

BIENNIAL MESSAGE

OF

SAMUEL MERRILL,

GOVERNOR OF THE STATE OF IOWA,

TO THE

FOURTEENTH GENERAL ASSEMBLY.

JANUARY, 1872.

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DES MOINES :

G. W. EDWARDS, STATE PRINTER.  
1872.

## GOVERNOR'S MESSAGE.

*Gentlemen of the Senate and House of Representatives :*

The period fixed by the constitution for the biennial meeting of the General Assembly having arrived, I congratulate you upon the favorable auspices under which you meet. Our State has been greatly blessed and prospered since last you assembled. We have had favorable seasons and bountiful crops, and our commonwealth has been strengthened by a continual influx of a thrifty and enterprising class of people. While other parts of our country have suffered from the most disastrous conflagrations in the world's history; and while other lands have been terribly devastated by pestilence and famine, by wind and flood, we have been providentially spared these afflictions.

FINANCES—The report of the Auditor of State, which is before you, and that of the Treasurer of State, which is submitted herewith, for the fiscal term ending November 4th, 1871, show a continued increase in the resources of the State. Upon comparison with the financial reports presented at the last General Assembly, it will be seen that there is a large increase in the amount yielded by the ordinary sources of revenue. Direct taxation, for instance, produced \$184,244.11 more than in the previous term, although the levy in the later term was twenty per cent. less than in the earlier. The revenue from railroads shows an increase of \$19,364.71, notwithstanding a reduction for the last year, in the proportionate amount of revenue from this source coming into the State treasury, of sixty per cent.; and the taxes collected from insurance companies indicate a gain of \$28,627.87. The heavy payments by the general government during the two years

ended November 1st, 1869, amounting to much the greater part of our remaining claim on account of expenses incurred by the State because of the war, reduced very materially the revenue to be expected from that source; hence the receipts therefrom during the last two years were nearly \$300,000 less than during 1868 and 1869. The gross receipts of the revenue during the term were \$1,769,522.91, which, with the balance in the treasury November 1st, 1869, made the amount of available means during the term, \$2,055,683.07. The expenditures were \$1,973,942.23. Balance of general revenue in the treasury November 6th, 1871, \$81,840.84. The warrants issued during the period amounted to \$1,972,930.78, of which \$666,615.74 were issued for the use and support of the various public institutions of the State; \$626,031.29 were drawn for the erection, enlargement, and improvement of public buildings; and \$58,264.24 went to objects of a special or extraordinary character, for which the legislature has at various times made appropriations—such as the Geological Survey and report, the encouragement of immigration, the reunion of Iowa soldiers, republication of Supreme Court reports, etc. The balance of the warrants issued, amounting to \$622,019.51, very nearly represents the regular and ordinary expenses of the State government. These, it will be seen, constitute only a little more than one-third of the entire expenditures of the State.

I invite your attention to the recommendations of the financial officers of the State, whose long experience, whether in the legislative halls or in public office, gives additional value to their suggestions.

Among the valuable tables presented in the report of the Auditor of State is one setting forth the objects and amounts of taxation general and local, throughout the State, for the year 1870. From this we learn that the grand aggregate of the levies is \$9,371,685.76. The total valuation upon which this taxation was based was in the neighborhood of \$300,000,000, making the levy some  $3\frac{1}{4}$  per cent. This is a heavy—not to say oppressive—rate of taxation. To be sure, it is based on a great undervaluation of property; upon actual value it would probably be about one and a quarter per cent.—certainly not more than one and a half. But this rate, it will be remembered, is an average one throughout the State, and implies,

of course, a higher rate in some localities. In fact, a rate twice as high does actually prevail in some parts of the State. It is true that much the larger part of this amount of taxation is levied by the people themselves, or by their immediate representatives in city, township, and school boards. Nevertheless, I suggest to the legislature the propriety of adopting a maximum limit of taxation to which any property may be subjected in one year. At present, the following are the maximum rates that may be levied by the proper authorities so far as the same are designated by law:

State.....	2 mills.
County, for ordinary revenue.....	4 mills.
County, for schools.....	$2\frac{1}{2}$ mills.
County, for bridges.....	3 mills.
Township, for roads.....	5 mills.
Total.....	<u>16<math>\frac{1}{2}</math> mills.</u>

In addition, school-boards are authorized to levy a tax for contingent fund, and one for teachers' fund, sufficient, with the annual apportionment, to sustain school twenty-four weeks in each year, and longer if desired by sub-districts.

The people may vote additional taxes as follows:

County, for public buildings, etc.....	10 mills.
County, for high schools.....	5 mills.
Township, for railroads.....	50 mills.
School district, for erection of school-house....	10 mills.
Sub-district, additional for erection of school-house	<u>5 mills.</u>
Total.....	<u>80 mills.</u>

The foregoing statements do not include taxes in cities and towns, where as high as twelve and a half mills may be raised for revenue, sinking-fund, and library, besides the five per cent. railroad tax which may be voted; nor yet any special levies to meet interest and principal of bonded debt of county, town, or school-district. It will be seen, however, that as high as ninety-six and a half mills of taxes may be levied upon property within a given sub-district. In cities



and towns, the levy may, of course, be much higher, partially because of municipal expenses, but mainly because of the fact that cities and towns may also tax themselves in aid of railroads, so that there may be two five per cent. levies—those of the township and the municipal corporation—upon the same property at the same time. This would make a possible aggregate of fifteen dollars and ninety cents upon a hundred dollars, aside from amount raised for teachers, and contingent funds, for the payment of judgments, and on account of bonded indebtedness. I am personally cognizant of an independent district where, on account of two of these three items, a tax of three and a half per cent has been levied for the year 1871.

To my mind, five per cent. is as high a rate of taxation as should be levied upon any property in any one year, exclusive of amounts necessary on account of bonded indebtedness.

As a judicious step toward such limitation, I recommend the repeal of the acts of 1868 and 1870, allowing townships, &c., to tax themselves to aid in building railroads. Under these acts, or more properly that of 1870, the sum of \$1,077,703.38 was levied in that year. It is fair to estimate that an equal amount was voted in 1871; in all, over \$2,100,000.00. It is believed that most of this outlay has been well invested, and will bring ample return in increased commercial facilities, influx of population, and development of resources, to the communities interested. Nevertheless, the policy is at best a questionable one, to be justified only because of the great benefit expected from it, to be retained only for a time, and by no means to become part of the permanent law of the State.

At the last session of the General Assembly, a new act upon this subject was passed with greater restrictions, the act of 1868 having been declared unconstitutional by the Supreme Court. The constitutionality of the new act was also called in question; but it was sustained by the Supreme Court at its December term, 1870, in the case of *Stewart vs. Supervisors of Polk county*. At the same term, in the case of the *McGregor & Sioux City Railroad Co., vs. Birdsall*, the Court virtually overruled the former decision as to the act of 1868. Thus both statutes may now be considered operative: the later act not repealing the earlier, nor in conflict with it; although doubtless

it was the intention of the legislature that the new statute should supercede the other.

The revenue received from the railroads during the last two years amounted to \$292,377.14, of which \$90,171.88 was retained in the State treasury, the balance being paid to the counties, respectively, through which the roads run. It is manifest that the counties now receiving the revenue from this source, also enjoy, mainly, the benefits and advantages consequent upon the building of the roads. They are afforded by these arteries the speediest access to the markets of the world, and consequently the best prices for their products. On the contrary, those parts of the country which do not enjoy any of this revenue are deprived of all the facilities afforded by these great works of improvement, and are compelled to transport their products long distances to the railroad lines, and really to pay tribute to the more fortunate localities. I would suggest, as a measure of justice to all parts of the State, that the entire proceeds of this tax be paid into the State treasury, believing such the most equitable disposition thereof that can be made. The increased revenue thus derived would be of service in the construction of the public buildings, and the improvements at the various institutions, that will be needed during the coming two years.

**INDEBTEDNESS.**—The debt of the State, exclusive of bonds issued to the school-fund, remains as stated in my former message, viz.: \$300,000, in war and defense bonds. This debt will become due in 1881. I recommend that authority be given, under proper restrictions, for the purchase of the bonds and the early extinguishment of the debt. The disposition I have suggested of the railroad taxes would materially assist in bringing about this consummation.

**PUBLIC LANDS.**—The report of the Register of the State Land Office is herewith submitted. It contains additional lists of lands granted by the General Government for various purposes. From this report, in connection with that from the same office two years ago, we find that the grants to the State for all purposes amount to 7,282,835.35 acres, of which 4,300,152.11 acres were for works of internal improvement under the acts of Congress of 1846, 1856, and 1864.

