontinuance of the branch at Glenwood leaves a building which, either now or in the near future, should be utilized for some purpose of education or benevolence. It is possible it might with small expense be made a safe retreat for the chronic and harmless insane, and thus relieve the crowded condition

of the present hospitals. The state will eventually establish an inebriate asylum, for which this building could be used. And when we consider the wonderful reformations these asylums have wrought in other states, it is none too soon to *think* of having one in Iowa. A school in course of time will be established for the instruction of the feeble-minded. If not therefore immediately, this building will eventually be, required for some benevolent object, and should neither be frittered away nor be suffered to fall into decay.

THE NEW CAPITOL BUILDING.

As the progress made upon the new capitol can be seen by each member of the General Assembly, a statement of what has been done is unnecessary. Tables, prepared with care, showing cost of material, cost of labor, and cost of superintendence in all departments, accompany the report of the commissioners. Also a classified abstract of expenditures to the smallest outlay has been prepared from the records, by the superintendent of finance and the secretary of the board, for your information. Attention thereto is invited. The examination of these reports will commend to the people of Iowa the care, economy, and good judgment with which this enterprise has been supervised by the architect, overseer of the work, and assistant superintendent and secretary. The beauty and durability of the stone finally selected, after many vexatious delays and disappointments, the perfect character of the work so far as advanced, and the symmetrical plan of the structure, are assurances that Iowa will soon have a capitol which will compare favorably with any public building in the country. And as I shall no longer have an official connection with the board of commissioners, it may not be improper for me to say, that the earnestness and singleness of purpose with which the four gentlemen who sign this report have performed their duties, and the zeal and intelligence with which they have sought to give the state the best possible results with the least possible cost, have challenged and received my hearty approval. In relation to the future of this work I have but one suggestion to make. The need of this building as soon as it can be finished, without burdening the people, is apparent. And that every day its construction can be hastened will save money to the state, is equally apparent. It is hardly necessary, therefore, to say that it will be wise to push it forward as fast as the condition of the treasury will permit.

IOWA COLLEGE FOR THE BLIND.

Since the last session of the General Assembly, Prof. S. A. Knapp, then superintendent of the College for the Blind, has resigned. The trustees in announcing it speak of his services as an officer and his character as a man in fitting terms of praise. Prof. Orlando Clark, who formerly held the position, has been appointed to the vacancy, and the work of the institution progresses successfully under his charge. The improvements for which an appropriation was made by your predecessors have all been completed, and within the estimated cost. The trustees and superintendent recommend the expenditure of \$16,250 in various improvements in and about the building and in additions to its appointments for instruction. In the report of the superintendent attention is called to the necessity of an industrial home for adult blind, and to the fact that the present accommodations of the college are only adequate to those who remain during pupillage. He also calls attention to the propriety of establishing an infirmary for the eye. These suggestions are timely and merit serious consideration.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

The Institution for the Education of the Deaf and Dumb is successfully fulfilling the design of its establishment. During the last five years the number of pupils has increased from 91 to 158. This increase in the number necessary to be accommodated enforces the many reasons suggested for enlarging the institution: and it is urgently recommended by the trustees and superintendent that the west wing, originally contemplated in the plan of the building, should be immediately erected. The estimated cost is \$65,000. In addition to this the sum of \$10,800 is desired, for much needed improvements in the heating apparatus and for the purchase of tools and stock for the shops. The industrial department of the institution, now in successful operation, will be promoted in efficiency by an increase in its resources. The reasons for these various improvements are forcibly presented in these reports, to which I call special attention. I desire to add my recommendation to the proposed employment of an instructor in articulation. This department in deaf-mute teaching has been inaugurated, with the best results, in many of the states, and our institution should lack nothing which will promote the welfare or happiness of the unfortunate class committed to it for instruction. Since the last session of the General Assembly, Hon. Caleb Baldwin, one of the trustees of

this institution, having resigned, I appointed Dexter C. Bloomer, Esq., of Council Bluffs, his successor, to hold office until your meeting.

The report of the building commissioners is also submitted for your information. Accompanying this report is the award of the referees appointed by the district court of Pottawattamie county in the case of W. R. Craig vs. the Commissioners and others. The history of this case is fully given by the commissioners and referees. No more competent men could have been found in Iowa for this business than the referees appointed by the court. And as they have considered it with great care, both as experts and as dispassionate and impartial men, I believe that the good faith of the state will dictate a settlement upon the basis they recommend.

SUMMARY OF EXTRAORDINARY APPROPRIATIONS PROPOSED.

