

ference was appointed. And here let me reply to the inquiry of the gentleman from North Carolina the other day, why we did not allow the first bill to go to a committee of conference.

Sir, I had seen, in my experience in this House, enough to believe, that if such a committee were appointed, a majority of its members would be against the wishes of the majority of the House. I had seen in that Congress a majority of one committee, on an important measure of legislation, appointed from the minority, after a full vote of the House. But, sir, I would not yield the constitutional prerogative of this House, in the first place; and, in the next place, I would permit no increase in the rates of postage to pass, with my consent, either then or hereafter; and therefore I would not permit the amendment increasing postage to go to a committee of conference, where, in the hurly-burly of the last hours of the session, it might be forced through.

When the committee of conference asked by the Senate was granted, without an objection, it was composed, as I apprehended it would be on the part of the House, of a majority of members who voted against my resolution. Two gentlemen were put on it representing the minority of the House, and one representing the majority. That was the way it was constituted. I was put on it, it is true, but I was the only one representing the views of a majority of the House, while the other two represented a minority. And after the committee of conference was raised, by the unanimous voice of the House, they met and exchanged views with the conferees on the part of the Senate. They decided unanimously to report just as the gentleman from North Carolina the other day said. The following is that report:

The committee of conference on the disagreement between the two houses on the resolution adopted by them, respectively, in relation to the action of the House on the Senate's amendment to the bill (H. R. No. 872) "making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860," having met, after full and free conference, have agreed as follows: That while neither House is understood to waive any constitutional right which they may respectively consider to belong to them, it be recommended to the House to pass the accompanying bill, and that the Senate concur in the same when it shall be sent to them.

J. LETCHER,
L. O'B. BRANCH,
GALUSHA A. GROW,
Managers on the part of the House.
CHARLES E. STUART,
J. A. PEARCE,
SOLOMON FOOT,
Managers on the part of the Senate.

That was what the committee of conference reported. The aggregate, composed of four Administration men and two Republicans, one in the Senate and one in the House. That report, thus unanimous, was presented to the House, and the bill reported by them passed the House with the single objection of Mr. Mason, of Kentucky, who objected to it on the ground that it contained appropriations for post office buildings and court-houses. It went to the Senate at eleven o'clock on the last day of the session, and I will read from the *Globe* to show what was done with it; and thus having traced the three bills to their death, I will let the responsibility fall where the record shows that it belongs.

On the 3d of March, legislative, that is, on the

4th in our calendar, an hour before the adjournment, the message was received from the House of Representatives in the Senate, announcing the passage of the bill reported by the committee of conference. I read from page 1660 of the Congressional Globe of the last session, vol. 28:

"A message from the House of Representatives, by Mr. Allen, its Clerk, at fifteen minutes past eleven o'clock, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill (H. R. No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860; and, in accordance therewith, he was directed to present to the Senate a bill, in which the House of Representatives asked the concurrence of the Senate.

"Mr. STUART. The House has just sent to the Senate a communication, with a bill, to make appropriations for the Post Office Department, in obedience to the report of the committee which was appointed to confer between the two houses. I move to take up that bill, and to act upon the report which has been made.

"Mr. TOOMBS. I object, if it becomes necessary. If it is intended only to have it read, I do not object to that.

"The PRESIDENT. The Chair will state to the Senator that it is in order to receive the report of the committee, and to have it read.

"Mr. TOOMBS. I did not wish to obstruct business; but I did not intend to lose any right I had to object to it; and therefore it was taken up merely for the purpose of being read without prejudice. I have nothing to say until I hear from the committee.

"Mr. STUART. If the Senator from Georgia will allow me, the committee of conference, by the rules, have a right to report at any time; but that does not affect any right the Senator may have in respect to the bill.

"Mr. TOOMBS. That is what I supposed; but I wanted, from abundant caution, that it should be understood."

And Mr. Toombs was discussing the bill when the hour of twelve arrived, when the official report of debates closes as follows:

"The VICE PRESIDENT. The Senator from Georgia will pause. The hour having arrived for the expiration of this Congress, I declare the Senate adjourned *sine die*."

Such, sir, is the history of the three bills making the necessary appropriations for the support of the postal service for the year ending the 30th of June, 1860. One received its death in this House, because it would not consent to allow the Senate to invade its constitutional prerogative, and we take all the responsibility—those who co-operate with me—for that defeat; and, following the example of the gentleman from North Carolina, in the presence of the House, of these mail contractors, and of the country, we say that we are ready to take that responsibility as often as the occasion arises; for, while we hold seats here, we will not permit a plain provision of the Constitution to be violated. either by an inordinate department, or by a private citizen of the United States; and if the Government already owes a debt of some five million dollars, are never paid until we consent that the constitutional privileges of the Representatives of the people and the prerogatives of this House are to be violated by any co-ordinate department of the Government, then they will never be paid. We are responsible for defeating the bill increasing the rate of postage. On the other two bills, which appropriated all the money necessary to carry on the Government, we have no responsibility. They passed this House unanimously, and they both died in the Senate of the United States; and I make no charges of who is responsible for their defeat. The record shows that.