In addition to this munificent gift, the Register reports that the railroads have received direct, from the General Government, under the act of June 2, 1864, the amount of 597,996.24 acres, making a grand aggregate for railroads and the Des Moines river improvement, in the State of Iowa, of 4,898,148.35 acres, or nearly fourteen per cent of the entire area of the State.

The Dubuque, Bellevue & Mississippi Railway Company having filed its acceptance of the provisions of Chapter 73 of the acts of the last General Assembly, I caused to be selected the amount of lands designated by such chapter for the construction of the Tete des Morts branch of the Dubuque and Sioux City Railroad, and approved such list September 22d, 1870. This road was completed during the past month, and I have caused patents to be issued for the lands referred.

On the twenty-first of October, 1870, upon proper evidence, I certified to the Department of the Interior, the completion by the C. R. & M. R. R. Co. of a piece of road from Pearl street, Lyons City, to the Chicago, Iowa and Nebraska Railroad, within the limits of the city of Clinton.

On the 12th day of November, 1870, I certified to the same department, the completion of two sections of the Iowa Falls and Sioux City Railroad; and on the 9th of March, 1871, I further certified to the completion of that road entire from Iowa Falls to Sioux City. This certificate being satisfactory to the Department of the Interior, I caused patents to be issued to said company for its *pro rata* share of the Dubuque and Pacific Grant, save the lands to which settlers had made proof of claims.

The proper officers having filed with me the necessary evidence, I, upon the 5th day of December, 1870, certified to the completion of the McGregor & Missouri River Railway to Algona.

The Des Moines Valley Railroad Company, having completed its road into Fort Dodge, on the east side of the Des Moines river, in the month of December, 1870, of accordance with Chapter 57, Acts of the Twelfth General Assembly, I caused patents to be issued to that company for the lands reserved by said act for the construction of the road above Des Moines, and the payment to it of the moneys

received for lands sold to S. H. Taft under Chapter 108 of the Acts of 1864. I also caused patents to be issued to Mr. Taft.

The whole amount of lands patented during the biennial term amounted to 404,000 acres.

COMMON SCHOOLS.—The very able report of the late Superintendent of Public Instruction, will be before you. I earnestly commend to your attention the thoughtful and elaborate articles upon the various subjects coming within the purview of the duties of that officer, as well as the suggestive statistical information, presented in the report. The number of districts is 1594—an increase of 132 in the two years since the last report. There are 7,841 schools against 7,009 two years ago. The number of youth within the school ages is 461,258, of whom 342,440, or 74½ per cent., were enrolled during the past year; and the average attendance was 211,726, or nearly 46 per cent. Two years ago the number enrolled amounted to less than 71 per cent.; and the average attendance equaled only 42.65 per cent. of the enumeration. The constant and steady increase of the number of those enjoying school-privileges, as compared with the whole number entitled to them, I regard as one of the strongest evidences that our beneficent system of common schools is continually enlarging the sphere of its usefulness, and gradually bringing within the scope of its inestimable privileges, all the youth of the State. The value of school-houses and apparatus is \$6,916,490.16. The increase in the amount of capital thus invested during the terms has been \$1,541,947.66, or about twenty-nine per cent.

I cordially commend to your consideration the forcible remarks of the Superintendent upon the sub-district system, and unite with him in urging its abolition. I am fully persuaded that the school-districts should be substantially co-extensive with the civil townships, incorporated towns, and cities; in other words, that there should not be any distinct territorial organization other than those well-defined political divisions with which we, in common with the people of most of the States, are so familiar. The system of sub-districts, as it prevails in Iowa, is peculiar to this State, and was adopted as a compromise between the small district plan formerly in vogue, and the more modern one of township organization now so generally



adopted throughout the North. In my opinion, it has lasted long enough to establish the superiority of the system whose adoption it impedes, and to furnish another illustration of the general inutility of compromises in establishing anything permanent.

I cannot omit calling the attention of the legislature to the timely suggestions of the Superintendent of Public Instruction, looking to the establishment of a system of graded normal schools at convenient points throughout the State. All will acknowledge the necessity of professional training on the part of the teacher for the duties and responsibilities of the school-room, and the actual advantage, in the way of true economy, to our public schools, of supplying them with teachers formally prepared for their work by proper normal drill. There can no longer be any doubt that these desirable objects can be best effected through the instrumentality of the normal school. For years this branch of our public school system has been sadly overlooked, more, as it seems to me, because there was not at hand a scheme of normal instruction that would commend itself as in the main adapted to the necessities of the case, and that would not at the same time make extravagant demands on the munificence of the State. In both these respects, I think the plan submitted will meet with the approval of the legislature.

The claims of the schools in our rural districts, and the lower departments of our graded system, to a larger share of the fostering supervision of the State, as furnishing the mass of our citizens with all the education they ever acquire, and with sufficient, if well imparted and well received, for the practical necessities of life, are made prominent in this scheme, which proposes to bring the primary normal school within reach of the teachers in these grades. It will appear from the exhaustive paper on that subject in the Superintendent's report, that the plan of primary normal schools, tributary to some central higher institution of the kind, may be so arranged in details, as to involve no great expense to the State; and I think I may with confidence say, that such facilities for the training of our teachers will refund to our school system, and to the general weal of our commonwealth, such results as will be more than an equivalent for the money thus expended.

THE STATE UNIVERSITY.—My official relation to the State University as President of the Board of Trustees, and afterwards of the Board of Regents, has afforded me ample opportunity to become acquainted with its condition and claims, and I feel justified in bearing my unqualified testimony to its very great value, as standing at the head of our noble system of public education. My personal observation, for the last four years, fully confirms the opinion of numerous competent judges, that the courses of study; the learning, experience, fidelity, and zeal of the instructors; the proficiency in scholarship and the orderly conduct of the students; the controlling idea and general plan of the University; its adaptation to the educational wants of the people; and its progressive character, entitle it to a high rank among the institutions of its class in the northwestern part of our country. The reports of the Board of Regents, and the President of the University, contain a full and detailed account of its affairs, and will afford information that will enable you to judge for yourselves concerning its whole organization, the facilities it offers for the highest mental culture, and the extent to which those facilities are availed of, by the youth of our own and other States. I earnestly recommend that you give these reports a thorough examination, and am confident that you will be convinced by them of the wisdom of securing the continued prosperity and enlargement of the University, by a liberal appropriation for its support during the next two years. I would also recommend the passage of a bill, providing, from the revenue of the State, a permanent income for this great and important institution of learning, so that the Regents and Faculty may be able to carry out every reasonable plan for its improvement in all its departments and interests, free from the embarrassments arising from the uncertainty of biennial appropriations.

Soon after the last meeting of the General Assembly, Rev. Dr. Black closed his short but successful career as President of the University. The Board of Regents was fortunate in securing for his successor a citizen of our own State, of great worth and eminent ability, who entered upon his duties at the close of the last year of the University.

PERMANENT SCHOOL FUND.—The indebtedness of the general

revenue to the school fund has increased during the fiscal term \$8,558.14, being the amount of loss audited in said fund in the several counties of the State. The whole amount now held by the general revenue is \$243,056.15, earning for the fund eight per cent. per annum. The first named sum, the constitution requires, must remain a permanent charge against the State; and I believe such should be the case with this entire indebtedness to the school fund, deeming it to be the best investment of the same that can be made. The gross amount of the fund is \$2,161,483.01, an increase of \$228,856.97 since the report of 1869. The income derived from this fund during the past two years, and apportioned among the counties, amounts to \$464,467.38, or about 15½ per cent. of the fund.

During the past two years, with the advice and consent of the Census Board, under chapter 32, acts Ninth General Assembly, I disposed of 218.13 acres of land in Decatur and Polk counties, for \$3, 141.30, averaging \$14.40 per acre; and three lots in the city of Keokuk, for the sum of \$1,100. These lands and lots were a part of the securities for the Eads' loans. The constitution of the State provides that "all losses to the Permanent School or University Fund "of this State which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing the same shall be audited by the proper "authorities of the State." Under this provision, as before stated, the sum of \$8,558.14 has been funded on account of losses since the adoption of the present constitution. A question has arisen whether this provision is intended to include defalcations happening under the former constitution of the State. The language may be so construed, yet it is not without doubt. If in the opinion of the General Assembly it may be constitutionally done, I would recommend that all losses to the fund since the admission of the State, be assumed by the State, and interest paid thereon. And here I would suggest that the rate of interest paid by the State upon this class of debt be increased to ten per cent. The law now provides that money loaned to private parties from this fund, since July 3, 1870, shall draw that rate, and has always required it upon notes given for purchase of school lands.