I present herewith a compilation of the amounts deemed necessary, by the various boards having charge of public institutions and enterprises, for improvements and for enlargement of the scope of their respective operations :

STATE UNIVERSITY, say.....	\$	50,000.00	
AGRICULTURAL COLLEGE:			
New heating apparatus.....	\$	17,000.00	
Other improvements with repairs.....		14,720.00	
Buildings for boarding-houses.....		35,000.00	66,720.00
Appropriation for repairs.....			
COLLEGE FOR THE BLIND.....			16,250.00
INSTITUTION FOR THE DEAF AND DUMB:			
New boilers and furnace, with boiler-house, containing laundry.....		8,800.00	
Tools.....		2,000.00	
Additional wing.....		65,000.00	75,800.00
SOLDIERS' ORPHANS' HOMES:			
Davenport Branch—			
Improvements and repairs.....	\$3,100.00		
Library.....	200.00		
Furniture and pumps.....	1,500.00	—4,800.00	
Cedar Falls Branch—			
Improvements and repairs.....	\$5,600.00		
Furniture.....	1,500.00		
Library.....	200.00	—7,300.00	
If the Homes are opened to all orphans, there is asked for industries, to be di- vided between the homes.....		10,700.00	22,100.00

HOSPITALS FOR THE INSANE:

<i>At Mt. Pleasant—</i>			
Improvements and repairs of building.....	24,000.00		
Improvements and repairs in grounds.....	1,500.00		
New furniture.....	1,000.00		
Replacing sub-basement.....	16,237.50	42,737.50	

<i>At Independence—</i>			
Erection of south wing.....	200,000.00		
Completion of present building.....	15,000.00		
Gas-works.....	5,000.00	220,000.00	

REFORM SCHOOL:			
New building for girls' school and offices.....	75,000.00		
Drying-room.....	3,000.00		
Indebtedness.....	1,800.00	79,800.00	

PENITENTIARY OF THE STATE:			
Alteration of deputy warden's house into cell-rooms.....	\$7,500.00		
New house for deputy.....	1,500.00	9,000.00	
Hightening the walls, and putting in an ad- ditional tier of cells.....	19,680.00	28,680.00	

ADDITIONAL PENITENTIARY:			
For completing stone wall.....		52,000.00	

STATE HISTORICAL SOCIETY:			
For building.....	5,000.00		
For binding newspapers.....	2,000.00		
For purchase of historical books.....	2,000.00		
For salary of librarian.....	2,000.00	11,000.00	

NEW CAPITOL.....		350,000.00	
FISH COMMISSION.....		10,000.00	

\$1,025,787.50

This aggregate, it will be observed, far exceeds twice the amount of surplus estimated by the Auditor of State to be available for these objects. Doubtless additional appropriations, for purposes not enumerated above, will be deemed advisable by the General Assembly. Great care will therefore be required to keep the appropriations within the estimated receipts of the treasury, or else to provide additional means wherewith to meet them. Here I would suggest that it would be well to authorize a larger levy at least for the year of the legislative session. The expenses of the session, with the numerous miscellaneous appropriations made at each, naturally cause the outlay of that year to exceed very largely that of the remainder of the fiscal term. The first year of the biennial period, immediately preceding the one now under review, witnessed an expenditure of \$238,709.43 in excess of that of

the other year, notwithstanding that during the latter the General Assembly held an adjourned session, and the code adopted at that session was printed, necessarily entailing unusual outlay. During the term just ended, the excess the first year was \$153,795.40, much less than in the preceding period, but still too large. This reduction was mainly due to the fact that in several special appropriation bills the General Assembly limited the amount which could be drawn the first year; and I would recommend that the principle be still further applied by permitting only one-third of the special appropriations for public improvements to be drawn within the present calendar year. This would enable the treasury better to meet the demands upon it the first year, and allow time for the realization of such additional means as the General Assembly may provide.

THE STATE LIBRARY.—The Librarian submits a report which will furnish you all the data necessary to a full knowledge of its condition. She has prepared in connection with her report an interesting and valuable history of its establishment and growth. I invite attention to this report, and also to the single suggestion relating to legislation made therein, which I fully approve.

THE STATE AGRICULTURAL SOCIETY.—For many years the agricultural society has labored to promote the interests of the state. It has illustrated the resources of Iowa, has stimulated a wholesome emulation among the people, and has through its fairs and published proceedings aided to improve the methods of farming. In view of these facts, it seems to me it was a false economy to deprive it of the small encouragement afforded it by the meager appropriation of former years. In the past two years it has met with serious misfortune in having unfavorable weather during its fairs. This has involved it in debt and seriously embarrassed its power for usefulness. Would it not be wise to aid it in this extremity by restoring it to the position of former years?