REPORT

OF

THE COMMITTEE ON

SCHOOLS AND STATE UNIVERSITY.

The Committee on Schools and State University, to whom was referred the report of the Trustees of the State University, respectfully report:

That they have examined the same, and find it in accordance with the law.

From this report and other sources of information, the committee learn that the State University, with the exception of the Normal department, has been closed since the summer of 1858. The reasons assigned for the closing of the University by the Trustees then in office, were, 1st, the pecuniary embarrassments of the country, rendering it difficult to collect the interest on the funds; and, 2d, the want of suitable buildings for lecture-rooms and students' apartments; in consequence of which the citizens of the State, generally, could not avail themselves of the advantages of the University.

There were complaints that it was conducted at an expense of many thousands of dollars per annum, for the sole benefit of Iowa City; that students from abroad could not procure board and suitable rooms for study unless at great expense, and that an institu-

tion which belonged to all the people of the State, was no better than a high school for the benefit of a single city.

To remove these causes of complaint, by providing proper accommodations for the students from abroad, an application was made to the General Assembly, for the means to repair and fit up the State-house, which had been given to the University, and also for erecting on the grounds, a building called a boarding hall, and intended mostly for students' rooms.

A grant of \$13,000 was made for these purposes—\$3000 for repairs, and \$10,000 for the erection of a boarding hall. The appropriation proved inadequate. More extensive repairs on the State-house were required than were anticipated, and the plan adopted for the boarding house was too large and expensive, to be completed with ten thousand dollars. Five thousand were borrowed from the interest fund, to finish the enclosing and roofing of this building in order to protect it from the weather and preserve the work already done. It still remains in an unfinished state, and requires a further expenditure to make it of any use to the University, while the State-house needs further repairs and alterations.

Under these circumstances, the Trustees apply for an appropriation of \$20,000;—\$5000 to replace the money borrowed from the interest fund,—\$10,000 for the completion of the new building, and \$5000 for repairs and alterations in the State-house, and for the purchase of necessary apparatus.

Believing that the University is of the first importance to the educational interest of the State, and that it should be re-opened at the earliest possible day, your Committee would, under ordinary circumstances, cheerfully recommend that the appropriation asked for should be made; but such is the straightened condition of our finances, and the pecuniary embarrassment of the people of the State, oppressed with debt and taxes, that they are constrained to recommend the smallest possible appropriation, that will put the University in a condition to be opened next autumn.

Your Committee are of opinion that with strict economy, the old State-house may be fitted up, and a portion of the new building sufficient to answer the purposes of the University for a year or two to come, can be finished at a cost of \$10,000.

Your Committee would also respectfully represent, that unless this appropriation is made, the University must remain closed till another General Assembly, (two years hence) shall make the appropriation, and after that, till the building and repairs can be completed; so that nearly three years must elapse, before the people of the State can reap any advantage from the University.

The law restrains the Trustees from applying the income of the University fund to building purposes, and they are compelled to look to the General Assembly for the means to enable them to execute the trust committed to them.

But while your Committee earnestly recommend an appropriation of \$10,000 for the relief of the University, they cannot pass over the action of the Trustees in office, when the last appropriation was expended, without notice.

The law was explicit, \$10,000 were to be expended in the erection and *completion* of a boarding hall. The Trustees laid the foundation of a building which takes more than twice that sum to finish, and whether this was done designedly or carelessly, it was a breach of the law. That the building was such as the University needed—that when finished it will not be too large for the purpose intended—that it is thus far built in the most substantial manner, and that the money was faithfully expended, for the benefit of the University, are freely granted; but all this does not justify a departure from an express law.

But, however much your Committee disapprove of the action of the Board of Trustees of 1858, they see no reason why, on this account, the General Assembly should withhold the means necessary to put the University in operation.

The Trustees were not the party for whose benefit the grant was made. They were but the agents of the State, appointed to execute a trust, for the benefit of the people of the State. They have relinquished that trust, and a new Board has been appointed in their place. It is our duty to act for the good of the University, and through it for the benefit of the people of the State, and to make such provision, that our young men may be educated and well educated, upon our own soil, and not be compelled for three years longer, to resort to the literary institutions of other States in order to complete their education.

Your Committee would further state, that while they have entire confidence in the present Board of Trustees, they have nevertheless incorporated in the bill which they beg leave to report, a provision, which in their opinion, will effectually prevent the misapplication of the appropriation which they recommend, and also save the University the delay and expense of a special meeting of the Board of Trustees.

JESSE BOWEN,

C. BUSSEY,

A. F. BROWN,

J. J. WATSON,

G. W. GRAY,

Committee on Schools and University.

SCHOOL LAW OF IOWA.

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