**THE LIBRARY.**—The report of this officer shows an increase in the number of volumes in the library of about 4,000, comprising a very full collection of English, Scotch, and other law reports, as well as valuable treatises and text-books. I recommend that the fees received for notarial commissions and for commissioners, be appropriated for the support, improvement, and enlargement of the library. I would also recommend that the law in reference to the library be revised, and a reasonable compensation be allowed the librarian.

On the 8th day of September last, the Librarian, JOHN CARPENTER MERRILL, departed this life, after a short illness. He was a young man of much promise, of great energy, and of high integrity. Combined with these traits, his knowledge of books and love of order made him eminently useful in the office intrusted to him. He rearranged and thoroughly systematized the library, making it a model of order and neatness, and had established a high reputation as one of the most efficient public librarians in the country. In his early death, the State lost an excellent officer, and the community a worthy young citizen.

**MILITARY MATTERS.**—The present militia law of this State, so as far as a well-organized militia is concerned, is almost a dead letter. We should have a small militia force, well organized, thoroughly equipped, and with efficient officers and well drilled men, ready for any emergency in State or nation. Fifty companies, perhaps, with fifty men each, in as many localities, the members required to drill a limited number of days in each year, and paid for the time spent therein, would, in my estimation, give us a force at once ample and efficient. The details of any plan would be subjects for your deliberation and action. The suggestions of the Adjutant-General, upon this subject, in his report herewith transmitted, as well as in former reports, are worthy of consideration. Exemption from jury duty and poll-tax should be extended to active members of military companies, as well as to those of fire companies.

The suggestions of the Adjutant-General in relation to the publication of a general index of all Iowa soldiers, and the cemetery records, are submitted to your consideration and determination.



Application has been made by the War Department for the consent of the State of Iowa to the purchase, by the United States, of the National Soldiers' Cemetery, at Keokuk, described "as fractional block No. 107, and lots 1, 2, 3, and 4, of block No. 108, in "Mason's Lower Addition" to that city. I recommend that the General Assembly grant the consent asked.

In the laying out of these grounds, space has been left in the center for the erection of a monument to the gallant dead who repose there. As over eight hundred Iowa soldiers, belonging to all parts of the State, lie buried in the cemetery, it has been thought well that the State should erect the proposed monument. I submit the matter for such action as you may deem advisable.

**CLAIMS AGAINST THE GENERAL GOVERNMENT.**—On the 5th day of February, 1870, I received, at the hands of Colonel John N. Dewey, Commissioner to adjust war and school-fund claims against the government, and paid over to the Treasurer of State, the sum of \$85,079.64, on account of claims for expenses incurred in raising troops to aid the federal government in suppressing rebellion, filed January 7, 1869. The aggregate amount received from the federal government because of these claims, (including those on account of the "Ink-pa-du-tah raid," at Spirit Lake, in 1857,) is \$952,741.27.

On the 11th day of March, 1870, I received, through the same channel, the sum of \$20,886.51, and on the 3d day of August, 1871, the further sum of \$15,250.16, on account of the five per cent. due the State of the receipts from sales of public lands. For these sums, I hold the Treasurer's receipts.

The report of the Commissioner, submitted herewith, shows that the remaining claim on account of the "Ink-pa-du-tah raid," amounting to \$871.84, has been recovered; and that of the claim on account of payments to officers and men of the First Iowa Cavalry, \$20,266.78, has been allowed, and with the former sum placed to the credit of the State. Two years ago the Commissioner thought it not impossible to collect within ten per cent. of the gross amount claimed. This point has now almost been reached, there remaining not yet allowed only \$116,874.89, or rather less than

eleven per cent. of the aggregate claim; and the Commissioner hopes to obtain between \$40,000 and \$50,000 more. Whether this amount be obtained or not, the State has abundant reason to be satisfied with the success of this commission.

**PUBLIC INSTITUTIONS.**—The reports of the Trustees and officers of the various public institutions and Boards of the State will be laid before you as soon as printed. These will inform you as to the workings and needs of the respective public charities and enterprises. In connection herewith, I would state that I have asked the presiding officers of several of the institutions to prepare addresses to be delivered before the members of the General Assembly during the session, upon subjects connected with their respective charges, if it shall please the two houses of the legislature to second my request by extending the necessary invitation. In my opinion, no better opportunity can be afforded the members of the legislature (except by personal inspection) for obtaining a knowledge of the workings of our various institutions.

**BLIND.**—The number of pupils at the Institution for the Education of the Blind, during the term, was 125—an increase of 43 over number attending the previous term. Of this number, 65 were admitted during the two years—about twice as many as during any previous term. Since the institution was founded, 248 persons have enjoyed its advantages, and been more or less fitted to care for themselves in life.

The crowded condition of the institution is forcibly depicted in the report of the Trustees. The necessity for the enlargement of the building by the erection of the north wing, would seem to be urgent. The sum of \$100,000 is asked by the Board for the purpose of constructing, heating, and furnishing this addition to the building. The superintendent also suggests an allowance for raised maps, for apparatus for use in the study of physiology, and for a printing press. I particularly commend to your attention the remarks of that officer upon the last named topic.

The expenses of the institution during the term were \$49,007.47. The expenditures for improvements ordered by the General Assembly were \$29,633.65; and for the Industrial Home \$649.36.



The support of this institution is provided for by the payment from the State treasury of the sum of forty dollars per quarter for each pupil, and for current expenses of the further sum of \$8,000 per annum. An Industrial Home was provided for by the last General Assembly; but owing to the large number pressing for admission into the school, only six could be received into the Home during the term, and still less, it is thought, can be accommodated during the next two years.

I would suggest that the General Assembly fix definitely the name of this institution. It is called in the act organizing it the "Asylum of the Blind," but in most subsequent acts it is incidentally denominated the "Institution for the Education of the Blind." The latter, or a shorter title with the same significance, would be preferable. "Asylum" is evidently not a proper designation.

**INSTITUTION OF THE DEAF AND DUMB.**—In the month of December, 1870, the school of the Institution of the Deaf and Dumb opened in the new building at Council Bluffs, with ninety-one pupils in attendance. The whole number in the school during the two years was 119—an increase of seven over the previous term.

The State contributes to the general support and current expenses of this Institution the same amount *pro rata* and annually as to that of the blind. This appropriation drew from the State treasury during the past two years \$39,620. The expenses for the same time were \$42,914.13. The report of the Trustees and Superintendent represent a condition of the building not favorable to a high degree of comfort or economy. I recommend to your attention the remarks of the Trustees thereon. This badly finished structure affords an unfavorable commentary upon the contract system in erecting public buildings: a commentary which is borne out by the history of many similar undertakings in our own and other States. Appropriations are asked by the Board, of \$10,000 for out-houses, gas-house, furniture, &c., and of \$5,000 to be refunded, being amount expended for furniture, out of funds of the school; likewise the sum of \$100,000 for finishing the other wing of the building, and for grading the grounds. The Board also deem the appropriation for current expenses too small, and ask that the same be enlarged to twelve thousand dollars per annum.

The expense attending the construction of this building amounted to \$144,856.07. To this sum must be added the amount due the contractor, viz.: \$14,940.04, less deductions for unfinished and imperfect work. To meet whatever may be found thus due the contractor there is an unexpended appropriation of \$15,143.93.

**HOSPITALS FOR THE INSANE.**—The grounds of the Hospital for the Insane at Mt. Pleasant have been enlarged by the purchase of some forty-eight acres of land adjoining. The improvements provided for by the last General Assembly, have been satisfactorily made. The land and improvements cost \$40,275.62. The current expenses for the term amounted to \$217,679.32. The number admitted to the Hospital during the term was 520, and the average present, 441.45. At the close of the term there were 510 under treatment; and this number has since been increased to 518. When it is remembered that the building is intended to accommodate less than 300 patients, the overcrowded condition of the house becomes at once apparent. This state of affairs will continue until the building at Independence is ready for occupancy. I commend to your attention the able report of the Superintendent, and would respectfully ask for it a careful examination. His suggestion of a separate institution for the epileptic and the hopelessly insane, I deem especially worthy of your consideration. The Board of Trustees asks the sum of \$27,900 for various improvements and for contingencies.