THE STATE HISTORICAL SOCIETY.—This society has done much to preserve and perpetuate that which will be regarded with deep interest in future years. It has had to struggle against many difficulties, and the report of its transactions, which will be submitted herewith, shows it to be seriously embarrassed. It deserves every encouragement which, with the numerous demands made upon the state, can be afforded to it.

THE FISH COMMISSION, which was provided for by the last General Assembly, and for the use of which \$3,000 was appropriated, has performed a good work with little money. It was the design to appoint

men who had made a study of fish-culture, and who believed thoroughly in the utility of state encouragement. What these men have done, and what they believe can be done in the future, are well told in their report, to which special attention is invited.

GENEROSITY TO THE NORTHWEST.—The commission appointed to disburse the appropriation made by your predecessors to purchase seed for farmers made destitute by the grasshopper invasion in some of the counties of the northwest faithfully performed the duty. Although supplying all who came within the law, they returned \$13,786.58 to the state treasury. This appropriation, with the generous private donations made to these people, both in 1873 and again in 1874, when there was another partial destruction of crops, I have no doubt influenced 5,000 people to remain in the state who but for this generosity must have left the country. To this work of charity General Baker gave time and heart, and deserves mention. The past season most of these people have harvested twenty bushels of wheat to the acre and are now living in comparative comfort.

WOMAN SUFFRAGE.—The proposed amendment to the constitution adopted by your predecessors, and which requires your sanction before being submitted to the voters of the state, will come before you. I venture to suggest, as the uniform expression in Wyoming Territory, where woman suffrage is a fact, is favorable to its continuance, and that wherever in Europe and America women have voted for school or minor officers the influence of their suffrage has been beneficial, and in view of the peculiar appropriateness of submitting this question in this year 1876 when all America is celebrating achievements which were inspired by the doctrine that taxation and representation are of right inseparable, that it would seem to me proper to give the people of Iowa an opportunity to express their judgment upon the proposed amendment at the ballot-box.

CENTENNIAL.—I regard it as very important to Iowa that immediate and effective steps be taken by the legislature for the proper representation of the state in the forthcoming International Exposition at Philadelphia. During the past two years considerable progress has been made by voluntary contributions and voluntary labor in securing a collection of articles to represent our material resources and some of our achievements in art and industry. Those who have given their time and effort to this work in the past have now arrived at a point where it becomes necessary to ship and enter for exhibition the collections made, and unless the state gives immediate aid the work must

cease. It will readily be seen that in addition to the value of these centennial observances in inspiring anew the patriotic fervor of the people, and in their educating influence, we can in no better or cheaper manner advertise our state and its resources. It is impossible to enter here into details to show what has been done, but the committee, named by me at the request of the managers of the exposition, will present you a report which will afford full information as to what has been done and what is necessary to insure success.

THE THIRTEENTH CENSUS.

You have before you the voluminous and valuable report of the Thirteenth Census of the state, taken and compiled under the immediate supervision of the Secretary of State. The population of the state is shown to have been, a year ago, 1,350,544, double what it was in 1860, and four times as much as in 1854: a rapidity of growth almost, if not quite, unparalleled. The amount of products, both of the farm, the mine, and the factory, as shown by this census, exhibits a still more rapid and vigorous growth. The wheat production appears to be five times as great as that of 1864, and that of corn three times as great as in that year; and nearly all products of the farm, and the amount of all kinds of live stock, have increased in large ratios. The yield of coal has multiplied enormously, while our manufactures were more than five times as productive in 1874 as in 1864. The entire showing of this census, prepared as it has been, is an extremely valuable contribution to the statistics of the nation's centennial. I commend to the consideration of the General Assembly the observations of the executive council upon the mode of taking our state census.

As the constitution provides that the apportionment for the House of Representatives shall take place at every regular session, I suggest that an enumeration of the inhabitants of the state be ordered to be taken in 1877, in order to furnish a basis for such apportionment.

MISCELLANEOUS.

Vagrancy and Crime.—I cannot refrain from calling your attention to the increasing number of itinerant vagrants, commonly called "tramps," who infest many parts of the country, and of whose depredations and even crimes the public press has been so full. If legislative action can be devised to overcome the evil, I hope the General Assembly will not be slow to apply it. Here I would also refer to the kindred

but more criminal characters who haunt railroad trains, and fleece passengers out of their money by the devices known to professional gamblers. In one state this crime has been made a felony, and punished as such. In another, railroad officials have been clothed with summary powers for the suppression of the evil. Through our state passes the great tide of California travel, and it behooves our law-makers to see that the fair fame of our state suffers no detriment because of this modern variety of highway robbery.