The building at Independence progressed rapidly until the appropriation was exhausted. Three sections of the north wing, the engine house, and the rear center building are now covered and inclosed, and the foundation and basement walls of the remaining section are up. The foundation of the chimney is laid, and the air-ducts are nearly finished. The outlay since the previous report has amounted to \$231,551.44. From personal inspection, I am satisfied that the work on this building has been well done.

To prepare this Hospital for the reception of patients, it will be necessary not only to complete the parts already commenced but to construct the main center building. To do this, it is estimated, will require \$200,000. In view of the urgent demand for the early completion of this building sufficiently for the reception of patients, I would

recommend the immediate passage of a joint resolution, authorizing the Commissioners to employ such labor as may be profitably used during the present winter months. This action would continue the work until an appropriation could be made and become available.

I have recently received the resignation of Hon. Geo. W. Bemis, one of the Commissioners appointed by act of the last General Assembly. It being so near the time of your session, I have made no appointment of a successor.

**AGRICULTURAL COLLEGE.**—The State Agricultural College, during the past two years, has made good progress toward perfecting its facilities for educational work. In that time the farm has been greatly improved by fencing and bringing into cultivation several hundred acres more of land; by additional buildings, wells, and implements; and by increasing the herd of blooded stock; thus greatly enhancing its value as an experimental and model farm. An orchard and an experimental garden have been established; a workshop erected, and furnished with tools and machinery; a chemical laboratory constructed, and fitted up with apparatus; and a beginning made in collecting physical apparatus. The library and museum have received considerable accessions, though yet quite inadequate to meet all demands. The grounds around the College building are greatly improved by the construction of drives and the planting of trees and shrubs. In all these improvements the progress has been quite as rapid as the means at hand would allow.

The income of the College, derived entirely from the Congressional endowment fund, amounts to between \$30,000 and \$35,000 per year. This fund cannot legally be applied for any other purpose than the "support and maintenance" of the College, and its use for the construction or repair of buildings is strictly prohibited.

The first senior class, numbering thirty, organized last fall, will graduate the present year. During the two years past, the attendance has been above two hundred students a year, and many had to be refused admittance on account of want of room. By the extension of the present building there will be accommodations, next

spring, for about fifty more students, which, with the facilities for boarding outside the building, will enable the institution to receive an aggregate of two hundred and fifty. No doubt the institution would be filled if it had conveniences for double that number. In order that the College may go on with the work begun, some further State aid seems desirable. Additional buildings for students' rooms are required, to accommodate the many who are asking for admission. There is also a necessity for a physical laboratory, and for extending and enlarging the present chemical laboratory; for additional professors' houses; for further facilities for orchard, garden, and farm improvements; for larger gas-works; and for some provision for procuring an inexhaustible supply of pure water for the buildings. These enlargements and additions, the Board estimates, will call for at least \$100,000.

**SOLDIERS' ORPHANS' HOMES.**—Eleven hundred and twenty-eight children have enjoyed the benefit of these institutions, within the last two years; and 1930 since their foundation. The number present, November 1st, was 718, from 63 counties. The health of the Homes has been very good, there having been only two deaths in an average attendance of 763. The grounds at the several Homes are becoming better improved every year. New buildings have been erected, among them one for chapel and school-rooms at Cedar Falls. The State contributes ten dollars per month for each orphan actually supported, which amounted, during the term, to \$183,490. The support of the orphans, and expenses of repairs, improvements, &c., for which special appropriations were made, for the same period, amounted to \$211,324.67. The Board asks appropriations for additional buildings at Glenwood, and for improvements, repairs, and furniture at all the Homes.

**PENITENTIARY OF THE STATE.**—The general support of the Penitentiary during the past two years, cost \$64,139.77. Of this amount \$2,127.59 was drawn directly or indirectly from the State treasury. In the previous term about one-fifth of the entire amount needed for general support, was drawn from the treasury, and in that ending October 31, 1867, about two-fifths. As at present managed, therefore, it will be seen that the prison gradually approaches a self-sus-



taining basis. The sum of \$8.33 per month is allowed for each prisoner out of the State treasury, if needed. (Less than fifty cents per month was actually drawn during the last term.) The officers' and guards' salaries are fixed by law, and paid from the State treasury. The entire amount contributed by the State for these several items, and on account of special appropriations, during the last two years, was \$46,679.62.

The number of convicts incarcerated in the Penitentiary, Nov. 1, 1871, was 273; an increase of 61 since Nov. 1, 1869. A similar increase within the next two years will exhaust the present enlarged capacity of the prison. The question, then, urges itself upon your consideration, whether the present building shall be enlarged, or a site obtained for another prison, and an edifice commenced thereon forthwith. The State owns, at Fort Madison, a piece of ground to the westward of the prison-wall, to the extent of 235 feet. The Warden suggests that this piece, with 150 feet more, to be obtained by purchase, be included within the prison-walls. This extension, that officer estimates, will cost \$23,000. To enlarge the cell-room of the present building, which is necessary if anything at all be undertaken at Fort Madison, it is estimated, will cost \$21,000. No doubt these extensions, when completed, will answer the demands of the State for years; but it is believed that true economy lies in the direction of a second penitentiary building. At best, the improvement suggested at Fort Madison is only an expedient to bridge over the difficulty for a time. Sooner or later there will be renewed demand for additional prison room. Meantime, the expenses incurred in conveying convicts to the present distant Penitentiary will continue to bear very unequally upon the several counties, and will be larger in the aggregate than it would be were there another prison, more centrally located. I would, therefore, renew the recommendation of my former message, that a site for a new penitentiary be selected, and would further suggest that provision be made for the erection of suitable buildings thereon. It is believed that a very small appropriation—not to exceed \$10,000—would be sufficient for the work which could be done in two years, convict labor being largely, almost entirely, employed upon it.

Under the contract for the labor of the convicts made pursuant to

the act of 1864, the contractors were required to supply labor for only 150 convicts. A modification of this contract enlarged the number to 175. This number was exceeded more than two years ago; but, as many were employed in various ways about the kitchen, dining-hall, and other appointments of the prison, there was then little or no surplus or unemployed labor. The appropriation by the last General Assembly for the increase of the number of cells furnished employment for such as there was for several months. Afterward, until February last, from fifty to seventy-five of the convicts were entirely unemployed. At that time, I made a contract for their labor, running to the first day of the present month, with Messrs. Soule, Kretsinger & Co., the present contractors for prison labor; a copy of this contract will be found in the Warden's report. A provision for this surplus, which is now again unemployed, will require your earliest attention.

The success of the humanizing and elevating influences at the prison has been most gratifying. The act of 1857, providing, as a reward for good behavior, a specified diminution of the term of punishment, has an excellent effect upon the conduct of prisoners. Every convict is of course anxious for as early a termination of his imprisonment as possible, and will naturally do everything, and leave undone nothing, that will tend to hasten his release. This natural inclination increases to anxiety as the period of deliverance approaches, lest he should lose the reward already earned. I attribute the admirable order which prevails at the Penitentiary largely to the beneficent workings of this statutory provision. The revival of the Sunday-school a few years ago has been another efficient agency for good; and the library, the deprivation of the privileges of which is one of the modes of punishment, does its share towards the betterment of the prisoners. A judicious enlargement of such beneficent influences is well worthy the consideration of the enlightened legislator. In this direction, I would suggest the establishment of an evening school, under the charge of a competent instructor. A reading-room might also be introduced as an additional reward for good behavior. It cannot be doubted that a part of the time between work hours and bedtime might be very profitably spent in reading and study, resulting in great benefit, and leading in many cases to thorough reformation.

Thus the State, while holding every man to a strict account for his crime, would yet place it in his power to return to society a better man. The subject of introducing these accessories, as a reward for good behavior, I heartily commend to your early and favorable action.

The subject of prisons and prison discipline, has attracted much attention of late, so much so, that it has been deemed advisable to hold a national convention to consider the subject. Accordingly a convention met at Cincinnati, Ohio, in the month of October, 1870. To this body I deputed the Warden of the Penitentiary to represent the State of Iowa. The deliberations of the convention, which was very largely attended, and whose sittings were protracted through several days, were of the most interesting character, and brought out much valuable information upon the various subjects connected with the management of prisons.

On the 31st day of December, 1874, the present contract for the main body of the prison-labor will expire. Prior to that time, I would suggest that inquiries be instituted for the purpose of ascertaining the best mode of utilizing the labor of the convicts, with regard to both the financial and reformatory aspects of the question; and would recommend that a commission be created empowered to investigate the whole subject of prison management, discipline, and employment, as well as the means for effecting the largest amount of permanent benefit to the convicts; such commission to report to the next session of the General Assembly.

It is stipulated in the contract for the prison-labor that the State shall furnish the necessary shop-room. Some time since the contractors built a foundry and an additional shop. These additions to the prison conveniences were needed, and consent was given by the State authorities for their erection, the contractors to await an appropriation by the General Assembly for their reimbursement. I recommend that such appropriation, to the extent of the amount found due the contractors, be made at your present session.

**REFORM SCHOOL.**—The number of inmates of the School at the close of the term was eighty-five, an increase of forty-five since the previous report. The school is full, and at one time the

Trustees were compelled for a while to stop receiving any into the institution. A separate house for girls is imperatively needed. This state of affairs will remind you of the advisability of taking steps towards a permanent location and edifice. The expense of such edifice the Trustees place at \$75,000.

The expenses of the School for the term, including payment of note, with interest, given in former term, amounted to \$28,112.20. The State contributed \$22,000 to the income of the school, to which the farm, and other sources of revenue, added \$5,324.92. The expenses thus exceed the income \$787.28, and this notwithstanding what I deem the most rigid economy on the part of the Board and officials of the School. I am well satisfied that a small increase in the appropriation would be a judicious expenditure.

**STATE HISTORICAL SOCIETY.**—The State Historical Society continues its laudable work of collecting, preserving, and publishing the records of the settlement of the State and territory, and the deeds of our pioneers. As these early adventurers pass away, this work becomes more and more important. The Society receives an annual appropriation of \$500; notwithstanding which, it finds its treasury, at the date of its report, overdrawn to the amount of \$33.97. The "Annals of Iowa," the Society's very excellent quarterly, the Board say may hereafter be considered a self-sustaining periodical. In order to extend the area of the Society's usefulness, the Board asks an appropriation of \$3,000 per annum, and the erection of a fire-proof building for the preservation of its valuable collections.

**IMMIGRATION.**—The General Assembly, at its last session, made provision for a Board of Immigration, appropriating therefor the sum of \$5,000. Immediately upon appointment, the Board entered upon its labors. The small amount of the appropriation prevented any extensive system of canvassing our own and foreign countries by means of agents; and not to exceed \$500 was used in this manner. The effective work of the Board was mainly done through the instrumentality of a pamphlet compiled, under its direction, by its Secretary, Mr. A. R. Fulton, entitled, "Iowa the Home for Immigrants." Of this work, an able and invaluable compend of the resources of the



State, sixty-five thousand copies, each containing a miniature map of Iowa, were printed, in the English, German, Dutch, Swedish, and Danish languages, and circulated widely throughout our own and other countries. A copy of this pamphlet was sent to every newspaper in the United States; this was followed by notices more or less extended in many of the leading journals of the country. The Board also distributed a great quantity of circulars containing information concerning the State. In addition, the Secretary has written several hundred letters, many of which have been published in Eastern newspapers. Several persons have acted without pay as agents for the Board, and some of them, I have reason to believe, with great efficiency. The several railroad companies, having land-grants, particularly the Burlington & Missouri River R. R. Co., have co-operated with the Board in its efforts. The railroads running through the capital, the B. & M. and Pennsylvania Central railroads, and the Hamburg Steamship line freighted the pamphlets free of charge.

The benefit derived from these efforts, it is believed, has amply repaid the outlay. Aside from the more manifest indications of accomplished results, in the shape of colonies which have been planted, in different parts of the State, the almost unprecedented growth of the newer counties of the west gives evidence that great work has been done.

The matter of affording increased facilities for emigrants coming to the West, as well as to protect them from the impositions so constantly practiced upon them at the seaports, furnished the occasion for a national convention, which, in accordance with a call signed by the Governors of Minnesota, Iowa, Nebraska, Missouri, Kansas, Michigan, and Wisconsin, met at Indianapolis, Indiana, November 23d, 1870. At this convention, the Governors of six States and territories were present, and twenty-two States, two territories, and the District of Columbia, were represented. Iowa was represented by several members of the Board of Immigration, its Secretary, and Mr. Louis A. Ochs, of Davenport. The Convention, after a thorough discussion of the subject, adopted, by a nearly unanimous vote, resolutions favoring legislation by Congress to prevent actual abuses and frauds, and protect the true interests of the emigrant; requesting

the opening of negotiations with foreign countries, so as to secure joint jurisdiction upon emigrant ships; condemning all schemes, combinations, and monopolies oppressive to emigrants; favoring a federal "Bureau of Immigration;" and declaring for the abolition of all capitation taxes collected from emigrants. Bills have been framed and presented to Congress in accordance with these resolutions, and the indorsement of the legislatures of the States interested, has been asked.

THE NEW CAPITOL.—The act of the last General Assembly providing for the erection of a new State capitol appropriated the sum of \$150,000 for commencing the work. The Commissioners having charge of the matter, in accordance with a call issued by me in pursuance of the act, held their first meeting May 25, 1870. One of their first and most important duties was to avail themselves of the information requisite for the adoption of a suitable plan for the building. After visiting and examining several of the buildings of other States, erected for similar purposes, and a careful inspection and comparison of the plans submitted, they were enabled to adopt one which, it is believed, combines, in an eminent degree, the elements of convenience, taste, and beauty, requisite in an edifice of that character, and yet the cost of which shall not exceed the maximum amount fixed by the law, to-wit: a million and a half of dollars. In the adoption of this plan, the Commissioners availed themselves of the advice of Edward Clark, Esq., architect of the national capitol, a person of eminent ability. Messrs. Cochrane & Piquenard, of Illinois, were selected as the architects to prepare the drawings in detail of the plan as adopted, and to supervise the construction of the building.

The next important duty, and one involving the greatest responsibility, was the choice of suitable material for the foundation. Steps were taken to obtain reliable information of the capacity, as well as the quality of the product, of all the principal stone quarries in the State. To this end, most of the quarries were visited by committees, and samples from over thirty of them were caused to be submitted to practical and scientific tests. Although these investigations established the fact that our State is supplied with an abundance of

building material of good quality, yet it was soon ascertained that only a few quarries were sufficiently developed to supply at once, and as fast as needed, the quantity of stone required for such a work. From the large number of competing quarries in the State, the duty of making a judicious choice, was soon found to be a task of great difficulty. I can truly say that I believe it has been the earnest desire of the Commissioners to economize the funds placed at their disposal, and at the same time, to avail themselves of the best material for the work, to be found in the State. The facts developed, and the information elicited, will doubtless prove of great practical advantage in the choice of material for the future prosecution of the work.

During the latter part of the year 1870, contracts for excavating the foundation, and for the delivery of sand, were made. The excavation was mostly done during the fall and winter. A supply of sand was delivered sufficient for the greater portion of the entire work. The early months of the past season were spent in the details of preparation for the stone work, and in putting in the concrete foundation. In order to provide for the convenient and economical delivery of material, a branch railway of nearly a mile in length was constructed, connecting the capitol grounds with the railroads running into the city.

On the 12th day of May, 1871, a contract was entered into with Messrs. Tuttle & Robertson, of Des Moines, for furnishing the stone for the foundation, at the price of \$10.25 per cubic yard for dimension stone, and \$5.75 per cubic yard for block rubble. Under this contract the first car load of stone was delivered on the ground, June 15, 1871, but owing to the delay incident to the opening of a new quarry, and its subsequent failure to yield stone of size and quality as required, the contractors were prevented from delivering stone as fast as needed. The first stone was not laid in the foundation until the 17th of August. On the 23d of November, the formal proceedings of the laying of the corner-stone took place, at which time, in consequence of the severity of the weather, the work was suspended for the season. At this time the contractors were furnishing stone from a new quarry as fast as needed, and the work was being prosecuted vigorously. Had the season for laying stone been protracted, as we usually have reason to expect, nearly the entire foundation walls

would doubtless have been laid. As it is, about three-fourths of the outside foundation walls are laid, on solid concrete masonry, two feet in thickness.

For full details of the work already done, reference may be had to the report of the Commissioners soon to be submitted. The report will show that at the date of January 1, 1872, there had been expended of the appropriation, the sum of \$119,997.62, leaving a balance on hand of \$30,002.38. With the necessary buildings, machinery, and a railway to the capitol grounds, already provided, future operations on the building may be resumed without the delay attending the work heretofore.

In view of the importance of the work, and the absolute necessity that the building be pressed steadily forward to completion, or at least to a condition suitable for occupancy, I would earnestly recommend that the present General Assembly make a certain fixed annual appropriation, say of not less than \$150,000—the amount to be increased as the resources of the State may admit, and as the stage of the work may require, and not to exceed in the aggregate the estimated cost of the building. This would save the Commissioners much embarrassment in making their arrangements and contracts.