The consideration of a large number of applications for pardon during the past four years, in which time I have had the pleasure of opening prison-doors for the release of men of whose innocence I had become entirely convinced, confirms me in the belief that every accused person who desires it should be permitted to testify under oath in his own behalf. I am aware of the objection with which this suggestion will be met, viz.: that failure to testify will be construed unfavorably for the accused. Whatever force there may be in this objection is, I am satisfied, more than met by the consideration that to deny a man who is willing to subject himself to examination and cross-examination under oath the right to do so in fact establishes to some extent a presumption of guilt against him. I earnestly commend this matter to the consideration of the General Assembly.

While upon this subject, I recommend the repeal of the provision introduced into the code, allowing changes of venue in preliminary examinations. Its presence in the statutes, I am convinced, increases expense, interferes with justice, and secures no substantial rights.

The Jury System.—Entertaining as I do the profoundest veneration for this legacy of our ancestors, I yet do not think it beyond the reach of improvement. The requirement of unanimity in a jury in order to a verdict I cannot but look upon as an antique absurdity, which has too long fettered the administration of justice. I therefore recommend that steps be taken to do away with the requirement, and thus to conform our jury system more nearly to modern ideas, and practical common sense.

The Public Health.—The importance of the subject of public health has impressed itself so upon the public mind throughout the country that in several of our sister commonwealths state boards have been established having cognizance thereof with more or less limited powers. I submit to the General Assembly the propriety of adopting this or some other measure of a comprehensive character for the

safety of the public health, believing no subject to be more deserving the attention of the sagacious legislator.

THE CONTINGENT FUND.

In my former message, I stated that of the appropriation made by the Fourteenth General Assembly for the contingent expenses of the executive office I had expended \$1303.68. I have now to report an additional expenditure under that appropriation of \$536.94; making an aggregate of \$1840.62; of which \$1680.44 was expended for clerk-hire; \$16.98 for telegraphic dispatches; \$2.50 for visiting the penitentiary; \$8.85 for visiting other public institutions; and \$131.85 for other purposes. Vouchers for all of these disbursements are on file in the executive office. The amount of the appropriation undrawn and remaining in the treasury was \$1659.38. Of the appropriation made by the Fifteenth General Assembly for the same purposes, as required by the code I rendered an itemized statement to the Auditor of State of the expenditures for the fiscal term ending October 31st, 1875, amounting to \$1,842.91. Since that time, I have expended \$272 for clerk-hire, making an aggregate outlay of \$2,114.91. Of this sum, \$273.38 was paid out for the expenses of Gen. N. B. Baker and Thos. Sargent, Esq. (of Fort Dodge), in visiting the counties devastated by grasshoppers, to report upon their condition. The balance remaining undrawn in the treasury is \$1,385.09.

COMPENSATION OF PUBLIC OFFICERS.

One of the judges of the Supreme Court has filed in the executive office his resignation, to take effect on the seventeenth day of the present month. He assigns as a reason for his retirement that the salary is inadequate to meet the expenses of his family. I do not believe in the payment of exorbitant salaries to public officials; and still it would be well for the General Assembly to give some consideration to the question of salaries. In the case of judicial officers it is both wisdom and economy to pay such salaries as will secure the highest talent not only for the supreme bench but for the district and circuit courts. And while upon this question of salaries I desire to say, that any salary paid to an official who subordinates public duty to his personal affairs and to private speculations is exorbitant. But the public officer who devotes himself with singleness of purpose to the duties of his office, making his private interests secondary to those of the public, should be

paid for his labor. I know that it requires economical living to make the Governor's salary meet the expenses of a family; and as I am about to retire from this office it is proper for me to say that I would be glad to see my successor more liberally paid. But while saying this, it is but just that I should state my opinion that the officers in the other departments of the state government receive smaller proportional salaries than does the Governor. I *know* the present officers of this state, and know that their time and talents are enthusiastically and entirely devoted to their public duties, and I would be glad to see them paid so that they can pay reasonable rents, meet the daily expenses of their families, and by prudent management have a pittance left at the close of each year.

—This concludes my message and my official relation to the people of Iowa. The distinguished gentleman whom the people have called to succeed me, resumes a position which he laid down twelve years ago. The Iowa of which he was then Governor contained 701,732 inhabitants: that of which he will be inaugurated the Governor in this centennial year returns by census 1,350,544 human souls, and a proportionately much larger increase of material wealth. In retiring, therefore, I can only wish for my state, in whose every rill and river, and grove and prairie, and all the people within her borders, my interest can only cease when I sleep in her soil, that the prosperity of the past may symbolize the glories of the future. And while her people pursue the same purposes, are guided by the same virtues, illustrate the same patriotism, and trust in the same God, as did those who have gone before, their continued prosperity and happiness will be assured.

CYRUS C. CARPENTER.