I would suggest that the law creating this Board be so modified as to reduce the number of its members to three or not to exceed five; that they be selected for their peculiar fitness for the work without regard to locality; and that their salary be sufficiently liberal to enable them to devote all their time to the duties of their office. I would also recommend that both political parties be represented upon the Board.

Below I present a summary of the amounts deemed necessary by the Boards and officers having charge of State institutions and public works, for new buildings, for repairs, and for improvements requiring special appropriations. Some of the objects for which the several amounts are asked, however desirable, may be delayed until the next General Assembly shall meet; but most of them, I think, should receive immediate attention. It is for the General Assembly, whose members are just from the people, and familiar with their views and



feelings, to say how much shall be expended for these various objects.

The following are the figures:

Hospital for the Insane at Independence.....	\$ 200,000.00
Hospital for the Insane at Mt. Pleasant improvements and contingences.....	27,900.00
New Capitol.....	300,000.00
Asylum for the Blind, addition to building.....	100,000.00
Institution of Deaf and Dumb.....	10,000.00
Institution of the Deaf and Dumb, wing to building..	100,000.00
Penitentiary improvements.....	12,000.00
Penitentiary enlargement.....	44,000.00
Agricultural College, buildings and improvements....	100,000.00
Soldiers' Orphans' Homes, buildings and repairs.....	15,000.00
Soldiers' Orphans' Homes, libraries.....	700.00
Reform School.....	75,000.00
Board of Immigration.....	20,000.00
State Historical Society.....	6,000.00
	<hr/>
	\$1,009,700.00

The Auditor of State, in a very acceptable table, estimates the income for the two years ending November 2, 1873, at \$1,972,400, and the expenditures at \$1,341,500, leaving towards meeting the above mentioned special demands, and any other for which the legislature may deem it advisable to provide, the sum of only \$630,900.

THE GEOLOGICAL SURVEY.—The Report of the late State Geologist was published last winter in two very elegant volumes, and circulated extensively in our own and other countries as required by the act authorizing its publication. It has called forth high eulogiums for its scientific and general excellence from eminent authorities both in Europe and America. It is to be regretted, however, that the survey could not have been completed before the publication of the work; and I hope it will be resumed at no distant day, and carried through to completion.

RAILROADS.—I have before mentioned the completion of the entire

line of railroad from Dubuque to Sioux City, and of its Tete des Morts Branch, as well as the construction of the McGregor and Missouri River Railway to Algona, and of the Des Moines Valley road to Fort Dodge. In addition to these land grant roads, the Burlington Cedar Rapids and Minnesota Railroad is now in operation, from Burlington to Nora Springs, in Floyd county. The Central Railroad of Iowa has been extended on the south to Albia, and on the north to Northwood, Worth county. The St. Louis and Cedar Rapids Railroad is completed to Ottumwa, and is operated by the North Missouri Railroad Company, making a direct route from that city to St. Louis. The Burlington and Southwestern Company has built a line from Fort Madison to Bloomfield, connecting at the former place with Burlington, and at the latter with Moulton. The Chicago, Rock Island and Pacific Company has extended its road from Washington through the counties of Jefferson, Wapello, Appanoose, and Wayne, into the State of Missouri, and through that State to Leavenworth, Kansas. The Burlington and Missouri River Railroad Company has built a branch from Red Oak Junction, in Montgomery county, to Hamburg, in Fremont county, a distance of thirty-nine miles. The Davenport and St. Paul Railroad has been built from the first named city to Maquoketa, in Jackson county, a distance of 43 miles, and to Wyoming, in Jones county, a distance of 53 miles. The Iowa Midland Railroad is in operation from Clinton *via* Maquoketa to Anamosa; and the Sabula, Ackley and Dakota Railroad is built from the former place through Jackson and Clinton counties, to Oxford Mills, in Jones county, a distance of some 50 miles.

On the 31st of December, 1868, there were 1448 miles of railroad in the State, and on the 31st of December, 1870, there were 2,783 miles, an increase of 1,335 miles in the two years. There are now, 3,000 miles of railroad in operation in the State. According to the estimate of the Treasurer of State, the value of the property now in railroads may be put at rather more than \$80,000,000, or about one-eleventh of the entire value of all the property in the State. The magnitude of this interest is now so formidable as in my opinion to demand some measure of official supervision. At present, railroad companies, upon the completion of their lines, are

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required to report to the legislature, stating "the amount paid in," the entire expenses of construction, "the length of the road, the "number of planes on it, with their inclination to the mile, the "greatest curvature of the road, the average width of the grade, and "the number of ties per mile." I am not aware that any railroad company in the State has complied with this requirement; certainly very few, if any, have done so.

Each railroad is also required to report, under oath, to the Secretary of State annually, "showing the amount" of its capital stock, and "amount paid thereon; the amount of bonds issued, and how "secured, and all other indebtedness; the length of such railroad "when completed, and how much is built and in use; the number of "acres of land donated or granted to them, by whom, and what disposition has been made of said grants or donations; the gross "amount of receipts, and how disbursed; the net amount of profits "and the dividends made, with such other facts as may be necessary "to a full statement of the affairs and condition of such railroads." This requirement is complied with by only a small number of companies; and it is not made the duty of any officer to enforce the provisions of either statute. The latter report may be compelled by a writ of mandamus asked for by any stockholder; but there is no penalty in either case for failure to make report. If it were made the duty of some public officer to enforce the making of these reports, there can be little doubt that they would be obtained. Other States, with a larger experience than ours, yet with interests no greater, require systematic reports for the information of the people and to aid in intelligent legislation. There are also questions of safety for life and property, in the management and repairs of old roads and in the construction of new ones, that suggest the need of official supervision. I would recommend the appointment of a board of commissioners, clothed with authority to inspect the several railroads in the State, their mode of construction, management, mode of operating, charges, connections, &c., and with power to compel an observance of the laws of the State concerning railroads.

I have before made suggestions as to the disposition to be made of railroad taxes. The question as to the mode of raising these taxes has been much discussed, and that now prevalent in this State has

been more or less severely criticised. I am, however, of the opinion, that it is the most practicable method yet devised for the purpose. But, in order that this sort of property should bear its just proportion of the public burdens, it is only proper that the tax now levied upon gross earnings, should be increased. The entire sum collected from railroads for the year 1870, amounted to \$186,722.04. The property paying this tax is estimated by the Treasurer of State as worth \$75,000,000. To correspond with the assessment of other property, it would probably be valued for revenue purposes at some \$30,000,000. The tax obtained from railroads, therefore, is equal to about six and a quarter mills on what, under the estimate adopted, would be the assessed value of this kind of property. I have elsewhere given the average tax throughout the State for the same year at  $3\frac{1}{2}$  per cent., or about five times that contributed by railroad property. It may be said that this calculation is based upon an overvaluation of the property of railroads. Perhaps it is; yet it certainly cannot be so far out of the way as to obliterate the fact that a very great disparity exists between the revenue from this class of property and that from other sources. This state of affairs, I submit, can readily be remedied without imposing any undue burdens upon existing lines, or crippling new enterprises.

CENSUS AND APPORTIONMENT.—The census of 1870, taken by the federal government, reports a population of 1,191,802 in the State. This is an increase of 150,983 over the figures given by the State census of the previous year—the largest gain yet made by the State during the same period, viz.: about sixteen months. The advance made since the census of 1860 is 516,889. The rapid strides Iowa has made are better realized upon comparing her growth with that of other States. In 1850, she stood twenty-seventh of the States of the Union in point of population. In 1860, she ranked twentieth; and in 1870, eleventh. Among the duties devolving upon you, at the present session, will be that of apportioning the State into seven Congressional districts, or, if the bill pending in the United States Senate passes, into nine of them. In justice, the representation in the present Congress, and consequently in the electoral college next fall, should be based upon the



census of 1870; but efforts to effect this result have hitherto failed, and will not probably now be renewed. An apportionment of the State into senatorial districts for four years, and into representative districts for two years, will also be necessary. The judicial districts may now also be reorganized for four years. I would suggest the creation of another judicial district, in order to relieve some of our overburdened districts, and, at the same time, to provide for the newer but more rapidly growing counties.

REUNION OF IOWA SOLDIERS.—Chapter ninety-nine of the acts of last session appropriated the sum of \$15,000 for the expenses of a reunion of Iowa soldiers then in contemplation. Arrangements were forthwith entered into for the accomplishment of the object. The time for the reunion was postponed until August 31st and September 1st, 1878. All the railroad companies in the State very generously agreed to transport the enlisted men of the late war free of charge, and the officers half fare; while the United States government loaned several hundred tents for the accommodation of the multitude. Contracts were entered into for all the supplies needed, and the most elaborate arrangements were made for the subsistence of the guests of the State. Upon the 31st day of August, 1870, it is estimated that not far from thirty thousand Iowa soldiers were convened at Des Moines, besides an immense concourse of citizens attracted by the grand occasion. The Secretary of War was in attendance and delivered the oration. General Sherman and other distinguished officers of the army were also present. The railroads, especially those coming into the city, were tasked to their utmost capacity, but did their work extremely well. The most admirable order prevailed during the reunion; and the meeting throughout was one of intense interest and enthusiastic enjoyment, long to be remembered by the soldiers of Iowa. The whole cost of the reunion to the State was \$14,090.15, leaving undrawn, of the appropriation for the purpose, the sum of \$909.85. The details of the expenditures, with vouchers, will be found on file in the office of the Treasurer of State.

FOX AND WISCONSIN RIVER IMPROVEMENT.—In my last message I called the attention of the legislature to the efforts being put forth

for opening up to navigation the waters of the Fox and Wisconsin rivers so as to enable the people of the State to transport grain and products from the Mississippi river to the lakes by water. In 1870, Congress appropriated the sum of \$100,000 for this work. The act making this appropriation provided for the appointment of a board of arbitrators to estimate the value of the interest of the Green Bay & Mississippi Canal Company in the improvement. Hon. William Larrabee, of Iowa, on the part of the United States, and Hon. James R. Doolittle, of Wisconsin, on the part of the company, were selected such arbitrators. They chose Hon. Paul Dillingham, of Vermont, as the third member of the board. Upon the 15th November, this Board decided upon the award, which is understood to be as follows: For value of locks, dams, franchises, water-power, personal property, etc., the sum of \$1,047,070; from which is to be deducted the sum of \$723,070 for value of lands sold; leaving a balance of \$325,000; or, if only the improvement proper be taken, of \$145,000. The company having previously agreed to accept the amount, the improvement has become the property of the Government, and we may now look for the continued progress of the work.

CENTENIAL CELEBRATION.—Congress at a recent session passed an act looking to a national centennial celebration in 1876, in the shape of a world's fair, for which the city of Philadelphia was very properly chosen as the place. The act provides for the selection of a board of commissioners, consisting of one from each State, to be named by its executive. I accordingly designated Hon. Robert Lowry, of Scott county, as such commissioner, and Hon. Coker F. Clarkson, of Grundy county, as commissioner alternate. The Board, it is understood, is called to meet early in the coming spring to enter upon its important labors.

CONSTITUTIONAL CONVENTION AND AMENDMENTS.—Pursuant to the requirements of the constitution and the provisions of chapter 168 of the acts of last session, the question, "Shall there be a convention to revise the constitution and amend the same," was submitted to the people at the general election of 1870, there were cast "For a convention," etc., twenty-four thousand eight hundred and forty-six votes; and "Against a convention," etc., eighty-two

thousand and sixty-nine votes. So the people decided not to hold a convention.

There will come before you for advancement another stage, if you so order, three amendments to the fundamental law. One of these proposes to remove the provision restricting the right of suffrage to "male" citizens. The effect of the other two, if adopted, will be to remove all disqualifications for holding seats in the General Assembly on account of either sex or color.

**CODIFICATION OF THE LAWS.**—The call for a convention having been decided in the negative, the commissioners appointed by chapter 75, of the acts of the last session, immediately entered upon the work of revising the laws. Shortly afterwards, Mr. John C. Polley, of Clinton county, one of the members of the commission, having removed from the State, tendered his resignation. I appointed Mr. William G. Hammond, of the University Law School, his successor. The report of the commission has been printed and transmitted to the members elect of the Fourteenth General Assembly. You have therefore been enabled to examine the recommendations of the Commissioners, with their reasons therefor. To the changes they propose, your experience will doubtless enable you to add others. I indorse in the main the recommendations of the report, and sincerely hope that the code recommended, with such amendments as the General Assembly may see fit to make, will soon become the law of the State.

I may remark that the changes proposed in the criminal code are, in my judgment, well calculated to render punishment for crime, if in some cases less severe, in all more certain and effective. The suggestion made by the Commissioners in favor of the abolition of the grand jury, if it can be done constitutionally, I most heartily indorse; and I am prepared to go further, and to recommend, as I now do, that steps be taken by you towards an amendment of the constitution, whereby the control of this subject may be brought within the scope of the powers of the General Assembly. My observation satisfies me that the grand jury is a costly and useless relic of by-gone days, and that its abolition will work no detriment whatever to the cause of justice.

My attention has been forcibly called during my term of office to a number of instances where sub-contractors upon railroads, after receiving pay upon their contracts, have absconded, defrauding the laboring men in their employ, who are ill able to afford the loss, sometimes causing absolute suffering, and even leading to mob violence. It is a species of downright fraud, and if it can be reached by a penal statute, it would seem that it ought to be.

**VACANCIES IN OFFICE.**—Twice since the last session resignations have been made to me by public officers, to take effect at some future period, a general election intervening. A question was raised as to the legality of an election to fill the vacancies at such general election. I should, without hesitation, have included the offices thus to be vacated in the usual election proclamation, believing the spirit of the law would justify it; but the officers tendering their resignations, in order to avoid any question, withdrew them, and immediately renewed them to take effect before the election. I suggest the amendment of the statute upon this subject, so as to remove all doubt, and to consider vacancies thus in prospect as actually existing for the purpose of election or appointment.

Subsequently to your last meeting, the offices of Lieutenant-Governor and Speaker of the House of Representatives became vacant the incumbents having been elected Representatives in Congress. In September last, the President *pro tem.* of the Senate resigned his seat in that body, thereby vacating its presidency. Thus all the offices, whose incumbents could perform the duties of the Governor in case of a vacancy in this office, were themselves vacant, leaving no one qualified by law to succeed to the governorship. After an examination of the constitution, and of the law bearing upon the question, I determined to act upon the authority conferred by section 10, article 4, of the constitution, and section 664 of the revision, and accordingly appointed Hon. Henry C. Bulis, of Winneshiek county, Lieutenant-Governor of the State. I am aware that, in thus naming a presiding officer for the Senate, I ventured upon delicate ground, and went perhaps to the verge of the constitutional power of the executive; but trust that the emergency which alone could have induced me to act, will also be my justification.



The examination I made at the time this matter was before me, led me to observe, more closely than I had before, the language of the constitution upon the subject; and I found that under a strict construction of that instrument, the Lieutenant-Governor only can succeed to the Governorship, upon the death, resignation, or impeachment of the Governor. The provision for the succession of the President *pro tempore* of the Senate, and the Speaker of the House of Representatives, applies only to cases where the Lieutenant-Governor, *while exercising the duties of the office of Governor*, shall die, resign, or be impeached. The undoubted intent of the constitution is that these officers shall succeed in the order named, whenever a vacancy shall happen in the executive office, but the literal fact is as I have stated. I suggest that, if the General Assembly deem it within the range of its powers, an act be passed supplementing the constitutional provisions respecting the succession to the gubernatorial office, and especially providing for any emergency similar to the one above referred to.

**ROAD LAWS.**—Much complaint is made of the inefficiency of our present road laws. There are large outlays, it is said, for the repair of roads, with very small returns. The amount levied during the year 1870 for road taxes was \$268,137.46; and this was exclusive of road-poll taxes. It is believed that one-fourth of this amount, judiciously expended, would effect more permanent improvement than can be accomplished under the present wasteful management. The abolition of the existing road-districts, with township supervision under an officer selected for the purpose, who would be enabled to systematize the work upon the roads, would, it is thought, give us much better roads with smaller expenditure. There is much justice in the complaint, and I deem it only proper to invite your attention to the subject.

**INSURANCE.**—Two national conventions of State officers for the purpose of considering the subject of insurance and of laws for the security of the insured, were held in the city of New York during the past year. To the later one, held October 18th, having been invited to send a delegate, I appointed Hon. John Russell, Auditor of State, to represent the State of Iowa. The meeting was held at

a grave moment. The terrible conflagrations of that month, involving the loss of hundreds of millions of dollars' worth of property, were yet fresh in the minds of all; and the failure of many insurance companies was feared as a consequence of their tremendous losses. Several days were spent in deliberation, the Convention seeming to be actuated to an unusual degree by an intelligent purpose to accomplish worthy results. A draft of a uniform law was agreed upon, to be submitted to the legislatures of the several States. It will doubtless be laid before you early in the session. Whatever changes are made, or new provisions introduced into our insurance law, I recommend that no company, home or foreign, be permitted to do business in the State without a paid-up capital of at least \$50,000.

**COUNTIES AND CITIES.**—The counties of Lyon and Osceola have just been organized, elections having been held in those counties last fall for county and town officers. All the counties in the State (ninety-nine in number) are now organized. The act of last session, creating the county of Crocker, has been declared unconstitutional by the Supreme Court, in the case of *Garfield vs. Brayton*, because the proposed county was below the minimum size required by the constitution. I would suggest that, if it be deemed advisable to pass a new act obviating this difficulty, a provision be inserted for the submission of the question to the people, in order to meet another constitutional question raised in the above named case, but not decided by the Supreme Court.

In view of the many instances of issuance by local authorities of bonds, the validity of which has been disputed, causing vexatious litigation as well as much hard feeling at home and financial discredit abroad, I suggest the propriety of enacting a law requiring that the bonds of cities, towns, and school-districts, before being sold, be registered by the Auditor of State, upon satisfactory proofs being made to that officer that such bonds were in all respects legally issued, and that the county, city, or district issuing them has not exceeded the legal limit of indebtedness. Registration, with provision for the prompt payment of interest and principal when due, would tend to elevate the character of the various local securities, and expedite

their sale when offered, as well as be beneficial to the credit of the entire State. I have reason to believe, that had this been done a few years ago, multiplied thousands of dollars would have been saved to our various counties and municipalities. One or more of our sister States have adopted the plan here suggested, and its practical effects appear to be most salutary. In my last message I called attention to the fact that pretended bonds of the county of Lyon were afloat. It has recently been reported that attempts would be made to get such fraudulent issues assumed by the organized county. I do not know that there is any likelihood of such scheme being successful, nor, if it were, that it would be held valid by the courts; yet I would suggest the propriety of prohibiting, by positive law, any assumption of the character mentioned.

MISCELLANEOUS.—I recommend that the Secretary of State and the Superintendent of Public Instruction be authorized to procure seals for their respective offices, they being frequently required to give certificates, which should be attested by seal.

Our statutes lack any provision for the management of savings banks and the security of depositors therein. Many of the States have adopted laws upon the subject. The utility of these institutions is so familiar to you all, that I need only mention the defect, and invite you to take action thereon.

I have thus briefly called your attention to such matters as seemed to me necessary to be presented for your consideration at the commencement of your session. Other subjects will doubtless appear to you as equally important as any I have named; and there are yet others which must, at no distant day, be subjects of legislation. Additional public institutions will be needed. An industrial home for girls, a retreat for idiots and feeble-minded children, and perhaps an asylum for inebriates, are among the prospective charities of the State. The time has not yet come, I apprehend, for action in relation to these meritorious objects. Questions of more immediate importance will demand your attention, and those which will undoubtedly come before you will make your session one of unusual interest.

That your deliberations will eventuate in legislation such as will deserve and receive the approbation of your constituents, is my confident anticipation.

Our State, with its first quarter of a century just completed, has already made a history by her progress, her enterprise, and her patriotism, of which all her citizens may be proud. The sparsely settled territory of 100,000 souls, which twenty-five years ago became a State, has grown to an opulent commonwealth, of 1,350,000 people. The luxuriant soil Iowa was known to possess has more than fulfilled its early promise; while her treasures of stone and coal, then hardly suspected to exist, have added largely to her wealth. Railroads, then scarcely west of Ohio, now stretch their 3,000 miles of iron in network over the State; and the telegraph goes with them. Her political record has been equally honorable. The first free daughter of the Missouri Compromise, she has been true to her heritage of freedom. Among the first to rush to the support of an endangered Union, and to lay her best blood on the altar of her country, she was also first to strike from her constitution the odious discrimination between her citizens on account of color. The past career of Iowa, both as territory and State, has been honorable, progressive, substantial. May her future be even more so!

Abroad, the year past has been one of sadness to many, both in our own and foreign lands. Our sister State across the Mississippi has seen her mighty metropolis laid in ashes, and farther north Wisconsin and Michigan have been scourged by fire until it seemed that the very heavens were all ablaze. Houses, shops, mills, stores, school-houses, churches, improved farms, cultivated fields, all vanished before the flames; and countless thousands of people were made homeless and deprived of food and clothing. Relief, however, was speedy and munificent, and distant nations vied with our own States in furnishing prompt and generous aid to the needy.

Immediately upon learning of the disaster at Chicago, I at once telegraphed to the mayors of the leading cities of the State, urging prompt measures for relief. The willing people, however, had



already set to work in many places, and the fury of the flames was scarcely stayed before money, food, and clothing began to pour into the suffering city from all parts of Iowa as well as from other States; and the work was continued as along as there seemed to be vital need. Liberal contributions were also made for the sufferers of Michigan and Wisconsin.

NATIONAL AFFAIRS.—In national affairs, we find a healthful tone. The past two years have witnessed the consummation of the final triumph of the war, in the adoption of manhood suffrage; and we now see all men equal sovereigns before the law. Every citizen now stands the peer of his fellows. The true principles of constitutional liberty have become fixed in the fundamental law, and enthroned in the hearts of the people, never to be obliterated from either. The national administration successfully feels its way along, annually paying one hundred millions of dollars of the public debt, reducing the yearly interest more than sixteen millions of dollars, and at the same time lessening the burden of taxation. The strong arm of the federal power has been wielded for the protection of the rights of citizens, and clandestine organizations, gotten up for the persecution of those whose only crime is that they advocate principles just such as are held by a vast majority in our own State, have been broken up, and their members arrested or dispersed. The mode of entering the civil service has been reformed so far as the President can effect it, and appointment and promotion therein are hereafter to be by merit—so long at least as the present incumbent of the presidential chair shall remain therein. And among the triumphs of the administration, not the least is the settlement of our threatening difficulties with Great Britain by an adjustment highly honorable to all parties.

I have noticed with much pleasure the recommendations and suggestions of the chief magistrate of the United States in his late message, relative to reduction of tariff on articles of necessity not produced in this country, to the postal telegraph, to reform in the civil service, &c. The adoption of the last named measure especially will tend greatly to correct the many abuses which for nearly half a century have been creeping into the administration of the national Government. What the people want and demand is an

honest and economical policy in the management of the public affairs. Such a policy will help us materially to return to specie payment, and to steer safely through all financial difficulties; any other will endanger our credit, and cover us with disgrace.

The discovery of the electric telegraph may justly be reckoned among the sublimest achievements of the human mind—perhaps more far-reaching in its effects than any other of the wondrous offspring of the brain of man. Thus calculated for vast beneficence, the widest scope should be given to its powers. This can never be accomplished while it remains the private property of any individual or corporation, much less when it is, as now, practically monopolized. Every argument which can be adduced in favor of a government post-office applies with equal force, in my judgment, to a government telegraph; and the sooner the latter is united with the postal system of the country the sooner will the people realize the full benefit of this great invention. I would suggest to the General Assembly, the propriety of adopting a memorial to Congress expressive of the opinions and wishes of our people relative to this and other important subjects of national legislation.

I cannot close this my last message without expressing to the people of Iowa my grateful acknowledgments for the generous confidence they have reposed in me. During the four years of my service to the State I have received from them a support, a sympathy, and an encouragement which have greatly aided me in the discharge of my official duties.

While administering the office of chief magistrate, I have been filled with increasing respect for the institutions of the State. No one, so well as he who upon this post of observation, has been called to keep constant watch of the whole field, can grasp in thought and feeling the history and growth of our commonwealth. While discharging my duty, to be diligent in aiding the development of our State, to labor for the success of our schools and charities, and to temper mercy with justice, it has been my privilege to realize the intelligence, justice, and humanity of our people.

In severing my connection with the State government, I cannot

close this communication without bearing my willing testimony to the fidelity, zeal, and industry of the various officers of the State, and those associated with me in the different agencies of the government during my administration of its affairs. I shall ever carry with me in my retirement a grateful remembrance of the friendship and courtesy which have always marked our official relations.

To have served the State at this time of its greatest prosperity, and to have been permitted to aid, in an official station, in laying the foundations of her future greatness, may justly be regarded as an honor. But there is an honor, too, in being a private citizen of such a State; and as I pass from the one station to the other, permit me to unite with you in dedicating ourselves, our commonwealth, and our country anew to freedom and to God.

SAMUEL MERRILL.